

Addendum: **Objection** to 505-511 Archway Road Development (HGY/2025/1220)

ADDENDUM TO OBJECTION: No EIA Screening Opinion or Full EIA – Evidence of Procedural Defect

Planning Details

Application Type:	Full planning permission
Address:	Depot, 505-511 Archway Road, Hornsey, London, N6 4HX
Proposal:	Redevelopment of existing car wash site to provide 16 new council homes comprising a 4-storey building fronting Archway Road and two 2-storey houses fronting Baker's Lane, with associated refuse/recycling stores, cycle stores, service space, amenity space and landscaping.
Valid Date:	07/05/2025
Residents Notification Date:	21/05/2025 (by Royal Mail)
End of Consultation Period:	13/06/2025 06/10/2025 (extended on 24/09/2025 at 16:44 by 8 business days) 04/11/2025 (extended on 24/10/2025 at 11:01 by 7 business days)
Target Decision Date:	06/08/2025

Respondent Details

Respondent Address:	106 North Hill, London N6 4RL
Respondent Name:	Mr Brendon Marczan Mr Conor de Lion
Respondent Email:	Redacted
Relationship to Property:	Owner
Document Name:	COM_01_138
Response Type:	Addendum: objection to full planning permission

Dear Ms Smyth,

This addendum is submitted to place on the formal record a material procedural deficiency regarding the Environmental Impact Assessment (EIA) process for planning application HGY/2025/1220 (505–511 Archway Road). Despite statutory requirements and clear guidance under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the application documentation contains no evidence that the Council has undertaken or published a formal EIA screening opinion, nor is there any reference to an officer assessment, screening direction, or justification for not requiring EIA. This omission is especially concerning given the scale, density, and cumulative impacts of the proposed development, as well as its proximity to Highgate Wood and other sensitive receptors.

While the application site itself is stated as approximately 0.1 hectares, the proposed development comprises four full floors plus an extensive living roof. When considering the aggregate built footprint—including all floors, rooftop, and associated outdoor areas—the total development area is substantially greater than the base site area, and must be assessed for EIA screening purposes in line with Schedule 2 of the EIA Regulations. The apparent exclusion of multi-level floor areas and green roof surfaces from the screening calculation may represent a significant underestimation of the environmental footprint, contrary to both regulatory intent and the requirements of Schedule 2, Paragraph 10(b) (“urban development projects”).

Given these factors, together with the cumulative impacts arising from multiple recent approvals in the surrounding area, there is a clear statutory requirement for the Council to have issued and published a formal EIA screening opinion and for this to be available on the public record. The absence of such a screening decision is a material procedural irregularity and must be remedied before any lawful determination can be made on this application.

1. Statutory Requirement for EIA Screening – Regulatory Context

- 1.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations 2017”) require local planning authorities to undertake a formal EIA screening process for any application that might fall within Schedule 2. Under Regulation 6, a “screening opinion” must be adopted and published for any development of a type listed in Schedule 2 that meets relevant thresholds or is likely to have significant environmental effects by virtue of factors such as its size, cumulative impact, location, or characteristics.
- 1.2. The regulations are clear that failure to screen an application which may require EIA constitutes a procedural defect. The Council has not published any screening opinion or direction on the planning portal, nor is there evidence that the criteria under Regulation 8 or Schedule 3 have been considered.

2. Relevant Schedule 2 Thresholds – Urban Development Projects

- 2.1. The proposed scheme falls within Schedule 2, Paragraph 10(b) (“urban development projects”), which captures developments where:
 - 2.1.1. The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
 - 2.1.2. The development includes more than 150 dwellings; or
 - 2.1.3. The overall area of the development exceeds 0.5 hectares.
- 2.2. Although the redline site area is stated to be under 0.5 hectares, the correct approach (as set out in government guidance and EIA case law) is to consider the total “floor area” and aggregate development footprint, not just the ground plot. The proposed scheme comprises four floors plus a living/green roof and extensive external terraces.

