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BY EMAIL

Dear Naomi,

RESPONSE TO FORMAL EIA SCOPING OPINION OF NORTH HERTFORDSHIRE COUNCIL AS LOCAL PLANNING AUTHORITY – GA2, LAND OFF GREAT ASHBY WAY, GREAT ASHBY

We write with reference to the formal EIA Scoping Opinion, issued by North Hertfordshire Council ('North Herts') in relation to 'GA2, Land off Great Ashby Way', issued on 22nd June 2023 (ref: 23/00806/SCOP).

We have reviewed the Scoping Opinion with the technical consultants undertaking the assessments within the Environmental Statement, and wish to engage with the Council on the detail contained within it.

As you'll note, formal scoping pursuant to the EIA Regulations forms one of the first stages of the EIA process, whereby the Local Planning Authority (LPA), in this case North Herts, and other key statutory and non-statutory consultees are consulted on the environmental topics that should be included in the scope of the EIA. The process of EIA scoping and consultation is important to the development of a comprehensive and balanced ES. Views of consultees have helped to identify specific issues that require further investigation as part of the EIA process.

Following a review of the Scoping Opinion and as assessment work on the scheme has progressed, set out below is our update following issue of the Scoping Opinion, and areas we seek further engagement with the Council on.

Basis of Project Team Response

The EIA Regulations require the ES to consider only the 'likely significant environmental effects' of a development. UK Government's online Planning Practice Guidance (PPG) highlights the expectation that the ES should remain '*proportionate*':

"Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the "main" or "significant" environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects."

Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered."

An Environmental Statement ensures the need for critical factors to be properly understood. It is important for the level of assessment within an Environmental Statement to be proportionate, for it to be meaningful at the decision stage. Preparation of a large, cumbersome Environmental Statement can lead it to being inaccessible to recipients and lose sight of significant environmental effects.

Our response comments on topics or effects requested to be scoped in, a number of which are considered to be planning or design considerations, separate to the EIA.

Project Team Response to EIA Scoping Opinion

Table 1 sets a list of topics we proposed to scope in, within the Scoping Report we issued. We have provided a response to comments made regarding the scope of these topics.

Table 2 sets out a list of topics North Herts have requested for inclusion in the Environmental. We have provided our response.

For ease of review, rows highlighted in green are responses where we are in agreement with North Herts. Rows highlighted in red are where we are not in agreement and have provided an explanation or alternative for consideration.

Table 1: Topics Agreed to be Scoped In

North Herts Comment	Iceni Projects Response
Noise and Vibration	
The Environmental Statement shall incorporate a noise assessment in accordance with current guidance including BS8333 Guidance on sound and noise reduction for buildings, and ProPG Planning and Noise - (and subsequently submit an acoustic design at an early stage in any development), these would be in respect of the sound levels experienced by proposed residential dwellings.	The assessment of the site for residential amenity and school use is not considered to be a direct impact of the proposed development and is considered to be a planning consideration separate to the EIA. The results of the baseline noise survey, as detailed in Briefing Note WIE19867-100-BN-3.1.3, established that at all of the long-term monitoring locations daytime noise levels were ≤50dB LAeq,16h and during the night-time period ≤47dB LAeq,8h reducing to ≤44dB LAeq,8h when noise data from the dawn chorus (0430-0530) was removed. Birdsong was considered to be the cause of LAmx events based on on-site observations during set-up and take down of equipment. Prevailing noise levels established through baseline survey are therefore not considered to be a constraint to residential or school development. The above could be the subject of a standalone planning report if considered necessary based on results of the baseline survey, which indicate prevailing noise levels are not considered to be a constraint to residential and school development. Notwithstanding this it is considered this should not form part of the EIA as detailed above.
In addition, an assessment in accordance with BS4142 (current version) "Method for rating and assessing Industrial and commercial sound" in respect of noise associated with retail, medical and social aspects of the development, to include levels for plant noise. Similarly, an assessment and limits set for plant noise from the schools.	Noise from fixed external plant will be addressed within the EIA, although at this outline stage specific details on type, location and number of plant will not be known therefore plant noise limits will be recommended based on measured background noise levels and requirements of the local authority. Further assessment will be required to discharge planning conditions once details are known, should the development be permitted.
Also, an assessment of noise if Artificial sports pitches are to be associated with schools (extended hours of use).	This is accepted.
Finally, a traffic noise assessment as this is a proposed development for 650 homes.	This is accepted.
<i>"I would advise that 'Lighting' be added to the chapter heading and this matter covered in the Environmental Statement."</i>	Lighting is a design issue rather than one to be included within an Environmental Statement as a standalone chapter. However we do understand the importance of how lighting can affect environmental receptors and thus we propose that the project ecologist will provide advice on the

