

SCREENING OPINION

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

Screening Opinion reference: WG/20b

Applicant: A. Hyatt Contractors LTD

Agent: Douglas J. P. Edwards

Date Received: 12/10/20

Site: Land to the north of CDEW Screening Site, Thistleworth Farm, Grinders Lane, Dial Post, Horsham, West Sussex, RH13 8NR

Proposal: Landraising works

Classification of the Proposed Development

The development consists of landraising activities which have already taken place (without the benefit of planning permission) on approximately 0.5 hectare of agricultural land at Thistleworth Farm. The proposal is the subject of a live retrospective planning application WSCC/048/20.

The applicant advises that the land has been raised through the import and deposition of inert waste/materials/soils arising from both; land immediately to the east of the site arising from excavations associated with the formation of foundations and track for an agricultural barn (in the order of 4500m³); and materials processed at the recently approved neighbouring inert waste recycling facility - ref WSCC/009/20 (in the order of 8500m³). The applicant advises the purpose of the landraising is to create a more natural landform and improve the agricultural suitability of the land through improved drainage and more manageable contours.

The proposal does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').

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 hectares. Further, it is within 100m of controlled waters (which includes groundwater).

Accordingly, consideration needs to be given, with reference to Schedule 3 to the EIA Regulations, as to whether the development would have the potential to result in 'significant environmental effects' which require an EIA.

Characteristics of Development	
Development Area	Site area – 0.66 hectares
Development Scale	The development consists of land raising with gradual contours over an area of approximately 0.5Ha and at a maximum deposition depth of some 3m.

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
1. Will the development involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies etc.)?	Likely. The operations on involve reprofiling of the land. The final restored land use would remain in agricultural use.	No significant impacts anticipated. The site is situated immediately adjacent to the A24 and the site context includes a large bund directly to the east created when the A24 was constructed. Although there would be physical changes, the effect would be relatively localised.
2. Will the development use natural resources such as land, water, materials, or energy, especially resources which are non-renewable or in short supply?	Likely. Fossil fuels were likely to have been used in machinery placing material.	No significant impacts anticipated. Although fossil fuels are being used this would be in limited volumes.
3. Will the development involve the use, storage, production of substances or materials which could be harmful to people or the environment?	Possibly. The development involves the deposition of some 13,000m ³ of inert soils/materials, however, deposited material could potentially contain contaminated material.	The site would ordinarily be subject to the Environmental Permitting/Exemption regime (EA) which seeks to ensure impacts from potentially harmful substances are minimised to an acceptable level. However, such permits/exemptions cannot be sought retrospectively, increasing risk. No evidence to date to suggest materials contain any contamination. Overall, no significant impacts anticipated within the meaning of the EIA Regulations, due to the limited volume and inert

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
		nature of materials to be processed.
<p>4. Will the development give rise to significant noise, vibration, light, dust, odours?</p> <ul style="list-style-type: none"> - during construction - during operation 	<p>Likely.</p> <p>During deposition there would be movements of machinery and waste around the site which could result in dust and noise.</p> <p>The background local noise environment is affected by traffic noise from the A24.</p> <p>Dust could be controlled by typical suppression measures.</p>	<p>No. There would inevitably be potential for adverse effects resulting from the proposed activities, albeit relatively localised.</p> <p>The works have been substantially completed without known significant impacts)</p> <p>Significant effects, within the meaning of the Regulations, is not considered likely with imposition of typical controls.</p>
<p>5. Does the proposal have the potential to release pollutants to air, land, or water?</p>	<p>Likely, as the materials being deposited would include processed inert waste.</p>	<p>Subject to typical planning conditions to ensure dust is controlled, and appropriate drainage in place, any such impacts would likely be localised.</p> <p>The site would ordinarily be subject to the Environmental Permitting/Exemption regime (EA) which seeks to ensure impacts from potentially harmful substances are minimised to an acceptable level.</p> <p>However, such permits/exemptions cannot be sought retrospectively, increasing risk.</p> <p>No evidence to date to suggest materials contain any contamination.</p> <p>Overall, no significant impacts are anticipated within the meaning of the EIA Regulations, due to the limited volume and inert nature of materials used.</p>
<p>6. Are there areas on or around the location which are already subject to pollution or environmental damage –</p>	<p>Unlikely. Immediately South of the proposed site there is a recently established inert waste recycling site</p>	<p>No significant effects anticipated, including cumulatively.</p>

