

Ms P. Roberts
Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

Please ask for:
Claire Potts
Strategic Development Team
Direct Dial: 01903 737698

Your ref: CL14714/02
Our ref: BE/65/17/EIS

26th June 2017

Dear Ms Roberts,

**Town and Country Planning (Environmental Impact Assessment) Regulations 2011
(as amended) – Scoping Opinion**

I write with reference to the above submission made on 15th May 2017. You will have seen the full consultation responses to this request on the Council's website already and I do not propose to provide these again but they should be read as attachments to this letter. I have attempted to summarise these comments but please refer to these in full as well, as they provide more detail concerning the content and scope of the EIA and the content of the ES. Below I set out the Council's formal Scoping Opinion.

Proposal: Mixed use development to include up to 2300 new homes, up to 10ha of employment land, a 3 form entry primary school, a local centre and associated infrastructure.

Site Address: Land West of Bersted

Applicant: Lichfields on behalf of Consortium

Reference: BE/65/17/EIS

Date: 12/06/17

1. Classification of the proposed development and requirement for an Environmental Impact Assessment

- 1.1. The development falls within Schedule 2, Column 1, part 10 (b), as it relates to an urban development project which exceeds the thresholds of 5ha and 150 dwellings.
- 1.2. The following forms the Scoping Opinion of Arun District Council, based on the information provided in the EIA Scoping Report dated May 2017 and following the request for a Scoping Opinion under Regulation 13 of the Town and Country

Planning (EIA) Regulations 2011 (as amended) dated 15 May 2017. In providing this response, consultation has been undertaken with the relevant statutory authorities. The Scoping Report was prepared in the context of the 2011 Regulations as it has been submitted before the commencement of the 2017 Regulations (which came into force on the 16 May 2017).

SCOPING OPINION

2. Location

- 2.1. The site is located 2km to the north-west of Bognor Regis, close to Bersted and Aldwick. The semi-rural site comprises arable farmland and includes Park Farm and associated reservoirs. North Bersted Conservation Area is approx. 1km east of the site. The nearest Listed Building is located at Morrells Farm (Grade II). Neals Farmhouse and Lagnersh Farmhouse (both Grade II) are also within 1km of the western site boundary.
- 2.2. Beyond the site boundary lies the hamlet of Elbridge to the north and Morrells Farm, comprising a Grade II listed building, to the south along the Lower Bognor Road. To the south-east of the site is the cemetery and to the north-east of the site is the Orchard Caravan Park. To the north of the Orchard Caravan Park, along the eastern boundary of the site, lies the A259 beyond which is farmland and some bungalows, and two storey dwellings along Babsham Lane. The south of the site is bound by the Lower Bognor Road (B2166), beyond which is farmland, and Chalcraft Lane, beyond is Aldwick, a residential area comprising bungalows and two storey dwellings.
- 2.3. There are six internationally designated sites within 15km of the site boundary and one Site of Special Scientific Interest (SSSI) (Bognor Reef) 2km south of the site. Pagham Harbour Special Protection Area (SPA)/Ramsar wetlands site lies approximately 3.6km south-east of the site boundary and therefore falls within the 5km zone of influence of this statutory designated site of nature conservation interest.
- 2.4. There are no Air Quality Management Areas in Arun District, however, there are three in Chichester District. Chichester (Stockbridge Roundabout) AQMA and Chichester (St Pancras) AQMA are the closest to the proposed development, located approximately 5.3km and 5.2 km to the northwest of the site respectively.
- 2.5. The northwest of the site borders the A259 with Chalcraft Lane and Lower Bognor Road (B2166) enclosing the southwestern corner of the site. The nearest train station is Bognor Regis, approximately 2km southeast of the site, this is served by regular train services to London Victoria and Littlehampton (via Barnham). Buses run along the A259 to Portsmouth, Littlehampton and Brighton (indirect). The site is approximately 15 miles from the A3(M), 17miles from the M27 and 37 miles from the M23.

