

APPENDIX 2.2
SCOPING OPINION



HILLINGDON

LONDON

Gareth Wilson
Partner, Planning
Barton Willmore
7 Soho Square
London W1D 3QB

Ref: **Nestle/Scoping/IRT**
Date: **13 May 2016**

Dear Gareth

**MIXED USE DEVELOPMENT
REQUEST FOR SCOPING OPINION IN ACCORDANCE THE TOWN AND COUNTRY
PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 (AS
AMENDED 2015)**

Thank you for your request for a Scoping Opinion dated 11 March 2016.

The enclosed Scoping Opinion sets out the Council's initial appraisal of what is required based on the level of information provided.

The Council retains the right to keep the Scoping Opinion under review to ensure the ES can respond to any fundamental changes that require different or other likely significant effects to be assessed in accordance with the regulations.

Further work is required to finalise the scope of the specific studies. The EU guidance on the detail of scoping reports suggest that some preliminary evidence gathering should be included. There is limited detail in relation to transport and air quality. It is accepted that further transport discussions are ongoing, but detailed air quality information would have assisted in specifying the parameters and extent of the air quality study. Further discussions are therefore necessary and should be arranged prior to assessment work being undertaken.

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INVESTOR IN PEOPLE

If you wish to discuss the Scoping Opinion or any of the comments above any further, please do not hesitate to contact me using the details at the foot of the first page.

Yours sincerely

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Ian Thynne
Principal Sustainability Officer



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SCOPE OF INFORMATION TO BE INCLUDED WITHIN ENVIRONMENTAL STATEMENT PART 4, REGULATION 13 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 (AS AMENDED 2015)

Proposal:	Mixed Use Development
Location:	Former Nestle Factory, Hayes
Scoping Report:	Prepared by Barton Willmore
Report Dated:	11 March 2016

Environmental Impact Assessment

1. Need for EIA

- 1.1. The proposals do not fall within the thresholds set out in Schedule 1 of the Environmental Impact Assessment (EIA) Regulations (the Regulations) as amended. However, the development does fall within Schedule 2 of the Regulations (Category 10[b]) urban infrastructure projects over 1 hectare or over 150 residential units) and is therefore subject to screening as to whether EIA is appropriate or not.
- 1.2. The Council issued its screening opinion in June 2015 and confirmed that the proposed development was deemed to give rise to likely significant effects.
- 1.3. The following comments assist in determining the scope of the subsequent Environmental Statement (ES) to ensure it considers only likely significant effects, and the proposed mitigation to remedy them.

General Scoping Comments

2. Introduction

- 2.1. The scoping stage for the environmental statement (ES) is a valuable tool in helping the applicant to form an agreement with the Council about how environmental data will be collected and assessed. It helps to remove possible conflict once a planning application is submitted.
- 2.2. The scoping stage allows an agreed approach to identifying a baseline environmental position against which effects will be assessed as well as setting out a methodology for identifying impacts and receptors.
- 2.3. The importance of scoping is further increased as the ES does not provide the decision on a planning application, instead it provides a tool for assisting in the decision making process. Therefore the assessment should set out a factual analysis of the effects of the development. The scoping stage provides the opportunity to refine this assessment framework and measurement of effects.
- 2.4. Effects are a measurement of the development's impacts on a range of receptors. These are assessed using the criteria set out in Schedule 4 of the EIA Regulations. The scoping stage provides the opportunity for the developer to clearly set out the likely impacts of the development. These are then considered in the context of the receptors, some of which are known to the Local Authority (e.g. air quality levels) and some of which would need to be provided by the applicant using more specific assessments (e.g. on site ecology).
- 2.5. The submitted ES is then formed around these factual representations of the impacts and receptors, making it obvious how opinions on effects have been developed.

3. Development Description

- 3.1. The development description suitably describes the project to be carried whilst recognises a subsequent application would be only at 'outline' stage.
- 3.2. The project description set out in the ES will need to set out the specific maximum parameters for possible future development.

4. Baseline Information

- 4.1. One of the main roles of the Scoping stage is to establish the existing baseline environmental position i.e. the amount of current traffic movements, existing noise

levels, likely impacts on air quality etc... However, the report submitted does not contain information on the current baseline. The EU Scoping guidance states:

For example, in almost every case, some initial baseline studies (e.g. desktop research) will be required before or as part of the scoping exercise, in order to highlight the main or likely significant effects (the prime purpose of scoping).

4.2. The Council holds broad environmental information but this is not normally at the relevant site specific level. It is therefore normal for baseline studies to be completed to determine the existing environmental baseline. This then allows an agreed approach to the methodology for assessing how the proposed development will change the existing baseline.

4.3. Further discussions should be carried out and ideally the baseline formally agreed prior to submission of the application.