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
e.g. where existing environmental standards are exceeded, which could be affected by the project?	(WSCC/009/20), which is not known to have exceeded environmental standards. The site is immediately adjacent to the A24.	
7. Is there a high risk of accidents during construction or operation of the development which could have effects on people/the environment?	Unlikely. The operation would entail the use of heavy machinery on site, but risk of accident is not likely to be high.	No significant impacts anticipated. Typical PPE, staff training and other safety measures would minimise any risk posed.
8. Will the project result in social changes e.g. demography, traditional lifestyles, employment?	Unlikely. No significant changes to demography or employment anticipated.	No significant impacts anticipated due to the limited scale of the development.
9. Are there areas on or around the location which are protected under international, national or local legislation for their ecological, landscape, cultural or other value which could be affected by the project?	Unlikely. There is Ancient Woodland approximately 350m to the south of the proposed site. There is a Listed Building (Thistleworth Farmhouse) approximately 100m to east of the site, albeit separated by a large existing bund.	No significant impacts anticipated. The impacts of the development are likely to be sufficiently contained within the site and thus there is unlikely to be significant effects on designated features in the vicinity. The context of the A24 and presence of a large bund, which separates the site from the neighbouring Listed Building and is therefore likely to ensure there would be no significant effects on the designated heritage asset, within the meaning of the regulations.
10. Are there any other areas around the location which are important for their ecology e.g. wetlands, forests, coastal zone which could be affected by the project?	Unlikely. There are no other ecologically important sites within proximity to be affected by the project.	No significant impacts are anticipated.
11. Are there any areas on or around the location which are used	Unlikely. No protected or sensitive flora or	No significant impacts anticipated.

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
by protected or sensitive species of fauna or flora which could be affected by the project?	fauna known to be present near the site.	
12. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	<p>Likely.</p> <p>Potential for impact on nearby watercourses arising from deposition of waste and potential contamination of surface water.</p> <p>Typical surface water drainage ditches in the locality, in particular alongside the A24.</p> <p>Site is not within a groundwater Source Protection Zone or identified Flood Zone.</p> <p>The northern and western extent of the site lie in area which may be more prone to surface water flooding, however, the development seeks to mitigate current drainage issues and includes a detailed drainage/assessment scheme that seeks to ensure flood risk would not be exacerbated elsewhere.</p>	<p>Subject to conditions to secure detailed drainage design, any flooding impacts would be unlikely and/or localised.</p> <p>The site would ordinarily be subject to the Environmental Permitting/Exemption regime (EA) which seeks to ensure impacts from potentially harmful substances are minimised to an acceptable level.</p> <p>However, such permits/exemptions cannot be sought retrospectively, increasing risk.</p> <p>There is no evidence to date to suggest materials contain any contamination.</p> <p>Overall, no significant impacts are anticipated within the meaning of the EIA Regulations, due to the limited volume and inert nature of materials used.</p>
13. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	<p>Unlikely. There are no designated landscape features within or in close proximity, albeit the site is 'countryside'. A Public Footpath shares the access to the site and crosses the northern area of the site.</p>	<p>There is potential for impacts upon landscape and rural setting, however, no significant effects anticipated within the meaning of the Regulations.</p>
14. Is the project in a location where it is likely to be highly visible to many people?	<p>Unlikely.</p> <p>The site is located between the A24 (which has mature trees/ vegetation</p>	<p>Potential for open views from Public Right of Way (PROW) which will be directly affected, however, no significant impacts within the</p>

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
	along its boundary) and a large bund. However, the access and site are shared/shared with public footpaths.	meaning of the Regulations are anticipated.
15. Are there routes on/around the location which are used by the public for access to recreation or other facilities which could be affected by the project?	Likely. A public footpath shares the access to the site and runs along the southern boundary. A public footpath also crosses the northern section of the site, where levels would change, and a new staircase would be installed to facilitate movement up/down slopes.	No significant effect is expected within the meaning of the EIA Regulations. Extent of the PROW likely to be directly affected is limited and localised. It is also noted that the shared footpath to the site is already an established access to agricultural land and a Waste Recycling site.
16. Are there any routes on or around location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Likely. The site's access joins the junction of Grinders Lane and the A24 where traffic volumes and speeds are high. The proposed development has been largely completed would be unlikely to result in any significant increase in HGV movements when taking into account those already arising from the neighbouring waste recycling site (where all imported materials will arise).	No significant effects on congestion or the environment expected, within the meaning of the Regulations.
17. Are there any features of historic or cultural importance on or around the location which could be affected by the project?	Likely. There are Listed buildings in the locality including; Thistleworth Farmhouse approximately 100m to the east;	No. Noting the separation between the site and heritage assets afforded by a large bund, existing roads, and built development, no significant impacts within the

