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Date: 10/08/2022
Our ref: 22/01423/EIA

BY EMAIL ONLY

Dear Laurens Dominicus,

TOWN AND COUNTRY PLANNING ACT 1990

Screening Opinion under Part II Regulation 5 – Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Proposal: Request for an EIA Screening Opinion in relation to a proposed redevelopment of former Foxbridge Golf Club.

Site: Foxbridge Golf Club, Foxbridge Lane, Kirdford, Billingshurst, West Sussex, RH14 0LB

I refer to the above proposal which the Council has now assessed against the EIA Regulations. This letter now constitutes the Council's formal Screening Opinion.

The Proposed Development

- Up to 121 holiday lodges
- 40-50 bed spa accommodation
- Farm shop
- Restaurant & bar
- A wellness centre
- Outdoor sport and recreation facilities (outdoor pursuit centre)
- Ecological, swimming and fishing ponds
- Ecological parks
- Nature trails
- The formation of a new vehicular access from Foxbridge Lane
- Internal access roads
- Car parking areas (the existing car parking area would be retained (68 spaces) and an additional 128 spaces will be provided between the restaurant and spa).
- New hard and soft landscaping
- Creation of walking and cycling routes

The Council's Screening Opinion

The Council is satisfied having looked at the Regulations that the proposal is **not Schedule 1 development**.

The proposal is considered to be development within **category 12(c) of Schedule 2** to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017: Holiday villages and hotel complexes outside urban areas and associated developments.

Given the area of development exceeds the 0.5ha threshold applicable to category 12(c) development, the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

It is noted that the Parish believe the site is within a 'sensitive area'. Regulation 2(1) defines a 'sensitive area' as;

- (a) a site of special scientific interest;
- (b) land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004(9);
- (c) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994(10);
- (d) a property appearing in the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage(11);
- (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(12);
- (f) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A(13) (national scenic areas);
- (g) an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) (making of designation orders) of the National Parks (Scotland) Act 2000(14); and
- (h) a marine protected area

Given that none of the above applies to this site, the site is not considered to be in a sensitive area. Nonetheless, Paragraph 032 Reference ID: 4-032-20170728 of the NPPG states that 'In practice, the likely environmental effects of Schedule 2 development will often be such as to require an Environmental Impact Assessment if development is to be located in or close to sensitive sites.'

The Parish have also commented that the proposed vehicular access, roads, walking and cycling routes could fall under Schedule 2 Part 10(b) Urban Development Projects and 10(f) Construction of roads. It is officers view that the proposed infrastructure would be incidental to the proposed use of the site, which nonetheless is still Schedule 2 development.

Development listed in Schedule 2 requires EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. This is expanded within Schedule 3 of the Regulations, which provides selection criteria for screening Schedule 2 development. These must be taken into account in determining whether a development is likely to have significant effects on the environment. Not all of the criteria will be relevant in every case. Schedule 3 identifies three broad criteria which should be considered:

- 1) Characteristics of the development (e.g. its size, cumulative effect with other developments, use of natural resources, quantities of pollution and waste generated);
- 2) Environmental sensitivity of the location; and
- 3) Characteristics of the potential impact (e.g. its magnitude and duration)

1. Characteristics of the development

The application site measures 24ha and therefore exceeds the indicative Schedule 2 threshold for category 12(c) development of 0.5ha. The NPPG indicative criteria and threshold for 12(c) is 'Major new tourism and leisure developments that require a site of more than 10 hectares. Holiday villages or hotel; complexes with more than 300 bed spaces.' The site would be greater than 10ha and whilst details haven't been provided on the number of bedspaces it would be reasonable to assume that the 121 holiday lodges and 40-50 bed spa accommodation could cumulatively exceed 300 bed spaces. The NPPG states that the key issues to consider for category 12(c) development as visual or ecological impacts and potential traffic generation.

The supporting statement received with this request for a Screening Opinion sets out potential construction effects include traffic, air quality, noise and vibration, contamination, greenhouse gas emissions, disturbance to archaeology, visual disturbance, disturbance to ecology receptors and waste generation. It is suggested that these could be managed through planning conditions and a Construction Environmental Management Plan. It is anticipated that development would take 1 year.

The operational development would alter the visual appearance of the site and landscape views. The operation of the site would consume water and generate traffic, noise, light, greenhouse gases and waste.

The Parish have suggested that the development should be considered in cumulation with residential developments in Kirdford, Loxwood, Dunsfold Park and Crouchlands Farm.

2. Location of the development

The existing site is a former golf club, with a 9 hole course and existing structures including office buildings, clubhouse, outbuildings, car park and ponds/lakes. The agricultural land classification is Grade 3 (Good to moderate quality land).

The site is bound by Foxbridge Lane to the east and Wephurst Wood (ancient woodland) to the west.

The site lies entirely in Flood Zone 1, apart from a ditch in the northern corner of the site which is in Flood Zone 3.

