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Our ref: EIA/19/0003
Your ref: LA/9206
Contact: Robert Hermitage
Email: robert.hermitage@horsham.gov.uk
Date: 13th November 2019

Dear Mrs Alexander,

Re: Environmental Impact Assessment Scoping Opinion request for forthcoming outline planning application for up to 500 dwellings on land south of Crawley Road, Faygate.

Following your letter dated 20th September 2019 requesting a formal EIA Scoping Opinion for the proposed development at Land South of Crawley Road, Horsham, please find attached a copy of the Scoping Opinion on behalf of Horsham District Council (detailed below). The opinion incorporates views of the statutory consultees and other departments within the Council. Comments from Natural England, the Environment Agency, and the High Weald Joint Advisory Committee are attached to this letter for your information.

Please note that we have not yet received comments from the Woodland Trust. I will forward these to you when we are in receipt of them, as their comments will need to be taken into consideration.

I can confirm that this letters forms Horsham District Council's formal Scoping Opinion and will be published on the public register.

Yours sincerely,

Robert Hermitage
Senior Planning Officer



The Local Planning Authority's Response to the Scoping Report

The following reflects the views of the Local Planning Authority and its statutory consultees regarding the information contained within each chapter/sub-heading of the submitted Scoping Report:

Chapter 1 – Introduction

Natural England have highlighted some general principles in relation to the purpose of an EIA:

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment

Chapter 2 – Description of Context and Key Receptors

The description of the site should refer to the site being located outside of the built-up area, and its contextual location to the built-up area boundary.

Chapter 3 – Policy Context

Consideration should also be made / given to other relevant local policy and Supplementary Planning Documents, such as:

- Planning Obligations and Affordable Housing SPD, 2017
- Strategic Housing Market Assessment, 2016
- HDC Landscape Character Assessment, 2003
- HDC Landscape Capacity Study, 2014
- West Sussex Waste Local Plan, 2015
- West Sussex Joint Minerals Local Plan, 2018

Chapter 4 – Consultation and Engagement

No comments.

Chapter 5 – EIA Approach and Methodology

In relation to the methodology of the Environmental Statement, Horsham District Council's Ecological Consultants have made the following comments:

We note that appropriate survey and assessment has or will be undertaken to assess the impacts of this development on biodiversity. We note that nationally agreed guidelines are to be followed for these and other surveys and all survey work should be undertaken in the appropriate season by appropriately qualified ecological consultants. Survey and assessment should meet the requirements of Natural England Standing Advice and the ecology chapter follows CIEEM guidelines as well as being written by suitably qualified experts as defined by the EIA Regulations.

We welcome consideration within the PEA for invasive plant species such as Rhododendron on the site and will expect appropriate control measures to be included in the Construction Environmental Management Plan (Biodiversity). A Landscape and Ecological Management should also be provided and include repeat checks for non-native invasive species in areas where construction is proposed.

Surveys should include Priority habitats and both protected and Priority species, particularly those considered likely to be present and affected eg. Turtle Dove, Dunnock, Toad, Stag beetle and Hedgehog. The assessment of likely ecological impacts needs to include sufficient mitigation measures to minimise the impacts as well as identify compensation for any residual impacts and biodiversity enhancements.

The ES should refer to management of any habitat created although this will also need to be included in a long term Landscape and Ecological Management Plan (LEMP) as a condition of any consent. An outline version would be expected at submission to allow consideration of its effectiveness by the LPA.

We are keen to understand what monitoring of the success of mitigation measures will be undertaken and any measures to be implemented through the LEMP, secured by appropriate condition of any consent.

5.2 Baseline Development

Horsham District Council's Ecological Consultants have made the following comments:

We are satisfied that the EIA scoping report has referred to the correct legislation and policy. However as there may be potential recreational impacts on Ashdown Forest SAC and Mole Gap to Reigate Escarpment SAC, this impact pathway should be scoped in for further assessment to inform

HRA screening by the LPA depending on the formal advice provided by Natural England. An appropriate area of natural greenspace within the site will be welcomed particularly if this provides access to a 2.7km daily walking route.

Although the EIA scoping report ecology chapter refers to a 2km radius from two SSSIs, it would be helpful to identify if this development lies within the Impact Risk Zones as shown on with Natural England's MAGIC website and triggers consultation based on development type. The applicant's ecologists needs to use this resource to check individual designated sites instead of a generic 2km buffer from the development. Any mitigation necessary to avoid impacts will need to be agreed with Natural England and secured by a condition of any consent.

