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Date 23rd May 2024

Ben Seward
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By Email

Our Ref: Z0001.24

Dear Mr Seward

RE: SCOPING OPINION PURSUANT TO PART 7 REGULATION 32(6) OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED) FOR DEVELOPMENT PROPOSED TO BE PERMITTED BY THE EAST HAVERING DATA CENTRE CAMPUS LOCAL DEVELOPMENT ORDER (LDO) ON LAND NORTH OF FEN LANE, NORTH OCKENDON, UPMINSTER

I write with reference to your email and accompanying documentation received on 6 March 2024 requesting a Scoping Opinion pursuant to Part 7, Regulation 32(6) of Town and Country (Environmental Impact Assessment) Regulations 2017 (as amended).

This Scoping Opinion has been prepared on the basis of the information contained within the document titled 'East Havering Data Campus – EIA Scoping Opinion Request Report' dated February 2024 (Project no. 1620016267) – “the Scoping Report”. The document was produced by Ramboll UK on behalf of the London Borough of Havering as Local Planning Authority.

The development proposed is summarised below:

New data centre campus (East Havering Data Centre Campus) of between 279,400sq.m and 400,000sq.m of floorspace plus up to 10ha of battery storage. To provide flexibility on the final mix of uses to be permitted by the LDO, the campus will comprise between 250,000sq.m. and 340,000sq.m. of data centre floorspace and associated external plant and security, between 26,000sq.m and 60,000sq.m of indoor horticulture facilities, green energy initiative (including up to 6,000sq.m of hydrogen fuel cell energy generation, and a district heating energy centre (between 200sq.m and 2,800sq.m)), a visitor centre (between 200sq.m and 600sq.m) and electrical substations and distribution infrastructure (between 3,000sq.m and 20,000sq.m), civil engineering

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works, hard and soft landscaping, formation of associated parkland/enhanced biodiversity habitat (minimum 113ha) at North Ockendon, Havering, Greater London.

Please accept this letter as the Local Planning Authority's formal Scoping Opinion on the potentially significant environmental impacts that should be addressed within the Environmental Statement (ES) as informed by the consultation responses received and already forwarded to you.

SCOPE OF THE ENVIRONMENTAL STATEMENT (ES)

1. The ES must include the information referred to in Schedule 4 of the EIA Regulations and should include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment.

TOPIC AREAS PROPOSED TO BE INCLUDED IN THE EIA (SCOPED IN)

2. Key points from the consultation responses are summarised and the formal opinion of the local planning authority provided.

Archaeology and Cultural Heritage (Section 6.1 in Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Greater London Archaeological Advisory Service (GLAAS) – dated 25 March 2024	Should be informed by: - Up-to-date archaeological desk-based assessment, informed in detail by the large corpus of Lower Thames Crossing material. - An assessment of historic landscape impacts from the scheme. - A geoarchaeological model of the site and surroundings using existing data. - An assessment of development impact using that model. - Results of any further pre-submission work, as agreed with GLAAS following the model and impact assessment. - A mitigation programme that includes appropriate public benefit.
Natural England – 28 March 2024	- Heritage Landscapes- should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest.
Place Services (Arboriculture) – 27 March 2024	- A Tree Survey should be undertaken to confirm presence/absence of veteran/ancient trees and ancient woodland. If identified, should be included in the ES.

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Consideration:

3. A desktop review has been undertaken to provide the baseline information for geology, archaeology, listed buildings, scheduled monuments, ancient woodland and conservation areas. In addition, the ES should identify the presence/absence of individual veteran/ancient trees following a tree survey. The approach to determining the baseline and the assessment methods proposed as detailed in the Scoping Report, which include the use of a geoarchaeology deposit model, are otherwise considered acceptable. A mitigation programme that includes public benefit should be identified following the assessment as appropriate.
4. It is agreed that completed and operational development impacts on archaeological remains can be scoped out as effects on buried heritage assets are not anticipated after construction.
5. The Council **agrees** with the scope of the Archaeology and Cultural Heritage Chapter subject to:
 - An assessment of the impacts of any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest or confirmation that there is no such land in the affected area.
 - Identification of presence/absence of individual veteran/ancient trees.

