

Mr Peter Cleveland
Henry Adams
Rowan House
Baffins Lane
Chichester
PO19 1UA

Tel: 01903 737698

Fax: 01903 730442
DX: 57406 Littlehampton
Minicom: 01903 732765



e-mail: Claire.Potts@arun.gov.uk

9 April 2020

Please ask for: Claire Potts

Your Ref:

Our Ref: BN/122/19/EIS

Dear Mr Cleveland,

**Town and Country Planning (Environmental Impact Assessment) Regulations 2017
(as amended) – Scoping opinion of the local planning authority**

Land north of Barnham Road, Eastergate

I refer to your request made on 28 November 2019 for an opinion as to the scope and level of detail of the information to be provided in an Environmental Statement (ES).

You will have seen the responses to this request from the consultation bodies on the Council's website already. I do not propose to repeat them in full, but they should be read as attachments to this letter. I have attempted to summarise the comments, but they should be read in full because they provide more detail concerning the scope of the Environmental Impact Assessment (EIA) and the content of the ES. The Council's formal scoping opinion is set out below.

Proposal: "Up to 500 dwellings, a dedicated care home and public open space including recreation space and associated infrastructure and works."

Site Address: Land north of Barnham Road, Eastergate

Applicant: Barratt David Wilson

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

- 1.1. The proposed 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 Scoping Opinion of Arun District Council is set out below, based on the information provided in the EIA Scoping Report dated November 2019 and following a request for a Scoping Opinion under Regulation 15 of the Town and

Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) received on 28 November 2019. In providing this response, the Council has consulted the relevant consultation bodies.

2. Location

- 2.1. The site is located south of Eastergate Lane, east of Fontwell Avenue and north of Barnham Road in the Parish of Barnham and Eastergate. It is approximately 9km east of Chichester and 5km north of Bognor Regis.

3. The Site

- 3.1. The site comprises an area of approximately 17.167 hectares and is primarily greenfield land. It is irregular in shape and extends from the A29 (Fontwell Avenue) in the north-west to the B2233 (Barnham Road) in the south-east.
- 3.2. The site comprises mainly woodland, scrubland and open space. It is bisected by a public footpath (No. 318), which runs from Eastergate Lane in the north to Barnham Road in the south. The footpath is lined by trees and hedgerows.
- 3.3. The land to the west of the public footpath comprises woodland, scrubland and small areas of open space. There is a second line of trees and a hedgerow, also running from north to south, along a track approximately 275m west of the public footpath.
- 3.4. To the east of the public footpath, there is an open field with another track running from north to south in the far east of the site.
- 3.5. The site is bounded by farmland and open fields to the north. There is a mixture of residential and industrial uses on both sides of Eastergate Lane. The properties on the southern side of Eastergate Lane are within 200m of the site's northern boundary.
- 3.6. The land to the north-east of the site comprises farmland, housing and associated buildings. A farm containing commercial greenhouses and solar panels is located approximately 200m to the north-east of the site. Ryburn Farm and Stoneyfield Cottages are located approximately 400m to the north-east of the site.
- 3.7. The eastern boundary of the site is within 50m of houses in Murrell Gardens and Chantry Mead.
- 3.8. Fordingbridge Industrial Site adjoins the south-eastern corner of the site and comprises around a dozen buildings.
- 3.9. A line of houses on the north side of Barnham Road borders the southern boundary of the site.
- 3.10. An area of woodland is located to the south west of the site, beyond which are more houses on Barnham Road and Fontwell Avenue.

3.11. To the west of the site, there are houses on both sides of Fontwell Avenue.

4. The Proposal

- 4.1. The proposed development is described in paragraph 1.5.1 of the Scoping Report as “up to 500 dwellings, a dedicated care home and public open space including recreation space and associated infrastructure and works”.
- 4.2. The Scoping Report provides additional details, including reference to the fact that the proposed development is entirely dependent on the realigned A29 being constructed.