It may be that additional area of study within Horsham District may be needed to ensure likely ecological impacts are being fully considered but at present this needs to be refined in light of results from surveys undertaken, particularly bats.

We are pleased to note that a desk study for species records was requested from the local record centre – Sussex BRC (SxBRC) – and these records have informed survey requirements. Records from any new or updated surveys undertaken should be shared back with SxBRC.

We note that the PEA states that there is potential for significant effects on Dormouse & bats (European Protected Species) and reptiles (protected species) and that surveys will be undertaken to establish impacts. The likelihood of Annex II bat species roosting and/or foraging in the adjacent woodland, as well as using any trees on the site, will need to be established prior to determination to provide certainty of impacts to the LPA and ensure that effective mitigation can be secured by either a condition of any consent or a mitigation licence. We agree that an appropriate buffer for the ancient woodland will be required and management of this as no-light zone to avoid impacts on bats, in addition to a wildlife sensitive lighting scheme for the development footprint.

The results will inform the necessary mitigation and the likelihood of any licence needed to implement any consent issued by the LPA. We recommend that any protected or Priority species scoped out for surveys eg. Gt Crested Newt, Badger & Water vole, are justified in the final Ecology chapter of the Environmental Statement. We also expect that this report includes details of mitigation, compensation and enhancements for all protected species and Priority species & habitats.

It is particularly recommended that any survey & assessment of Badgers is provided in a separate confidential appendix to avoid release of sensitive information.

We note the reference to Ancient Woodland (irreplaceable habitat) and Priority habitat (broadleaved woodland & hedgerows) and that the arable fields have high ecological value with breeding Skylark, a Priority species within the larger arable field. We welcome the statement that mitigation for loss of nesting habitat would likely come in the form of creating Skylark plots in adjacent arable fields not being impacted by the development. We would expect details of the number of territories displaced and disturbed to be recorded in the surveys and inform the number of nest plots to be provided as mitigation – 2 plots/pair for a minimum of 10 years. We recommend that if this land is within the applicant's control, this may need to be included in a legal agreement.

5.3 Assessment of Effects and Defining Significance

With regards to the contents of Table 5.2, the applicant should be aware that clearance works have begun on the Land North of Horsham site, and construction phase is due to begin towards the early part of 2020. Facilities coming forward as part of the North Horsham development that need to be considered within the Environmental Statement include:

- The development of 2,750 dwellings;
- Business park with 46,450m² of commercial space;

- Retail units;
- A new community centre;
- Leisure facilities;
- Education facilities (primary and secondary school);
- Public open space;
- Landscaping, and;
- Related infrastructure.

With regards to the cumulative impacts of the development, Natural England have made the following comments:

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

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. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. 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.

5.4 Demolition and Construction

In relation to demolition and construction, the Council's Environmental Health Officers have made the following comments:

A Construction Environmental Management Plan should be submitted to adequately assess the impact of this phase of the proposed development.

A CEMP should include as a minimum the following;

- a. An indicative programme for carrying out of the works;
- b. The arrangements for public consultation and liaison during the construction works;
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e. the parking of vehicles of site operatives and visitors;
- f. loading and unloading of plant and materials;
- g. storage of plant and materials used in constructing the development;
- h. the erection and maintenance of security hoarding including decorative; displays and facilities for public viewing, where appropriate
- i. wheel washing facilities;
- j. measures to control the emission of dust and dirt during construction;
- k. a scheme for recycling/disposing of waste resulting from demolition and construction works.

- I. no burning of materials or waste on site.

I would also suggest confirmation that no soils would be imported or re-used within the development site until the developer submitted details of the chemical testing and assessment of the soils demonstrating their suitability for their proposed use. This to be validated in a written verification report to the LPA.

5.5 Consideration of Alternatives

No comments.

Chapter 6 – Environmental Topics

6.1 Socio-Economics

It is a requirement of the EIA legislation that there is consideration as to the effect of a proposed development on the nearby population. It may therefore be necessary to consider the impact of the development on the neighbouring borough of Crawley as well as Horsham. It is also suggested that in assessing socio-economic impacts it would be beneficial to refer to the analysis of any representations as part of the Local Plan Review to take place in 2019. This is in the event that the scheme is taken forward as part of the review as a preferred site. At this stage, the preferred sites have not been allocated. Analysing the representations will provide an indication of the concerns of the existing communities.