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	<p>Woodman’s Stud approximately 200m to the west; and</p> <p>Platts Green Cottage approximately 450m to the south.</p> <p>There is some potential for buried archaeological features as previously identified in the locality as part of A24 works.</p>	<p>meaning of the EIA Regulations expected.</p> <p>Potential impacts on buried archaeological features is limited as land has been raised (not excavated).</p>
18. Will there be any loss of Greenfield land?	Likely. The whole site is considered greenfield land.	No. The area of land affected is relatively small (under 1 hectare) and any impacts would not be significant within the meaning of the EIA Regulations.
19. Are there existing land uses around the location which could be affected by the project?	<p>Unlikely.</p> <p>There are residential properties to the east (beyond established A24 bund) and also to the west (albeit separated by the A24).</p> <p>There is a Garden Centre complex and commercial premises to the south (opposite site access form Grinders Lane), beyond which is a caravan park.</p> <p>There are PROW in the locality (as detailed above).</p>	<p>No significant effect is anticipated within the meaning of the EIA Regulations.</p> <p>Whilst there is potential for some impacts during completion of construction, these would be temporary, and upon completion land use would remain agriculture.</p>
20. Are there areas on or around the location which are densely populated or built-up, which could be affected by the project?	<p>Unlikely.</p> <p>Site occupies a rural location distant from built-up areas.</p>	No significant impacts are anticipated.
21. Are there areas on or around the locations which are occupied by sensitive land uses e.g.	See 19 above.	See 19 above.

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect? Yes/No – why?
hospitals, schools, community facilities which could be affected by the project?		
22. Are there any areas in or near the application site which contain high quality or scarce resources which could be affected by the development, e.g. groundwater resources, forestry, agriculture, tourism, minerals?	Unlikely. There are no such features within or in the immediate vicinity of the site.	No significant are impacts anticipated.
23. Is the location susceptible to earthquakes, subsidence, landslides, erosion, flooding, or adverse climatic conditions which could cause the project to present environmental problems?	Unlikely. No such areas are identified. There is some potential for surface water flooding, albeit not within an identified zone at increased risk of flooding.	No significant impacts anticipated.
24. Are there plans for future land uses on or around the site which could be affected by the project?	There are none identified in development plan allocations or development proposals for new uses in the locality.	No significant impacts anticipated.
25. Is there a potential for transboundary impacts?	Unlikely. Albeit some potential for sources of waste imports from neighbouring districts.	No significant impacts anticipated.
26. Will any effects be unusual in the area or particularly complex?	Unlikely.	No significant impacts anticipated.

Conclusion

This screening opinion relates to a retrospective proposal for land raising works undertaken through the deposition of inert waste/materials/soils purported as a landscape and agricultural improvement.

The indicative criteria for 'installations for the disposal of waste' (Part 11(b) of Schedule 2 to the EIA Regulations 2017), as set out in the Annex to the Planning Policy Guidance: EIAs, states that EIA is more likely where new capacity would be created to hold more than 50,000 tonnes/year, or to hold waste on a site of 10 hectares or more. It further notes that sites taking smaller quantities of these wastes, or seeking only to accept inert wastes are unlikely to require EIA. The

Annex also notes that the key issues to consider are the scale of the development and the nature of the potential impact in terms of discharges, emissions or odour.

In this instance the proposed development involves the importation of some 8500m³ (12,750 tonnes) of inert waste, and on a site under 1 hectare in size. While the development has the potential for impact on the environment and people, the site is generally well contained, the proposals are of a modest scale, and relatively limited volumes of only inert waste/soils are claimed to have been, or will be, used.

Subject to typical planning conditions to ensure appropriate drainage and reinstatement to agricultural use, any such impacts would likely be localised and/or temporary.

The site would ordinarily be subject to the Environmental Permitting/Exemption regime (EA) which seek to ensure impacts from potentially harmful substances are minimised to an acceptable level. However, given the largely retrospective nature of the development, it must be taken into account that such permits/exemptions cannot be sought retrospectively, and thus the typical safeguards of other regulatory regimes cannot be relied upon. This results in some increase in the potential risk of pollution, particularly should it be established the site contains contaminated materials.

However, there is no evidence to date to suggest materials containing any contamination have been imported into the site and the deposited materials are all purported to be inert, having either been screened at the adjoining recycling site and/or to have arisen from excavations within the wider agricultural unit (which would not be considered waste).

Overall, no significant impacts are anticipated within the meaning of the EIA Regulations, due to the limited volume and inert nature of materials deposited.

Therefore, having regard to the selection criteria in Schedule 3 of the EIA Regulations, and the matters set out above, it is considered that the proposed development would not have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017.

Screening Opinion

In the opinion of the County Planning Authority the development **does not require an Environmental Impact Assessment.**

Signed:



James Neave
Principal Planner

Date: 10 February 2021

Signed:



Andrew Sierakowski
Consultant Planner

Date: 10 February 2021

on behalf of the Head of Planning Services