



APPENDIX 5.2 - SCOPING OPINION

Not updated

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

- Proposal:** A29 Realignment Phase 1: new 1.3km single carriageway with 3m wide shared cycle/foot-way, 2.5m central island, four uncontrolled crossings, three roundabouts, landscaping, potential noise barriers and associated works.
- Site:** Land north of Eastergate: linking with A29 Fontwell Avenue to north-west, and B2233 Barnham Road to the south.
- Applicant:** West Sussex County Council
- Agent:** WSP
- Date received:** 2 April 2019
- WSCC ref.** WB/19a

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

The proposed development falls within Part 10(f) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as it relates to the construction of roads. With a site area of more than 1 hectare, screening is required to determine the need for Environmental Impact Assessment (EIA).

The Planning Policy Guidance (PPG): EIA notes that EIA is more likely if the proposal relates to new development over 2km in length, and that the 'key issues to consider' are *"estimated emissions, traffic, noise and vibration, the degree of visual intrusion and the impact on the surrounding ecology."*

In this case, a formal screening request has not been sought by the applicant because they consider the proposal is EIA development, noting the informal advice of WSCC Planning that this is the case. This is on the basis the proposal has the potential to result in 'significant environmental effects' within the meaning of the EIA Regulations because a new road would be created across greenfield agricultural land, including an orchard, in close proximity to a relatively large number of residential properties, particularly to the east, south, and west. The scheme would come forward alongside large mixed-use developments in the area, so there is considered to be the potential for significant cumulative effects. On this basis it is considered that the project would represent 'EIA development'.

The EIA Regulations allow 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 2 April 2019. In providing this response, consultation has been

undertaken with the relevant statutory authorities, along with the relevant Parish Councils.

SCOPING OPINION

1. Location

- 1.1 The site comprises some 15.5 hectares, 11.4 hectares for the scheme footprint, and 4.1ha of additional land to facilitate construction compounds/accesses (final areas to be confirmed) north of Eastergate, in Arun district. The proposed road would extend across agricultural land in an arced shape between the A29 to the west and the B2233 to the south.
- 1.2 The road would be located on agricultural land north-east of Eastergate, with Barnham located further along the B2233 to the south-east, and Westergate along the A29 to the south-west. The Fontwell junction of the A27 is located some 1.18km north of the site. The area is rural and suburban, with residential areas include those along the B2233 (Barnham Road), on Downview Road, Ewens Gardens, Murrell Gardens, Cherry Tree Drive, Collins Close, and the A29 (Fontwell Avenue).
- 1.3 The site does not contain any areas designated for their ecological, historic, or landscape value, and it is all in flood zone 1 (low risk of flooding). The northern part of the site is within groundwater source protection zone 2c, with zone 1c immediately north of the site.
- 1.4 There is an area of flood risk (zones 2 and 3) at the A29/B2233 junction south-west of the site,
- 1.5 A public footpath (PROW 138) runs in a north-south direction from the B2233 to the south, dissecting the proposed road towards its eastern end.
- 1.6 There is a conservation area (Eastergate Square) at the A29/B2233 junction, south-west of the site, at closest some 300m south of the proposed road. Another (Eastergate Church Lane) is at closest some 385m south-west of the road's junction with the B2233. Both areas contain a number of Listed Buildings, with 26 being within 1km of the site.
- 1.7 Fontwell Park Race Course Site of Nature Conservation Interest (SNCI) is the closest designated ecological site at some 410m north of the site, and there is an area of ancient woodland (Wandley's Copse) some 820m to the north east.
- 1.8 The South Downs National Park is located beyond the A27 to the north, some 1.5km from the proposed road.
- 1.9 Two dwellings, a barn and a business are located within the site boundary at the western end, at Folly Foot Farm on the A29. All of these buildings would be demolished.
- 1.10 There are a number of residential properties close to the site, notably along either side of the A29 (Fontwell Avenue), south and west of the proposed new junction with the road, and on Murrell Gardens/Chantry Mead/Ewers Gardens/Downview road, east of the proposed road's eastern extent. There are also dwellings along the B2233 (Barnham Road), and in Collins Close/Cherry Tree Drive north of the B2233/A29 junction.