The site is outside any protected designated areas. However, the site is within the Zones of Influence of The Mens SAC and SSSI and Ebernoe Common SAC and SSSI both of which have been designated for their bat populations, particularly Bechstein and Barbastelle populations. Natural England have advised that *'in addition to roosting sites within these SAC's, the bats also require access to habitats outside the boundary of the SACs. This habitat is integral to supporting the bats associated with the SACs and is often referred to as functionally linked habitat.'*

The site is located within the Sussex North Water Resource supply zone, where existing water abstraction is having an impact on the Arun Valley SAC, SPA and Ramsar site and harming internationally protected species. The site is approximately 2.5km from Chiddingfold Forrest SSSI.

The Council's mapping system suggests that the site contains dormouse home and movement networks, bats home and movement networks, barn owl habitat and water vole habitat and network. The supporting statement acknowledges that species identified on site include bats, reptiles, great crested newts, dormice and badgers.

The site contains no designated heritage assets, however there are numerous Grade II listed buildings within the vicinity of the site, including Foxbridge Farm adjoining the north-western corner of the site. Approximately 300m to the southeast of the site there is Wephurst Glass House, a Scheduled Monument, surrounding which is an Archaeological Priority Area. The site is approximately 1.5km to the southeast of Plaistow Conservation Area.

The site is not within an AONB. The SDNP is approximately 4km to the southwest of the site.

Characteristics of the potential impact

Visual and landscape impacts and effect on heritage assets

The Parish Council has drawn my attention to the dismissed appeal APP/L3815/W/18/3206819 for the proposed demolition of the existing golf club house and the construction of 10 dwellings (together with vehicular access and car park) which made reference to the undeveloped character of the countryside. It is agreed that the proposal would likely result in a fundamental change to the character of the site and could affect views from the surrounding countryside, including from PROWs. The supporting statement suggests that a Landscape Visual Impact Assessment will be submitted with a planning application, this together with proposed plans and landscaping plans could enable officers to consider the visual impact and landscape harm sufficiently without the need for an EIA.

The Parish also draws parallels between this screening request and that for Crouchland's Farm in relation to the impact on the SDNP. Whilst the Council's response (ref: 21/00545/EIA) made reference to the SDNP specifically in relation to its setting and the impact of lighting, this screening opinion was appealed (SoS decision reference PCU/EIASCR/L3815/3274830), in which there was no reference to the SDNP.

The SDNP Planning Authority have been consulted on the current EIA screening opinion for Foxbridge Golf Course and have commented *'The site is not within the South Downs National Park (a "sensitive area" as defined within Schedule 3 of the Regulations) and may not have the potential to have a significant impact upon the setting of the SDNPA. Nevertheless, we would recommend that if it is concluded that an Environmental Statement is not required for this site, a planning application is supported by a detailed Landscape & Visual Impact Assessment. The submitted details suggest that views from the north and west of the site are curtailed by the density of woodland including from the SDNP and that potential visibility of the site is localised to within close proximity of the site. We would recommend that the LVIA should respond to the location and proximity to the National Park and clearly explore, using evidence, including verified wireframes/photomontages of the proposed development to establish any key views and potential impacts on the designated landscape. It is important to assess the impacts upon*

the setting of the National Park including dark night skies and the National Park's international dark night sky reserve status.'

Historic England were consulted and declined to provide advice. The Council's Conservation and Design Officer has commented '*The nearby Wephurst Glass House is a scheduled ancient monument and the proposed development would sit within the setting of the monument as a designated heritage asset. A planning application would require a heritage statement and full consideration of the impact of the development upon the setting of the asset in line with the requirements in the NPPF. This level of consideration is proportionate with the significance of the designated heritage asset. In this instance an EIA would not provide a required additional level of consideration and is not required in strictly conservation and design terms.'*

It is officers view that the impact on heritage assets including the setting of Plaistow Conservation Area and the surrounding listed buildings can be addressed through the submission of a heritage statement as part of the application process and in line with paragraphs 194 and 195 of the NPPF.

The Council's Archaeologist has commented that '*According to our records the site contains no known archaeological interest, whilst the nearby Scheduled glassworking site is not close enough for the effects of the proposal to be a major issue. In the circumstances I agree that it would be appropriate for the archaeological potential of the site to be assessed and the results be provided as part of a full planning application rather than, necessarily, an EIA.'*

Ecology (including impacts on Designated Ecological Sites)

The Council's Environmental Strategy Officer has commented;

'We are satisfied that the environmental site assessments for this site can be undertaken without the need for an EIA and the information required can be provided within ecological surveys. The surveys will need to include the following;

