

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2017:
REGULATION 15 – Request for a Scoping Opinion**

Proposal: Proposed Planning Application for the extension to the restoration of the former claypit, including the remodelling of the existing landform to enable the change of use to agricultural land (permanent pasture), proposed scheme of landscaping improvements and ecological enhancement.

Site: Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham, West Sussex, RH12 3DH.

Applicant: Restoration to Agriculture Limited.

Agent: Next Phase Planning & Development

Date received: 22 May 2018

Classification of the Proposed Development and requirement for an Environmental Impact Assessment

The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and relates to a development area of more than 0.5 hectare. It could also be considered to fall within Part 13(b) of Schedule 2 which relates to changes to or extensions of EIA development where that development is already authorised or executed.

West Sussex County Council (WSCC) provided a Screening Opinion on 20 June 2018 confirming that having regard to the selection criteria in Schedule 3 of the EIA Regulations, the proposal is considered to have the potential for significant effects on the environment so requires an Environmental Impact Assessment.

The EIA Regulations allow for a developer to ask the local planning authority for their formal opinion (a 'Scoping Opinion') regarding the information to be supplied in the Environmental Statement (ES). This provides clarity as to what the local planning authority considers the main effects of the development are likely to be, and accordingly, the main topics on which the ES should focus.

WSCC is providing this Scoping Opinion in response to the information provided by the developer on 22 May 2018, with clarification provided on 18 June 2018. In providing this response, consultation has been undertaken with the relevant statutory authorities, along with the relevant Parish Council.

SCOPING OPINION

1. Location

1.1 The site comprises a 3.28 hectare parcel of greenfield agricultural land located to the immediate north of the former Rudgwick Brickworks clay pit. The former brickworks is currently being infilled with inert waste to enable its restoration to agriculture.

- 1.2 The site is access via Rudgwick Brickworks from Lynwick Street which adjoins the A281 to the south and the B2128 to the north. The latter runs south through Rudgwick village. The site is located in Horsham District and is at the very north of West Sussex County, with its northern boundary abutting Surrey County.
- 1.3 The north-western corner of the site includes part of the Baynard's Tunnel Site of Nature Conservation Interest (SNCI) which extends in a north-south direction along the boundary of the site and adjacent clay pit. Part of the adjacent clay pit is designated both as a Regionally Important Geological Site and is within WSCC's Sites & Monument (Archaeology) record.
- 1.4 There is a Scheduled Monument ('Ringwork in Broomhill Copse') some 235m west of the site. A number of Listed Buildings are in the vicinity, at closest some 315m south-west.
- 1.5 A public right of way (PROW)(footpath 1388-2) crosses through the northern part of the site, and Bridleway 3569 (the Downs Link) runs to the west of the site, beyond the SNCI.
- 1.6 The site is elevated and not in an area at risk of flooding, and is not within a groundwater source protection area.

2. History

- 2.1 The proposed extended infill area has no planning history.
- 2.2 However, the adjacent brickworks has been used since at least 1948 for clay working and brick making, before permission was granted to infill the pit with inert waste in 2015 (ref. WSCC/038/14/RW). That permission allowed the importation of some 590,100 tonnes of inert waste to restore the site to agricultural use, with the land profile being raised to form an incline rather than a bowl.
- 2.3 Planning permission has also been granted by Horsham District Council to allow the buildings on the brickworks site to be used as a café/retail unit for a cheese-making enterprise relating to the dairy farm which forms part of the wider landholding.

3. Proposal

- 2.4 It is proposed to infill a 3.28 hectare area of agricultural land with some 127,200 tonnes of inert waste over a period of 12 months, raising levels by up to 6 metres. The works would be undertaken on land north of Rudgwick clay pit which itself has been infilled with some 590,100 tonnes of imported inert waste (and 32,400 tonnes of on-site material) over a period of 4 years.
- 2.5 The works would be accessed via the existing Rudgwick clay pit entrance.

3. Scope of the Environmental Statement

- 3.1 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 easily-understood language.