North Herts Comment	Iceni Projects Response
Comments from the EHO state: <i>“Consideration in terms of the proposed layout on residential dwellings for external lighting from the retail and social floorspaces and also if sports pitches are proposed, impact from floodlights (if to be used) assessed in accordance with relevant standard e.g. Reduction in Obtrusive Light.”</i>	lighting design to ensure no significant ecological effects, and the landscape and visual impact consultant will address lighting and night time effects as relevant. We trust that this approach would be acceptable to ensuring the effects of lighting are robustly considered, rather than including it as a standalone chapter.
Ecology	
<i>“There are inconsistencies in the submitted report in relation to the identification of Sites of Special Scientific Interest (SSSIs). In particular between Tables 4.1 and 6.1, which both identify Knebworth Woods and Sherrardspark Wood SSSIs as receptors, and the written description in paragraph 2.10 which identifies Benington High Wood and Moor Wood SSSIs. This latter pair of SSSIs are closer to the site.”</i>	Para 2.10 refers to <i>ecological</i> designations in close proximity to the site (including Benington High Wood SSSI and Moor Wood Meadows SSSI). Table 4.1 and Table 6.1 refer to Knebworth Woods SSSI and Sherrardspark Wood SSSI are proposed receptors for the <i>air quality</i> assessment.
Landscape and Visual Impact	
Views out of the site would also need to be considered, particularly important views towards heritage assets which would need to be retained and/or enhanced.	Noted.
we would suggest that an additional photomontage be provided from the viewpoint from the corner of Warrens Green Lane (included in the LVIA Appendix 5 as viewpoint 3), as it is presently an open view into / across the site.	Noted.
The assessment would need to identify the maximum height of buildings and should give an indication of where the tallest, most prominent buildings are likely to be located within the site, so that a proper assessment can be made on the impact on the wider area.	The parameter plans will show this, and the assessment will consider it.
An indicative layout is required to demonstrate how the different elements of open space/green infrastructure can be accommodated within the site. A rational for how much green space and its layout/provision would also need to be provided.	This is a masterplanning element, which will be considered within the Strategic Masterplan.
Cross sections are likely to be required to illustrate how the proposed layout would work with existing site features and landform.	Noted.
EIA Scoping document does not reference the Landscape Character Area 39 Middle Beane Valley, which covers a significant part of the site.	This was an omission, and will be included.

North Herts Comment	Iceni Projects Response
Water Environment and Flood Risk	
Thames Water, Affinity Water and Anglian Water were consulted. A response was received from Thames Water. Please can the following issues be considered and covered in the Environmental Statement: 1. The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met 2. The surface water drainage requirements and flood risk of the development both on and off site and can it be met. 3. Build - out/ phasing details to ensure infrastructure can be delivered ahead of occupation. 4. Any piling methodology and will it adversely affect neighbouring utility services. Natural England were consulted and provided a response.	These items will either be included in the introductory chapters of the Environmental Statement or within standalone planning documents, as follows: 1. infrastructure demand – this will be dealt with in the utilities assessment. 2. surface water drainage requirements – As set out in the Scoping Report, changes to the surface water drainage regime and potential risk of surface water flooding to the site or downstream will be considered in the Environmental Statement. Surface water flood risk has been scoped out. A standalone flood risk/drainage strategy will also be submitted with the application, and the detail will be described in the introductory chapters. 3. Phasing details will be included in Chapter 3 of the Environmental Statement. 4. An overview of the construction methodology will be included in Chapter 3. Consideration of piling will be included in the utilities assessment.
Archaeology	