- *Phase one habitat surveys and subsequent protected species surveys*
- *Mitigation strategies for any species found onsite*
- *Consideration and safeguarding of green infrastructure and connectivity across the site and into the wider landscape including the district identified wildlife corridors*
- *Habitat enhancements onsite*
- *Assessment of the direct and indirect impacts on protected sites*
- *Address requirements within Local Plan Policy 40: Sustainable Construction and Design and demonstrate how these will be met*
- *Impacts from climate change and planning for the future.*
- *Due to the sites location in the Sussex North Water Supply Zone a water neutrality report, showing the baseline and proposed water consumption and mitigation measures proposed will be required.*
- *Due to the sites location within the Mens and Ebernoe Common SAC buffer zone a bat survey will need to be undertaken to assess the impact this development may have on any SAC species potentially using the site.'*

Regard has been given to the SoS EIA Screening Opinion for Crouchlands Farm (reference: PCU/EIASCR/L3815/3274830), which concluded that due to the unknown quantities of water required for the proposal it could not be concluded that there would be no adverse impacts on the Arun Valley SAC, SPA and Ramsar site. With regards to the current Foxbridge Golf Club screening request, the Council's Environmental Strategy Officer believes that due to scale of the proposal it would not warrant an EIA. Nonetheless any planning application would need to

demonstrate that the proposed development would be water neutral, and the Local Planning Authority as Competent Authority would be required to complete a Habitat Regulation Assessment (HRA).

Natural England's consultation response letter states that *'It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely... Should you determine that an EIA is not required in this case, you should still ensure that the application is supported by sufficient biodiversity, landscape and other environmental information in order for you to assess the weight to give these material considerations when determining the planning application.'*

The site is adjacent to Ancient Woodland, the submitted supporting statement suggests that mature trees within the landscaped belts, boundary trees and adjacent Wephurst Wood will be retained and protected. Furthermore, Officers consider that appropriate buffer zones around the ancient woodland in line with Natural England and Forestry Commission guidance and paragraph 180 of the NPPF could be applied to prevent harm to the irreplaceable habitat.

Potential traffic generation

The site was formerly used as a golf club and as such this would have previously attracted visitors to the site. The statement submitted with this screening request suggests that the net increase in vehicle trips would be between 292 – 717 two-way trips on a weekday and 494 – 790 additional two-way trips on a weekend. It also states that a Transport Assessment and Travel Plan will be prepared and submitted alongside the planning application.

The application site is entirely within the Chichester District Council boundary, however there could be some transboundary impact in terms of traffic generation. The Parish have raised concerns that an increase in traffic could impact on the SDNP, Plaistow Conservation Area and the surrounding Listed Buildings. Officers also note the highway safety concerns, impacts on the PROWs and concerns on the traffic survey data raised by the Parish.

The County Highway Authority have commented that *'pre-application discussions with the LHA on matters relating to the proposals access strategy and capacity testing on local roads and junctions are on going and a formal Transport Assessment will be provided by the applicant as the application progresses.'*

Having regard to the above Officers are satisfied that the impact of the potential traffic generation could be sufficiently considered at planning application stage. Furthermore, impacts on the PROW network could be appropriately considered in consultation with the WSCC PROW Officer at the planning application stage.

Other considerations

The supporting statement states that there will be considerable earthworks undertaken to facilitate the proposed development. There is an intention to re-use all the spoil material excavated on site with any contaminated material being buried at depth/capped, where appropriate and safe to do so.

The Council's Environmental Protection team have commented that *'appropriate environmental safeguards can be secured outside of the EIA process. Consideration has been given to Buro Happold's letter dated 27th May 2022. We would support the proposal to submit assessments*

in relation to air quality, noise and vibration, ground conditions as detailed in the letter. It is agreed noise should be assessed from construction activities; commercial and/or leisure activities and increased traffic on the local road network. We would also expect to see an assessment of the potential impact from any proposed additional lighting as part of any development.'

With regards to drainage and flood risk, the LLFA commented '*We are satisfied that the proportionate assessments for this site can be undertaken without the need for an EIA and the information required can be provided within hydrological/Hydrogeological surveys. The surveys and interpretive will need to include the following; Full Flood Risk Assessment Proportionate Drainage Strategy*'.

The Parish have commented that the proposal could result in pollution as Loxwood Wastewater Treatment Works (WwTW) is overcapacity and the northern site boundary adjoins flood zone 3. Any proposed scheme would need to comply with the Adopted Surface Water and Foul Drainage SPD. As part of the consideration of a planning application Southern Water and the Environment Agency would be consulted on the proposal and the capacity of network to a WwTW as well as the capacity at the WwTW itself would be considered.

The Council's Environmental Strategy Officer has commented that any forthcoming planning application will need to address the requirements within Local Plan Policy 40: Sustainable Construction and Design. It is noted that the supporting statement suggests that the applicant has an aspiration for the development to be net-zero carbon.

Summary and Conclusion

This assessment has considered the nature, scale and location of the proposal and the particular environmental conditions of the site and surroundings. **Overall, it is considered that the proposal does not constitute EIA development.**

This screening opinion will be placed on the public register.

Yours sincerely

signed
Kayleigh Taylor
Senior Planning Officer