During the preparation of the Spencer’s Park Phase 2 Scoping Report, the legal advisers working on behalf of the clients raised concerns regarding the use of future year traffic data for both the Air Quality and the Noise & Vibration assessments. In accordance with current best practice methodologies[^1], these two assessments would typically consider the following scenarios:

**Baseline Conditions**
1. Verification and base year.

**Standard Assessment**
2. Opening year without and with development; and
3. Future year without and with development.

**Cumulative Assessment**
4. Future year with development and other committed developments.

The concern that was raised related to the opinion that scenarios 2 and 3 constitute cumulative assessments on the basis that the relating traffic data is ‘factored’ to reflect natural growth and, as such, the assessments do not include a standard assessment. As there is a legal obligation under the **EIA Regulations**[^2] to provide both a standard assessment and a cumulative assessment, the omission of the standard assessment has increasingly been used as a rationale within judicial reviews for objections to be raised to proposed developments. Thus, an adapted approach was required.

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**Description of the Project:**
An outline planning application (with all matters reserved) was submitted for a residential led mixed-use development upon a 24.38 ha arable site located to the northeast of Hemel Hempstead, Hertfordshire. The key elements of the proposed development are:
- Up to 600 two to four-storey dwellings;
- Two-storey commercial units with parking;
- Land for a two-form entry primary school;
- Various community provisions/facilities; and
- Supporting infrastructure, utilities, sustainable drainage, landscaping and public open space.

It is anticipated that phased construction will commence in 2018, with first occupancy within 2019 and then final completion by the year 2024.
Lessons Learnt:

In order to ensure that the EIA included comprehensive assessments for both Air Quality and Noise & Vibration that fulfilled the legal requirements of the EIA Regulations, whilst also addressing the concerns of the clients’ legal advisors, the current best practice methodology was adapted to consider the following six scenarios:

**Baseline Conditions**
1. 2015 Base Year (i.e. baseline traffic).

**Standard Assessment**
2. 2015 Base Year + Proposed Development (i.e. baseline traffic + proposed development traffic).

**Cumulative Assessment**
3. 2015 Base Year Cumulative Assessment (i.e. baseline traffic + proposed development traffic + committed development traffic);
4. 2024 Future Year (i.e. baseline traffic + future growth);
5. 2024 Future Year + Proposed Development (i.e. baseline traffic + future growth + proposed development traffic); and
6. 2024 Future Year Cumulative Assessment (i.e. baseline traffic + future growth + proposed development traffic + committed development traffic).

As can be seen, in order to ensure that no growth factors are applied to the traffic data, the standard assessment (i.e. new scenario 2) assumes that the proposed development is fully operational in the 2015 base year. Whilst this would not be possible and is, obviously, not proposed as part of the development proposals, this approach does permit the proposed development to be assessed in isolation against the baseline conditions. Similarly, to allow a direct comparison, the cumulative assessment (i.e. new scenario 3) also assumes that the proposed development is fully operational in the 2015 base year.

Whilst the new scenario 6 (i.e. old scenario 4) remains a cumulative assessment, the new scenarios 4 and 5 (i.e. old scenarios 2 and 3) are now also considered as cumulative assessments. This adapted approach was accepted by the Project Team, the legal advisors and the two determining authorities, and is now applied to all Air Quality and Noise & Vibration assessments that are undertaken by Wardell Armstrong on behalf of the client(s).

Lessons Learnt (cont.):


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