Table 2: Additional Topics Proposed to be Scoped In

North Herts Comment	Iceni Projects Response
Built Heritage	
The response from Historic England states: <i>“This development is likely to have an impact upon designated heritage assets and their settings in the area around the site. In accordance with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.</i>	Our understanding is while HE say the exclusion of heritage from ES is ‘disappointing’, they provide guidance on how effects can be dealt with in a robust Heritage Impact Assessment (HIA) instead. We wanted to share the methodology we are using to develop the HIA to demonstrate that we would provide a sufficiently robust assessment and so a full ES Chapter shouldn’t be required. The HIA includes a thorough and comprehensive review of the significance, setting and contribution of setting to significance of designated heritage

We note from the Scoping report that built heritage is to be scoped out which is somewhat disappointing. However we note that it states that the potential effects on setting will be assessed in detail in the HIA accompanying the full application.

This should assess the significance of heritage assets, their settings and the contribution their settings make to the significance, and to assess the impact of the proposed development on the significance of the designated heritage assets.”

assets within a 1-kilometre radius of the Site. Each identified asset is subject to Historic England’s ‘5 Step’ process (GPA 3) of assessing setting, and the resulting data has informed design development (thus embedding mitigation within the scheme) and will inform the final assessment on the proposed scheme. The assessment methodology will thoroughly examine any potential harm that the proposed scheme could result in, and perform a balancing assessment against the public benefits, as required by paragraphs 199-202 (NPPF). As such, we believe that no significant effects will arise and a standalone HIA should be both sufficient and proportionate to assess the built heritage effects arising from the proposals.

It is also worth noting that in line with HE’s recommendation, the visual effects will be assessed in the accompanying LVIA which we will cross-reference with our report.

Waste

“considering the scale the proposed development, particularly cumulatively with nearby development sites, it is considered that this site is likely to result in a significant amount of waste both during the construction and the operational phases.

As such, it is the view of the Council that the Environmental Statement should include a chapter on Waste and which should be accompanied by a Site Waste Management Plan (in the interests of providing one, holistic/comprehensive document, this should be included under the Environmental Statement).”

This is contrary to the opinion of the Minerals and Waste Policy Team for Herts County Council, who consider the provision of a Site Waste Management Plan and clear waste management strategy to be sufficient in addressing how waste is to be managed, both during the construction and operation of the Proposed Development.

It is considered that, through the implementation of best practice waste managed during these phases of the Proposed Development, the scheme would have no significant impacts on the surrounding environment, neither in isolation nor in the cumulative case. The preparation of both a Site Waste Management Plan and a clear, robust waste management strategy will ensure that the minimisation of waste arising is prioritised, and that where the elimination of waste is not possible, non-hazardous waste arisings will be diverted from landfill, either through re-use or recycling, where technically feasible. In doing so, this will firstly minimise the volumes of waste generated at the Site during construction and during the operation of the Proposed Development and will maximise the reuse and recycling of materials that are generated as waste.

Whilst it is recognised that the potential volumes of waste generated by the Proposed Development are large, it is considered that the proposed approach will ensure this volume of waste is proportionate to the scale of the proposals, and that any waste arising does not have a significant impact on the surroundings environment.

