

Jan Donovan  
Rolfe Judd Planning

## BY EMAIL

13<sup>th</sup> June 2016

Dear Ms Donovan

Re: Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 5 (1) 2011 and Amendment Regulations 2015: Request for EIA Screening Opinion for the redevelopment of two parcels of land at 1-8 Capitol Way, Colindale, NW9

Thank you for your letter dated 23<sup>rd</sup> May 2016, received by e-mail on the 24<sup>th</sup> May in which you requested that the planning authority adopt a screening opinion of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, as amended, in respect of a forthcoming planning application for the proposed redevelopment of the aforementioned site.

The proposed development is for the redevelopment of land at 1-8 Capitol Way and adjoining land, with a combined area of approximately 1.74 ha. The proposed development will comprise the demolition of the existing structures on the site and the redevelopment to deliver a mixed use scheme comprising 450 residential units and 3,500sq.m of commercial (Class B1 (a-c) floorspace with seven linked buildings varying between four and ten storeys (including ground floor) plus a basement reaching a maximum height of approximately 84m AOD (approx. 34m above ground level). The development will include vehicle, cycle, plant and refuse stores as well as significant landscaping and child play facilities.

Having considered the proposals as detailed in your letter, Brent Council is of the opinion that the application does not fall within Schedule 1 Development of the Environmental Impact Assessment Regulations 2011 but within Schedule 2 Development, Part 10, Infrastructure Projects (b) – Urban development projects (ii) the development includes more than 150 dwellings. Brent Council has also given consideration to the characteristics of the development, its location and potential impact as set out in Schedule 3 of the Environmental Impact Assessment Regulations 2011 and Planning Practice Guidance. Planning Practice Guidance indicates the types of case in which, an EIA is more likely to be required. It states:

*‘Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.’*

EIA is more likely to be required where:

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*'(i) the area of the scheme is more than 5 ha; or  
(ii) it would provide a total of more than 10,000m<sup>2</sup> of new commercial floorspace; or  
(iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).'*

*'Account is also to be taken of the physical scale of such developments, potential increase in traffic, emissions and noise.'*

(Reference: National Planning Practice Guidance, Environmental Impact Assessments, Annex: Indicative Screening Threshold Paragraph 57)

### **Ecology and Nature Conservation**

Planning Practice Guidance states, in general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. Environmentally sensitive locations are considered to comprise:-

- a) Sites of Special Scientific Interest, any consultation areas around them (where these have been notified to the local planning authority under article 10 (u)(ii) of the GPDO), land to which Nature Conservation Orders apply and international conservation sites; and
- b) National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and scheduled monuments.

There are no areas which have an ecological designation (as listed above) on or immediately around the site. Grove Park and Tramway Brook Grade II Site of Importance for Nature Conservation is located to the south of the site. Tramway Brook and Grove is a habitat for reptiles, amphibians, birds, invertebrates and foraging bats. Trees on the site are a potential habitat for nesting birds. I am of the view that the proposed development would not cause any significant adverse impacts to warrant an EIA. However, potential impacts will need further assessment through an ecological survey and bat survey.

### **Traffic related impacts-Movement and Safety**

The council does not consider that the development will result in significant impacts on highway capacity to warrant an EIA related to this issue. The council accepts that the development will lead to some traffic and air pollution within the vicinity of the development but that the impact is not significant when taking into account the existing situation.

### **Contamination**

It is considered that there is a risk of contamination at the site but on the basis of experience with other application sites it is not considered to be large enough, complex or unusual enough to require an EIA related to this issue.

### **Archaeology and Architectural Context**

The site is not located within an Archaeological Priority Area (as defined on the policies map). It is not located within a conservation area, the nearest is Roe Green Conservation Area. At this stage it is unclear whether the proposed development due to its height would be visible from this conservation area. There are no listed buildings in close proximity and as such it is considered that impact on the setting of those closest is unlikely to be significant.

Overall, the scale and height of the proposed buildings means it is unlikely to have significant impact on the setting of features of historic or cultural importance and warrant an EIA in respect of this issue.

### **Air Quality and Noise**

The site does fall within Brent's Air Quality Management Area. The development is not likely to release significant pollutants or hazardous, toxic or noxious substances into the air and the proposed use is not predicted to have a significant effect upon air quality or traffic generation in the area which would require an EIA related to this issue.

It is anticipated the proposal will result in an increase in noise levels during construction. However, the noise levels are not considered to be significant enough to warrant an EIA in respect of this issue.

### **Other impacts**

The council has assessed other possible impacts (as set out in the attached screening checklist) and effects of the development, and considers that there are none that are significant enough to warrant an EIA.