It is also noted that the statement that the site would deliver 58% of Horsham District Council's annual housing target (465 units towards the 800 units annual delivery) at paragraph 6.1.2 is inaccurate and misleading, as it is highly unlikely that all of the units will be delivered in one monitoring year. If reference is to be made to this annual delivery target, it should be broken down into realistic annual delivery rates over a set period of time – typically, this is illustrated over a five-year period to coincide with the Council's five-year housing land supply and its Authority Monitoring Report (AMR). Please note that the 2018/19 AMR is expected to be published in late December 2019. If this was the case, reference should be made to the following year's AMR (2019/20).

6.2 Transport and traffic

In relation to transport and traffic, West Sussex County Highways Team have made the following observation:

For the purposes of the EIA scope, WSCC Highways would have no comments to make. It is however expected that the EIA will draw upon data collected and used for other parts of the required Transport Assessment. It would be expected for the scope of the work forming part of the TA to be agreed with WSCC Highways in due course.

6.3 Air Quality

In relation to air quality issues on the site, the Council's Environmental Health Officers have made the following comments:

It is welcome that the air quality section of the report acknowledges the need for an emission mitigation statement, to be prepared as specified by the Air quality and Emissions Mitigation Guidance for Sussex (2019). This should consist of a damage cost calculation and a mitigation plan detailing proposed measures to mitigate and/or offset the impacts, where the estimated value of the proposed measures should be equal to the environmental damage costs.

Regarding the air quality assessment, it is essential that the cumulative impacts of all committed development is considered in the assessment, including all committed industrial/commercial development. In addition, I would recommend that the focus of the assessment is on fine particulate matter PM2.5. It is the requirement of the Environment Bill that the government sets a target in respect of the annual mean level of PM2.5 by 2022. Looking at the background concentrations of PM2.5 in the district (available from Defra's background maps of estimated modelled concentrations), the highest concentrations of PM2.5 have been modelled for Horsham and the areas north of Horsham, at levels close to the guideline value of 10µm/m³ recommended by WHO. Thus, the traffic associated with the committed and the proposed development is likely to have an adverse impact on the already elevated PM2.5 concentrations in that area.

In relation to air quality issues on the site, Natural England have made the following comments:

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6.4 Noise and Vibration

In relation to noise issues on the site, the Council's Environmental Health Officers have made the following comments:

It is noted that the report refers to the national policy but not the Planning Noise Advice Document: Sussex (2019). As the A264 is a major A road I would recommend that the applicant considers the number of LA_{max,F} events at night in the evaluation of the overall impacts. I also recommend that the assessment follows the 2 –stage approach endorsed by the ProPG guidance (2017) and the Sussex guidance (2019) and gives particular consideration the key elements of Stage 2 - good acoustic design, observing the internal level guidelines and mitigating the impact on external amenity.

6.5 Landscape and Visual Impact

In relation to the landscape and visual impact of the development, Horsham District Council's Landscape Architect has made the following comments:

the LVIA methodology and viewpoints (Appendix D & E) and I am generally satisfied with the content and level of information to be provided and that these are in line with the current guidelines. I'm also of the opinion that the proposed viewpoints are appropriate although we may need some additional ones.

My only few observations, which I don't think have been covered by the Temple report are:

- Page 16– potential key receptors and also para 6.5.8. The site is likely to be visible from higher parts of the North Horsham development, therefore the future residents of North Horsham should also be considered with additional viewpoints included from here although this may mean assessment from currently publicly inaccessible areas.

- Views from nearby listed buildings (Moorhead Cottage) is not included within the assessment. I note the methodology makes reference to this being coordinated with the heritage consultant but not included within the selected key viewpoints?
- Photomontages should be prepared for key viewpoints of the development with number and locations also to be agreed with HDC

In relation to the landscape and visual impacts of the development, Natural England have made the following comments:

Nationally Designated Landscapes

As the development site is within the High Weald AONB, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for the High Weald.

Natural England considers that a development of this size would constitute 'major development' within the AONB, and as such should only go ahead in exceptional circumstances and in the public interest, according to paragraph 172 of the National Planning Policy Framework. The ES should, therefore, contain sufficient information to allow the planning authority to assess the application against the three criteria in paragraph 172.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

The ES should set out the impact of the proposal on the special qualities of the AONB, as set out in the High Weald AONB Management Plan. It should be noted that not all parts of the AONB will possess all five defining components of the High Weald character, and if this is the case it does not mean that part of the landscape is of lower value, as implied by paragraph 6.5.3 of the submitted scoping report (Temple, Sept 19).