3. The Site

- 3.1. The site comprises flat, actively farmed arable land that is subdivided into large irregular fields by hedgerows and ditches. The site includes three public rights of

way; footpaths 137-1, 134-5 and 136-1. These generally follow the line of the hedgerows and ditches. A number of roads abut the site boundary, but none cross the site. An access track to Park Farm also runs along the site boundary to the west.

- 3.2. The site lies within the 'Strategic Gap' as defined in the Bersted Neighbourhood Plan (November 2014) and the in the adopted Local Plan 2003.
- 3.3. The Environment Agency (EA) flood maps show that the site is wholly situated outside of any Flood Zones and as such is not classified as being at risk of flooding by main rivers or tidal sources. There is a high water table and as such, there is a higher risk of groundwater flooding.
- 3.4. Agricultural land on site comprises predominately (65%) of sub-Grade 3a land with areas of Grade 2 (22%) and sub-Grade 3b (6%). The remainder of the site comprises of nonagricultural/ other land which includes areas of farm buildings, tracks etc.
- 3.5. There are no Scheduled Monuments, Conservation Areas or Listed Buildings within the site.

4. Proposal

- 4.1. The description of development is anticipated to be:

"Outline application, with all matters reserved except access, for mixed use development including residential, business, education facilities, retail, food & drink & financial & professional services, leisure & recreation uses, health facilities, community uses, open space, highway works & transport measures, landscaping, improvements to public realm & other ancillary works"

- 4.2. The proposal includes several connections to the local road network from the Lower Bognor Road, Chalcraft Lane and the A259 Chichester Road. A spine road would be provided within the site, extending the North Bersted Bypass to the western parts of Bognor Regis.
- 4.3. The Scoping Report provides additional details on the proposed development, including the assumption that around 150-200 dwellings per year would be built, taking a total of 11 years.

5. Scope of the Environmental Statement

- 5.1. Every Environmental Statement (ES) must provide a full factual description of the development, and consideration of the 'main' or 'significant' environmental effects to which the development is likely to give rise. The ES should, wherever possible avoid the use of jargon and be written in plain English.
- 5.2. Every ES must also contain all of the information set out in Part 2 of Schedule 4 to the EIA Regulations, along with such information from Part 1 as is reasonably required to assess the effects of the project. The ES should therefore contain:

- a full description of the development;
- measures to avoid/reduce/remedy significant adverse effects;
- data to identify and assess the main environmental effects;
- an outline of the main alternatives, options and sites considered; and
- a non-technical summary.

5.3. The following sets out Arun District Council's views as to what main/significant areas will need to be considered within any forthcoming ES. It does not prevent Arun District Council from further requests for information at a later stage under Regulation 22 of the EIA Regulations, if deemed necessary.

Landscape and visual impact

- 5.4. Natural England has provided advice on the scope of the ES in relation to Landscape and Visual Impacts. Advice is sought from ADC on the location of the proposed viewpoints that will form the basis of the visual impact assessment.
- 5.5. The Arun Landscape Capacity Study carried out for the Emerging Local Plan includes an assessment of the site which can be used to inform the LVIA and provide additional baseline information. The viewpoints identified on the plan submitted with the Scoping Report are acceptable although in addition further extended viewpoints from the north and west towards the proposed development should be considered. Consideration should also be given as to whether the Trundle viewpoint should be from the top of the Trundle in addition to the Seven Points car park.
- 5.6. Subject to the above, the scope of the ES identified in the Scoping Report is agreed.

Ground Conditions and Contamination

- 5.7. Environmental Health has commented that the previous investigations mentioned in the Scoping Report, for this mainly greenfield development, indicated that no significant contamination was present. They agree that further ground investigation maybe undertaken on a phase by phase basis during the construction phase.
- 5.8. The Environment Agency has also commented that they support the inclusion of this section and that the Environmental Statement will identify all risks from contamination and ensure that appropriate action, including remediation where necessary, will be taken to address these risks.

Noise, vibration, air quality and dust

- 5.9. Environmental Health recommend that the applicant takes into account the Sussex Air Quality Guidance and the Sussex Noise Advice Document. Please note that the Sussex Air Quality Guidance is currently under review and therefore the mitigation measures are likely to change.