Socio-Economics (Section 6.2 in Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Natural England – 28 March 2024	- Connecting people with nature – consider impacts on access to common land and public rights of way. - Should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains.
Metropolitan Police – 5 April 2024	- Site specific recommendations regarding external lighting, public realm, site boundaries, pedestrian entrance doorsets, compartmentation, mail provision, refuse storage areas, fire break glass buttons, fire routes and security, CCTV and alarm systems.

Consideration:

6. The contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains is something that can be considered as part of the preparation of the LDO. It is not a specific consideration for the scope of the ES.
7. The approach to establishing the socio-economics baseline is acceptable. This includes a desk-top review of local recreation amenities including public rights of way. This should be followed by an assessment of the additional socio-economic impacts

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of the completed development on visitors and public access, as well as construction impacts including additional employment opportunities as outlined in the submitted Scoping Report.

8. The rationale for scoping out the effects on the health and wellbeing of workers, existing communities within the study area, vulnerable groups and site visitors is agreed as these matters will be captured elsewhere in the ES (for example within the Air Quality Chapter). It is agreed that change in level of crime is scoped out of the ES as any effects arising from the development could be mitigated through appropriate design. The design standards recommended by the Metropolitan Police would be more appropriately considered as part of the Local Development Order.
9. The Council **agrees** with the scope of the Socio-Economics Chapter.

Transport and Accessibility (Section 6.3 in Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Transport for London (TfL) – 12 March 2024	- Welcome aspirations to develop an access strategy to promote sustainable access for staff and visitors. - Put people first – should be reflected in EIA approach and assessment methodology. - Full consideration should be given to expected catchment area, operation hours/shift patterns. - Assessment should include a night-time assessment to understand how site users will safely travel through the area at night. - Healthy Streets Transport Assessment (TA) should be prepared in accordance with guidance along with Active Travel Zone (ATZ) assessment. - The Scoping Report highlights likely transport and access related impacts however attention drawn to changes in traffic demand, road safety and parking considerations that will impact on TfL network or bus operations. Where impacts identified, appropriate mitigation required. - TfL require clear evidence and assumptions in TA supporting conclusions that the effects of construction works are non-significant and temporary and that levels of operational traffic are unlikely to result in perceptible impact to assess whether the exclusion is material.

Consideration:

10. The approach to establishing the transport and accessibility baseline through a desk top review and transport surveys is acceptable. It is acknowledged that cumulative schemes would be included in establishing the future baseline.
11. Whilst not part of the scope of the ES, the Healthy Streets Transport Assessment and Active Travel Zone (ATZ) Assessment (which will include a night-time assessment)

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should be included in the scope of the TA to meet the requirements of London Plan policies and the Mayor's Transport Strategy.

12. It is agreed that scoped in impacts should include the effects of the proposed development on driver delay, severance, pedestrian and cyclist delay, non-motorised user amenity, pedestrian and cyclist fear and intimidation and public transport.
13. The rationale for scoping out the effects on the change in road network capacity including junction capacity is acceptable. This will be considered in the TA which will identify locations where the network may reach capacity and identify appropriate mitigation if needed. The Council also agrees that hazardous loads and road safety can be scoped out.
14. The Council **agrees** with the scope of the Transport and Accessibility Chapter subject to the assessment of transport-related operational effects taking full account of operational hours and likely shift patterns for staff.

Air Quality (Section 6.4 in Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Natural England – 28 March 2024	- The ES should take account of the risks of air pollution and how these can be managed or reduced.

Consideration:

15. Havering has been declared an Air Quality Management Area (AQMA) for exceedances of the annual mean nitrogen dioxide objective and daily mean (PM10) National Air Quality Strategy Objective.
16. The approach to the assessment of air quality impacts is considered acceptable subject to the selection of model verification points being agreed with the Environmental Protection Department at LBH. It is accepted that impacts from combustion based heating and hot water plant can be scoped out as this type of equipment is not proposed within the development.
17. The Council **agrees** with the scope of the Air Quality Chapter.

