TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended)

Application Number: P/30/26/OUT

Description: Outline application with some matters reserved, except access, for up to 120 No residential dwellings including means of access into the site (not internal roads). This application is a Departure from the Development and affects a Public Right of Way.

Date Accepted: 23rd March 2026

Assessment: **The application does not require the submission of an Environmental Statement because of the following reasons:**

Schedule 2 development: The application falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and could have had the potential to impact on the environment in such a manner as is covered by these regulations. The following issues are considered relevant to this proposal and have been considered in coming to this decision:

The Council considers that the proposal is an "Urban Development Project" as found within section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Regarding the Schedule 2 relevant criteria and thresholds, it is noted that whilst the number of dwellings (up to 120) does not exceed the applicable threshold of 150, the site area of 8.01 hectares (ha) does exceed the threshold of 5ha. It is noted that part of the site area includes land within Summer Lane up to the highway boundary and also a small parcel of land on an adjacent approved site which are both required to be included to demonstrate access. However, whilst these areas have not been measured, they are clearly less than the 3.01ha difference between the site area and the screening criteria.

According to paragraph: 032 (Reference ID: 4-032-20170728) of the Planning Practice Guidance (PPG), all developments in sensitive areas should also be screened regardless of whether they meet the stated thresholds. The PPG states that sensitive areas are:

- Sites of Special Scientific Interest and European Sites.
- National Parks, the Broads, and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

The PPG also states that "In certain cases, local designations which are not included in the definition of "sensitive areas", but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required".

This site is within 730m from the Pagham Harbour SPA/SSSI and is within 1.2km of the Bognor Reef SSSI. In the case of the former, the site is also classed as within the Pagham Harbour Access Management Zone B (400m to 5km). This will necessitate the production of a Habitats Regulation Assessment and then agreement with Natural England.

Paragraph: 017 (Reference ID: 4-017-20170728) of the PPG states that "If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column, the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required."

The proposal is therefore Schedule 2 development. However, an EIA is not automatically required unless the local planning authority considers that the proposed development is also likely to have significant effects on the environment.

It is therefore necessary to consider the proposal against Schedule 3 of the Regulations which outlines the criteria to consider in determining whether development falling within Schedule 2 will require an EIA. These criteria include (1) the characteristics of the development (e.g., its size, design, cumulative impact along with other developments, use of natural resources); (2) the environmental sensitivity of the location; and (3) the characteristics of the potential impact (e.g., its magnitude and duration).

In addition, it is noted that the paragraph 018 (reference ID: 4-018-20170728) states:

"While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development. However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits."

The indicative thresholds state that "Environmental Impact Assessment is unlikely to be required for the re-development of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination."

In respect of sites which have not previously been intensively developed, the following criteria are relevant:

(i) The area of the scheme is more than 5 hectares; or

(ii) it would provide a total of more than 10,000 m2 of new commercial floorspace; or
(iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g., a new development of more than 1,000 dwellings).

The proposal exceeds criteria (i) but not (ii) or (iii). This Screening Response now continues in response to the headings given within Schedule 3.

(1) Location of the Development

The site is currently in agricultural use (mix of arable and grazing) and as according to the submitted Agricultural Land Classification report comprises approximately 45% grade 2 land, 36% grade 3a land and 15% grade 3b. Approximately 4% is non-agricultural.

The site is presently bordered by a mix of trees, drainage ditches, residential mobile homes and built housing development. The western extent of the site borders with open fields as the site edge cuts across an existing arable field. The only trees are to the boundaries, and none are protected. The access would be taken through a gap between two existing group TPOs on the southern side of Summer Lane. A footpath runs along the southern boundary of the site (along Summer Lane) and there is another crossing the site (North/South). There are no heritage assets directly affected.

The site boundaries would provide some wildlife habitat, and the eastern area is designated by the Arun Local Plan (ALP) as a biodiversity opportunity area. The site would be eligible for statutory Biodiversity Net Gain.

The site is predominantly in current Flood Zone 1, but the central part is within Zones 2/3a. It is also noted that this area is predicted to double in width in the future due to the impact of climate change. The site is also at risk of high groundwater levels and surface water flood risk (the latter corresponding with the FZ2/3 extents).

Overall, this is not an environmentally sensitive site. Any environmental impacts that may arise are likely to be localised in nature.

