

Proposed residential development of up to 150 dwellings (now 132) and associated infrastructure at Land east of Broad Road (Flat Farm) Chidham

Broad Road Ref. No: 20/03320/OUTEIA

Proposed residential development of up to 70 dwellings (now 64) and associated infrastructure at Land west of Drift Road, Chidham Screening Opinion under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Drift Lane Ref. No: 20/03321/OUTEIA)

Letter from Chichester District council to Pallant Homes agent Stephen Jupp 6th November 2020

The above development falls within the description at 10 b) - Urban development projects, of Schedule 2 to the 2017 Regulations. The site lies within the zone of influence for the Chichester Harbour SPA, SSSI, SAC and RAMSAR, within the immediate setting of the Chichester Harbour Area of Outstanding Natural Beauty and within the setting of South Downs National Park. The Local Planning Authority therefore considers the proposals to be 'Schedule 2 development' within the meaning of the 2017 Regulations and it is appropriate to screen the development for environmental impacts.

The Local Planning Authority has had due regard to the EIA Regulations and the Planning Practice Guidance in determining whether the proposal is likely to have significant environmental effects. The screening process has taken into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Procedural matters

The two screening opinions were received on the same day on behalf of the same developer. The red line plans identify the two sites form part of the same parcel of land, which appears to have been artificially subdivided into two parcels of just under 5ha each for the purposes of the screening opinion request. It is noted that the majority of the site constitutes a single parcel on the ground and was previously submitted as a single parcel of 15.4ha for up to 450 dwellings and commercial uses for the purposes of the Housing and Economic Land Availability Assessment earlier this year. The current proposal seeks an opinion on the residential element only.

The PPG thresholds relevant to this enquiry for sites not directly in a sensitive area are (ii) the development includes more than 150 dwellings, or (iii) the overall area of the development exceeds 5 hectares. The proposed development is identified as up to 220 dwellings, within two parcels each of 150 and 70 dwellings. There are no indicative details of the proposal, i.e. suggested layout, density or design within the screening opinion request. The cover letter identifies a net developable area of 4.453ha from a gross area of 4.965ha for the western parcel (150 dwellings) and a gross 4.98ha with no net figure specified for the eastern parcel (70 dwellings). The extent of the difference proposed on the western parcel is identified for open space and access requirements. The intention for the central part of the site outside the two arbitrary red lines is not known. The remaining land would not be able to be actively or viably farmed.

In this context, the Local Planning Authority considers that the developments as identified by references 20/02358/EIA and 20/02360/EIA could reasonably be considered as one for the purposes of assessment against the EIA Regulations, notwithstanding any intention to phase the delivery. The LPA wish to clarify that the western parcel is the most sensitive element and would be considered EIA development if assessed without the eastern parcel. Cumulatively, the significance is greater.

Opinion

The Local Planning Authority considers that the proposal constitutes EIA development and as such an Environmental Statement would be required.

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects

Regulation 5(5) requires local planning authorities adopting a screening opinion to state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. These fall into three categories:

1. Characteristics of development
2. Location of development
3. Type and characteristics of the potential impact

Characteristics of development

The proposal constitutes a residential development of up to 220 dwellings and associated infrastructure. The site is identified as agricultural land, the redevelopment of which would result in a permanent change to the built form and character of the area and the loss of this natural resource. Although the proposal would not introduce an unusual form of development within this area, the scale of the proposal is considered to be locally significant given the small scale of existing adjacent settlement areas.

Location of development

The site is located to the east of Nutbourne and south of Hambrook within close proximity of a mainline railway station, regular bus routes to Chichester, Havant and beyond, and primary cycle routes. The site is located in Flood Zone 1. The site is opposite the boundary of the Chichester Harbour Area of Outstanding Beauty and within the wider setting of the South Downs National Park, with views between the two crossing the site. Development on this site has potential to cause adverse impacts on the setting of these designated landscapes. Natural England's consultation response advises that there are potential likely significant effects on statutorily designated landscapes and further assessment is justified.