5. Scope of the Environmental Statement

- 5.1. Every 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 Schedule 4 of the EIA Regulations, along with such information 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 a forthcoming ES. It does not prevent Arun District Council from requesting further information at a later stage under Regulation 25 of the EIA Regulations, if deemed necessary.

Air Quality

- 5.4. It is recommended that the applicant takes into account the Air quality and emissions mitigation guidance for Sussex (2020). The guidance is available to download at: <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>
- 5.5. A standard demolition and construction phase management report for the control of dust will be required.

Noise and Vibration

- 5.6. The Council’s Environmental Health Officer has advised that a robust noise and vibration report will need to be commissioned by a competent individual to cover the proposed development as the site is bounded by potential noisy business activities (i.e. car repair workshop). The proposed realigned A29 will also need to be considered using the CRTN: Shortened Method. All noises/vibrations that

could potentially affect the development site and those noises associated with the existing surrounding businesses should be considered.

- 5.7. The local highway authority has assumed (in the A29 EIA) that the housing site would consider the proposed A29 realignment with regard to traffic flow, noise and vibration. It has been assumed that the design of the dwellings will feature glazing and façade treatments to meet the relevant standards, taking account of the proposed highway. Collaboration over the design and layout would minimise noise and vibration impacts. This would include consideration of the spatial relationship between the housing and the A29 realignment. It should also be noted that noise mitigation measures need to future-proof the impacts of additional traffic that will be attracted to Phase 1 of the A29 alignment by implementing Phase 2. Generally, co-ordinating noise mitigation measures and collaborating on design and layout could reduce the noise and vibration levels associated with both of the proposed developments.

Ecology

- 5.8. Natural England (NE) has provided detailed comments, which are appended 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 assessments considering the potential cumulative effects of the development with other relevant existing or proposed developments in the area. They advise that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement 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). It is noted that the Scoping Report proposes the use of this assessment methodology in accordance with NE's advice.
- 5.9. NE has advised that the proposal is located outside the buffer area and is therefore unlikely to affect an Internationally or Nationally Designated site. The ES should, nevertheless, thoroughly assess the impact of the proposals on non-statutory sites. The Scoping Report identifies two such sites within 2km, namely Fontwell Park Racecourse and Slindon Woods. There are three other sites within 2km, which contain Ancient Woodland; Stemps Wood (1.1km), West of Hedge End (882m) and Nanny Copse (1.2km).
- 5.10. The Council's Ecology Advisor is satisfied with the proposed content for the EIA and that it will include:
- Full ecological surveys for the site including, phase one habitat surveys and subsequent protected species surveys;
 - Full mitigation strategies for any species found on site;
 - Consideration and safeguarding of green infrastructure and connectivity across the site (hedgerow and tree connectivity);
 - Habitat enhancements on site;
 - Assessments of the direct and indirect impacts on protected sites; and
 - Impacts from climate change and planning for the future.

Biodiversity Net Gain will need to be considered as part of this development and the applicant will need to demonstrate how this will be achieved, in accordance with Policy ENV DM5 of the Arun Local Plan 2011-2031.

- 5.11. West Sussex County Council, as the local highway authority, has commented that there would be a large loss of habitat for badgers from both the A29 realignment and the proposed housing. Fragmentation of badger habitat is best not considered in isolation of the effects of the road scheme. On-site mitigation, including a potential replacement sett, will need to be coordinated to be effective. A combined licencing application would also be needed.
- 5.12. There is likely to be severance to and loss of bat habitat too, along with disturbance from lighting and noise as a result of both proposed developments. A combined approach to mitigation, including considering the layout out of the housing development and the highway together would minimise the impact on bats from lighting and noise and there could be opportunities to improve navigational features.
- 5.13. Similarly, the County Council is keen to understand the housing developer's proposed approach for mitigating impacts on reptiles and to coordinate that with the A29 realignment.
- 5.14. Measures to achieve biodiversity net gains on site would also benefit from a combined approach.