(2) Characteristics of the Development

This proposed development would comprise of up to 120 dwellings, associated parking, road/footway provision, foot/cycle paths, public open space, play provision, landscaping, drainage features, and ancillary works. There are no firm details on scale, but this will likely reflect the character of existing or approved development nearby. It is proposed to take vehicular access from the recently approved site on the opposite side of Summer Lane which in turn joins with further residential developments (strategic allocations) to the east and then onto the existing highway network at Pagham Road.

There will also be pedestrian/cycle accesses onto Summer Lane providing a more direct route to Pagham's shops and other facilities. The site will also maintain (and likely upgrade) the existing North/South public right of way (PRoW). The illustrative site layout drawing indicates the retention of existing tree screening with new tree planting to the presently open northern and western boundaries.

The characteristics of the development are not likely to be significant in the context of the EIA regulations.

(3) Characteristics of the Potential Impacts

The characteristics of the likely impacts in general are unlikely to be particularly significant, or long lasting, affect a significant area of the district or that they are complex in nature.

Subject to full assessment through the planning application (including Habitats Regulation Assessment), it is not likely that the development will result in any significant harm to ecological interests and it should be possible to mitigated any through planning conditions and/or legal agreement, and the approval of an appropriate layout including significant buffer planting.

The entirety of the site is not at risk of flooding from surface water, rivers or sea and the development represents a potential opportunity to improve the existing surface water drainage system through infiltration and so reduce discharge rates to local watercourses.

The development of the site will not directly affect any heritage assets whilst those in the wider landscape will be protected as a result of the distance to them and potential landscape improvements.

Although there will be an increase in vehicular traffic using the access junction onto Pagham Road to the east, this impact will not be significant in the context of the EIA Regulations. Furthermore, the impact of additional traffic on the already approved road layout of the adjacent sites forming part of the Pagham South strategic allocation will not be particularly noticeable when considered in the context of all of the new residential development as a whole.

The landscape impacts will not be significant in the context of the EIA regulations. The surrounding landscape is flat and new landscaping and/or woodland planting to the boundaries of the site which adjoin with open countryside are likely to be sufficient to ensure that there is no significant or long-lasting impact on the wider landscape.

Assessment may also be required concerning the risk of odour pollution from the nearby Pagham Wastewater Treatment Works, but it is noted that the applicant has provided an Odour Assessment, and that any impacts will only affect the proposed development itself.

Finally, although the construction phase of the site will result in some impacts (such as noise and dust) on the local population, these effects will be temporary and, provided suitable mitigation measures are put in place, not significant.

Cumulative Effects

It is noted that the PPG paragraph 024 (Reference ID: 4-024-20140306) states with regard to cumulative effects that "There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development".

There have been a number of major residential approvals within the immediate area in recent times consisting of the strategic allocation (Pagham South) on land to the immediate south and east of the site (up to 465 dwellings, 70-bed care home, a new Local Centre and a Primary School); the Summer Lane development by Drew Smith (Now Vistry) on land to the immediate east comprising of 90 dwellings and the approved of a development of up to 120 dwellings on the southern side of Summer Lane (from which access will be taken). The Drew Smith site included a significant area of open space (2.57ha) to

the south of Summer Lane. With the exception of the 120 dwellings south of Summer Lane, all of these have reserved matters approvals although it is only the Drew Smith development that has been completed.

The cumulative effect of new residential development in this part of Pagham will undoubtedly alter the character of the area, result in greater impacts on the local highways and greater pressure on existing infrastructure. However, the existing approved development here has all been subject to rigorous assessment (including through the Arun Local Plan adoption process) and it is not considered that the proposed up to 120 dwellings, when considered alongside (and in context with) the existing approved developments, will result in any significant impacts and that any resultant harm will be local to Pagham and the surrounding area.

It is also material that the Government's Screening Direction for the majority of the Pagham South allocation (application P/40/16/OUT for up to 400 dwellings, care home, local centre, and school) stated that there was no requirement for an EIA.

Conclusion

Having considered the above factors and having had regard to the nature & scale of the proposal, the proposed development does not have the potential to result in significant impacts on the environment. The impacts would be relatively small-scale and localised and will be mitigated in accordance with standard methods including by conditions, a s106 legal agreement and the Community Infrastructure Levy. As such, the proposal does not constitute EIA development and therefore an Environmental Statement is not required in this instance.