3. **Absence of Gross Floor Area Disclosure—Barrier to Lawful EIA Screening**

- 3.1. Despite a thorough review of all documents submitted by the applicant—including the Design and Access Statement (DAS), the Energy and Sustainability Strategy, architectural site plans, and associated technical appendices—nowhere in the application is there a consolidated statement or schedule of the total gross internal area (GIA) or overall floor area, whether by floor or for the building as a whole. The only area-related figures presented are fragmented, scattered across individual room or unit layouts, and do not provide a transparent or verifiable cumulative total.
- 3.2. This omission is not merely an oversight, but a substantive procedural defect given that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (see Schedule 2, 10(b)) require both the applicant and planning authority to assess whether the overall *scale* of the proposed development—measured in cumulative floorspace, not just site area—exceeds the relevant EIA screening thresholds. This is particularly critical for multi-storey developments, where the true environmental footprint may be many times greater than the red-line site boundary.
- 3.3. In this case, the development consists of four storeys plus a substantial roof level incorporating living roof elements and outdoor amenity spaces. It is highly likely that the combined gross internal area (GIA), when properly aggregated, would approach or exceed key EIA thresholds (notably the 1,000 m² indicative for “urban development projects” in sensitive areas). However, without a clear, consolidated disclosure of GIA per floor and cumulatively, neither statutory consultees nor the public can verify compliance with these thresholds, nor can the Council lawfully screen the scheme under the EIA Regulations.
- 3.4. Best practice, as set out in national guidance (NPPF, NPPG), and statutory duties under the EIA Regulations, require that this information be transparently disclosed and available for public scrutiny at the point of application and screening. The absence of this data is a procedural failing that frustrates meaningful public participation and renders any purported screening decision potentially unsound.
- 3.5. **I therefore request that the Council and applicant immediately disclose, in writing and on the public file, a full breakdown of the proposed development’s gross internal area, both by floor and in total, as required for any lawful screening under the EIA Regulations. Until this information is supplied and a robust screening opinion issued on the basis of complete data, the consultation and any subsequent determination of the application cannot be considered procedurally fair or compliant.**

4. **Proximity to Sensitive Receptors and Cumulative Impact**

- 4.1. The development is situated within 100 metres of Highgate Wood (a designated SINC and public amenity), within the Highgate Conservation Area, and immediately adjacent to a busy gyratory and primary school. The EIA Regulations and Schedule 3 require that the “**location of development**” and the “potential impact on environmentally sensitive areas” be considered, even if size thresholds are not strictly met.
- 4.2. **Sensitive Sites:** Highgate Wood, Highgate Primary School, Conservation Area, busy highway context (A1 connecting North Hill and Archway Road).
- 4.3. **Cumulative Impact:** Recent/planned developments in the surrounding area must be taken into account as per Schedule 3 and government guidance.

5. **Environmental Factors Potentially Triggering EIA**

- 5.1. Key environmental issues that may have a “significant effect” and thus warrant screening include:
- 5.2. **Traffic and Transport:** Intensification at a dangerous junction, air quality concerns, pedestrian safety.
- 5.3. **Ecology/Biodiversity:** Proximity to Highgate Wood (SINC), green roof/landscape impacts, loss of existing mature vegetation.

- 5.4. **Noise and Air Quality:** Significant increase in residents and activity adjacent to a major road and petrol station.
- 5.5. **Daylight/Overshadowing:** Impact on neighbouring homes and amenity spaces.
- 5.6. **Water Management:** Flooding and drainage impacts due to increased impermeable area.
- 5.7. **Heritage/Character:** Major change in a Conservation Area and near listed/locally listed buildings.