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

In relation to the landscape impact of the proposal, the High Weald Joint Advisory Committee have made the following comments:

This response focusses on section 6.5 of the report on Landscape and Visual Impact Assessment where it summarises the baseline conditions. Overall this section significantly under-values the quality of the landscape, using terms such as 'ordinary' to describe the fields and saying that "it does not display all of the five defining components of the High Weald character as identified in the High Weald Management Plan" as if this means that it should be accorded lower landscape value than other parts of the AONB.

To be clear the designation as an Area of Outstanding Natural Beauty confers the highest landscape status and value on all of the designated area equally. The landscape components identified in the Management Plan are those which are consistently found across the area, but there is no implication that all sites will display all five characteristics or that areas that don't have all five are of lesser value.

Much of this section focuses on views in and out of the site, arguing that these are limited by woodland and topography. This is true of most of the High Weald AONB, which is a very hidden landscape. Again, this does not reduce its value or its status as AONB.

The derogatory tone of the 'baseline summary' does not provide confidence that the EIA assessment will be objective or reflect the importance of this nationally designated landscape.

6.6 Archaeology and Heritage

In relation to the Archaeological issues on the site, Horsham District Council's Archaeological Consultants have made the following comments:

With regard to the proposed development at Faygate we would agree with the submitted Desk Based Assessment that the site has potential to contain archaeological remains from the prehistoric period onwards, and that it has the potential to be nationally and possibly internationally significant for the Mesolithic and Neolithic periods. We would also concur with the Desk Based Assessment that the nature of the evidence for the Mesolithic and Neolithic periods, which currently takes the form of flint scatters, will require the implementation of a range of assessment and recording techniques to ensure that the mitigation measures developed are appropriate for the potential significance of the site.

However the Scoping Opinion document (Chapter 6.6 Archaeology and Heritage) submitted by the applicant contains few details as to how an appropriate assessment of the cultural heritage significance of the Site will be undertaken to inform the planning application. Under 6.6.8 no mention of the NPPF is made and it is recommended this is included. The inclusion of the DMRB is somewhat out of date and is normally restricted to linear corridors. It is therefore recommended that the proposed Cultural Heritage Chapter in the EIA should comprise:

- The desk-based assessment of the proposed development area – this has already been prepared.

- A fieldwalking assessment of the site in order to establish the extent of the flint scatters and the nature of the archaeological evidence contained within the topsoil.
- A geophysical survey would help identify areas of potential ironworking sites, however it is recommended that a trial area is undertaken on an area of known archaeological deposits/cartographic evidence to assess its effectiveness prior to the remainder being surveyed.
- An element of ground-truthing, in the form of targeted trial-trenching, will be required to confirm these results.

This would comprise the initial phase of work in order to ensure that the historic environment is appropriately considered in advance of the submission of the planning application. Further large-scale evaluation and excavation is likely to be required if the development is granted permission. In relation to the heritage issues on the site, Horsham District Council's Conservation Officer has made the following comments:

With regard to the listed buildings that are considered to be affected by the proposed development, their list descriptions are not comprehensive and give little, if any, information of their significance. To aid the assessment of effects on these listed buildings and their settings I recommend the listing enhancement service offered by Historic England is used. This will remove much of the potential debate about where significance lies. This will provide greater confidence to the applicant and the Council in terms of understanding how any harm might be avoided or mitigated if we feel public benefit outweighs this harm.

With regard to the non-designated heritage assets, Moorhead historic farmstead and Roffeyhurst, more research should be undertaken, and the owners contacted directly for information. It may be that these buildings should be put forward for assessment for listing. Historic England's fast track listing service should be used in these cases. This will provide a comprehensive consideration of the heritage significance of these non-designated assets.

6.7 Ecology

In relation to the ecological issues on the site, Horsham District Council's Ecological Consultants have made the following comments:

Potential Impacts:

It will be necessary to identify any impacts on Priority habitats and species (and not just significant ones) in the Environmental Report to ensure that the LPA can demonstrate their s40 duty under NERC Act 2006.

We have reviewed the proposed approach to ecological mitigation, monitoring & enhancement and consider it appropriate although it needs to include Priority habitats and species not just protected or notable ones. We welcome protection of habitats during construction activities from pollution/disturbance etc and recommend that effective mitigation measures are embedded in a Construction Environmental Management Plan (Biodiversity) and secured as a condition of any consent. It will be likely that a Landscape and Ecological Management Plan will also be required as a condition although if the development is likely to be phased, a draft could be submitted to provide certainty to the LPA with details secured for each reserved matters applications.

