Planning Department
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Bristol
707 The Programme Building
7th and 8th Floor
1 All Saints Street
Bristol BS1 2LZ
nexusplanning.co.uk

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Our Ref: 40445

Dear Sir/Madam,

Request for Screening Opinion under Part 2 (6) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Land to the East of Charlwood Drive, Henfield

On behalf of Croudace Homes we write to request that Horsham District Council adopt a formal Screening Opinion under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ("the EIA Regulations") to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in relation to a proposal for residential development (herein, "the Proposed Development") on Land to the East of Charlwood Drive, Henfield ("the Site").

A Site Location Plan which sufficiently identifies the Site has been enclosed to this letter.

Requirement for an EIA

The Proposed Development does not fall within any category listed under Schedule 1 of the EIA Regulations. However, it does fall within the definition of an 'urban development project' as described within Schedule 2 of the EIA regulations as it is for more than 150 dwellings and the overall area of the development exceeds 5 hectares.

If a proposal falls within Schedule 2 of the EIA Regulations, it does not mean that an EIA is automatically required. Instead, in the context of Schedule 2 development, the EIA Regulations define EIA development as:

> *"development likely to have significant effects on the environment by virtue of factors such as its nature, size or location."*

Further, National Planning Practice Guidance ("the PPG") states the following with respect to developments that fall into Schedule 2[1]:

> *"If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on*

[1] Paragraph ref. ID: 4-017-20170728

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the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria."

The subsequent paragraph of the PPG[2] states:

"Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment."

More specifically, the PPG provides an indication of the screening thresholds for Schedule 2 development[3]. With respect to 'urban development projects', it outlines the following indicative thresholds:

i. *"area of the scheme is more than 5ha;*

ii. *It would provide a total of more than 1000m^2 of new commercial floorspace; or*

iii. *the development would have significant urbanising effects in a previously non-urbanised area (e.g. a development of more than 1,000 dwellings)."*

Again, these indicative thresholds are caveated within the PPG[4], which clarifies that:

"However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits."

An assessment against the regulations is completed below.

Site Location and Characteristics

The Site comprises approximately 8.60 hectares of agricultural land with mature tree belts and hedgerow boundaries. The Site is generally flat and there is a gentle slope west to east. The Site lies on the eastern edge of Henfield directly adjacent to the built-up area boundary.

The Site is not subject to any landscape or ecological designations. According to the Environment Agency (EA) Flood Map for Planning the Site is located entirely within Flood Zone 1. The EA Flood Map identifies a small area of land identified at risk of surface water flooding on the eastern boundary of the Site.

The Site is not within a Conservation Area and does not contain any listed buildings. Listed buildings in the vicinity of the Site are separated from its boundaries by existing built form.

The whole of Horsham District lies within Southern Water's Sussex North Water Resource Zone (WRZ). Based on mapping showing the extent of Mineral Safeguarding Areas (MSAs) in Appendix E of the West Sussex Joint Minerals Local Plan[5], the northern part of the Site lies within the Brick Clay (Weald Clay) MSA and the southwestern corner lies within or near to the MSA for soft sand.

[2] Paragraph ref. ID: 4-018-20170728

[3] Paragraph ref. ID: 4-058-20150326

[4] Paragraph ref. ID: 4-018-20170728

[5] Adopted July 2018 and partial review adopted March 2021

Henfield is identified as a Tier 2 settlement (small towns and large villages) by the adopted Horsham District Planning Framework[6] (adopted November 2015) and it is also identified as a Tier 2 settlement within the Regulation 19 draft of the emerging Horsham District Local Plan 2023-2040 (document dated January 2024). Henfield has a range of services and facilities, including convenience stores, a primary school, a leisure centre, and a doctor's surgery. The Site is in a sustainable location in close proximity to existing services on the High Street (London Road) including access to local bus services which serve a number of routes, including regular services to Brighton, Horsham, Shoreham and Worthing. St Peter's C of E primary school and access to recreational space are all within reasonable walking distance.

The Regulation 18 draft Local Plan Review consultation document (March 2020) included a Policies Map for Henfield (map 8), which identified the Site (along with the parcel further east) as a 'Smaller Sites Potential Housing Allocation' for 155 dwellings (Site Reference: SA005).

