



Screening Opinion for an Environmental Impact Assessment Proposed Local Development Order at Panattoni Park, North of Elstree Way, Borehamwood

In accordance Regulation 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, this statement confirms that Hertsmere Borough Council considers that there is no requirement for an Environmental Impact Assessment (EIA) to be undertaken with regards to the Local Development Order (LDO) for the proposed LDO at Panattoni Park, North of Elstree Way, Borehamwood.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Council reserves the right to determine whether the development is type listed in Schedule 1 or Schedule 2 of the 2017 regulations.

An LDO must not be made so as to grant planning permission for development which is Schedule 1 development within the meaning of regulation 2(1) of the 2017 Regulations.

With regards to Schedule 2 development, there is no need to screen if the development is clearly outside Schedule 2. However, where the EIA seeks to grant permission for development that falls within the thresholds specified in Schedule 2 of the EIA Regulations 2017, the LPA shall not make a LDO unless they have adopted a screening opinion or the Secretary of State has made a screening direction. The applicable thresholds and criteria for 'urban development projects' for an EIA screening are as follows:

- i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- ii) the development includes more than 150 dwellings; or
- iii) the overall area of the development exceeds 5 hectares

The LDO relates to a site with a total area of 6.79 hectares although the area to which the LDO would apply is less than 1 hectare. The development allowed under the LDO will relate to filming making and production operations, allowing for greater utilisation of the site.

The permitted development under this LDO would not be Schedule 1 development. On the basis of the overall site having an area of more than 5 hectares, the LDO could be considered as comprising Schedule 2 development.

The Council has given consideration to the characteristics of development which would be permitted through the LDO, its location and its potential impact. The site itself is not a 'sensitive area' as defined by the EIA regulations (these are: Sites of Special Scientific Interest, National Parks, the Broads, World Heritage Sites, sites containing Scheduled Monuments, Areas of Outstanding Natural Beauty, or European sites). Furthermore, an Environmental Impact Assessment (EIA) Screening Report was prepared for the initial planning permission on Panattoni Park (**19/0401/OUT**) and the Council confirmed at the time that EIA was not required (**18/1479/EI1**). In addition, in 2020 the Council issued its screening opinion for a request regarding a potential planning permission to erect a data storage centre on the site (and which would be classed as Schedule 2 development). This screening opinion conclude that an Environmental Statement would not be required (**20/1465/EI1**).

The Planning Practice Guidance states 'when screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Not all

of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment.

Any limited, localised environmental impacts which may arise from development permitted through the LDO would be controlled through conditions. Regarding Sections 1(e) and 1(g), the use of generators would be controlled through conditions regulating the number and usage of generators on the site and would be subject to annual monitoring, as well as a review of their use after five years in the interests of reducing carbon emissions from the site.

Regarding Part 2 of Schedule 3, this section is more relevant to areas of environmental sensitivity. It is not considered particularly relevant in this case given the urban land use in and around the site. The boundary of the LDO area itself reflects the need to maintain some distance from the adjacent residential building to the east, notwithstanding that Panattoni Park itself has planning permission for use for a wide range of B class development.

Part 3 of Schedule 3 is also not particularly relevant give the limited and temporary nature of development permitted through the LDO which itself would be modifiable or revocable at any time.

Having had regard to the selection criteria in Schedule 3 of the 2017 Regulations, more specifically the characteristics of the development, the location of the development and the types and characteristics of any potential impact, the Council considers that that the development proposed would not require an Environmental Statement as it is unlikely to have significant effects on the environment by virtue of its nature, size or location.

Taking into account all of the above, the council has concluded that there is no requirement for an Environmental Statement for the LDO on this site. This does not impact on the need to comply with any of the conditions associated with the permitted application **19/0401/OUT** which are still applicable to the whole site.

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