

Terrence O'Rourke Limited
Everdene House
Deansleight Road
Bournemouth
BN7 7DU

Date: 28th October 2021

Please ask for: James Cross

Tel: 01903 737784

Your Ref:

Our Ref: AL/108/21/ESO

Dear Mrs Goodyear,

Request for Screening Opinion for 180 dwellings.

Woodgate Centre Oak Tree Lane Woodgare PO20 3GU

Screening Opinion

The Group Head of Planning has determined under delegated powers that the above proposal does not require the submission of an Environmental Statement, as any impacts as there are on the environment are not likely to be of a magnitude to be covered by the Regulations. The following environmental issues are considered relevant to this proposal and have been considered in reaching this decision:

The above Screening Opinion was requested in writing via planning application submission AL/107/21/PL on 16 August 2021. Set out below is Arun District Council's formal response to this.

The Council considers the above proposal to be an Infrastructure Project (Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas) within Section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

With regard to the stated Schedule 2 criteria and thresholds, it is noted that the site area comprises approximately 7.25 hectares which falls above the applicable thresholds of 5 ha. The number of dwellings comprises 180 units which exceeds the applicable threshold of 150 units. The proposal falls within Schedule 2 development and requires screening under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

It is therefore necessary to consider the proposal against Schedule 3 of the Regulations. This

schedule outlines the criteria to consider in determining whether development falling within Schedule 2 will require an EIA. The criteria includes the characteristics of the development (e.g. its size, use of natural resources, quantities of pollution and waste generated); the environmental sensitivity of the location; and the characteristics of the potential impact (e.g. its magnitude and duration).

Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states:

'Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significantly adverse effects on the environment... This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance'

(NPPG Paragraph: 018 Reference ID:4-018-20170728).

(1) CHARACTERISTICS OF THE DEVELOPMENT

A. Size of the Development

The site comprises a 7.25 hectare parcel of land which seeks approval for a residential development, comprising 180 private, affordable and shared ownership houses. This quantum of development to which this EIS Screening Opinion relates is the subject of this separate planning application (LPA ref: AL/107/21/PL). The contents of this application, including the relevant surveys, are referred to within this Screening Opinion.

B. Accumulation with Other Development

Surrounding parcels of land currently comprise agricultural use and have been highlighted for future development. The land subject of this is allocated within the SD5 Barnham, Eastergate and Westergate (BEW) development and an indicative timetable for development (for the wider site) is agreed with the Local Planning Authority under a corresponding Planning Performance Agreement.

The submitted EIA Screening Assessment details the committed development as defined within the NPPG. Whilst it is acknowledged that much of the surrounding area will be subject to change as a result of the delivery of the SD5 allocation, these parcels fall outside of the scope allowed for consideration within the NPPG guidance.

The parcel of land does not comprise an integral parcel of land as defined by the NPPG and is able to proceed in advance of the remainder of the site; subject to the required technical assessments taking cumulative interim and operational impacts into account. Current discussions with the landowner's and their agent have confirmed this is their preferred approach and land ownership would permit delivery in this manner. All infrastructure requirements (drainage etc) are able to be delivered independently of the wider strategic allocation.

The delivery of the site will need to accord with the wider master planned area, subject to

Policy H SP2c and other Local Plan requirements. Such requirements will include consideration being given to the cumulative impacts relating to matters including traffic impacts and mitigation. The Local Planning Authority acknowledges that the development of this site could be delivered independently and it is the intention of the applicants, owing to the separate land ownership, to proceed with development independently of the wider site.

C. Use of Natural Resources

The development would not use natural resources such as land, water, material or energy in excess of that reasonably considered to be associated with the construction of a residential development. None of these resources are likely to comprise resources that are in short supply.

Adequate controls exist within the planning process and the use of conditions to control such measures and limit/reduce the use of non-renewable resources. These measures will ensure no impacts arise.

D. Production of Waste

The development will produce waste predominantly through the construction phases of development. The applicant's submission details that waste would be stored, reused and recycled where possible in accordance with separate relevant legislation.

Arun District Council have a separate set of requirements regarding the disposal or operational waste which the operational constructions of the development would be subject to.

E. Pollution and Nuisances

The baseline air quality of the application site has been established through the compilation and review of appropriately sourced background concentration predictions and local monitoring data and is set out in the Air Quality Assessment under the corresponding planning application.

The available data indicates that both the background nitrogen dioxide (NO₂) and the annual mean NO₂ concentration at roadside locations will not exceed the National Air Quality Objectives (NAQOs).

