



Reply To: address as below
Our Ref: N6/2009/0705/EI
Date: 6th May 2009



Adam Gostling
DP9
100 Pall Mall
London
SW1Y 5NQ

Dear Mr Gostling,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 1999
SITE AT BROADWATER ROAD, WELWYN GARDEN CITY, HERTFORDSHIRE**

I am writing with regards to your screening request dated 15th April 2009 in relation to your client's site at Broadwater Road. I also refer to Emma Cleasby's E mails of 27th April and 30th April with attachments comprising amended schedules of floorspace and plan illustrating approximate areas proposed for demolition in the Shredded Wheat Factory and the Cromac building. I have attached a copy of the amended schedule of accommodation from Emma's E mail of 30th April to this letter for reference to confirm the basic parameters of the development for which you are seeking a screening opinion.

I note that the development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ('the Regulations'). However, the development does fall within paragraph 10(b) of Schedule 2 of the Regulations, being an urban development project, the area of which exceeds 0.5ha. The development may therefore constitute 'EIA development' in accordance with the definition set out in the Regulations if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Your letter of 16th April indicates that the proposed scheme will comprise 110,000m² of mixed use development, comprising employment, housing, leisure and a foodstore, along with servicing and access (you have subsequently confirmed the proposed floor space of the development as 113,583m² in your revised schedule of accommodation). You compare this quantum of development with the previously operational floor space of 170,000m² of B1, B2 and B8 uses. However, in terms of traffic impact the trip generation of the proposed uses is likely to be significantly different to that of the previous operational uses, and consultation with Hertfordshire County Council Transportation and Planning Policy team has indicated that the additional trips generated may be considered significant with potential for a wider than local effect. These additional trips are likely to give rise to significant environmental effects, given the constrained road junction in the vicinity and the high degree of pedestrian movement in the locality associated with the railway station.

These additional traffic movements may also subsequently give rise to significant environmental effects in relation to air quality and noise.

The scheme also includes the partial demolition of a Grade II listed building comprising the 1925-6 original Shredded Wheat factory complex as well as later phases of extensions, alterations and additions dating from 1938-9 through to 1957-9. Consultation with Hertfordshire Building Preservation Trust (the Council's conservation advisor) notes that this could result in significant environmental effects in terms of townscape. The information provided only allows a limited judgement but there is potentially significant impact from proposed demolition in relation to the significance of the setting of the listed building and perhaps also the wider context (as well as consideration of the extent/definition of the curtilage of the listed building and thus what is formally reasonably to be included in the listing).

I have noted the commentary in your screening request by which you seek to establish that the development will not constitute EIA development, by reference to three main types of case, which are also set out in paragraph 33 of Circular 02/99. However, I would also draw your attention to paragraph 34, '...the basic test of the need for EIA in a particular case is the likelihood of significant effects on the environment. It should not be assumed for example, that conformity with a development plan rules out the need for EIA.'

I therefore consider that the development may give rise to significant effects on the environment, and adopt an opinion, on behalf of the Council, that the development is EIA development in accordance with the definition set out in the Regulations.

You have not requested any advice on the scope of an Environmental Statement in your letter of 15th April although you list a number of studies that you propose be submitted as supporting information. No doubt you will consider to what extent these would be included within or covered by the content of an Environmental Statement. The site may not be subject to the environmental designations which your letter mentions but this does not preclude the possibility of ecological interest on the site, including the potential for the presence of protected species. I would recommend that you therefore also consider the need for ecological surveys and reporting of these in the Environmental Statement to cover this aspect.

I would be pleased to discuss the scope of the Environmental Statement further with you if that would assist.

Yours sincerely,



Tracy Harvey
Head of Development Control