



## **Assessment of criteria for an Environmental Impact Assessment at Sky Studios Elstree South, Land East of Rowley Lane**

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 LDO at Sky Studios Elstree South, Land East of Rowley Lane, 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 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 would relate to a site of around 11.3 hectares although the area to which the LDO specifically relates is less than 3 hectares. 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. However, it is a Schedule 2 urban development based on the thresholds above.

The fact that this would be a Schedule 2 development does not necessarily mean that an Environmental Statement is required. Rather it means that the Council must issue an opinion (having regard to Schedule 3 of the EIA regulations) as to whether any potential environmental impacts could be so significant that an Environmental Statement should be required in this case.

It should be noted that a permission was granted for this site in 2020 under application **(20/0315/FULEI)**. An Environmental Statement was submitted with the planning application, covering the below topics:

- Impact on Borehamwood Town Centre and its economy;
- Public health
- Road access / car parking / traffic generation / impacts on the local and strategic road networks / sustainable modes of transport;
- Tree retention and protection;
- Wildlife and biodiversity;
- Surface water drainage and flood risk;

- Archaeology;
- Heritage assets;
- Building heights and landscape character;
- Air quality, contamination, waste and minerals, climate change and lighting.

Looking at the guidance for the making of this decision that the government have set out in Schedule 3 of the regulations, the below observations are made.

Regarding Section 1(a) relating to the size and design of the development: the structures which would be permitted under the proposed LDO would be of a temporary nature and would not result in an increase in the height of the existing buildings. There might be an increase in floorspace due to temporary buildings being allowed to assist production; however, this would not result in any environmental harm, and therefore would not give rise to a requirement for an Environmental Statement. Regarding Sections 1(e) and 1(g), any environmental impacts which may arise locally from 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

Consideration has been given regarding section 1(b) of Schedule 3, and whether the LDO, cumulatively with other developments nearby, might amount to a level of development that would necessitate an Environmental Statement. The most relevant development nearby is the proposed LDO on the Panattoni Park. That LDO has been screened separately and is also not considered to require an Environmental Statement.

Regarding any other issues listed under Part 1 of Schedule 3 (such as the production of waste, the use of natural resources etc): these have been addressed by the conditions in the LDO or considered when assessing planning application **20/0315/FULEI** for permission. These matters do not necessitate an Environmental Statement for this LDO.

Regarding Part 2 of Schedule 3, this section is more relevant to areas of environmental sensitivity. It is not particularly relevant in this case given the riparian and wider environment in the vicinity of the site and the type of development proposed through the LDO. The geographical extent of the LDO has been limited to the south of the LDO area and conditions have been applied to minimise any effects on the watercourse running through/near to the site.

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.

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 **20/0315/FULEI** which are still applicable to the whole site.

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