In conclusion, having assessed the proposals in light of the criteria set out in Annex 'Indicative Screening Threshold' of National Planning Practice Guidance described above and the likely impacts of the proposals, the Local Planning Authority does not consider that the proposal or the mixed use development requires an Environmental Impact Assessment (EIA).

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Date of Decision: 13<sup>th</sup> June 2016

On behalf of the Council of the London Borough of Brent



Paul Lewin  
Planning Policy & Projects Manager  
Planning and Regeneration  
Brent Council

# SCREENING CHECKLIST

(taken from Guidance on EIA: Screening, European Commission, June 2001)

## Summary of features of project and of its location indicating the need for EIA

Questions to be Considered For further guidance on factors to be considered see the more detailed questions listed in the Scoping Guidance	Yes / No / ? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
1. Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?	Yes – the site will change from a predominantly mid rise commercial use to a four to ten-storey rise residential use. There will be changes to the ground levels to accommodate basement car and cycle parking.	The form of development is a variant from that which currently exists, but is not of a scale that physical changes are likely to have a significant effect.
2. Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	Yes – only those typical of construction activities within an urban area, but limited amounts of non-renewables such as oil based fuels. During the operational phase natural resources such as energy and water will be consumed.	No – the construction of this proposed development in this location is not predicted to have a complex or unusual effect and therefore would not have a significant effect on natural resources.
3. Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	Unlikely - the proposed development will not involve the use, storage, transport or production of substances or materials which could be harmful to people or the environment. There may be materials which could harm human health present in the existing warehouse building. In addition, as an industrial site there is a risk of ground contamination.	No – as the proposed use for the redevelopment of the site will not have a significant effect on human health or the environment. Should materials which could harm human health may be present in the existing building, this would need to be monitored and controlled during demolition and construction. To ascertain the likely level of contamination a Preliminary Risk Assessment undertaken by a suitably qualified person will be required.
4. Will the Project produce solid wastes during construction or operation or decommissioning?	Yes –There will be waste produced from construction.	No – mitigation to be agreed prior to works.
5. Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	No – The existing building which it is proposed to demolish may contain substances that are regarded as toxic. There are no elements of the proposed development that will result in the generation or release of noxious, hazardous or toxic substances to air.	No – Method statements for removal of potential toxic materials would be followed in the demolition and removal of the building. It is likely the developers will use the Considerate Constructors scheme consequently there will not be any environmental nuisance in respect to significant release of pollutants or contaminants.
6. Will the Project cause noise and vibration or release of light, heat energy or electromagnetic	Noise and some vibration may be generated by	No – The effects are not predicted to be significant

radiation?	construction and demolition, but this can be managed by conditions. Post completion there may be light spill associated with the residential development.	or unusual. Noise, and light will be generated but these effects are not predicted to be significant in this context.
7. Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes – the site is within an industrial, site and therefore there is a risk the development will activate and spread contamination.	No – mitigation to be agreed prior to works. A Preliminary Risk Assessment undertaken by a suitably qualified person will be required. An intrusive site investigation may be required should a pollutant linkage exist.
8. Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	No – the construction and operation of the site do not involve the use of high risk substances or the use of high risk technologies.	No – It is considered that there would be no significant risk of accidents as a result of the end use of the development.
9. Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	Yes - the amount of housing proposed will not result in social change. However, the loss of land within a Locally Significant Industrial Site will have implications for Brent's employment land supply and future economic growth.	No - Although the development has implications for Brent's employment land provision, this will be assessed through the planning application, and does not give rise to the need for an EIA.
10. Are there any other factors which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality?	Yes – the site is adjacent to Burnt Oak/Colindale Growth Area, which includes site allocations for 2,500 new homes within Brent. Barnet Council have an adopted Area Action Plan for Colindale for 10,000 new homes. A number of large scale developments are progressing in the surrounding area including Oriental City, Serena House and Burnt Oak Broadway.	No - The Brent Site Allocations DPD and Barnet Area Action Plan have both been subject to Sustainability Appraisal. This site falls outside of these locations and therefore has not been assessed as part of the SA. The cumulative impacts are likely to be increased pressure on social infrastructure, the transport network and townscape. These impacts will need to be assessed through the planning application and permission will subject to impacts being suitably mitigated.
11. Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?	Tramway Brook and Grove Park a Grade II SINC is located approximately 100m to the south of the site. The site does not directly adjoin the site; however, there is a potential risk of water contamination from run off during demolition and construction.	No – construction methods will be required to ensure adverse impacts are avoided.
12. Are there any other areas on or around the	No	No