Noise and Vibration (Section 6.5 in Scoping Report)

Summary of Consultation Responses:

18. No responses received.

Consideration:

19. A detailed noise survey should be carried out to establish the baseline in accordance with the noise survey methodology agreed with the Council's planning and environmental health officers as set out in the Scoping Report.

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20. The effects of noise during construction of the proposed development along with the effects of noise from the completed development are proposed to be scoped in. Appropriate justification has been provided for scoping out vibration from road traffic and operational vibration from plant or building services.

21. The Council **agrees** with the scope of the Noise and Vibration Chapter.

Ecology (Section 6.6 in Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Natural England – 28 March 2024	- Unlikely to adversely impact any European or internationally designated conservation sites or nationally designated sites. - Should consider impacts upon local wildlife and geological sites. - Should assess the impact of all phases of the proposal on protected species. - Thorough surveys of the areas likely to be affected should be carried out by competent ecologists at appropriate times of the year. - Where a strategic mitigation license for Great Crested Newts (GCN) is in place (e.g. District Level Licensing) it can be relied on as mitigation if required - Biodiversity Net Gain (BNG) should be in line with the Environment Act 2021.
Place Services (Ecology) – 3 April 2024	- Baseline - need to specifically reference Priority habitats and species. - Satisfied nationally agreed guidelines will be followed for ecology assessments. - Support scope of faunal surveys proposed, highlighting the need to assess farmland birds to inform off-site compensation. - Survey, assessment and mitigation should meet the requirements Natural England Standing Advice and most up to date industry guidance. - Statutory designated sites should be included within list of sensitive receptors. - Advise populations of Special Protection Area (SPA) birds to be scoped in unless Natural England agree which habitats sites need to be included in Habitat Regulation Assessment (HRA) report. - The EIA should thoroughly explore all reasonable options to enhance the development for protected and Priority species. - State that development granted under LDO will be exempt from mandatory BNG.
Place Services (Arboriculture) – 27 March 2024	- Trees not strictly within EIA/ES and can be dealt with in their own reports.

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Consideration:

22. As no Great Crested Newts were found to be present on site, there is no need for further assessment.

23. The Thames Estuary and Marshes SPA is over 8km from the site. Natural England have confirmed that the proposal is unlikely to adversely impact any European or internationally designated conservation sites or nationally designated sites. Whilst the requirement for a Habitats Regulation Assessment (HRA) lies outside the scope of the EIA regulations, the Council agrees with Natural England that the development is unlikely to adversely impact any European or internationally designated conservation sites and therefore a HRA would not be required.

24. Whilst also not relevant to the scope of the ES, development permitted under a Local Development Order is not yet subject to Biodiversity Net Gain requirements under the Environment Act 2021.

25. The Council **agrees** with the scope of the Ecology Chapter subject to:

- Statutory designated sites within the study area being included within the list of sensitive receptors.
- An assessment of farmland birds being carried out to inform the need for off-site compensation measures.

Water Resources and Flood Risk (Section 6.7 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Environment Agency – 27 March 2024	- Broadly agree with findings of the scoping opinion and have no concerns with the contents.
Lead Local Flood Authority – 13 March 2024	- All common and ordinary watercourses on site must be adequately maintained throughout works and upgraded as necessary.
Thames Water – 11 March 2024	- Ensure surface water drainage requirements and flood risk both on and off the site can be met.
Natural England – 28 March 2024	- The assessment should take account of the risks of water pollution and how these can be managed or reduced.

Consideration:

26. The Council agrees with the Environment Agency regarding the content of the Scoping Report. A Flood Risk Assessment (FRA) will be prepared to accompany the LDO.

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27. The Council agrees with the scope of the Water Resources and Flood Risk Chapter.

Soil and Agriculture (Section 6.8 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Natural England – 28 March 2024	- Should include degree to which soils would be disturbed or damaged, extent to which agricultural land disturbed or lost and whether best and most versatile (BMV) agricultural land would be impacted.

Consideration:

28. The information provided and approach to consideration of soil and agriculture is considered appropriate. This includes an assessment of the effect of the loss of agricultural land during construction. The Scoping Report confirms a detailed Agricultural Land Classification (ALC) survey will be undertaken which will determine the ALC grade and BMV land.

