

Development Management & Building Control Service  
Barnet House, 1255 High Road, Whetstone, N20 0EJ  
Contact Number: 020 8359 4516

Andrew Beard  
csj Planning  
1 Host Street  
Bristol  
BS1 5BU

Application Number: **16/1295/ESC**  
Registered Date: 24 February 2016

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT  
ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 2011**

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby confirms that the **Environmental Statement Scoping is Unacceptable**

**INFORMATIVE(S):**

1 SCOPING OPINION:

Relevant Legislation:

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

Directive 2011/92/EU

Background:

This response follows a request under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended (the 'Regulations') for the formal opinion (a "scoping opinion") of the Local Planning Authority (LPA) as to the information that needs to be supplied in an Environmental Statement in respect of a development comprising a school (including a nursery) in new buildings with a total floorspace of 15000m<sup>2</sup> on land to the rear of Page Street within the Copthall Estate. The submission identifies that the scheme also involves various associated works including access from Champions Way, car parking, play and pitch facilities and landscaping.

This submission follows a Screening Opinion request (Barnet reference 16/1187/ESR), submitted earlier this year, which found that the development described in the information submitted under that request would have significant effects on the environment, in the sense intended by the Regulations. As such it was concluded that an Environmental Statement (ES), in line with the Regulations, was required to

be submitted with an application for the development described in the information submitted in that instance.

The Scoping Report submitted for consideration provides limited details of the proposal in question. This has restricted the ability of the LPA to comment with certainty on aspects of the scope. It is also noted that only limited engagement has taken place with the LPA over the scope of the ES prior to the making of this submission. For example to date there have been no scoping meetings with the LPA and ES topics have not been discussed and agreed with the LPA in pre-application engagement. These matters are discussed further in subsequent sections of this Scoping Opinion where relevant.

For clarity comments broken down using the proposed ES chapters in the Scoping Report submitted, following the making of some broader and general points. Relevant responses from consultees are identified in this report. The full set of responses received from consultees has also already been sent directly to the project team for review.

#### General Matters:

When preparing the ES the project team must ensure that it contains the information specified in Part II of Schedule 4 of the Regulations and such of the relevant information in Part I of the Schedule 4 of the Regulations as is reasonably required to assess the effects of the project (and which can reasonably be compiled by the applicant). The resultant ES may consist of one or more documents, but it must constitute a "single and accessible compilation of the relevant environmental information and the summary in non-technical language".

The topics identified at paragraph 4.3.1 of the Scoping Report do not include 'climate change adaptation and mitigation'. It is considered that this is an area in which the development proposed is likely to give rise to significant environmental effects. Any resultant ES should therefore cover this issue appropriately. If there is any doubt over the matters which would need to be covered under this topic there is extensive guidance on this in Chapter 5 of the London Plan and the associated Mayoral supplementary planning guidance. Officers would also welcome pre-application engagement on this matter if the project team would find this helpful.

For the avoidance of any doubt the 'alternative site options' considered (paragraph 2.1.4 of the Scoping Report) should include consideration of different sites (a sequential site search), different ways of developing the site to the rear of Page Street (including the potential for options which involve less land take) and a 'do nothing' option. When evaluating both different sites (the sequential site search) and different ways of developing the application site key considerations will include impacts on public open space, the green belt and ecological interests. The accessibility of a site to sustainable modes of transport will also be an important factor for the sequential site search. It is noted that the scope of the 'sequential site assessment' work has not been discussed with the LPA to date. Officers would welcome engagement on this matter so that appropriate criteria and parameters can be established for the subsequent work if the project team would find this useful.

The ES should clearly identify from the outset the key designations covering the site (green belt, public open space and Site of Importance for Nature Conservation) and

include a summary of any consultation carried out with relevant statutory and non-statutory bodies. Any relevant planning history for the site should also be considered. For the avoidance of any doubt, the ES prepared will need to appropriately assess both any residual effects occurring following mitigation and any cumulative effects arising from the proposal.

