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Via Email Only

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Dear Mr Smith

Request for an EIA Screening Opinion

Former Novartis Site, Parsonage Road, Horsham, West Sussex

Introduction

1. On behalf of our client, Muse Developments/Lovell Partnerships ("the Applicant"), we write to advise that Reserved Matters applications pursuant to the Ref: DC/18/2687 outline permission at the Former Novartis Site, Parsonage Road, Horsham (the Site) will be submitted in due course.
2. We are writing to request a formal Screening Opinion from the Council under Regulation 6 (3) of the Environmental Impact Assessment Regulations 2018 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of the Proposed Development. For the reasons set out below, our conclusion is that no EIA is required.

Background Information

3. The outline planning permission was granted by Horsham District Council (the 'Council') on 11 February 2020. The description of development reads as follows¹:

Outline planning application for the erection of up to 300 dwellings (C3) including the conversion of existing offices buildings 3 and 36) up to 25,000sqm of employment (B1) floorspaces and provision of 618sqm of flexible commercial/community space (A1 A2 A3 D1 Creche) use classes) within the ground floor of converted building 36. Improvements to existing pedestrian and vehicular accesses from Parsonage Road and Wimblehurst Road, new cycle and

¹ The description of development has been reproduced word-for-word, and does contain typographical errors.

pedestrian accesses from Parsonage Road, together with associated parking and landscaping. All matters reserved except for access

4. In summary, the outline permission allows for:
- up to 300 dwellings (C3 Use Class), of which 35% is to be affordable.
 - up to 25,000sqm (assumed to be GIA) of employment (B1 Use Class) floorspace:
 - Conversion of the Central Buildings as follows:
 - Building 3 (locally listed) - to residential (C3 Use Class).
 - Building 36 (not listed) - to residential (C3 Use Class) and 618sqm of flexible commercial/community space within the ground floor. The commercial/community space is restricted to the following Use Classes A1 (i.e. Shops); A2 (i.e. Financial and professional services such as banks, building societies, estate and employment agencies, professional services); A3 (i.e. Restaurants and cafes); D1 Creche (only).

Need for EIA Re-Screening

5. Regulation 6(3) of the EIA Regulations states the following:
- (3) A request for a screening opinion in relation to development where a subsequent application has been or is proposed to be submitted must be accompanied by —
 - (a) a plan sufficient to identify the land;
 - (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
 - (c) the information described in paragraph (2) (c) and (d)², but only to the extent that this relates to likely significant effects on the environment not previously identified; and
 - (d) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
6. On 20 September 2018, a Request for an EIA Screening Opinion was submitted by Savills on behalf of WSCC (**Appendix 1**), including a location plan (**Appendix 2**). This confirmed that the outline scheme falls within the description in Schedule 2 Part 10(b) 'Urban Development Projects'. The proposed development is not located within a sensitive area but would exceed the relevant criteria in Schedule 2 and therefore comprises Schedule 2 development. As such, the proposed development would constitute EIA development if it is likely to have significant environmental effects.
- On 17 October 2018, Horsham provided a formal Screening Opinion stating that the overall scale and nature of the impacts that would arise from the scheme do not require an EIA, and

² (c) a description of the aspects of the environment likely to be significantly affected by the development;

(d) to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from: (i) the expected residues and emissions and the production of waste, where relevant; and (ii) the use of natural resources, in particular soil, land, water and biodiversity

that the environmental issues arising from the development can be dealt with as part of the usual planning application process.". This opinion is provided at **Appendix 3**.

7. Since the outline application was granted, there has been a change in circumstances in relation to Water Neutrality. As such, and following ongoing discussions, the Council has asked that the proposed scheme at the Former Novartis Site is subject to a further EIA screening request.