Daylight, sunlight and overshadowing

- 5.10. The proposed scope of the ES in relation to daylight, sunlight and overshadowing is agreed. The scheme should aim to maximise sunlight and passive solar energy in accordance with Emerging Local Plan Policy D DM1.

Hydrology, Flood Risk and Drainage

Foul drainage

- 5.11. In relation to foul drainage Southern Water has provided the following comments:

- Due to the size of the development an assessment is required to ascertain an appropriate point of connection to the foul and surface water sewerage network, in order to protect existing premises from the impact of sewage flooding.
- It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
 - a) Adequate soakaway or infiltration system
 - b) Water course
 - c) Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

- Southern Water's current sewerage/water records do not show any public sewers to be crossing the site, however due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer/s now deemed to be public could be crossing the above property.
- Southern Water does not supply water to this area.

Flood Risk/ Water Environment

- 5.12. In relation to flood risk, the Environment Agency have advised that:

- As drafted the Scoping Report (para's 5.27, 5.34 and 5.35) makes reference to PPS25 which is no longer valid. References and further work on the Flood Risk Assessment should refer to the National Planning Policy Framework and its associated Practice Guidance.
- The site lies within Flood Zone 1, however, due to the size of the site a Flood Risk Assessment (FRA) will need to be submitted as referenced in the Scoping Report.
- The FRA will be assessed by West Sussex County Council, as the Lead Local Flood Authority (LLFA) and we recommend that you consult with them on any

specific requirements for the FRA and the Environmental Statement. The FRA for this site, particularly with regards to the drainage strategy will be a major consideration. There are high groundwater levels, poor permeability soils, and a limited number of watercourses available for disposal of surface water and a flat topography. Groundwater monitoring will be required as part of the drainage study.

- It is also noted that within the site boundary, there are existing above ground reservoirs, used for irrigation purposes. An assessment of these reservoirs as part of the FRA will be needed, both in terms of their future use, present safety and should the embankments fail, the route and depth of flooding determined.
- We would also recommend that a flood risk and drainage masterplan for the entire site is produced and not one that makes assessments based on development phases.
- Revisions to climate change allowances came into force on the 19 February 2016. When undertaking FRA's, surface water run-off calculations should be assessed based on a 1 in 100 year flood event plus 20% for design and 40% for exceedance events. For fluvial flooding 45% should be added to the 1 in 100 flood. The website <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> gives more information on the revisions.

Surface Water Drainage

- 5.13. ADC Drainage Officers have referred the applicants to the relevant pages of the Arun Strategic Surface Water Management Study (Oct 2016) which provides a framework and recommendations for surface water drainage at strategic sites. It includes information about the issues on the site, which include surface water flooding, waterlogging and high groundwater levels. The next steps and recommendations section of the Stage 3 report identifies actions which should be addressed through the ES as part of the FRA.
- 5.14. If the above points are included within the relevant sections of the ES then the Scope is agreed as set out in the Scoping Report.

Ecology and Nature Conservation

Biodiversity

- 5.15. In relation to biodiversity, the Environment Agency has provided the following comments:
 - We broadly support the proposed methodology set out in the Scoping Report. We also support the inclusion of a Construction Environmental Management Plan for the construction phase in order to reduce adverse effects on species and habitat.
 - We agree with the proposed biodiversity survey list and as part of our remit have particular interest in the results of surveys for wetland species such as GCN and water vole. As we are principally concerned with these wetland species, we would want to see that there is no loss of wetland habitat in the form of ditches, ponds or wetland features as a result of the development. Justification must be

given for any loss and we would expect at least like for like compensation should this be the case.