It is therefore considered that the preparation of a Site Waste Management Plan and clear waste management strategy as part of the planning application

	submission documentation will be sufficient to ensuring there are no significant impacts with respect to waste. This will be sufficiently described in the introductory sections of the ES as per best practice.
Human Health	
<i>“Based on the response received from Public Health and the Growth and Infrastructure Team, Herts County Council, the Council is of the view that Human Health should be scoped into the Environmental Statement.”</i>	Human health will be scoped into the Environmental Statement, in combination with the socio-economics chapter.
Climate Change	
The Scoping Opinion refers to comments from Natural England, and the Council’s declaration of a climate change emergency. On this basis, the Council’s view is that climate change should be scoped into the Environmental Statement.	The ES will consider the Proposed Development’s potential impact on climate. It will not address the potential impact of climate change on the Proposed Development, as resilience will be addressed in the Design and Access Statement and Sustainability Statement submitted with the planning application. The potential impact of the Proposed Development on climate will be assessed within a specific Greenhouse Gas Emissions technical chapter of the ES. This will be undertaken in accordance with the IEMA guidance ‘Assessing Greenhouse Gas Emissions and Evaluating Their Significance’ (2017). This guidance sets out a ‘good practice’ approach to achieving a proportionate assessment of a development’s potential impact on climate and communicating the results in terms of a notional percentage contribution relative to a carbon budget, together with appropriate mitigation. The guidance presents a series of principles developed by IEMA, which highlight that all GHG emissions contribute to climate change, and that the combined effect of all emissions draws us closer to the scientifically defined environmental limit for climate change. The guidance therefore suggests that, in the absence of any defined threshold or significance criteria, any GHG emissions or reductions from a project be considered as significant. The guidance also reinforces a key principle of EIA which is to reduce the impact of a project’s emissions at all stages of the lifecycle through mitigation. Consistent with the guidance, the approach taken in the EIA will be to quantify the net GHG emissions from the Proposed Development and compare against an existing carbon budget (defined either at a global, national, regional, local or sectoral level) in order to contextualise the Proposed Development’s carbon contribution by developing a sense of the scale of the emissions anticipated.

	The ES will present the carbon mitigation being proposed, which will follow the principles of the carbon management hierarchy (i.e. avoid, reduce, offset), in order to reduce as far as reasonably practicable, the anticipated GHG emissions over the Proposed Development's lifecycle. The assessment of GHG emissions (a carbon footprint or 'inventory' of the Proposed Development) and an outline of the carbon mitigation measures proposed will be presented in an ES technical chapter.
Soils and Agricultural Land	
<i>"an assessment of the grade of land and how this loss will impact on overall provision locally would be appropriate."</i> The Environmental Statement is <i>"silent on the presence (or otherwise) of Grade 3a which falls within the NPPF definition of 'best and most versatile' agricultural land."</i> Response from Natural England <i>"The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):</i> <i>• The degree to which soils would be disturbed or damaged as part of the development</i> <i>• The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted."</i>	It is agreed that Agricultural Land and Soils will be scoped into the Environmental Statement. The chapter will consider the agricultural land quality as measures by a system of Agricultural Land Classification (ALC) under the 1998 methodology. The chapter will also consider the likely effects on soils as a resource, and the likely effects on agricultural business.
Utilities, Services and Infrastructure	
<i>"the Council considers it prudent for the Environmental Statement to include a chapter which considers and assesses the impact the proposed development would have on existing utilities and infrastructure (gas, electricity, water etc)."</i>	A pre-development utilities appraisal has been submitted to the Council for review, prepared by Utility Consult Limited. Contact has been made with relevant utility companies to understand any relevant reinforcement and capacity issues. The report summarises the proposals could be serviced to meet current building regulations and requirements sufficiently. Therefore, it is considered unlikely that the Proposed Development will result in significant effects and a chapter in the Environmental Statement is not required. A Utilities Assessment will be submitted with the application and appropriately described in the introductory chapters of the ES as per best practice for EIA.

I would be grateful for your consideration of the enclosed response at your earliest opportunity.

Should you have any queries, please do not hesitate to contact me on 07799 369 968 or email at JJaulim@iceniprojects.com.

Yours sincerely



James Jaulim
Director, Planning and EIA