While it is not expected that the ES would have a 'green belt and public open space' chapter specifically, it is important to recognise that these designations on the land to which the proposal relates will have a significant impact on how a wide range of other topic areas need to be assessed in terms of their environmental effects (which in this context includes social, economic and environmental effects). The ES will need to be clear on how the proposal is addressing, balancing and responding to any conflicts with development plan policy objectives for land designated as green belt and public open space.

It is noted that very significant detail has been provided in the Scoping Report as to the methodologies to be used when assessing certain topics (for example air quality) and that less detail on the methodology of assessment to be used has been provided for other topics (for example flood risk and drainage). The methodology used for assessing each topic area should be clearly set out in the ES. The ES should also be clear on any mitigation proposed and any anticipated residual impacts following mitigation for each topic area.

It will be important that the various topic chapters of the ES identify the appropriate planning policy and guidance background. The relevant development plan policy level documents comprise the London Plan (most recent alterations adopted 2016), Barnet Core Strategy (adopted 2012) and the Barnet Development Management Policies Development Plan Document (adopted 2012). Some further detail on the policy and guidance background is provided on this below. However, if there is any doubt over what is appropriate officers would welcome engagement on this.

The Mill Hill Preservation Society (MHPS) provided a response to the consultation on the Scoping Report. This has been sent directly to the applicant's project team so that they can consider it in full. It is recognised that much of the MHPS response is directed primarily at expressing concerns about the scheme, rather than commenting on the scope of the ES which would accompany any application for planning permission (which is the purpose of this response). However, the MHPS response does raise a substantial number of important material planning considerations and any subsequent submission for planning permission should seek to address and respond to the points made in the MHPS response in full.

#### Landscape Visual Impact Assessment:

To date viewpoints for assessment in the Visual Impact Assessment have not been discussed or agreed with the LPA. Officers would welcome engagement on this matter prior to the submission of a planning application. It is also noted that the Scoping Report (paragraph 4.4.5) currently only proposes three viewpoints. It is considered that a greater number of viewpoints are likely to warrant evaluation in the Visual Impact Assessment. The sites green belt location and (partial) semi-rural character mean that the schemes visual impacts and impacts on openness will be particularly important environmental effects arising from the development. Contrary to what is set out at paragraphs 4.4.6 and 4.4.7 of the Scoping Report officers find the site to have a semi-rural and suburban character and they do not consider that

the site has a 'visually contained nature'. It is found that the use of verified views in the Visual Impact Assessment would be appropriate and proportionate.

#### Ecology:

Natural England has responded to the consultation on the Scoping Report with the following comments:

"The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONB's, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), and we may be able to provide further information."

The full response letter, including the annex referred to, have been sent to the project team so that they can follow the advice provided when preparing the ES. It would be advisable for the project team to seek to engage with the Barnet Branch of the London Wildlife Trust (they did not respond to the Scoping Opinion consultation). This will assist in identifying any additional potential ecological impacts before an application is formally submitted.

In addition to addressing direct ecological impacts the ES should give appropriate consideration to the scope for indirect and cumulative ecological impacts arising from the proposal. An ES should address the requirements of development plan policy on ecological matters where relevant. This will include policy 7.19 of the London Plan which seeks that proposals:

- Wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- Prioritise assisting in achieving targets in biodiversity action plans (BAPs), set out in Table 7.3, and/or improving access to nature in areas deficient in accessible wildlife sites.
- Not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.
  
- Give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.
- Apply the following hierarchy:
  1. Avoid adverse impact to the biodiversity interest.
  2. Minimize impact and seek mitigation.
  3. Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

Any ecological surveys used need to be up to date and carried out in accordance with the relevant best practice guidance or with a suitable explanation provided as to why this was not possible.

It should be recognised that the annotated plan included after paragraph 4.5.3 in the Scoping Report is not legible and so Officers were not able to comment upon this.

#### Trees:

In addition to what is identified in the Scoping Report, the ES will need to identify and take account of the proposals effects on 'ancient' trees within the site. The impact of the proposal on hedgerows should also be identified and evaluated in the ES.