- 1.11 Ormiston Six Villages Academy is some 460m south-west of the proposed road, and there is a doctor's surgery (the Croft Surgery) located on the B2233, at closest some 390m south-east of the proposed road.
- 1.12 There are several industrial estates and converted farm units in the immediate surroundings, including Fordingbridge Industrial Estate immediately west of the proposed road's southern link with the B2233; several west of the A29; and north of Eastergate Lane to the north of the site.

2. History

- 2.1 The planning permissions/allocations relevant to the road are set out in Tables 8-1 to 8-3 of the Scoping Report.

3. Proposal

- 2.2 It is proposed to create a new 1.3km, single carriageway road in an arc shape from north-west to south east, connecting with the eastern side of the A29, and the northern side of the B2233. The scheme would include:

- A carriageway of 7.3m in width;
- A 3m shared footway/cycleway;
- Landscaping;
- Noise mitigation to protect dwellings at Murrell Gardens, Chantry Mead, and Ewens Gardens;
- Three-arm roundabouts at either end of the road (western and southern), and in the centre, to provide access to future housing;
- Street lighting at roundabout approaches;
- A pedestrian crossing (uncontrolled) with 2.5m wide central island to provide continuity of the public right of way (footpath 138); and
- Four uncontrolled crossing points at junctions (to allow access by foot into housing areas).

- 2.3 It is anticipated that the main construction access would be via a temporary track from the B2233 between Fordingbridge Industrial Estate and Murrell Gardens. Construction access may also be taken from the A29, around 100m south of Eastergate Lane. Construction compounds are expected to be located within Fordingbridge Industrial Estate.

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:
- a full description of the development;

- o a description of the likely significant effects of the proposal on the environment;
 - o data to identify and assess the main environmental effects;
 - o measures to avoid/reduce/remedy significant adverse 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 Practice Guidance: Environmental Impact Assessment should also be taken into account.
- 3.5 The following sets out the County Council's views as to what main/significant areas will need to be considered within any forthcoming ES, taking into account the information submitted in the Scoping Request. 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.
- 3.6 The general approach to assessment set out in sections 2.3 – 2.13 of the Scoping Request is considered acceptable. I would, however, highlight the importance of being clear about considering the impact of the scheme in cumulation with Phase 2 of the A29 realignment in particular, as well as the nearby housing developments. In addition, the potential impacts on housing to be located south of the road, as allocated in the Arun Local Plan (2018), should be considered and where appropriate, mitigation provided. The physical scope of the mitigation works (e.g. acoustic fence, SUDs schemes, clearance works to provide visibility splays, and off-site mitigation works to make the development acceptable) should be made clear on the submitted plans so that the impact of these can be considered as part of the scheme.
- 3.7 The County Council is of the view that the following matters should be considered in the Environmental Statement.

Landscape and Visual Impact

- 3.8 The site is not within an area designated for its landscape value, and is relatively distant from the nearest protected area, namely the South Downs National Park some 1.4km to the north, beyond the A27. However, it is a greenfield agricultural site so there is the potential for significant landscape impacts, particularly to the north and east which are identified in the Arun Local Plan (2018) as remaining rural when the housing developments to the south come forward, and potentially significant visual impacts immediately to the south which is allocated for housing.
- 3.9 As identified in the Scoping Request, the Landscape and Visual Impact chapter should be informed by a Landscape and Visual Impact Assessment (LVIA)

undertaken in accordance with the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA\) \(3rd Edition\) \(The Landscape Institute and Institute of Environmental Management and Assessment \(GLVIA\), 2013\)](#), along with the DMRB Interim Advice Note 135/10.