- Existing Nature Conservation features currently found within the site such as mature trees, hedgerows & watercourses should be retained wherever possible and incorporated into the site design in order to retain a continuous corridor for wildlife throughout the development. We would wish wildlife considered through the design of the drainage strategy and for this to take opportunities to ensure it is beneficial for wildlife.
 - On a site as large as this, opportunities for enhancement to the natural environment and the provision of green infrastructure should be considered at an early stage.
- 5.16. Natural England (NE) and ADC Ecologist have provided detailed comments which are included as Annex A to this Scoping Opinion. These comments include the general principles of what an ES should include (as set out in Schedule 4 of the Regulations). They also refer to the importance of any assessments considering the potential cumulative effects of the proposal and in-combination effects. They recommend that the potential impact of the proposal upon features of nature conservation interest and opportunities should be included within the ES in accordance with the Guidelines for Ecological Impact Assessment developed by the Chartered Institute of Ecology and Environmental Management (CIEEM). As set out in the Scoping Report, this methodology is proposed to be used which accords with NE advice.
- 5.17. NE also identify the need to assess the potential of the proposal to affect designated sites and if a 'Likely Significant Effect on a European site is identified or uncertain then the LPA may need to prepare an Appropriate Assessment. As set out in the Scoping Report, this has been done at the Local Plan level but may also be required when the application is received. NE provide detail on what should be included in a report to inform a Habitats Regulation Assessment, which can form part of the ES in order to assess the direct and indirect impacts on Pagham Harbour SPA. NE identify the potential loss of functionally linked habitat which needs to be considered in relation to brent geese. They also advise on the design of greenspace to reduce pressure on the Pagham Harbour. This advice should be incorporated into mitigation measures.
- 5.18. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals and strategies for full mitigation of any impacts and if appropriate, compensation measures. In relation to Protected Species surveys these should be carried out at the optimal time of year as set out in the NE advice and should include Phase 1 habitat surveys and subsequent protected species surveys. These should include full winter bird surveys. The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. The NE advice provides further detail. The potential for habitat enhancements on site should also be included.

- 5.19. Overall, biodiversity should be scoped into the ES and cover the issues set out above (and as detailed in the Annex A) and as set out in the Scoping Report.

Access, recreation and Green Infrastructure

- 5.20. Natural England has commented that they encourage any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.
- 5.21. The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. NE also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.
- 5.22. The Emerging Arun Local Plan (2017) includes Policy GI SP1 (Green Infrastructure and Development) which seeks to consider, protect and enhance existing Green Infrastructure assets and the connections between them in order to ensure a joined up network of Green Infrastructure. The Green Infrastructure Study (2012) identifies the need for the provision of high quality local greenspace to reduce pressure on Pagham Harbour – as detailed in the NE comments. This is linked to the provision of sustainable travel and Public Rights of Way, as set out in Policy T DM1 of the Emerging Local Plan (2017). The Scoping Report currently focusses more on the technical transport related issues, however, the ES should also demonstrate how the 'higher level' requirements of Policy T DM1 will be met by the proposal, which will increase the sustainability of the new settlement and reduce potential environmental impacts (e.g. access to Public Transport, contributing to a joined up cycle network and PROW network).
- 5.23. As access, recreation and Green Infrastructure is linked to the impact on Pagham Harbour SPA and reducing the environmental impacts of the development, it should be scoped into the ES and as set out in the Scoping Report.

Sustainable use of land

- 5.24. As the site contains 121 ha of agricultural land comprising Grades 3a, 2 and 3b, this chapter of the ES should consider the impacts of the proposal on the protection of best and most versatile agricultural land (as set out in paragraph 112 of the NPPF). As set out in the Scoping Report, the ES should also demonstrate how the criteria in emerging Policy SO DM1 (Soils) of the Arun Local Plan Publication Version Showing Modifications can be addressed.
- 5.25. Natural England have commented that the following issues need to be addressed as part of the Environmental Statement:

- The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - *Agricultural Land Classification: protecting the best and most versatile agricultural land* also contains useful background information.
 - If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
 - The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the *Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites*.
- 5.26. It should also consider the ecosystem services that the natural environment provides and how this will be enhanced in accordance with paragraph 109 of the NPPF. Overall, the sustainable use of land should be scoped into the ES and cover the issues set out above and as set out in the Scoping Report.