Requirement for an EIA

8. As with the previously screening request, the Proposed Development does not fall within any category listed under Schedule 1 of the EIA Regulations. However, it does fall within the description of 10(b) of Schedule 2 of the EIA Regulations as an "Urban Development Project":
 - (i) The development includes more than 1 hectare of urban development which is not dwelling house development (namely up to 25,000sqm of employment (B1 Use Class))
 - (ii) the development includes more than 150 dwellings (namely up to 300 units)
 - (iii) The area of the scheme is more than 5 hectares (namely. 7.5 ha)
9. This does not mean that an EIA is automatically required. Instead, the EIA Regulations require that an EIA be undertaken where the development is *"likely to have significant effects on the environment by virtue of factors such as its nature size or location"*. The National Planning Policy Guidance ("NPPG") (ID 4-018-2014306) states that *"only a very small proportion of Schedule 2 development will require an assessment"*. It should be noted that the EIA Regulations require EIAs for qualifying developments where there are likely significant environmental impacts, and not solely where there would be likely environmental impacts that could be mitigated. Where likely impacts have been identified and potential mitigation is known to be capable of reducing such impacts to less than "significant", then such environmental considerations would be sufficient to conclude an EIA is not required.
10. In order to assess any significant environmental effects, the selection criteria contained in Schedule 3 of the EIA Regulations should be applied. These are:
 - a) The characteristics or development (having regard to size and design, cumulative impacts, use of natural resources, production of waste pollution and nuisances, risk of major accidents and risk to human health);
 - b) The location of development by reference to the environmental sensitivity of the area; and
 - c) The type and characteristic of the potential impact (having regard to the magnitude and spatial extent, nature, transboundary, intensity and complexity, probability, expected onset, duration frequency and reversibility, cumulative impact and the possibility of effectively reducing the impact).

Assessment Topic - "Flood Risk and Hydrology"

11. It is considered that the information provided in the original Request for an EIA Screening Opinion (20 September 2018), covers the selection criteria sufficiently and is hence still up-to-date. However, in light of the Water Neutrality matters, the assessment topic of "Flood Risk and Hydrology" is in need of expansion. As such, this Request focuses on updating the above by addressing the Water Neutrality matter.

12. As discussed above, since the outline application was granted, there has been a change in circumstances in relation to Water Neutrality:
 - on 14 September 2021, the Council received a Position Statement from Natural England in respect of Water Neutrality.
 - Horsham DC is supplied with water by Southern Water from its Sussex North Water Resource Zone (WRZ). This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. As such, for every new development total water use in the Sussex North Water Supply Zone after the development must be equal to or less than the total water use in the region before the new development.
 - For those applications that will create demand for mains water from the Sussex North Supply Zone, which would include the Reserved Matters applications, the applicant must submit a Water Neutrality Statement setting out the existing and proposed water consumption figures and a scheme for how water neutrality will then be achieved. The requirement for a Water Neutrality Statement is now a local validation requirement.
 - The required content of the Water Neutrality Statement is set out on the Horsham DC website.
 - The Council is to assess the Water Neutrality Statement and if it is considered to present sufficiently precise, credible and deliverable means of achieving water neutrality, it will be subject to the Appropriate Assessment required by S.63 of the Conservation of Habitats and Species Regulations 2017.
 - Failure to demonstrate Water Neutrality would result in the application being refused.
13. The proposed Reserved Matters submission will be supported by a Water Neutrality Statement(s), to be drafted in accordance with the guidance set out on the Horsham DC website. In order to prevent refusal, this would need to demonstrate how the proposed scheme would achieve Water Neutrality.
14. Given the above, it is concluded that subject to mitigation identified with the Water Neutrality Statement, impacts will fall short of significant.

Conclusion

15. Based on the above, we conclude that the Proposed Development should not be considered EIA development, and therefore an ES is not required. EIAs should be reserved, as intended by the legislation, for developments which have a realistic likelihood of causing significant environmental impact individually or in combination with nearby development, which the Proposed Development would not result in.
16. In line with the EIA Regulations 2018, it is noted that the Council has 21 days from the date of receipt to issue a Screening Opinion.
17. We trust that you have sufficient information to determine whether the Proposed Development is EIA development under the EIA Regulations. However, should you need any further information or clarification, please do not hesitate to get in touch.

Nexus Planning

Yours sincerely

A rectangular box containing a handwritten signature in black ink that reads "Nexus Planning". The signature is written in a cursive, slightly slanted style.

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- Appendix 1 - The original Request for an EIA Screening Opinion (20 September 2018)
- Appendix 2 - Location Plan
- Appendix 3 - Horsham DC formal Screening Opinion (17 October 2018)