- 3.10 As noted at paragraph 4.6.5, it is recommended that location of the viewpoints identified in Table 4-2 of the Scoping Request are agreed with planning officers prior to the assessment being undertaken. No viewpoint mapping was provided so it will be important to agree these. Notably, from the information provided it is unclear how impacts on existing and future residents to the west (on Fontwell Ave/Collins Close, and as a result of the new junction on the A29) would be considered.
- 3.11 The impact on future residents in the allocated area to the south should also be considered in detail (and mitigation provided if necessary).
- 3.12 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 affected. Viewpoints should be agreed with WSCC Officers before assessment commences. The assessment of landscape/visual impact should include consideration of mitigation measures such as acoustic fencing, drainage schemes, and the loss of existing planting.
- 3.13 The impact of road lighting should also be considered, particularly as the eastern part of the site is an area identified in the Arun Local Plan as a 'Green Infrastructure Corridor' and therefore requiring protection 'from the negative effects of light in development' (policy GI SP1).
- 3.14 A comprehensive landscaping scheme should be submitted, including details of how landscaping will be maintained once the road is operational.
- 3.15 The approach to considering arboricultural impact is considered sufficient, but I would highlight the response of the WSCC Arboriculturist regarding the disposal of trees removed from the site, encouraging the creation of habitat piles/hibernacula rather than burning as biomass. I would also highlight the need to be clear about the loss of trees due to visibility splays for both the construction (i.e. construction accesses) and operational phases, and in relation to other mitigation measures such as the provision of drainage ponds and culverts.

Ecology and Nature Conservation:

- 3.16 The baseline conditions, potential impacts, and proposed mitigation in relation to impacts on ecology and nature conservation, as set out in the Scoping Request is considered appropriate, with the exception of consideration of impacts on harvest mice (as per the WSCC Ecologist's response). This should be scoped into consideration in the EIA.
- 3.17 Direct and indirect impacts on ecology should be considered for both the construction and operational periods, including the potential for impacts upon ecology resulting from noise, lighting and air/land/water quality. Mitigation measures should be clearly identified in the assessment, as well as in the submitted plans so that the impacts (positive and negative) can be assessed in relation both ecology and other topics.

- 3.18 In accordance with the NPPF, the ES should give consideration to both the preservation and enhancement of biodiversity, and demonstrate the opportunities that have been considered for enhancement.

Noise and Vibration

- 3.19 The proposed road would be in close proximity to existing noise-sensitive residential and commercial properties, including those at Murrell Gardens, the B2233, the A29 and the Fordingbridge Industrial Estate. The impact of the development on these, as well as future occupants must be fully assessed.
- 3.20 As noted by Arun District Council's Environmental Health Officer, a comprehensive assessment of noise and vibration impacts must be undertaken by a competent sound consultant, and any mitigation measures required must be clearly set out in the submitted information. Sensitive receptors should be agreed with Arun District Council's Environmental Health team before surveys are undertaken.
- 3.21 In addition to residential receptors, consideration should be given to the potential impacts of noise upon neighbouring land uses such as businesses and public rights of way. The noise/vibration impact on future occupants of housing to be located south of the proposed road, and beyond Barnham Road to the south must be taken into account in the assessment.
- 3.22 The potential for noise impact from construction compounds and access roads should be considered in the assessment of noise.
- 3.23 As well as the guidance mentioned, the assessment should take into account the guidance set out in the National Planning Policy Framework and the World Health Organisation Community Noise Guidelines.
- 3.24 If the noise assessment confirms that physical noise mitigation measures such as fences or bunding are required, these must be included in the scheme design so that their impact on other environmental factors such as landscape and flooding can be considered through the EIA.

Air Quality

- 3.25 The aspects set out in Table 7-3 that are proposed to be scoped out are generally agreed, with the exception of 'increased dust deposition and soiling rates' during construction. Given the proximity of residential and commercial properties to the site, it is considered this should be scoped in to consideration through the EIA.
- 3.26 Sensitive receptors should be agreed with Arun District Council's Environmental Health Officers before any surveys or assessments are undertaken. The assessment should take into account both Arun DC's requirements and guidance set out in the National Planning Policy Framework.
- 3.27 The impact on the air quality of future residents of housing allocated to the south of the road must be assessed.