- 3.2 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. Regulation 18 states that the ES should contain (in summary), as a minimum:
- o a full description of the development;
 - o measures to avoid/reduce/remedy significant adverse effects;
 - o data to identify and assess the main environmental effects;
 - o an outline of the reasonable alternatives relevant to the proposed development and its specific characteristics, and reasons for the choice made; and
 - o a non-technical summary.
- 3.3 As set out in Part 1 of Schedule 4, the ES should include, as relevant, a description of the aspects of the environment likely to be significantly affected by the development, as confirmed in the following; a description of the likely significant effects on the environment resulting from the development and the methodology used to predict them; and a description of proposed mitigation measures.
- 3.4 Any updated requirements set out in the Planning Policy Guidance: Environmental Impact Assessment should also be taken into account.
- 3.5 For this proposal, it will be key to consider the cumulative impact of the works, both physically and in terms of time, alongside the infill of the adjacent site.
- 3.6 The following sets out the County Council's views as to what main/significant areas will need to be considered within any forthcoming ES. It does not prevent the County Council from further requests for information at a later stage under Regulation 25 of the EIA Regulations, if deemed necessary.
- 3.7 The matters set out below respond to the submitted Scoping Request. In this instance, the Scoping Request has provided very limited detail regarding the methodology to be used, other than noting that it will update assessments provided in relation to the brickworks site. No sensitive receptors, zones of influence or baseline conditions have been identified, and no methodologies specified. While the links with the brickworks project are identified, the considerations relating to environmental impacts are different given that among other things the proposal is in a physically different location (i.e. the sensitive receptors will be different), in an elevated position, and on greenfield land.
- 3.8 Given the limited information provided in the submission, the guidance provided in the following is therefore relatively limited. It is strongly recommended that pre-application advice is sought so that the methodology for surveys can be agreed.
- 3.9 The County Council is of the view that the following matters should be considered in the Environmental Statement.

Landscape and Visual Impact

- 3.10 Limited information regarding the proposed approach to considering landscape and visual impact has been provided in the Scoping Request.
- 3.11 The previous LVIA was prepared largely in accordance with current guidelines (namely the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA\) \(3rd Edition\) \(The Landscape Institute and Institute of Environmental Management and Assessment \(GLVIA\), 2013\)](#)). This application should include a LVIA which should feed in to the landscape and visual impact chapter of the ES.
- 3.12 However, it is not clear that updating existing assessments would be appropriate given the potential changes in the scale of the scheme, the greenfield location, and the proposed raised topography (as opposed to the clay pit scheme which involved the infilling of a dip).
- 3.13 The submission should include an accurate zone of theoretical visibility used to highlight potential viewpoint locations and to define the study area which is likely to be larger than with the claypit submission. The previous LVIA can provide the starting point for the new baseline but would need to reflect the site and setting as it is now, in addition to the potentially larger study area and new viewpoints.
- 3.14 Given the elevated location of the site, the impacts on landscape and visual amenity should be considered both during construction and operation. This should include the impact of plant working on the site, and the diversion of the PROW (if required).
- 3.15 The submission should include a full Arboricultural Impact Assessment which should feed in to the LVIA, along with a landscape scheme so that mitigation measures can be fully understood.

Transport and Access

- 3.6 In highways terms, it is understood that the development would extend the period of HGV movements but not the number or method of accessing the site. On this basis, it is considered acceptable to update the Transport Assessment prepared in relation to the brickworks application (WSCC/038/14/RW).
- 3.7 The scope of the updated Transport Assessment should be agreed with WSCC Highways once the project has been defined further. This will include confirmation of whether a Transport Statement or Transport Assessment would be appropriate, and whether the traffic surveys undertaken previously will require updating.
- 3.8 For the avoidance of doubt, the number, type and routing of HGVs and other vehicles over given time periods of the works should be detailed as accurately as possible to ensure that the subsequent analysis is accurate, and can feed into other topic chapters such as noise and air quality.

Noise and Vibration:

- 3.22 The Scoping Request notes simply that the intention is 'to use the original report as baseline consideration for the context of the updated extended area'. No further details are provided.
- 3.23 The approach and methodology used in carrying out the assessment for the original application is acceptable, assuming these would be followed once again. However, the sensitive receptors relevant to the extended area should be identified and agreed with Environmental Health Officers before the work is undertaken. Whereas the previous development involved the infill of a clay pit, this development would involve land raising, in an extended, elevated area which is likely to affect different receptors. Further, this proposal would relate to greenfield agricultural land rather than a former quarry so the baseline noise conditions can be expected to be different in terms of noise/disturbance.
- 3.9 As previously, the type of plant and machinery to be used at the site should be specified, along with the likely phasing of the development so the potential impacts can be understood.
- 3.10 If mitigation measures are proposed, these should be identified as part of the submission.

Air Quality:

- 3.11 The Scoping Request again notes the intention to rely on the previous report as a baseline from which the proposal can be assessed. No further details are provided.
- 3.12 On the basis that the methodology used in the previous submission would be followed, this approach is considered to be acceptable, though it should be highlighted that the 'baseline' for this piece of land differs in that it is greenfield agricultural land, where the previous site was in quarry use. However, given the differing location, topography, and use of landraising, the sensitive receptors for this project should be identified and agreed with Environmental Health Officers.
- 3.13 For the avoidance of doubt, the chapter should include consideration of the implications of the project for climate change.