The site lies within 0.8km north of the Chichester Harbour SSSI, Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC areas. Residential development of this site would have an adverse impact on European sites without mitigation, namely through recreational disturbance upon and nitrate discharges into the Chichester Harbour SPA. Natural England's consultation response advises that there are potential likely significant effects on statutorily designated nature conservation sites. It is however acknowledged by the Local Planning Authority that there are established measures in place to secure mitigation for recreational disturbance to address individual and in combination effects. Adherence to such measures would adequately mitigate any impacts without the need for EIA.

The EIA Regulations do not set a buffer zone for sensitive areas including European sites, with the Planning Practice Guidance advising development either in or close to sensitive sites falls to be considered under the EIA Regulations. "Close to" is subject to interpretation. Development that is likely to have a significant effect on a designated European site should be considered under The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations), against which consideration is given to whether the proposed development is likely to have a significant effect either alone or in combination on either or both European designated sites. This letter includes Habitat Regulation Assessment advice.

The site is within a mineral safeguarding area.

Characteristics of potential impact

The site forms part of a prominent undeveloped gap within an extensive corridor of development. The site is opposite the AONB and therefore forms part of the setting of this designated area. While there is some existing development on the northern boundary of the AONB this is a narrow ribbon and the interrelationship between the AONB and adjacent undeveloped land is important. The Landscape Capacity Assessment prepared for the Local Plan Review (March 2019) identifies that the site lies within the Nutbourne East to Hambrook Mosaic sub area and has medium/low capacity for change (parcel 87).

The development would generate an adverse landscape and visual impact, resulting from the change in character from agricultural to domestic and associated landscape and visual impacts. This is considered to be significant in this context due to the interrelationship between the site and designated sensitive landscapes to the south (AONB) and north (National Park) and its local landscape significance and function including its openness. Impacts would be heightened due to the scale of the site and proposed development. The effect of light pollution on the AONB close by and the wider setting of and views through to and from the South Downs National Park further increase the potential for harm.

In terms of cumulative impact, the site is adjacent to the eastern edge of the Nutbourne East Settlement Boundary, with some further development on a much smaller scale to the south and east and undeveloped land beyond the farm buildings and railway line to the north/north east. Three concurrent screening opinion requests have been submitted, with land on the western side of the nearest Settlement Boundary the third site along with the two considered concurrently here (20/02357/EIA). A planning application for 35 dwellings on land to the north of the railway line is pending a decision (20/00412/OUT) and a further application for 19 residential dwellings approximately 500m to the east of the site (20/01854/OUT) is under consideration. Additional recent EIA submissions and planning applications in the locality are identified in the applicant's cover letter, along with references to the development strategy in the emerging Local Plan Review. This is an area of significant development pressure and sensitivity. Development on the scale proposed would have a significant environmental impact (in EIA terms) on the character and potentially the service capacity of the locality, particularly if promoted piecemeal in advance of the strategic policy-led approach for growth. This matter has been particularly highlighted by third party comments on these proposals.

Agricultural land, particularly productive land of good quality, is a valuable natural resource. The site is identified as Grade 2 agricultural land (very good) and produces arable crops (cereal). There is a hierarchical approach to use of agricultural land in principle set out in the NPPF which has not been demonstrated in the supporting information. The loss of the full parcel of land for agricultural production without justification is considered to represent a significant environmental impact in terms of natural resource use.

Sewage capacity in the locality is under pressure and the development could have a significant environmental effect if sufficient capacity is not put in place prior to occupation. This could have a potentially significant impact on existing properties, communities and the environment along the route and at the point of discharge if appropriate arrangements are not secured.

Thornham Waste Water Treatment Works has less than 750 houses treatment capacity remaining, as agreed with Chichester District Council. Current plans in the next 15 years are to add 3,165 houses that feed into Thornham treatment works, with 1,700 houses at Southbourne, Chidham and Hambrook and Westbourne in Chichester District Draft Local Plan, as well as 365 at Emsworth and 1,100 at Southfields in Havant Borough Local Plan.