Landscape and Visual Impact

- 5.15. Natural England has provided advice on the scope of the ES in relation to Landscape and Visual Impacts. It is noted that the location of viewpoints for the assessment of visual effects have already been agreed with the Council's Landscape Officer.
- 5.16. A significant change to the local landscape will occur as a result of both proposed developments (i.e. realignment of the A29 and the proposed housing). Co-ordinating the landscape and visual assessment and landscape design, rather than undertaking an isolated approach, would benefit the place qualities, enable a more integrated landscape/townscape to be developed, and reduce the impact of both proposed developments. A coordinated landscape design would consider the spatial relationship between the housing layout and the proposed road scheme and aim to achieve an interactive and safe space for people and vehicles, with good place qualities. Access points, crossings and the linking of the sites should be discussed collaboratively to avoid the two sites being treated separately, which would have adverse landscape, community, and residential amenity impacts.

Water Resources, Flood Risk and Drainage

- 5.17. The Environment Agency is pleased that the water environment has been scoped into the EIA. It recommends that full consideration is given to the site in the context of the wider allocation and the policy requirements set out in the Arun Local Plan 2011-2031. Notably, opportunities should be considered to

ensure that a comprehensive surface water management strategy is developed and takes on board recommendations from the Arun Strategic Surface Water Management Study.

- 5.18. 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 Council as the Lead Local Flood Authority (LLFA). It is recommended that consultation is undertaken with this authority on specific requirements for the FRA and the ES
- 5.19. West Sussex County Council has advised that the majority of the site is at low risk from surface water flooding but is at high risk from groundwater flooding.
- 5.20. The County Council has advised that reference be made to its guide for master planning sustainable drainage into developments 'Water. People. Places.' https://www.westsussex.gov.uk/media/2270/suds_design_guidance.pdf along with the West Sussex LLFA Policy for the Management of Surface Water https://www.westsussex.gov.uk/media/12230/ws_llfa_policy_for_management_of_surface_water.pdf.
- 5.21. Southern Water has advised that there are no public surface water sewers located within the vicinity of the site and alternative methods of disposing surface water should be investigated (e.g. soakaway, ditches or local water courses).
- 5.22. Arun District Council's Drainage Officers have advised that the hierarchy for sustainable drainage must be followed with infiltration fully investigated. Winter infiltration testing and winter groundwater monitoring must be undertaken. The applicant is advised to discuss the extent of this monitoring with officers at the earliest opportunity. Infiltration tests must be carried out in accordance with BRE356, CIRIA R156 or a similar approved method and cater for the 1 in 10-year storm between the invert of the entry pipe to the soakaway and the base of the structure. It must also have provision to ensure that there is a capacity in the system to contain below ground level the 1 in 100-year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.
- 5.23. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. Any discharge should be restricted to 1-year greenfield run-off rates, with a minimum rate of 2 l/s.
- 5.24. It is suggested that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve the necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. Open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations as well as being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as "plastic crate systems".

- 5.25. Adequate treatment of surface water must be ensured prior to discharge.
- 5.26. Supplementary guidance notes regarding surface drainage are located at: www.arun.gov.uk/surfacewater.
- 5.27. While drainage for the A29 realignment and the proposed housing is likely to be designed separately, the future cumulative impacts on the water environment will need to be considered in the EIA for all adjacent developments.
- 5.28. In relation to foul drainage, Southern Water has advised that, due to the size of the development and to protect premises from the impact of sewage flooding, an assessment is required to ascertain an appropriate point of connection to the foul drainage network. A formal application will need to be made by the applicant or developer to Southern Water for a connection to be made to the public foul sewer.
- 5.29. The cumulative impact of additional foul water flows from the proposed development and from other parts of the strategic housing allocation may necessitate reinforcement of the public sewer network. In such circumstances, Southern Water and the applicant will need to work together to review whether delivery of the network reinforcement aligns with the proposed occupation of the development, as it is likely to take time to design and deliver any such reinforcement.
- 5.30. If the above matters are included within the relevant sections of the ES then the Scope is agreed as set out in the Scoping Report.