location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?		
13. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?	Yes – Tramway Brook and Grove is a habitat for reptiles, amphibians, birds, invertebrates and foraging bats. Trees on the site are a potential habitat for nesting birds.	No –The ecological status of the site is not such to warrant an EIA. However, potential impacts will need further assessment through an ecological survey and bat survey.
14. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No	No
15. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No	No
16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Facilities including Grove Park, school and a healthcare clinic are located to the south of the site. These can be accessed via Capitol Way and Stag Lane. However, this is unlikely to be the most direct route for most residents.	No – the development is unlikely to impact on access to facilities, as other existing routes are more direct.
17. Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is accessible from the A5 (Edgware Road) via Capitol Way and Stag Lane. Edgware Road and Stag Lane experience congestion. The site is in a low PTAL area (2-3).	No, In the short term construction traffic and its movement/management may have an impact on the local highway network, but this is not considered to be significant. The introduction of residential development has potential to generate a higher level of traffic than the present warehouse use. Impacts will need to be assessed, and suitable mitigation proposed.
18. Is the project in a location where it is likely to be highly visible to many people?	Yes – the site is not located in an area which receives high footfall, such as a town centre, and is set back from the A5. The site is however, highly visible from the suburban housing to the west and north, particularly to properties fronting Stag Lane. Potentially the scheme may be visible from the wider area, including Roe Green Conservation Area. A full visual impact assessment will be required.	No – Locally to the east of the site there is a development with taller elements, whilst to the west is categorised by low density suburban development. When viewed from adjacent relatively low density suburban areas, the development represents a change in character. It is indicated the development will step down towards these properties. A townscape and visual impact assessment, in addition to daylight/sunlight and microclimate assessment will be required

		to assess the full impact.
19. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes - Roe Green Conservation Area is located to the south west of the site and an Area of Distinctive Residential character is located to the west.	No it will be appropriate to undertake a desk-top assessment to examine potential for archaeological remains on the site however, impacts conservation areas are not considered to be significant due to the distance and their characteristics for designation.
20. Is the project located in a previously undeveloped area where there will be loss of greenfield land?	No	No
21. Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?	Yes, the land forms part of a Locally Significant Industrial Site and contains an existing warehouse use. The site is bounded to the north and south by employment uses, to the west by residential.	By introducing residential development a sensitive use into an employment site, the development has the potential to impact on the continued operation of employment uses. Particularly the employment units which adjoin the site to the north.
22. Are there any plans for future land uses on or around the location which could be affected by the project?	The site is within a Locally Significant Industrial Site, which has been identified for retention. There are therefore no plans for a future change in land uses within this area.	The proposal will impact on its continued function of the Locally Significant Industrial Site.
23. Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	The surrounding area is populated but with relatively low density suburban housing. Higher density development is being delivered within Burnt Oak/Colindale Growth Area.	No - Local scale visual impact of the development and further pressure on social infrastructure is likely to be the main effect on the area. These will be assessed through the planning application.
24. Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?	There are sensitive uses to the south such as Grove Park and Kingsbury High School.	No, the occupied building's operational use is not likely to significantly impact on these sensitive uses.
25. Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	No	No
26. Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	Yes – the site is within an Air Quality Management Area.	The impacts are unlikely to be significant. The impact of the construction phase will be temporary and dealt with via a construction management plan or conditions related to a transport assessment so as not to increase congestion.
27. Is the project location susceptible to	No	No

earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?		
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The **Screening Checklist** provides a list of questions to help identify where there is the potential for interactions between a project and its environment.

These questions have been considered for each “Yes” answer in the **Screening Checklist** and the conclusion and the reasons for it noted in the checklist. The questions are designed so that a “Yes” answer will generally point towards the need for EIA and a “No” answer to EIA not being required.

### Questions to be Considered

1. Will there be a large change in environmental conditions?
2. Will new features be out-of-scale with the existing environment?
3. Will the effect be unusual in the area or particularly complex?
4. Will the effect extend over a large area?
5. Will there be any potential for transfrontier impact?
6. Will many people be affected?
7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected?
8. Will valuable or scarce features or resources be affected?
9. Is there a risk that environmental standards will be breached?
10. Is there a risk that protected sites, areas, features will be affected?
11. Is there a high probability of the effect occurring?
12. Will the effect continue for a long time?
13. Will the effect be permanent rather than temporary?
14. Will the impact be continuous rather than intermittent?
15. If it is intermittent will it be frequent rather than rare?
16. Will the impact be irreversible?
17. Will it be difficult to avoid, or reduce or repair or compensate for the effect?