Southern Water has confirmed that there is no practical capability to expand Thornham treatment capacity and, even if a solution could be found, no work could be undertaken before 2027 to 2030 at the earliest.

The Thornham Waste Water Treatment Works which would serve the proposed development discharges into Chichester Harbour. Natural England's assessments during 2019/20 suggest that more than 3000 hectares of the intertidal parts of Chichester Harbour, which is the subject of several European designations, is now classified in an "unfavourable - declining" condition. Water quality is a contributing factor to the build-up of excess nutrients in the Harbour causing eutrophication (algal growth) which impacts on the Harbour's ecology and conservation. The proposed development has the potential to reduce the nitrate loading on the harbour through the loss of productive agricultural land. The submitted information would need to be tested through Appropriate Assessment to determine its robustness but has the potential to result in environmental benefit if proposed levels would fall below existing outputs.

As identified in the applicant's cover letter, construction activities would generate pollution, waste and disturbance and redevelopment may identify localised contamination. These would not be significant in EIA terms and would be appropriately managed through planning conditions and associated pollution control regimes. Operational impacts in terms of pollutants and risks (including noise) are unlikely to be significant in EIA terms. Light pollution is a key sensitivity as part of landscape and visual impact effects.

There are multiple Air Quality Management Areas in Chichester into which some traffic from the site would feed. Air quality matters in terms of transport, along with congestion and additional pressures on known pinch points on the highway network (local and trunk roads) will need thorough consideration. In this regard cumulative impacts will be of particular importance however this matter is not considered to be significant in EIA terms and can be appropriately mitigated with a focus on green transport opportunities and contributions to highways improvements.

The Council declared Climate Emergency Status in July 2019. In making its declaration the Council is making clear its commitment to taking urgent action. Additional development will place further pressure on the environment within the district. It also brings opportunities to deliver development in an environmentally aware and sustainable manner. This matter is not significant in EIA terms.

The site lies within flood zone 1 and current evidence does not indicate that the site would be at risk of direct tidal or fluvial flooding within its lifetime as a result of climate change. This matter is not significant in EIA terms.

There are no known archaeological sites or findspots within or in the vicinity of the area of the proposed development, and the only heritage assets in the general area are historic buildings (some listed) and farmsteads. However, the West Sussex coastal plain has been shown to have a high potential to contain evidence of later prehistoric and Roman settlement and land management. The LPA considers that the impacts are unlikely to be significant in EIA terms.

The on-site ecological impacts are unlikely to be significant in EIA terms, however the impact of development on the function of the proposed strategic wildlife corridors will likely be material to a planning application.

Summary and conclusion

In summary, this assessment has considered the nature, scale and location of the proposal and the particular environmental conditions of the site and surroundings. It is considered that the proposal is Schedule 2 development and due to the particular sensitivities of landscape impact in particular, the proposal would be significant in the context of the EIA Regulations.

Therefore it is considered that the proposal will require the submission of an Environmental Statement (ES) to accompany any future planning application. The Local Planning Authority can advise on a Scoping Opinion in due course.

Habitat Regulations

As identified above, it is considered that the proposed development has the potential to impact upon European sites and it will be subject to a Habitat Regulations Assessment to determine the potential for any likely significant effect and if so would require Appropriate Assessment. Sufficient specialist information would be expected to accompany any planning application to enable the LPA to undertake the HRA with consultee input from Natural England.

Advice on the necessary supporting specialist documents that would be required to accompany a planning application, and an initial assessment of the merits of the proposal can be sought through the Council's pre-application process. Please also review the Local List requirements before submitting any application.

- <http://www.chichester.gov.uk/preapplicationchargingscheme>
- <http://www.chichester.gov.uk/planningadvice#localist>

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