Hydrology, Flood Risk and Drainage:

- 3.16 The Scoping Request notes the intention to rely on the previous report in relation to hydrology, flood risk and drainage.
- 3.17 On the basis that the methodology used in the previous submission would be followed, this approach is considered to be acceptable. However, it should be highlighted that the 'baseline' for this piece of land differs in that it is greenfield agricultural land, where the previous site was in quarry use. This is a significant difference in terms of drainage implications, as is the existing elevation of the site and the proposal to land raise.
- 3.18 WSCC's Drainage Officer has noted the approach to landraising set out in paragraph 5.3.7 of the draft West Sussex Lead Local Flood Authority Policy for the Management of Surface Water which states:

“Wholesale land raising should not be undertaken, for example, by the spreading of excavated material on site or the importation of additional fill. Such action increases the possibility of changing natural flows and increasing flood risk beyond the development area.

In seeking to achieve a more consistent landform topography for the benefit of the intended agricultural after use the applicant will need to demonstrate that natural flow paths are not changed and that flood risk is not increased beyond the development.

- 3.19 Given the sensitivity of the surrounding land uses, particularly the SNCI, it will be crucial that the information submitted confirms that the amended landform would not result in increased run-off from the site.

Ground Conditions:

- 3.20 The Scoping Request notes the intention to rely on the previous report in relation to ground (geo-environmental) conditions. No further detail is provided.
- 3.21 On the basis that the methodology used in the previous submission would be followed, this approach is considered to be acceptable. However, as with previous issues, it should be highlighted that the 'baseline' for this piece of land differs in that it is greenfield agricultural land, where the previous site was in quarry use. This is particularly relevant to considerations of ground conditions and hydrogeological implications.

Ecology and Nature Conservation:

- 3.22 As with other issues, the Scoping Request notes the intention to provide an 'update' to previous reports. No further details are provided.
- 3.23 However, this is a greenfield site which includes a SNCI, and the proposal would involve the loss of and impact on mature trees and hedges within and around the site. The impact on these features during construction and after restoration must be clearly set out in the information submitted, and any ecological compensation proposals and their methods must be included. WSCC's Ecologist notes that details of the ecological enhancement measures will be expected to support the application, in accordance with the NPPF.
- 3.24 Up-to-date ecological surveys should be provided with the submission.

Archaeology and Cultural Heritage

- 3.16 As already noted, most, if not all of the application site is greenfield - 'virgin' agricultural land. It is therefore possible that presently unknown archaeological features may also exist, below ground.
- 3.17 Historical mapping and the West Sussex County Council Historical Environment Record (HER) mark a once-existing late Victorian pump house within the land parcel, along with another former building.
- 3.18 The existing ground levels would be raised under the proposals, but it should be assumed that some degree of preparatory topsoil stripping would be needed in

this area, before land raising, so that there is a possibility that the proposals will have archaeological impacts.

- 3.19 Therefore Cultural Heritage should be “scoped in” to EIA.
- 3.20 As part of EIA, an Historic Environment Desk Based Assessment should be carried out, using a search area around the site of 1km radius, to take account of:
- direct and indirect (e.g. visual) impacts upon designated and non-designated heritage assets; and
 - potential impacts upon presently unknown buried archaeological heritage assets within the site (i.e. the parcel(s) of land not previously subject to clay extraction).
- 3.21 Because of the site’s proximity to the county boundary, information about these assets should be drawn from both West Sussex County Council’s and Surrey County Council’s HER databases.

Cumulative Impact

- 3.24 It is unclear from the Scoping Request what information would be considered in terms of cumulative impact – what the physical extent would be for other projects and proposals. The applicant should agree this with the County Council before submission. The previous project focused on development at the brickworks, but this proposal is on elevated greenfield land, so the impact of this location should be considered.

In-Combination Impacts

- 3.25 An appraisal of the potential interaction of impacts should also be set out either in this chapter or in each topic chapter, acknowledging the potential for a combination of impacts to result in an impact of greater significance.

Other Issues:

- 3.26 Each chapter in the EIA should include consideration of Schedule 4(5) to the EIA Regulations relating to the likely significant effects of the project on the environment resulting from matters such as the use of natural resources, risks to human health, and the vulnerability of the project to climate change.
- 3.27 The implications of closing/diverting the public right of way which crosses through the site should be considered in the EIA where relevant (and this should be discussed at an early opportunity with WSCC’s PROW Officers).

Topics to be Scoped Out

- 3.28 The Scoping Request did not identify the matters to be scoped out of the EIA, but it is considered that the following topics are unlikely to represent the ‘main’ or ‘significant’ environmental effects to which the development is likely to give rise, so can be excluded from detailed consideration in the Environmental Statement:

- Planning Policy Context: if you so wish this can be included in another document but it is not considered essential as part of the Environmental Statement.
- Socio-Economic Impact: it is considered that the socio-economic impact of the development can be sufficiently considered through a qualitative assessment provided separately to the ES (e.g. through the Planning Statement).

Regards

A handwritten signature in black ink, appearing to read 'JM', followed by a long, wavy horizontal line.

Jane Moseley
County Planning Team Manager

for the Strategic Planning Manager
Date: 12 July 2018