Proposed Development

The Proposed Development will comprise approximately 200 dwellings with associated landscaping and public open space. Vehicular and pedestrian access will be provided from Charlwood Drive to the west of the Site.

Sensitive Areas

The Site is not located within any of the "sensitive areas" as defined by the EIA Regulations, namely:

> *a) "Land notified under section 28(1) (site of special scientific interest) of the wildlife and Countryside Act 1981;*
>
> *b) A National Park within the meaning of the National Parks and Access to the Countryside Act 1949;*
>
> *c) The Broads;*
>
> *d) A property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO convention concerning the protection of the world Cultural and Natural Heritage;*
>
> *e) A scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;*
>
> *f) An area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the countryside and Rights of Way Act 2000; and*
>
> *g) A European Site."*

Landscape and Arboriculture

The Site is not subject to any specific landscape designations. The Council's Landscape Capacity Study (May 2021) identified the site as low - moderate capacity for housing development[7]. The Proposed Development will be supported by a Landscape Visual and Impact Assessment to assess the likely landscape and visual effects of the development.

Accordingly, it is not considered that the Proposed Development would have a significant adverse landscape or visual effects upon any nearby receptors, particularly following the introduction of inherent mitigation as part of the Proposed Development.

The application will be supported by an Arboricultural Impact Assessment including a survey of the trees and hedgerows on the Site. Any potential necessary removal of trees / hedgerows to form access points into the Site can be suitably mitigated through the Proposed Development.

[6] Policy 3

[7] Local Landscape Character Area 70: Land East of Manor Close (page 92)

Transport

Henfield is identified as a Tier 2 settlement (small towns and large villages) and has a range of services and facilities, including shops, primary schools, a leisure centre, and a doctor's surgery.

The Site is in a sustainable location in close proximity to local services and facilities on the High Street (London Road) including bus stops which serve a number of routes, including regular services to Brighton, Horsham, Shoreham and Worthing. St Peter's C of E primary school and access to recreational space are all within reasonable walking distance.

A Transport Assessment will be submitted to assess vehicular movements. It is expected that the vehicle trips associated with the Proposed Development could be accommodated without detriment to the operation of the highway network in the vicinity.

Ecology

There are no known biodiversity constraints, but further detailed ecological surveys would be required to identify impacts, potential mitigation and any net gain which may be required. It is anticipated that the Proposed Development could deliver a biodiversity net gain that exceeds the 10% policy requirement. Any potential impacts on protected/notable species will be avoided through the design of the scheme, or through appropriate mitigation measures.

As such, the Proposed Development will not result in significant ecological impacts.

Water Neutrality

The whole of Horsham District lies within Southern Water's Sussex North WRZ. Sussex North WRZ is supplied from groundwater abstraction on the River Arun which is located close to a group of nature conservation sites, known as the Arun Valley Sites, that are nationally or internationally designated as Special Areas of Conservation (SAC), Special Protection Area (SPA), and a Ramsar Site for their rare and protected habitats.

Mitigation would be required to demonstrate that Proposed Development would not adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites. Croudace will confirm the approach towards mitigating the impacts of the Proposed Development on the SAC, SPA and Ramsar sites as part of the planning application, but can confirm that appropriate mitigation options are available to avoid any significant impacts.

Minerals

As identified above, based on mapping showing the extent of MSAs in Appendix E of the West Sussex Joint Minerals Local Plan, the northern part of the Site lies within the Brick Clay (Weald Clay) MSA and the southwestern corner lies within or near to the MSA for soft sand. A Mineral Assessment will be submitted to consider any effects on the mineral safeguarding areas and no significant impacts are anticipated.

Built Heritage and Archaeology

There are no designated or known non-designated heritage assets on the site.

An initial archaeological Desk Based Assessment will be prepared to determine the potential and likely importance of any non-designated archaeological assets. The report will also consider the impact of the Proposed Development on the significance of any potential assets. An archaeological Geophysical Survey will also accompany the planning application to further define the archaeological baseline conditions and inform the necessity for any further investigations. Based on current available evidence the Site has the potential for archaeological remains of a local to regional importance and as such with suitable mitigation measures in place the proposed development would not adversely impact the significance of the archaeological resource.