Climate Change

- 5.31. "Climate change is one of the biggest challenges facing the District as it will impact upon all local communities and businesses in the District, in particular through increased flood risk, declining water availability and increased health problems for those vulnerable to extreme temperatures." (Arun Local Plan 2011-2031, para. 13.5.1) Policy ECC SP1 states that the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change.
- 5.32. The proposed chapter dealing with climate change is agreed as set out in the Scoping Report.

Traffic and Transport

- 5.33. Highways England has noted that Traffic and Transport has been scoped out and a Transport Assessment will be prepared to support the planning application for the site and appended to the ES. It is expected that the relevant parts of the ES will reflect the Transport Assessment, including Air Quality and Noise and Vibration issues associated with traffic generation and the Strategic Road Network. It has also been noted that a Construction Traffic Management Plan will be prepared to mitigate the construction impacts of the proposed development.

- 5.34. West Sussex County Council, as the Local Highway Authority, has commented generally that the proposed housing development and the A29 realignment are both promoted in the Local Plan and proposed for the same location. The road scheme and the housing scheme are different types of development and would have some different environmental impacts. Whilst the scope of the EIA does not need to be the same, where the impacts/effects are similar coordinating design and mitigation would improve both proposed developments. This would reduce the significance of the adverse effects, which is one of the purposes of EIA.
- 5.35. The scoping report states that the housing development is “entirely reliant on the realigned A29 being constructed to function as a viable development”. It assumes that the A29 realignment functions as a complete mitigation for the additional traffic generated by the housing scheme. On this basis, it has been proposed that traffic and transport is scoped out of the EIA for the housing development. The County Council has stipulated, for the A29 realignment EIA, that traffic and transport is scoped in. If traffic and transport is scoped out of the housing site EIA it would be incumbent on promoters of the highway scheme to assess the transport impact of the housing site as part of their EIA.
- 5.36. It is considered essential that up-to-date information and the progress of any transport assessment (undertaken outside of an EIA) is shared between the housing developer and the County Council’s project team and their consultants regarding junction arrangements, access and alignment. This is to ensure that the A29 realignment effectively absorbs the traffic from the housing development. It is highly recommended that the same traffic model is used for both EIAs, which would also be relevant to the air quality and noise assessments. The collaborative model should incorporate the impacts for Phase 1 of the A29 realignment as well as the combination of Phase 1 and Phase 2 for the A29 realignment.
- 5.37. Network Rail has advised that the proposed development has the potential to lead to impacts on railway stations and level crossings. Therefore, it has requested that the ES, or Transport Assessment, includes:
- Information about the potential increase/decrease in railway journeys to and from Barnham Railway Station, particularly at peak travel times; and
 - Information about the potential increase or decrease in vehicular and non-vehicular use of level crossings in the area, particularly during peak travel times.
- 5.38. For the reasons set out above, it would be preferable for Traffic and Transport to be included in the scope of the ES.

Access, Recreation and Green Infrastructure

- 5.39. Natural England has commented that the ES should include a thorough assessment of the development’s effects upon public rights of way and access to the countryside and its enjoyment through recreation. Appropriate mitigation

measures should be incorporated for any adverse impacts. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Natural England recommend reference be made to 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. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate, for example, the *Bognor Regis GI Framework - A Landscape & Green Infrastructure Framework Connecting Bognor Regis to the South Downs National Park*, which was endorsed by the Council's Planning Policy Sub-Committee at its meeting held on 25 February 2020.

- 5.40. Policy GI SP1 of the Arun Local Plan 2011-2031 requires all major development to be designed to protect and enhance existing green infrastructure assets, and the connections between them, in order to ensure a joined up green infrastructure network. Development proposals must identify opportunities to connect existing green infrastructure assets with the coast, the South Downs National Park or to the District's inland villages. A key part of the strategy is to link coastal communities with the South Downs National Park.
- 5.41. Given the location of the site and its existing characteristics, access, recreation and green infrastructure should be included in the scope of the ES.