#### Transport:

The Barnet Traffic and Development Team have confirmed that they consider the scope set out in the report provided to be acceptable. Highways England has confirmed that, having considered the information provided, they have no comments at this stage. Network Rail has confirmed that they would be unlikely to have any observations to make on the proposal based on the information provided at this stage.

For the avoidance of any doubt, officers would take this opportunity to confirm that the parking impacts of the proposal will be a key element of the schemes transport related impacts. The schemes parking related impacts are a potentially significant environmental effect which will require careful and full consideration in the ES. It is also noted that other transport mitigation, beyond that identified at paragraph 4.7.12 may be required.

#### Air Quality:

The Council's Environmental Health Service has confirmed that the proposed scope of the air quality chapter is acceptable. The note beneath paragraph 4.8.11 in the Scoping Report is acknowledged. However, the avoidance of any doubt, the ES produced will need to identify, assess and (where appropriate) propose mitigation for any likely air quality impacts arising from energy generation, heating or cooling of the development.

#### Noise and Vibration:

The Council's Environmental Health Service has confirmed that the proposed scope of the noise and vibration chapter is acceptable.

The relevant noise and vibration policy framework includes the Barnet Development Management Policies Development Plan Document (2012), in particular policy DM04.

On the basis of the information in the remainder of the submission it is assumed that the reference to proposed dwellings to be used for schooling at paragraph 4.9.6 of the Scoping Report is a typographical error.

#### Lighting:

The scope of this chapter is considered to be acceptable and it can be confirmed that the site falls within the E3 Environmental Zone in terms of lighting related matters. The ES will need to assess the site accordingly and document measures to ensure the minimisation of obtrusive light.

#### Archaeology:

The Greater London Archaeological Advisory Service (GLAAS) have responded to the consultation on the Scoping Report as follows:

"The site lies partially within the Copthall: Chase Lodge and Holders Hill Archaeological Priority Area and is also crossed by the projected line of a major Roman road. The site has also undergone very little past development and so archaeological survival is likely to be good. It is therefore recommended that archaeology be scoped in if the Borough is minded to request an Environmental Impact Assessment. The Archaeological Environmental Statement Chapter should be supported with an archaeological desk-based assessment, a geophysical survey report and an archaeological evaluation report.

The nature and scope of assessment should be agreed with GLAAS and carried out by a developer-appointed archaeological practice before any decision on the planning application is taken. The ensuing archaeological report will need to establish the significance of the site and the impact of the proposed development.

Once the archaeological impact of the proposal has been defined a recommendation will be made by GLAAS. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. If a planning decision is to be taken without the provision of sufficient archaeological information then we recommend that the failure of the applicant to provide adequate archaeological information be cited as a reason for refusal."

The LPA would advise the applicant to proceed as GLAAS have requested.

In respect of likely heritage related impacts more widely Historic England has confirmed that:

"On the basis of the information provided, we conclude that the proposal would not lead to an application for which Historic England would be a statutory consultee. We therefore have no comments to make in this instance. You do not need to consult us again on this proposal unless any material changes are made that would bring it within our remit for consultation."

Officers agree with the comments made. However, they consider that the Visual Impact Assessment carried out should include an assessment of the proposals impacts on the nearest heritage assets and their settings (for example Chase Lodge).

#### Flood Risk Assessment and Drainage:

The Environment Agency has responded to the consultation on the Scoping Report with the following comments:

"The Environment Agency is a statutory consultee on all development projects subject to Environmental Impact Assessment. We have reviewed the scoping report submitted and have no comments because we consider the proposal to be low risk in respect of the environmental constraints that fall under our remit."

For the avoidance of any doubt the application and the relevant chapter in the ES will need to be supported by a full Flood Risk Assessment and Sustainable Urban Drainage Strategy. These reports will need to clearly address the likely environmental effects of the scheme in this regard. This will include responding to the requirements of the relevant development plan policies and planning guidance (for example London Plan policies 5.3, 5.11, 5.12, 5.13 and 5.14).

Contamination:

The Council's Environmental Health Service has confirmed that the proposed scope of the contamination chapter is acceptable.

Waste:

The proposed scope of the waste chapter of the ES is found to be acceptable.