The Henfield Conservation Area lies c.179m to the southwest of the Site at its closest point, beyond intervening modern built development. A projecting part of the conservation area, extending eastwards along Henfield Common North lies c.438m to the south of the Site. Henfield Conservation Area encompasses the historic built core of the settlement and contains numerous listed buildings. Several Grade II listed buildings lie outside of the conservation area in proximity to the Site, these include the Grade II Eastern Terrace (NHLE ref. 1286615) c.177. to the southwest of the Site and the Grade II Backsettown (NHLE ref. 1027392) located c.221m to the south of the Site.

A detailed Heritage Assessment will be prepared in accordance with Historic England's *GPA3: The Setting of Heritage Assets* (Dec.2017) and submitted as part of the application.

The Site is generally separated from nearby built heritage assets by intervening development of 20th Century and later dates. Where outlying listed buildings, such as the Grade II Backsettown, are positioned beyond the built extent of Henley, the Site is separated from them by wooded spaces and other visual barriers. The alteration of the setting of Built Heritage Assets is not solely a visual judgement, but accounts for broader changes in the experience and understanding of their architectural and historic interest, for example through changes to the legibility of their past functions and relationships with their surrounds. It is considered that potential effects on any relevant built heritage asset would fall well below the threshold of 'significant' impacts in EIA terms. The proposed development will therefore not result in significant built heritage impacts.

Flood Risk

The Site is located in Flood Zone 1 as defined by the Environment Agency (EA) Flood Map for Planning. The EA Flood Map identifies a small area of land identified at risk of surface water flooding on the eastern boundary of the site. Built development can easily be sequentially located away from the area of predicted risk. A Flood Risk Assessment and drainage strategy will be submitted with the planning application and will demonstrate that the development will be safe from the impacts of flooding and will incorporate a suitable Sustainable Drainage Systems to manage the risk of surface water flooding on Site, whilst not increasing the risk of flooding elsewhere.

The Proposed Development will therefore not result in significant flood risk impacts.

Noise

A Noise Impact Assessment will be submitted to demonstrate the Proposed Development will not result in generation of or be subject to, adverse impacts from pollutants. In this regard, it is considered that an acceptable noise environment can be created both within the dwellings themselves as well as with outdoor private amenity spaces.

Air Quality and Contamination

The Proposed Development itself will not generate pollutants that would adversely impact upon air quality. Ground conditions are unlikely to present serious impediments to development, provided a suitable ground investigation is undertaken. Some minor adverse impacts may arise during the construction phase, but these can be appropriately mitigated. Construction activities will be subject to legal and industry standards.

Cumulative Impacts

The Site is located in proximity to the existing residential areas, services and facilities associated with Henfield. The Proposed Development would be functionally independent of adjacent development and, in accordance with relevant case law[8], the Proposed Development does not need to be assessed as part of a wider project.

Notwithstanding the above, there are no major developments known to be forthcoming in the short term in the surrounding area. As such it is considered that the Proposed Development will not give rise to cumulative effects insofar that an EIA would be required.

Summary

The EIA Regulations are specifically designed to consider the potential significant environmental impacts for developments both individually or in combination with nearby developments. The likelihood of impacts alone is not sufficient, in accordance with the EIA Regulations, to consider proposal to be EIA development.

Against the above background, and in light of the EIA Regulations and the provisions of the Planning Practice Guidance, the conclusion of our assessment is that the Proposed Development should not be considered EIA development. As is clear from both legislation and guidance, EIAs should be reserved for developments that have a realistic likelihood of causing significant environmental impacts individually or in combination with other developments. It is clear from the above that the Proposed Development would not cause such impacts.

In line with Regulation 6(6) of the EIA Regulations we look forward to receiving the Council's Screening Opinion within 21 days from the date of receipt of this request.

I trust that you have sufficient information to determine whether the Proposed Development is EIA development under the EIA Regulations. However, should you require any further information or clarification, please do not hesitate to contact me.

Yours faithfully

[redacted]

Jonnathan Chick
Associate

[8] R (Wingfield) v Canterbury City Council and HNP Developments LLP [2019] EWHC 1975 (Admin)

cc. Hywel James, Nexus Planning
Sinead McKendry, Nexus Planning
Emily Chapman, Croudace

enc. Site Location Plan