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Our ref: SOU002/0001/sr  
30 April 2019

Dear Michael

**Proposed Development of 8-10 Southampton Row, 1 Fisher Street and 2-6 Catton Street (the Proposed Development)**

In relation to the Proposed Development, Idé Real Estate (Holborn) Limited (**Idé**) have asked us to write to you regarding environmental impact assessment (**EIA**), to inform a draft Scoping Report we understand you are preparing to accompany a request to the London Borough of Camden (**Camden**) for a Screening Opinion.

In particular, Idé has asked us to advise on whether the Proposed Development automatically requires EIA under the Crossrail Act 2008 (**the Act**), or otherwise might require EIA under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (**the Regulations**). Accordingly, please find below our reasons for concluding that the Proposed Development would not require EIA.

**1. Background**

*The Intended Application*

- 1.1 The Proposed Development is the subject of Idé's intended planning application (**the Intended Application**) to Camden. It includes works to 8-10 Southampton Row and the construction of a new building above the existing "head house" which was built by Crossrail Limited at 1 Fisher Street, over an emergency access shaft constructed for the purposes of Crossrail.

*Former Crossrail development*

- 1.2 Crossrail built the head house by demolishing the former building at 1 Fisher Street and replacing it with the head house at ground level. Crossrail did these works under deemed planning permission granted by Section 1 and Schedule 10 of the Crossrail Act 2008 (**the Act**), and as approved by Camden in accordance with Schedule 7 of the Act. In addition, pursuant to Schedule 9 of the Act, which authorised the "demolition of interior and roof" at 8-10 Southampton Row, Crossrail has been occupying 8-10 Southampton Row as site offices in connection with the Crossrail works.

Partners: Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Raj Gupta, Meeta Kaur, Simon Ricketts, Patrick Robinson

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*The current legal context*

- 1.3 Under Section 14 of the Act, if there is “construction of a building in place of a building demolished or substantially demolished in exercise of the powers conferred by [the] Act”, EIA is required.
- 1.4 Section 14 operates as follows:
- a) it provides a list (**the Section 14 List**) of certain buildings, including 2-6 (even) Catton Street, 1 Fisher Street and 8-10 (even) Southampton Row;
  - b) if one of the buildings on the Section 14 List is demolished or substantially demolished under the Act for the purposes of Crossrail, any subsequent proposal for a replacement building is deemed EIA development, and therefore the application for planning permission must be accompanied by an ES (**the List Test**); this is regardless of whether or not the proposals would be likely to have significant environmental effects;
  - c) if a building is not on the Section 14 List, but nonetheless there is a planning application for a building to replace a building that has been demolished or substantially demolished under the Act for the purposes of Crossrail, and the proposal is likely to have significant environmental effects, it is EIA development (**the non-List Test**);
  - d) there is no time limit for Section 14’s effect – it remains law until such time as it is repealed.
- 1.5 For buildings or development not controlled by Section 14, the Regulations apply in the usual way to require EIA where there is EIA development as defined by the Regulations, being the types of project listed in the Regulations’ Schedules 1 and 2.
- 1.6 Schedule 2 includes “urban development projects” (including demolition works), which require screening for EIA if the area of the site is at least 1 hectare. If the local planning authority concludes that the project would be likely to have significant effects on the environment, applying indicative thresholds set out in the Government’s Planning Practice Guidance, EIA is required.

**2. Does the Proposed Development require EIA?**

*Section 14*

- 2.1 The Section 14 list includes 1 Fisher Street and 8-10 Southampton Row. However, for the Proposed Development Section 14 does not apply to either property to require EIA.
- 2.2 At 1 Fisher Street, while the former building was demolished in exercise of the powers conferred under the Act, the Proposed Development does not consist of construction of a building in place of a building demolished or substantially demolished under the Act. Rather, the construction of the head house comprised construction of the replacement building.
- 2.3 At 8-10 Southampton Row, the works carried out under the Act (including interior demolition) did not amount to substantial demolition for the purposes of Section 14, and in any event construction of a replacement building is not proposed.

**tn.**

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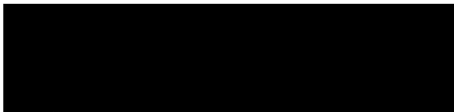
*The Regulations*

2.4 The Proposed Development does not require EIA pursuant to the Regulations. The area of the Proposed Development amounts to 756 square metres, which is below the threshold of at least 1 hectare for "urban development projects" within Schedule 2 of the Regulations.

**3. Conclusion**

3.1 For the reasons stated above, in our view the Proposed Development does not require EIA under either the Act or the Regulations. We therefore consider that the proposed Scoping Report should advise Camden of the same. If we can provide any further assistance, please let us know.

Yours sincerely



Simon Ricketts  
Partner  
Town Legal LLP

**tn.**