A construction dust risk assessment has been undertaken in line with IAQM guidance. It considers the risk of impacts during the construction phase in terms of nuisance dust, human health and ecological impacts. This concludes that overall, the development is at high risk for nuisance dust soiling effects and low risk for particulate matter on human health. No ecological effects were identified.

Appendix A of the Air Quality Assessment sets out details of site-specific mitigation measures to be adopted during construction to reduce dust, such that the impacts are reduced to be negligible. Residual construction phase effects are concluded to not be significant.

A qualitative impact assessment has been undertaken along only the roads where the change in traffic flow exceeds the IAQM screening criteria. This concluded that the proposed development traffic would be unlikely to have a significant impact on local air quality.

However, in accordance with the locally adopted Air Quality and Emission Mitigation Guidance for Sussex (2020), mitigation measures will be incorporated within the scheme to ensure that any potential impacts are minimised. In addition, sustainable travel measures are set out in the Travel Plan within the accompanying planning application. Further operational mitigation measures are proposed which include any gas boilers used will have ultra-low oxides of nitrogen (NOx) emission rating (<40mg/kWh).

A noise assessment report has been submitted in support of the planning application which considers the suitability of the site for residential use. It concludes that the use of standard construction material (glazing and wall materials) will not result in an adverse noise effect, even with windows open. External garden noise levels will also be acceptable. The proposed development will therefore not be affected by the existing noise environment.

Construction activities have the potential to generate temporary localised noise; however, the accompanying standard and proven construction methodologies will be implemented throughout the construction phase to ensure there are no significant effects from construction noise.

The accompanying Ground Investigation report recommended that supplementary investigations be undertaken in some areas, including ground investigations and the testing of surface and ground water quality (as necessary). Following completion of the supplementary investigations, a remediation strategy will be secured detailing the recommended actions to ensure risk to human health and the environment (specifically surface and ground water) is fully mitigated.

Additionally, a Construction Environmental Management Plan (CEMP) will be required to include a specific health and safety section to consider the risk posed to construction works and set out any necessary standard mitigation; such as the use of appropriate PPE, hygiene practices and environmental monitoring. These measures will ensure that there will be no significant effects as a result of contamination.

F. Risk of Major Accidents and/or Disasters, Including Those Cause by Climate Change and also havin Regard in Particular to Substances or Technologies Use

Risk of major accidents and/or disasters comprise a risk during the construction phase of the development. The applicant's submission notes that the contractor(s) would implement measures in accordance with best practice Health and Safety legislation/requirements and best practice.

Storage of any hazardous material will be governed by separate Health and Safety legislation and the Local Planning Authority are able to control such risks through the imposition of a CEMP condition.

G. Risk to Human Health

Risks to human health would only occur through the construction phases of development and such risks would derive from dust and emissions generated during the construction phase of development. Such risks could be mitigated through the CEMP.

The site's former agricultural use is not known to be at any risk of any former contamination.

The initial searches provided by the applicant within the Screening submission do not indicate otherwise.

In the event that more detailed surveys were undertaken, conditions relating to contamination remediation would be sufficient, for a site of this size, to provide adequate controls. Such controls could be mitigated by way of condition, as advocated by NPPG guidance.

H. Other Characteristics

None relevant.

(2) LOCATION OF THE DEVELOPMENT

A. Existing and Approved Land Use

The proposed development site is located to the east of the village of Woodgate, north of Bognor Regis, West Sussex (see site location plan, drawing: PL01 revision A). The site is approximately 7.25 hectares and is currently occupied by mixed-use units, including three residential properties, collectively known as the Woodgate Centre. There are a number of small businesses operating these buildings, and a horse stables with a number of paddocks.

The site itself is not covered by any environmental or historic designations (figure 2) although a number of trees on the site are covered by tree preservation orders (TPOs).

There are no ecological designations in the vicinity of the proposed development site, with the closest being the Brooks local nature reserve (LNR) which is located approximately 2.6km to the south.

The site forms part of the Barnham, Eastergate and Westergate Strategic Allocation (SD5) as identified in the Arun Local Plan 2011 - 2031. The Local Plan process was supported by a Sustainability Appraisal (incorporating a Strategic Environmental Assessment).

B. Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources in the Area and its Underground

Please see below section (c) relating to 'absorption capacity of the natural environment'.

C. Absorption Capacity of the Natural Environment

The application site falls within the designated buffers of the Singleton and Cocking Tunnels SAC and the Duncton and Bignor Escarpment SAC - two European designations for their habitat, biodiversity interest and function.

The proposal is likely to affect designated sites if a 'Likely Significant Effect on a European Site' will result. The LPA has undertaken an Appropriate Assessment as part of the formal application process. Whilst this has been undertaken once at Local Plan level, this has also been undertaken at the planning application stage following latter case law and judgements.