Any potential significant effects, both direct and indirect, should be assessed and appropriate mitigation and compensation measures recommended to ensure these can be secured by a condition of any consent. This will allow the LPA to discharge all associated statutory duties, including its s40 NERC biodiversity duty.

Opportunities:

We expect to see biodiversity enhancement opportunities embedded into the design of the scheme and recommend creating Priority habitats as well as measures for Protected and Priority species eg hedgehog friendly fencing throughout the development. The ES should thoroughly explore all reasonable options to deliver measurable net gain from the development and restore biodiversity networks.

In conclusion, we consider that the approach for survey & assessment undertaken is appropriate and mitigation measures will be confirmed to minimise significant effects from the development as defined by the EIA Regulations.

In addition to the EIA report, it will be necessary to also provide sufficient information on non-significant

impacts on Protected and Priority species and habitats at submission either in a non-EIA chapter or separate documentation to meet NPPF requirements. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

In relation to the ecological issues on the site, Natural England have made the following comments:

Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites.

Sites of Special Scientific Interest (SSSIs)

The development site is within 2km of the following designated nature conservation sites:

- St Leonard's Forest SSSI
- St Leonard's Park Ponds SSSI
- Further information on the SSSIs and their special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. 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 for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information, there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

Habitats and Species of Principal Importance

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. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

Any historical data for the site affected by the proposal (e.g. from previous surveys);

- Additional surveys carried out as part of this proposal;

- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

Ancient Woodland

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 175) which states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts);
- b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Chapter 7 – Non-Significant Topics

7.1 Topic Sections

N/A

7.2 Ground Conditions and Contamination

In relation to contamination, Horsham District Council's Environmental Health Officers have made the following comments:

Whilst the Groundsure Desk Top Study suggests that contamination is unlikely, it would still be prudent to adhere to the methodology outlined in the following model condition

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site and extant structures shall each be submitted to and approved, in writing, by the local planning authority:
 - a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

2. Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination validation report shall be submitted to and approved, in writing, by the Local Planning Authority. The validation report shall provide details of the data collected in order to demonstrate that the works set out in Condition [1] are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

In relation to ground conditions, Natural England have made the following comments:

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

7.3 Water Resources and Flood Risk

In relation to the water resources, Southern Water have made the following comments:

Southern Water's current water records show that there are water trunk mains within the proposed development site. No development, excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

In addition, due to changes in legislation that came in to 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.

Due to the size of the development and to protect the premises from the impact of sewage flooding, an assessment is required to ascertain an appropriate point of connection to the foul sewerage network.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer.

In relation to flood risk on the site, West Sussex County Council Lead Local Flood Authority have made the following comments:

Current Surface Water Flood Risk Based on 30 Year and 100 Year Events:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Modelled Groundwater Flood Hazard Classification

The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones:

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Nearby Ordinary Watercourses

Current Ordnance Survey mapping shows an ordinary watercourse just north of the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of Any Historic Flooding Within the Site

We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

7.4 Population and Human Health

In relation to access and recreation, Natural England have made the following comments:

Natural England encourages 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.

Rights of Way and Access land

The EIA should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We 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.

7.5 Major Accidents and / or Natural Disasters

No comments.

7.6 Climate Change and Greenhouse Gas Emissions

The detailed design phase of the proposal should account for the climate change policies (Chapter 10, Policies 35-38) within the Horsham District Planning Framework, in addition to other relevant climate change policy, such as the West Sussex Flood Risk Management Strategy (2013), and the Air Quality and Emissions Mitigation Guidance for Sussex (2019)

In relation to climate change adaptation, Natural England have made the following comments:

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

In relation to pollution prevention, the Environment Agency have made the following comments:

Whilst the proposed development is in the early stages, we would advise that pollution prevention measures are considered throughout the process. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the Applicant should refer to our guidance 'PPG 1 – general guide to the prevention of pollution' which can be found on the GOV.UK website using the following link:

<https://www.gov.uk/government/publications/basic-good-environmental-practices-ppg1-prevent-pollution>

In the event of a pollution incident, all works should cease immediately, and the Environment Agency should be contacted via the incident hotline 0800 80 70 60 (24-hour service).

7.7 Waste and Recycling

Details of the proposed method to remove waste from the site should be detailed within the Construction Environmental Method Statement.

Chapter 8 – Proposed Structure of the Environmental Statement

8.1 Structure of the Assessment Chapters

No comment.

8.2 Structure of the ES

No comment.

Chapter 9 – Summary of Proposed EIA / ES Scope

No comments.