Socio-Economic:

In addition to the matters covered in the Scoping Report, the socio-economic effects occurring as a result of the development being proposed on land which is designated as green belt and public open space need to be considered in this chapter. These are wide ranging and link into the policy objectives for land designated in this way. Key policies in this regard include 7.16 and 7.18 of the London Plan and the guidance contained within the relevant parts of the National Planning Policy Framework.

The Scoping Report identifies (the first paragraph 4.14.3 on the socio-economic effects) that the ES will examine the community use of the proposed sporting facilities at the site. This should occur in the context of a draft community use plan which identifies clear parameters for the use of the site by the wider community.

While it is accepted that the proposal would result in economic investment and construction jobs, officers would note (in light of the comments in the final paragraph of the Scoping Report on socio-economic matters) that this site does not fall within an area identified for regeneration.

If it is not covered elsewhere, the ES the socio-economic chapter would be a sensible place to address the need for the proposal to create an inclusive environment which can be used safely, easily and with dignity by all and that is welcoming and contains no disabling barriers. This should include an evaluation of the existing school facilities on part of the site and the proposal in these regards. Policy 7.2 of the London Plan identifies key parameters for creating an inclusive environment.

Security matters are considered to be a relevant socio-economic issue and will require consideration. The Metropolitan Police Service has confirmed that they are unable to comment on these proposals due to the lack of security information contained within the Scoping Report. However, they have stated that they would expect any such development to adhere to the secure by design principles covered in 'New Schools 2014'. They have also identified that they would welcome engagement with

the project team to assist with enquires regarding crime prevention. Great care will be needed when balancing security matters against the objectives of development plan policy on the green belt, public open space and public access to new community and sporting facilities. An ES will need to be clear how these environmental effects have been considered and appropriately weighed.

#### Sport and Leisure:

Sport England have responded to the consultation on the Scoping Report and confirmed that they do not wish to comment on this document. They have also stated that any subsequent planning application should consider the proposals implications for sport in the context of paragraphs 73 and 74 of the National Planning Practice Framework, local plan policy and any strategic evidence set out in local playing pitch and/or built facilities strategies.

The Councils Open and Green Spaces Team have provided broad ranging comments on the Scoping Report. This response has been sent directly to the project team in full and it covers matters which go beyond sporting and leisure effects. The points raised include impacts on:

- Resident's health, wellbeing and quality of life.
- Sporting, leisure, play and recreating facilities (both direct effects and broader effects on facilities in the wider area).
- The broader socio-economic and environmental planning policy objectives of land designated as green belt and public open space.
- Natural heritage and the open, rural and natural character of this part of the borough.
- The objectives of the Council's Planning Brief for Copthall Playing Fields and the Mayoral All London Green Grid planning guidance document.
- Access routes within and through the Copthall Estate.

The environmental effects identified in the response from the Council's Open and Green Spaces Team are material planning considerations which should be explored and responded to appropriately in any subsequent submission made. However, it is acknowledged that they will not all be appropriate for consideration in the sporting and leisure chapter of the ES. For example the points around effects on access within and through the Copthall Estate would be more appropriately considered in the transport chapter of the ES and the comments on the natural heritage and the open, rural and natural character of this part of the borough would be relevant to a number of chapters in the ES.

As with all matters, the consideration of the sporting and leisure effects of the proposal will need to take place on the basis of up to date information.

#### Conclusion:

In the ways set out above it is found that the scope proposed for the ES in respect of this development is not currently adequate. The additional areas which require proportionate consideration have been identified in this Scoping Opinion.

- 2 The following information accompanied this application: Scoping Report Feb 2016 v3

**Date of Decision: 15 July 2016**

**Signed:**

A handwritten signature in black ink, appearing to be 'Joe Henry', written over a horizontal line.

**Joe Henry**

**Assistant Director - Development Management & Building Control**

**NOTE(S):**

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to the refusal of planning permission and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email ([building.control@barnet.gov.uk](mailto:building.control@barnet.gov.uk)), telephone (0208 359 4500), or see our website at [www.barnet.gov.uk/building-control](http://www.barnet.gov.uk/building-control)