6. **Procedural and Legal Consequences of Omission**

- 6.1. The absence of any published EIA screening opinion is a material procedural defect under Regulation 6 and 8 of the EIA Regulations 2017. It means that neither the Council nor the public has any record that the statutory criteria have been considered, and affected parties have been denied the opportunity to comment on EIA need or scope. Courts have held that failure to issue and publish a lawful screening opinion may render any subsequent planning permission quashable (see *R (Baker) v Bath and North East Somerset Council* [2009] EWHC 595 (Admin); *R (Loader) v Rother DC* [2013] EWCA Civ 1680).

7. **Personal Impact**

- 7.1. The absence of clear, accessible information about the scheme's total floor area and the lack of any EIA screening decision has directly and materially disadvantaged me as an affected resident. Without access to this fundamental data, I am unable to properly assess the scale and likely environmental impacts of the proposed development on my home, amenity, health, and daily life. This omission has prevented me from making fully informed representations, undermined my ability to participate meaningfully in the consultation, and has left me uncertain about risks such as increased pollution, overshadowing, and cumulative amenity loss. As a result, I have been compelled to invest significant time and resources trying to piece together technical information that should have been transparently provided from the outset. This places me at an unfair disadvantage compared to the applicant and the Council, both of whom have privileged access to the relevant data.
- 7.2. This failure is particularly egregious where the Council is both applicant and local planning authority, heightening the need for transparency, accountability, and adherence to legal duties.

8. **Further Minor Omissions and Procedural Gaps**

- 8.1. Pursuant to Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, any screening opinion and the reasons for it must be published and made available for public inspection and comment. No such publication or opportunity for review has occurred in this case, depriving affected residents of their statutory right to scrutinise and challenge the absence of screening.
- 8.2. Additionally, Haringey Council's own Statement of Community Involvement commits to making all substantive environmental information, including screening determinations, readily accessible during the consultation period. The failure to provide or publicise any EIA screening documentation constitutes a breach of these local standards and further undermines public confidence in the process.
- 8.3. The Council's duty to provide timely, transparent access to environmental information is also underpinned by the UK's obligations under the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), as transposed into domestic law through Directive 2003/4/EC and reflected in the EIA Regulations 2017. These require that the public must have meaningful access to all relevant environmental information—such as EIA screening opinions and supporting data—at a stage when it can still influence the outcome. The Council's failure to publish this information deprives affected residents of their international and statutory rights to informed participation in the planning process.

8.4. For the record, I note that this gap was already identified and raised by Mr Seamus Gavin, a directly affected neighbour and the successful claimant in previous case law against the council, who explicitly requested clarification regarding the requirement for an EIA in his objection dated 2nd July 2025 during the first full consultation window. No screening opinion, explanation, or further detail has been provided by the council in response to his formal request, nor has any attempt been made to clarify or publish the required environmental information. This ongoing omission further compounds the procedural unfairness and deprives all affected residents of their statutory rights to review and comment on the environmental impacts of the proposed development.

In summary, the applicant's failure to provide a transparent, comprehensive statement of the scheme's total gross internal area is a significant procedural omission that materially impedes both the Council's statutory duties and the public's right to scrutinise the environmental impact of this major development. Until this fundamental data is made available and an EIA screening opinion is produced on a complete evidential basis, any further progression of the application risks unlawfulness and procedural unfairness. I therefore request that this issue be addressed as a matter of urgency and that the consultation be paused pending proper disclosure and screening.

Any further determination of this application, absent a lawfully issued and published EIA screening opinion, is ultra vires and would risk being quashed on review (see *R(Baker) v Bath*, *R(Loader) v Rother*). The omission further undermines the plan-led approach required by the Planning and Compulsory Purchase Act 2004, and violates public rights to environmental information as set out in the Aarhus Convention and reflected in UK law. Given the Council's dual role as applicant and decision-maker, strict compliance and transparency are imperative.

Yours sincerely,

Mr Brendon Marczan

106 North Hill, London, N6 4RL

28/10/2025

Mr Conor de Lion

106 North Hill, London, N6 4RL

28/10/2025