Cumulative Impact

- 3.28 It is not considered that the approach to considering cumulative development set out in Chapter 8 of the Scoping Request is realistic or useful. The

developments to be considered for the purposes of traffic modelling (Table 8-1) are broader than those which need to be considered in relation to other cumulative impacts, or the potential for cumulative impact should be clearly ranked. It is unclear what 'in proximity' has been taken to mean in relation to this table, but some of the development are a significant distance from the site.

- 3.29 Paragraph 8.2.1 notes that the study area would be identified for each topic but this has not been clarified in this chapter relating to the overall approach, so it is unclear how the assessment would be carried out.
- 3.30 For the purposes of realistically and usefully considering the cumulative impact of the proposed development, the cumulative impact chapter should focus on existing/approved/allocated development within the allocations north and south of the application site, including phase 2 of the A29, along with this proposal. It is considered that these will form the main cumulative impacts resulting from the project.
- 3.31 The Arun District Council response to the Scoping Request in relation to cumulative impacts should also be taken into account.

Topics to be Scoped In

- 3.32 The following sets out topics which it is considered should not be scoped out of the EIA, contrary to the conclusions of the Scoping Request.

Archaeology and Cultural Heritage

- 3.33 The site is greenfield farmland, so there is potential for buried heritage assets to be present. Neither an Archaeological Desk-Based Archaeological Assessment (DBA) or consultation with the West Sussex Historic Environment Record has been carried out, so it is not considered possible to rule out the possibility of potential for significant effects on buried archaeological assets. This is reflected in the Scoping Request which notes (paragraph 3.2.9) that the outcome of the DBA may confirm the need for trial pits which will clarify the archaeological potential of the site. As confirmed in the WSCC Archaeologist's response to the Scoping Request, archaeological features of Neolithic date which are locally very rare have been found less than 500m from the proposed road.
- 3.34 The impact on built heritage assets, both negative and positive (i.e. fewer vehicles travelling past/close to listed buildings/conservation areas) should also be clarified. It is not considered this should be scoped out of consideration.
- 3.35 On this basis, archaeology and cultural heritage should be 'scoped in' to the ES, focusing primarily on the potential for impacts on buried archaeology, though impact on built cultural heritage should also be considered.
- 3.36 The outcome of the DBA will clarify the extent of work required, but it should include an adequate geo-archaeological desk-based assessment, making use of a recent report on geoarchaeologists' monitoring of part of the site (see WSCC Archaeologist's response to the Scoping Request). Appropriate and proportionate proposals for mitigation of anticipated adverse impacts of development upon heritage assets, below and above ground, should be identified.
- 3.37 The scope of archaeological investigation should not be limited to designated sites and listed buildings but should include all archaeological/ historical/

historic buildings, whether designated or undesignated, including landscapes of historical, cultural or archaeological significance. This requirement is set out in National Planning Policy Framework (NPPF) paragraph 184.

Geology and Soils

- 3.38 The Scoping Request notes that the study area includes made ground, namely an infilled gravel pit, and that buildings to be demolished may contain asbestos. It also notes that the majority of the scheme would be on Grade 1 agricultural land. It has been scoped out on the basis that avoidance/mitigation measures could be 'suitably reduced as to not be significant' (paragraph 3.4.4), but details of this have not been provided.
- 3.39 On the basis that the study area contains potentially contaminated land, and that the scheme would result in the loss of a significant area of best and most versatile agricultural land, it is considered that there is the potential for significant adverse effects on ground conditions and soils so this should be scoped in to the ES. I would note Arun District Council's Environmental Health Officers agree with this approach, as per their response to the scoping request.
- 3.40 The Phase 1 Contaminated Land Assessment should include consideration of existing and historical land uses (including enquiries with the LPAs and Environment Agency, as well as historical mapping); the sensitivity of the site (with reference to hydrogeology, ecological features, proximity of watercourses, neighbouring land uses, and geology); development of a conceptual site model, following analysis of environmental risks via the source-pathway-receptor approach; and identification of suitable mitigation measures to minimise any significant risks.
- 3.41 This should inform the ES chapter, which should also include consideration of the impact of the loss of agricultural land (in DMRB terms – land use), and consideration of the potential impact on an area safeguarded in the West Sussex Joint Minerals Local Plan (2018) for its sand and gravel resource.