5. Significant Effects

5.1. A Scoping Report should provide an outline of the methodology to be used to assess the significance of effects. The significance of effect is dependent on the scale of impact and the sensitivity of the receptor. The Scoping Report should set out the weighting attributed to both and in turn how significance is determined.

5.2. Commonly, impacts are measured in terms substantial, high, moderate, low or negligible. These impacts can be either positive or negative. Receptors are normally defined as international, national, regional, borough or local.

5.3. Each ES topic area will need to be applied to the preferred methodology to determine how the scale of effects will be assessed. This is normally dependent on the baseline position. For example, if the baseline assessment shows air quality levels to be above 40ugm³ (EU minimum standard) then the magnitude of impact of the development would be different to the same development located in an area with a baseline of considerably less 40ugm³. It is therefore important to establish the baseline and how the methodology relates to each topic area. This work should be completed prior to commencement of the ES.

6. Cumulative Impacts

6.1. The ES will need to consider cumulative impacts with other developments either built, being built or committed (defined as an application submitted but waiting approval, or an approved scheme). The only likely cumulative impacts from major development

relate to transport matters. These will need to be agreed as part of the transport assessment process.

7. 'Scoped Out' Topics

- 7.1. Modern approaches to planning require considerable amounts of information to be submitted with an application. There will still be a need to satisfy planning requirements regardless of whether an impact is considered to be significant or not in the context of the ES. For ease of reference, these 'scoped out' topics should still be included within ES chapters or as reports attached in appendices; however it should be acknowledged that these will not need to be 'tested' in the same manner as those impacts with likely significant effects.

8. Consultation Responses

- 8.1. The Council carried out a consultation with statutory consultees as required by the Regulation. Not all consultees replied, but the responses from those that did are included in appendix 1.

Environmental Topics - 'Scoped In'

9. Summary of Topics

- 9.1. The following topics are scoped in for greater assessment in the Environmental Statement:

- Traffic and Transport
- Air Quality
- Contamination and Ground Conditions

10. Traffic and Transport

- 10.1. One of the key issues of the development relates traffic and transport. The area surrounding and supporting the development site is heavily urbanised with limited arterial routes (regional level receptor) to the strategic network. Consequently the area suffers from significant levels of congestion with or without a fully operational Nestle factory.
- 10.2. The development will result in an amount of traffic that it likely to result in further significant effects to the road network. These effects are likely to be of more than local importance.

10.3. The applicant has already commenced work on the scope of traffic assessment. This traffic assessment has to inform a specific chapter in the subsequent Environmental Statement. The ES should not just replicate the conclusions from the traffic assessment, but instead make a detailed assessment of the effects and consequences across the road network (not just at junctions) and identify and describe the necessary mitigation to reduce such effects.

Highways England Response

10.4. Included within Appendix 1 is a response from Highways England. They have confirmed that they consider the development to have a likely significant effect on the strategic road network.

10.5. This approach is not consistent with that taken by Highways England at a Development Consent Order Hearing into a proposal to convert the M4 motorway into a 'SMART motorway'.

10.6. During this hearing, Highways England confirmed that there would be no significant effects on junctions 3 and 4 of the M4 as a consequence of their scheme. Highways England confirmed, and gave evidence that this conclusion was reached with allowance for the cumulative effects from a range of other developments, including the Nestle Site.

10.7. In light of this evidence, written and oral, Highways England deemed there to be no need for mitigation on the supporting junctions as there were no significant effects identified.

10.8. It therefore follows that these proposals for the Nestle Site are unlikely to have a significant effect on the strategic network. The impacts on the strategic network (Junctions 3 and 4 of the M4 in particular) can be scoped out of the Environmental Statement.

10.9. Notwithstanding the above, the subsequent transport assessment must consider all the impacts, likely to be significant or otherwise, of the scheme relevant to planning policies and local decision making.

11. Air Quality

11.1. The road network that supports the development site is currently the predominant source for breaches in minimum EU limit values for air quality. The Council has an air quality monitoring station on the junction of the Parkway (A312) and West Hyde

Gardens. The data for this station (Hayes Harlington) can be found at <http://www.heathrowairwatch.org.uk/data/statistics>

- 11.2. The data shows a consistent breach of limit values (40ugm). The average annual mean for 2015 was 46ugm, in 2014 it was 53ugm and in 2013 it was 47ugm. These are high levels of air quality with serious impacts.
- 11.3. In each of these years the Nestle factory was not in operation or was significantly winding down. The proposed development would increase traffic in a congested area resulting in longer queues and further air pollution. The capacity of the environment in this location to accommodate further increase in air quality pollution is zero.
- 11.4. The Council therefore considers that the air quality impacts associated with the traffic from the development needs to be scoped into the environmental statement.
- 11.5. In the first instance baseline data should be taken from the Hayes Harlington automatic monitoring station. Beyond that, further discussions are required to understand the scope of the air quality assessment in more detail. The Scoping Report should have contained the initial surveys and data on air quality i.e. baseline assessment years, agreement about emission factors for vehicles etc... Further discussions are therefore necessary to identify the specifics of the study to ensure the likely significant effects are properly reported.