29. The Council agrees with the scope of the Soil and Agriculture Chapter.

Climate Change (Section 6.9 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Natural England – 28 March 2024	- Should identify how the development affects the ability of the natural environment to adapt to climate change, including the ability to provide adaptation for people. - Should set out measures that will be adopted to address the impacts. - Should identify how development impacts the natural environment's ability to store and sequester greenhouse gases.

Consideration:

30. The information provided and approach to climate change is considered appropriate and in accordance with Natural England's recommendations.

31. The Council **agrees** with the scope of the Climate Change Chapter.

Landscape and Visual (Section 6.10 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
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Natural England – 28 March 2024	- Should refer to relevant National Character Areas. - Should include a full assessment of potential impacts using landscape assessment methodologies. - Encourage use of Landscape Character Assessment. - Recommends use of methodology set out in <i>Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition)</i>. - Should include cumulative effect with existing and proposed developments in the area.
Place Services (Landscape) – 5 April 2024, 8 and 15 th May 2024	- Landscape and Visual Impact Assessment (LVIA) should be undertaken by qualified and competent professional. - Additional viewpoints at St Mary's Church, B186 Railway Bridge crossing, Fen Lane, B186 & A127 junction, St Mary's Lane and Dunning's Lane junction, Public Right of Way (PRoW) next to Clay Tye Cottage, PRoW at Belhus Park. - Night time LVIA to be undertaken from PRoW at North Ockenden, PRoW to the North of the Site, PRoW to the west of Langdon Hills, PRoW next to Clay Tye Cottage. - Residential Visual Amenity Assessment to be undertaken and included as Technical Appendix to provide additional context. - London Natural Signatures to be included in LVIA. - Agreed the inclusion of Brentwood Wooded Hills LCA, Langdon Hills and Farmland LCA and Orsett Lowland Farmland LCA as sensitive receptors but agreed could be scoped out of the assessment due to the distance from the proposed development and potential for perceptual impacts. - Agreed that the selection of 6 VPs for wirelines are appropriate.

Consideration:

32. Following initial comments provided by Place Services dated 5 April 2024, there has been further discussion with Place Services and updated comments were provided on 8 May 2024 and 15 May 2024.

33. In view of the updated comments, the Council **agrees** with the scope of the Landscape and Visual Chapter **subject to:**

- The inclusion of additional viewpoints at St Mary's Church, Railway Bridge crossing, Fen Lane, B186 & A127 junction, St Mary's Lane and Dunning's Lane junction, PRoW next to Clay Tye Cottage, PRoW at Belhus Park.
- Night-time LVIA to be undertaken from PRoW at North Ockenden, PRoW to the North of the Site, PRoW to the west of Langdon Hills, PRoW next to Clay Tye Cottage.
- Residential Visual Amenity Assessment to be undertaken and included as Technical Appendix to provide additional context.
- London Natural Signatures to be included in LVIA.

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34. Daytime Accurate Visual Representations (AVRs) (wirelines) of the operational development should be prepared for the following viewpoints:

- PRow at North Ockenden
- Fen Lane
- South of Great Warley Hall
- PRow North-West of Bulphan
- PRow to the West of Langdon Hills
- Near St Mary's Church

35. It is agreed that AVRs are not required for the construction stage.

36. It is agreed that Brentwood Wooded Hills LCA, Langdon Hills and Farmland LCA and Orsett Lowland Farmland LCA, whilst identified as sensitive receptors, they can be scoped out due to the distance from the proposed development and the limited potential for perceptual impacts.

TOPIC AREAS PROPOSED TO BE EXCLUDED IN THE EIA (SCOPED OUT)

37. Key points from the consultation responses are summarised and the assessment by the local planning authority provided.

Ground Contamination (Section 7.1 of Scoping Report)

Summary of Consultation Responses:

38. None received.

Consideration:

39. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Ground Contamination and can be scoped out of the ES.

Aviation (Section 7.2 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
NATS Safeguarding – 11 March 2024	- Does not conflict with safeguarding criteria.