Water Resources/Flood Risk

- 3.42 While the site is within flood zone 1 so at low risk of flooding, it is proposed to add a significant impermeable surface to greenfield, agricultural land, and would come forward in cumulation with the wider development of the area for housing and phase 2 of the A29. Further, as confirmed by WSCC as Lead Local Flood Authority (LLFA), the road would be in an area of high seasonal groundwater levels. I would also direct you to the LLFA's comments on the pre-application consultation, and the Arun District Council Drainage Engineer's Response to the Scoping Request.
- 3.43 A Flood Risk Assessment is required because the site is more than 1 hectare in area. This should feed into the ES. The potential impact of the development on ground and surface water quality and quantities (i.e. flood risk) should be considered and objectively assessed. Measures to protect ground and surface water should be set out, including an outline of surface water drainage proposals, and taking into account the impact this may have on drainage and flood risk. All drainage proposals should be based on sustainable principles (SUDs).

Transport and Access

- 3.44 It is not considered that transport and access should be scoped out of consideration in the EIA. The scheme would divert the A29 onto a new route, creating four new crossings and three roundabouts so has the potential for significant effects on the transport network which needs to be considered.
- 3.45 The chapter should be informed by the Transport Assessment which should also consider the Department for Transport's Guidance (2007), with the full scope agreed with WSCC Highways at an early stage. It should use the most up-to-date figures, and be informed by a non-motorised user survey.
- 3.46 This section of the ES should also refer to any proposed street lighting, speed limits, traffic signals, visibility splays, road signing, road lining, and connection with existing roads and Phase 2 of the A29.
- 3.47 A Road Safety Audit (including designer's response) will also be required.
- 3.48 The assessment should give consideration to the potential for wider impacts upon the Strategic Road Network in terms of safety and capacity, and the potential for positive impacts in terms of providing cycle/foot-paths and connections to the wider network of cycle paths. The linkages to the cycle/foot-paths beyond the site should be made clear in the submission.
- 3.49 The implications of the new road on the public right of way which crosses through the site, and the wider public right of way network should be considered in the EIA where relevant (and this should be discussed at an early opportunity with WSCC's PROW Officers).

Other Issues:

- 3.22 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.
- 3.23 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.

Topics to be Scoped Out

- 3.24 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:
- Population and health/socio-economic impact: the ES will assess the impact of the development on the environment and human health, including through emissions to air and water, and through noise. The development would not otherwise result in significant demographic changes or otherwise affect large populations, so it is not considered that there is a need to separately consider impacts on population and health.
 - Material and waste: it is agreed that there would not be significant effects in relation to the use of materials and creation of waste, and that

this can be covered through other chapters, and through a Construction and Environmental Management Plan which should be submitted with the application.

- Climate: it is agreed that the impact of climate change on the proposal can be covered in relation to topic chapters, particularly flood risk, and that the impact resulting from the proposal on climate change would not result in significant effects within the meaning of the EIA Regulations. Therefore this can be scoped out.
- Risk of Major Accidents/Disaster: It is not considered there is a high probability of major accidents resulting from the scheme, and certainly not so significant as to warrant inclusion in the EIA.
- Heat and Radiation: it is not considered the project would result in significant heat/radiation impacts. This can therefore be scoped out of consideration.

Regards



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Reviewed by



James Neave
Principal Planner

for the Head of Planning Services
Date: 3 May 2019