Transport and access

- 5.27. The Local Highway Authority has advised that the impact on the local highway network should be reviewed as part of a transport assessment (TA). The scope of the TA would need to be agreed with the Local Highway Authority as has been identified in the Scoping Report. The TA would then inform any respective elements of the ES.
- 5.28. As set out in the Scoping Report the TA should be incorporated as a chapter within the ES and should link in with the cumulative impacts section of the ES. It is agreed that the sites listed on page 9 of the Scoping Report should be taken into account in terms of cumulative impacts, and WSCC have also recommended that the employment uses at Enterprise Bognor Regis should also be incorporated.
- 5.29. Highways England have made the following comments: *"The contents of the EIS are noted and we take the opportunity to highlight Highways England's expectations with regard to the Transportation Assessment to accompany the proposals. At the outset we are pleased to see that a Transportation Assessment Scoping note will be produced which we will be happy to provide advice and comments upon. The Scoping note will need to be agreed prior to commencement of the main transport study by both Highways England and West Sussex County Council as Strategic and Local Highway Authorities.*
- 5.30. *Through work already undertaken taken with colleagues at West Sussex County Council and Arun District Council with consultants Systra, impacts from this strategic development site at Bersted will affect the safe and efficient operation of both the local and strategic road networks.*

- 5.31. *As Strategic Highway Authority, we have concerns about the implications of development traffic on the A27 Chichester Bypass. Of particular concern is the impact of the development site on the A27 Bognor Road Roundabout and A27 Whyke Roundabout. Both junctions will need detailed consideration as part of the Transportation Assessment being undertaken by WYG. The assessment of these junctions will need to take into account Chichester District Councils Local Plan proposals (plus committed development) and the agreed necessary junction mitigations on the A27 coupled with the cumulative impacts of Arun's committed development and that from its emerging Local Plan. It will be necessary to undertake the assessment at the end of both Local Plan periods which is currently 2031 as well as year of opening at full occupancy.*
- 5.32. *As the Chichester Local Plan mitigation schemes on the A27 Chichester Bypass only account for the impacts of Chichester's own strategic development and deliver a 'no worse' than existing scenario on the highway network, it is highly unlikely that additional impacts from strategic development at Land West of Bersted can be accommodated without increasing the severity of congestion already encountered at these junctions. Accordingly, the Transport Assessment will need to consider appropriate highways mitigations at the A27 Bognor Road and Whyke junctions as well as measures targeted at reducing travel demand by car in favour of more sustainable transport modes.*
- 5.33. *Highways England are happy to work with consultants WYG as well as colleagues from West Sussex County, Arun District and Chichester District councils and look forward to our continued involvement as the Bersted strategic site is brought forward".*

Archaeology and Cultural Heritage

- 5.34. The ADC Archaeologist has provided comments agreeing that the Environmental Statement should include an assessment of archaeology and cultural heritage as outlined in the Scoping Report. It is likely that any areas not already archaeologically evaluated will need to be investigated ahead of redevelopment.
- 5.35. In relation to listed buildings the Scoping Report identifies the buildings which will need to be assessed in relation to their settings and the ADC Historic Buildings Officer has confirmed that the Scope set out is satisfactory.

Socio-Economic impacts

- 5.36. The ES should include an assessment of the potential impacts of the proposed development on the recreational value of the area, together with impacts on the community living and working within the locality. This should also be linked to the cumulative impacts section.

Cumulative impacts

- 5.37. The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. To carry out the assessment of cumulative and in-combination effects, the following types of projects should be included (subject to the availability of information):

- i. Existing completed projects

- ii. Approved but uncompleted projects
- iii. Ongoing activities
- iv. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- v. Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

5.38. The main applications and proposals have been identified within the Scoping Report but any additional scheme that arise after this Opinion is issued may also need to be added into the cumulative impacts.

Items falling outside the scope of the ES

5.39. Sport England has commented that the impact of a development on sports facilities or activities would not normally fall within the scope of an Environmental Statement . Any subsequent planning application should however consider the implications for sport in the context of NPPF Para's 73 and 74, local plan policy and any strategic evidence set out in local playing pitch and/or built facilities strategies within the normal supporting documentation for a planning application.

Other comments

5.40. The Parish Council have confirmed that they consider the scope set out in the Scoping Report to be satisfactory.

I trust that the above provides you with sufficient information of the requirements for the form ES submission. However, if you require any further information please feel free to contact me on the number detailed above.

Yours Sincerely,



Claire Potts
Strategic Development Team Leader