Methodology

- 11.6. The Scoping Report does not set out the methodology for assessing (or 'scoring') the air quality impacts and determining the effects. The Council would expect the health impacts to be fully explored as these form part of the likely significant effect and all relevant receptors should be identified and those particularly sensitive e.g. residential units, schools, nurseries etc... should be set out clearly.
- 11.7. The specific 'scoring' methodology also needs to be agreed. The Council considers that any increase in air pollution should be described as high and therefore a significant effect. It is important to note that a significant environmental effect should not automatically result in a refusal. It should be a matter for identifying mitigation that is appropriate and tailored to the effect identified.
- 11.8. Further discussions are required to finalise the specific air quality assessment methodology.

12. Contamination

12.1. The history of the site presents a potential concern regarding contamination. The ES should fully consider the potential effects to and from contamination on:

- Ground conditions
- Human Health
- Controlled waters (including above ground watercourses and below ground aquifers)

12.2. The Environment Agency has responded to the scoping consultation and confirmed there are likely significant effects from contamination.

13. Cumulative Impacts

13.1. The Council set out the other developments to be included within the cumulative assessment. The cumulative impacts on traffic and air quality must be included within the environmental statement.

Environmental Topics - 'Scoped Out'

14. Socio Economic

14.1. The Council agrees that the likely socio-economic effects are not likely to be significant. The Nestle factory, which at one time would have been a significant employer, was wound down some time ago. The baseline position is therefore not one of a significant change from the existing scenario.

15. Landscape, Townscape and Visual Effects

15.1. The area is currently extensively developed with industrial buildings. Whilst the site is a conservation area, it does not hold any designations of more than local status. The development will have a visual impact but it is not considered significant in the context of this heavily urbanised area.

15.2. Furthermore, Highways England has determined that the height of the proposed development (12 stories) is unlikely to have a visual impact on heritage assets (Grade 2 Listed Buildings).

16. Built Heritage and Archaeology

16.1. The site includes locally listed buildings. The heritage impacts will be a key factor in the decision making but in the context of EIA the development is not considered to have an impact beyond local importance.

16.2. Historic England provided responses to the consultation covering archaeology and built heritage. Historic England did not support the conclusions made in the Desk Based Assessment included within the Scoping Report but did not identify a likely significant effect. Further information is required for the planning application but this topic can be scoped out of the ES.

16.3. Similarly, Historic England provided concerns about the demolition of a large expanse of buildings within the Botwell, Nestles, Hayes Conservation Area. The Council agrees that the impacts need to be sensitively considered within the planning application, but as set out above, the impacts would not be more than of local importance and therefore not significant.

17. Noise and Vibration

17.1. A standard noise assessment will be required for the development. A suitable baseline will need to be agreed, and how effects assessed should be agreed. The development is not likely to have a significant effect.

18. Flood and Water Management

18.1. The site is shown to be in Flood Zone 1 and therefore at a low probability of flooding. A Flood Risk Assessment will be required as part of the planning application which will need to demonstrate a reduction in surface water run-off.

18.2. In addition, the Flood Risk strategy should be widened to consider the whole water cycle. This should link flood risk to water attenuation and reuse. The site is in a severely water stressed area where water demand is projected to outstrip supply within the near future. Accordingly, a water strategy should be able to demonstrate how the development can cope in a flood without increasing the risk to others; how water consumption will be reduced; and how water can be stored and reused on site.

19. Ecology

19.1. The Council understands that preliminary ecological information has been produced. The details of this report have not been disclosed.

19.2. Notwithstanding the above, the site is heavily urbanised with little obvious ecological value.

19.3. Given the lack of ecological value in the area, this topic can be scoped out.

19.4. The Phase 1 assessment should be appended to the ES as a stand alone technical report complete with recommendations for biodiversity enhancements. This could include

onsite considerations, such as green roofs (which will be expected on parts of the development) and living walls.

20. Demolition

- 20.1. Recent case law on EIA requires demolition to be considered in the context of EIA.
- 20.2. The heritage nature of the site is sensitive. The demolition will therefore include buildings of historic significance. The scale of the demolition and the quantity and value of buildings to be lost does not result in likely significant effect in the context of EIA.

21. Planning Application Process

- 21.1. Regardless of the requirement for EIA, standard planning protocols will apply. This means information not detailed above may be required to be submitted with the application. You are advised to contact the Planning department to confirm other planning requirements.

22. Construction and Operation Impacts

- 22.1. The ES should also consider the effects of construction and operation on the surrounding area. These should be set out in the topic areas mentioned above.

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Head of Planning

Date: 16 May 2016