In devising the HRA mitigation, the potential loss and functionality of linked habitats will require consideration; comprising namely those of bats and the special habitats, flora and

fauna.

The applicant has confirmed in their Planning Statement that the development will not likely impact upon the special qualities of either of these areas.

Impacts upon the Singleton and Cocking Tunnels SAC, through loss of foraging habitat, lighting and flight lines can be mitigated through the appropriate use of conditions. This relates to both the construction and operational phases of development.

Impacts upon the Duncton and Bignor Escarpment SAC are likely to arise from construction traffic passing through areas of the SAC and diluting the air quality upon which this SAC relies. However, the use of conditions throughout the construction phases will be sufficient to ensure likely significant effects do not result in the construction phases. Further, the submitted Transport Assessment concludes that most vehicular traffic routes towards Chichester (to the south west), with the SAC located to the north. Therefore, it is likely that impacts upon the SAC from operational phases are unlikely to result. The consultation response from Natural England under corresponding application AL/107/21/PL confirms these conclusions also.

The site is not known to be susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions such as temperature inversion, fogs or severe winds that would present environmental problems.

(3) CHARACTERISTICS OF THE POTENTIAL IMPACTS

A. Extent and Nature of the Impact

The site comprises a total area of 7.25 ha which is surrounded by existing residential development, agricultural land, the Lidsey Rife and public footpaths/rights of way. Areas of sensitivity comprise these footpaths/rights of way, the Lidsey Rife and neighbouring residential properties. These receptors would namely be affected through the construction phases of the development through noise and dust generation. These impacts could be controlled adequately via CEMP (Construction Environmental Mitigation Plan) condition.

B. Transboundary Nature of the Impact

The development would not result in any transboundary impacts that would require the Secretary of State to check Environmental Standards.

C. Magnitude and Complexity of the Impact

The development would result in a change from greenfield land to residential land; however, such a change is not considered to be unusual owing to the Local Plan process and subsequent Strategic Site allocation.

The development will influence receptors including businesses and facilities; however, such effects are considered to be positive and would not result in any negative impacts.

No valuable or scarce features or resources will be affected; nor would the development result in the breach of any environmental standards.

Subject to updated accessible Ecological Surveys, the submitted Ecological Assessment confirms no impacts upon protected habitats species would result. Further, the Council, acting as the Competent Authority, has undertaken a full Appropriate Assessment in line with the Habitats Regulations, in consultation with Natural England. Natural England has confirmed that no likely significant effects are likely to arise as a result of this development. Further, an Appropriate Assessment was also undertaken at Local Plan stage which came to the same conclusions.

Therefore, no impacts upon protected habitats or species would result, subject to mitigation measures in accordance with the Council's mitigation strategy and planning conditions.

D. Probability of the Impact

The impacts described and anticipated above can be clearly established and predicted. The probability of any effects can be determined with reasonable confidence and therefore the controls that can be secured by planning conditions and obligations would be sufficient.

E. Expected Onset, Duration, Frequency and Reversibility of the Impact

The expected onset of the associated impacts would be incurred following the discharge of pre-commencement conditions attached to any planning permission. The most severe impacts would only last throughout the construction phases of the development and would be intermittent in nature. The operational impacts associated with the development would be continuous but of a limited nature, as detailed above.

Noise, dust and emissions arising from the construction phases would comprise reversible impacts. All other impacts that could result in impacts that could be irreversible are able to be adequately controlled to ensure their nature is reversible (i.e. storage of waste and hazardous materials in accordance with separate legislation).

F. Possibility of Effectively Reducing the Impact

The likely impacts arising from the development are commensurate with the quantum of development proposed. Most impacts will arise from construction taking place on site - for example, the undertaking of groundworks on the site (such as HGV vehicle movements, deliveries of goods onto site, excavation of earth etc).

CONCLUSION

The above Environmental Impact Assessment Screening Opinion has been undertaken in accordance with Schedules 2 and 3 of the Town and Country (Environmental Impact Assessment) Regulation 2017 and has concluded that an Environmental Impact Assessment is not required.

In accordance with Regulation 5(b) of the above 2017 Regulations this Screening Opinion has set out several measures required to avoid, or prevent, what might otherwise have been significant adverse effects on the environment.

If you require any further information please do not hesitate to contact me on the below details

at your convenience.

This determination that an environmental statement is not required should not be seen as an indication of the Council's view on the planning merit of the proposal.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish.

Neil Crowther
Group Head of Planning