Ground Conditions, Agriculture, Soils and Contamination

- 5.42. The Scoping Report (at paragraph 14.2.5) states that "An Agricultural Land Classification shows the site is located in an area which is predominantly Grade 1 agricultural land". Therefore, this chapter of the ES should consider the impacts of the proposal on the protection of the best and most versatile agricultural land (as set out in paragraph 170 of the NPPF). The ES should also demonstrate how the criteria in Policy SO DM1 of the Arun Local Plan 2011-2031 can be addressed.
- 5.43. Natural England has stated: "Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as [a] result of construction activities. This affects their functionality as wildlife habitat and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution." Attention is drawn to a Code of Practice for the sustainable use of soils on construction sites (2009), published by Defra (<https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.
- 5.44. The Environment Agency supports the conclusion that these issues can be scoped out of the EIA. However, it has stated:
- "The site rests upon superficial deposits of river terrace & head deposits, underlain by London Clay. The superficial deposits are designated as

secondary aquifers whilst the London Clay is designated as an unproductive aquifer.

The site is located within Source Protection Zones 1c & 2c – which represents an area of groundwater sensitivity but is confined beneath impermeable geology. Any penetrative or foundation works would therefore cause a risk by removing the impermeable geology and exposing the sensitive aquifer beneath. Additionally, whilst the underlying bedrock is not considered a productive aquifer the area is known to be susceptible to solution features (sink holes) allowing surface water to enter the productive aquifers beneath the London Clay (Lambeth Group & Upper Chalk). These features are also [known] to impact the public water abstractions located to the north of the site.

The proposed site is greenfield and should be free of contamination, however, the potential exists for fly tipping of industrial and domestic waste, which in turn could increase the potential risk of land contamination. We would recommend the applicant conduct at least a phase 1 site investigation to determine any potential environmental risks on site. If any potential risks are identified, then further investigation would be required.

Given that the site is located upon a source protection zone 1c/2c, we would recommend consultation with the appropriate water company (Portsmouth Water) to ascertain risk to the aquifer beneath the less productive aquifers. We would also recommend that these discussions should form the basis for a hydrogeological risk assessment which should be submitted for review alongside any planning application”.

- 5.45. In light of the above, it would be preferable for Ground Conditions, Agriculture, Soils and Contamination to be included in the scope of the ES.

Archaeology and Cultural Heritage

- 5.46. Historic England had no observations to make on the Scoping Report.
- 5.47. The District Council’s Archaeology Advisor agreed that little was likely to be gained from any further detailed assessment of the archaeological interest that might be present. However, he considered it would be prudent for the ES to contain a short consideration of the general potential of the area, not least as a guideline to the mitigation measures that could be required.
- 5.48. The District Council’s Principal Conservation Officer noted that the Scoping Report stated that there are no conservation areas within 1km of the site. However, the two nearest Conservation Areas are Eastergate Square and Eastergate (Church Lane), both of which appear to be within 1km of the site. This should be confirmed.
- 5.49. He added that the baseline cultural heritage assessment should include an assessment of the significance of any heritage assets identified, as well as an assessment of the impact of the proposed development upon these assets.

Lighting

- 5.50. The Council's Environmental Health Officer has advised that a report should be produced to cover light pollution within the proposed development. This type of report could be submitted with the planning application alongside the ES.

Items falling outside the scope of the Environmental Statement

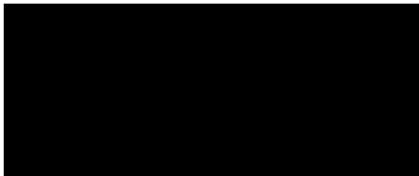
- 5.51. Sport England has commented that the impact of the development on sports facilities or activities would not normally fall within the scope of an ES. Any subsequent planning application should however consider the implications for sport in the context of NPPF paragraphs 96 and 97, local plan policy and any strategic evidence set out in local planning pitch and/or built facilities strategies within the normal supporting documentation for a planning application.

6. Other Comments

The Parish Council has provided a Bat Activity Transect Survey Report, dated October 2019.

I trust that the above provides you with sufficient information on the requirements for the Environmental Statement. However, should you require any further clarification, please do not hesitate to contact me.

Yours sincerely



Claire Potts
Strategic Development Team Leader