Consideration:

40. In view of the distance of the proposed development from the closest officially safeguarded aerodromes from the site and confirmation from NATS that there is no conflict with safeguarding criteria, a formal aviation impact assessment is not required.

41. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Aviation and can be scoped out of the ES.

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Human Health (Section 7.3 of Scoping report)

Summary of Consultation Responses:

42. None received.

Consideration:

43. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Human Health and can be scoped out of the ES.

Telecommunication Interference (Section 7.4 of Scoping Report)

Summary of Consultation Responses:

44. None received.

Consideration:

45. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Telecommunications or Electronic Interference and can be scoped out of the ES.

Utilities (Section 7.5 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
Thames Water – 11 March 2024	- Statutory sewage undertaker. Need to ensure development demand for sewage treatment and network infrastructure can be met and delivered prior to occupation. - Water supplied by Essex and Suffolk Water Company.

Consideration:

46. Given the nature of the proposed development, the demand for sewage treatment is likely to be limited and therefore it is not a matter for consideration in the ES.

47. No response was received from Essex and Suffolk Water, however given the likely demand and the inclusion of rainwater harvesting to reduce reliance on mains water, it is not considered that the development would have a significant impact on water supply.

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48. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Utilities and can be scoped out of the ES.

Major Accidents and Disasters (section 7.6 of Scoping Report)

Summary of Consultation Responses:

Consultee	Comments
London Fire Brigade	- Unclear if in LFB area.

Consideration:

49. The Council **agrees** that the risks of major accidents and disasters are unlikely to be significant. As such, major accidents and disasters can be scoped out of the ES.

Waste (Section 7.7 of Scoping Report)

Summary of Consultation Responses:

50. None received.

Consideration:

51. The Council **agrees** that the proposed development is not likely to give rise to significant environmental effects in relation to Waste and can be scoped out of the ES.

NON-TECHNICAL SUMMARY (NTS)

52. A non-technical summary (NTS) of the ES should be provided to members of the public to understand the main environmental impacts of the proposal. The NTS should be a separate stand-alone document which includes a summary of the description of development, the main alternatives considered, the aspects of the environment likely to be affected by the development, the significance of these impacts and the mitigation measures proposed. It should include simple maps and diagrams identifying the site, building footprints, routes and any other key features.
53. The ES should also include a statement of relevant expertise or qualifications as required by Regulation 18 (5) (b). Should you wish to seek further clarification and assistance on the contents of this opinion please do not hesitate to contact Alan Hesketh who would co-ordinate any response in regard to all LDO matters.

FURTHER MATTERS

54. It is recommended that a consistent format and standard structure for each technical chapter is adopted. The ES should stand alone as a complete and independent document and should provide a comprehensive presentation of all the information necessary for the public to reach a well-informed view on the likely environmental impacts of the proposed development.

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55. The ES must be presented as an objective assessment of the proposed development. It should approach the proposed development from a scientific viewpoint and use clear objective language. The ES must not be used to try to “sell” the development. On the contrary, problem areas should be highlighted and dealt with accordingly. Mitigation measures should be set out in detail in each technical chapter with conclusions reached on the residual impacts of the development once those mitigation measures have been applied and taken into account.
56. Once the ES has been submitted there is no formal procedure for the submission of additional information, unless the Council considers the report is so deficient as to justify a request for further information under Regulation 25. Furthermore, it is imperative that the document is a complete report of the environmental process. Information should not be submitted on a piece-meal basis.
57. You will be aware that the underlying purpose of an ES is to provide the necessary information to enable interested parties (including statutory consultees, the LPA, the GLA, and the public) to be fully informed of the data necessary to assess the likely significant environmental impacts of the project and to be able to comment on the proposed development in a well-informed manner.
58. Subject to the issues outlined above being taken into account in the subsequent ES, the Council is satisfied that the approach adopted is in line with this underlying purpose and that an ES based on this Scoping Opinion should be submitted in connection with the proposed development.

Scoping Issued by:



Simon Thelwell
Head of Strategic Development

23rd May 2024