

13 April 2016

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Dear Ms. Foreman,

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**REQUEST UNDER REGULATION 5 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 (AS AMENDED) FOR A SCREENING OPINION.**

We are writing to you on behalf of Norman Marshall Ltd to request a screening opinion in respect of an outline planning application for the development of land at Nowhurst Business Park, Broadbridge Heath for employment purposes. A site location plan identifying this site (Drawing No. 30583-FE-08) is enclosed. It is our view that an Environmental Impact Assessment (EIA) is not required for the redevelopment of this site and this letter sets out our reasoning.

**Site Description and Background**

The site is approximately 11.1 Hectares in size and a significant part of it has been in employment use for a number of years. A number of applications relating to this employment use have previously been submitted in relation to the site and it also benefits from certificates for lawful use for employment purposes. A proportion of the site can therefore be judged to be previously developed land.

Access to the site is derived via a roundabout junction from Guildford Road that was implemented as part of an earlier planning permission and it is proposed that this same means of access from Guildford Road would be utilised to serve the new development.

Furthermore, additional works have also been undertaken to ensure that the existing use of the site for open storage has been accommodated in an appropriate manner. The site already benefits from established bunds and other means of enclosure to provide screening for visual and even acoustic purposes.

An outline planning application is due to be prepared for the redevelopment of the site for employment purposes (within use classes B1c, B2 and B8) consisting of up to 40,000 sq m of employment floorspace to meet current demand.

*MSA/30853/Nowhurst*

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It is proposed to prepare and submit an outline planning application for this development and to provide the following technical reports in support:-

- Planning Statement
- Employment Demand Statement
- Statement of Community Involvement
- Design and Access Statement
- Tree Survey/Arboricultural Impact Assessment
- Ecological Surveys/Phase 1 Habitat Survey
- Flood Risk Assessment and Drainage Strategy
- Preliminary Environmental Risk Assessment/Ground Conditions Report
- Transport Assessment/Framework Travel Plan
- Landscape and Visual Impact Assessment and Landscape Strategy
- Heritage Impact Statement
- Sustainability/Energy Statement
- Acoustic Statement
- Unilateral Undertaking/Section 106 Heads of Terms (to include any required highways works and travel plan initiatives)

### Requirements for an EIA

The requirements to undertake an EIA and prepare an Environmental Statement (ES) to accompany a planning application are set out within the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) referred to as "The Regulations". An application that requires an EIA is defined within The Regulations as either:

- Development falling under Schedule 1; or
- Development falling under Schedule 2 that is likely to give rise to significant impacts upon the environment by virtue of its location or factors such as its size or nature.

Development falling within Schedule 1 automatically requires an EIA. The proposed development of this site for employment purposes does not fall under Schedule 1.

Schedule 2 development is defined within the regulations as development that:

- a. Is to be carried out in a sensitive area (defined as: Sites of Special Scientific Interest, European sites, National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and scheduled monuments)
- b. Is above a defined threshold as set out within column 2 of the table within Schedule 2 of the Regulations

The proposal to develop this site is neither wholly or partly within a sensitive area, so on the basis of this criterion an EIA is not required. In relation to the defined threshold, the form of development would be considered an industrial estate development project under Infrastructure Projects. The relevant threshold for this type of development is 5 hectares, which is simply an indicator that it should be screened to determine whether an EIA is required.

It is not the case that simply because the site is larger than 5 Ha that an EIA is automatically required. Additional clarification of whether EIA may be required is provided within the Planning Practice Guidance issued by the Department for Communities and Local Government.

This confirms that Local Planning Authorities should test the application against the provisions of Schedule 3 of The Regulations as a starting point. Schedule 3 of The Regulations details the relevant criteria that

should be used to assess whether Schedule 2 Development is likely to have 'significant environmental impact'.

The three criteria set out in Schedule 3 are as follows:

- i. Characteristics of development (size, accumulation with other development, use of natural resources, production of waste, pollution and nuisances and risk of accidents)
- ii. The environmental sensitivity of the geographical areas likely to be affected by the development (existing land uses, relative abundance, quality and regenerative capacity of natural resources of the area and the absorption capacity of the natural environment);
- iii. The characteristics of the potential impact (extent, magnitude, probability, duration, frequency and reversibility)

The guidance also provides an indicative threshold under which it is generally considered that EIA would not normally be required. In the case of industrial development such as this, the indicative threshold is given as 20 Hectares. The site area is just over 11 hectares, which is still well within this 20 Ha threshold and it already benefits from an established access to serve the existing employment use.

Taking the above criteria into account, it is our opinion that the proposed redevelopment of the site for employment development does not require an EIA in either case for the following reasons:

- i. The site is largely brownfield in nature and benefits from existing access and other features that have been implemented following the grant of earlier planning permission.
- ii. The characteristics and scale of the proposed development are considerably less than the 20 Hectare threshold referred to in the Annex to the Planning Practice Guidance relating to EIA and will be consistent with the existing employment use that benefits part of the site.
- iii. The site is not environmentally sensitive, nor is the current site in an environmentally sensitive location.
- iv. The site is not within a Conservation Area nor does it contain any Listed Buildings. Whilst there are Listed Buildings along Nowhurst Lane, these are sufficiently screened and separate from the proposals and it is not considered that their setting will be affected.
- v. In any event, the characteristics of any potential impacts of the proposed development will be assessed through the planning application process. To this end, specialist reports will be prepared as set out above and submitted with the application. As part of the application process, the relevant agencies and statutory consultees will be consulted and the development, when approved, will be controlled by any necessary planning conditions.

We look forward to hearing from you.

Yours faithfully,



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