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DATE: 10th December 2024

Dear Sir/Madam

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended

Reference: DM/24/2826

Location: Land At Foxhole Farm Foxhole Lane Bolney Haywards Heath

Proposal: EIA Screening request for Proposed Development of Land at Foxhole Farm Bolney, comprising demolition of existing barns and development of site so as to accommodate up to 200 houses with associated car parking, landscaping & community facilities including a circa 450sqm community building, encompassing land for education provision, together with separate play areas, informal outdoor space, allotments, a community orchard and 3.26 ha of countryside open space.

I refer to your letter dated the 19th November 2024 regarding the above site and your request for the Council's formal Screening Opinion.

The Council is required to determine whether the application should be accompanied by an Environmental Impact Assessment, in accordance with Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended.

In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 of the 2017 Regulations, the proposed development, while constituting a Schedule 2 development, would not be likely to have a significant effect on the environment by virtue of the factors such as its characteristics, location and characteristics of potential impacts.

To determine whether the proposed development constitutes 'EIA development', regard must be had to the EIA Regulations, as well as the supporting Planning Practice Guidance (PPG). The EIA Regulations define 'EIA development' as development which is 'likely to have significant effects on the environment by virtue of factors such as its nature size or location'. The Regulations indicate that EIA development falls within two 'Schedules'. Schedule 1 concerns development projects for which EIA is a mandatory requirement.

Proposals that fall within Schedule 2 only require EIA if they would lead to likely significant effects on the environment. Development proposals that fall within Schedule 2 must

therefore be assessed against a number of relevant thresholds and criteria, set out in Regulation 5(4).

The request for a screening opinion relates to a proposed residential development of up to 200 houses with associated car parking, landscaping & community facilities including a circa 450sqm community building, encompassing land for education provision, together with separate play areas, informal outdoor space, allotments, a community orchard and 3.26 ha of countryside open space. As such, the proposal is above the threshold set out in Part 10, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 relating to (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

The Local Planning Authority (LPA) has considered the application against the selection criteria in Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Part of the site is adjacent to the built up area boundary of Bolney as defined in the District Plan (DP). The site area for this screening opinion is some 18.4 hectares. It is proposed to be allocated for 200 dwellings in the Mid Sussex District Plan 2021 - 2039 (Policy DPA14), which is currently undergoing its Examination by the Planning Inspector. Should the site be allocated for residential development, the built up area boundary in the DP will be revised so that the site will be within the built up area.

The site and its surrounds are not on land that is subject to national designation.

The Planning Practice Guidance (PPG) provides guidance on the EIA Regulations. Paragraph: 018 Reference ID: 4-018-20170728 Revision date: 28/07/2017 provides a table containing indicative thresholds to aid LPAs to determine whether significant environmental effects are likely. For Urban Development projects, the table states that the indicative threshold for sites such as this which have not been previously intensively developed is if the area of the scheme is more than 5 hectares or the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

Whilst the proposal exceeds the site area threshold, it is considered that the key issue is whether the proposal would have significant urbanising effects in a previously non-urbanised area. This is because a significant proportion of the site would be used for open space, rather than being developed with new buildings.

The development is well below the indicative threshold of 1,000 dwellings. It is also the case that the site is bounded by residential development to the east. The site is also in close proximity to the existing built up area of Bolney to the east. In light of these factors, it is not considered that the proposal would have significant urbanising effects in a previously non-urbanised area.

Schedule 3 of the EIA Regulations sets out the Selection Criteria for Screening Schedule 2 Development as follows:

'Characteristics of development

1. The characteristics of development must be considered with particular regard to—

- (a) the size and design of the whole development;*
- (b) cumulation with other existing development and/or approved development;*
- (c) the use of natural resources, in particular land, soil, water and biodiversity;*
- (d) the production of waste;*
- (e) pollution and nuisances;*

(f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
(g) the risks to human health (for example, due to water contamination or air pollution).'

Taking these in turn:

(a) The site of the proposed development is on the edge of Bolney, which is categorised as a category 3 settlement in the District Plan (medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.). There are no reasons why a well-designed scheme cannot come forward on the site, which would be appropriate to the character of the area. The size of the development would assimilate with the existing village and would not be an overly large addition to the village.

(b) The development will change the character of part the site itself from a greenfield site to a housing development. Part of the site adjoins the existing built up area of Bolney to the east. Whilst the character of the site would change, given the extensive amount of space for landscaping that is proposed, it is not considered that the proposal would have a significant urbanising effect on the wider locality.

(c) The proposal would use land that is currently laid to grass. The site does not contain important, high quality or scarce resources. The scheme will result in the consumption of water during the construction phase and subsequent occupation of the dwellings. There are no reasons to suggest that this would have significant environmental effects. There are no protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location. Whilst there are both protected species on the site and trees and hedgerows, the impacts on these can be mitigated and compensated for as part of the overall masterplan for the site, which will include a significant area of land for open space/landscaping. It will be a requirement for the scheme to provide a minimum 10% gain in biodiversity. As such, no significant effect is likely.

(d) The development would produce waste during the construction phase and then normal domestic refuse once the dwellings are occupied. No significant effect is likely from this.

(e) Pollutants will be released to air from exhaust emissions from the vehicles moving to, from and within the application site during construction and there will be exhaust emissions from vehicles belonging to future occupiers of the dwellings and those visiting the dwellings. There are no Air Quality Management Areas in the locality of the site and no significant effect is likely. There will also be temporary noise impacts during the construction phase, possible dust emissions and possible pollution of the adjacent watercourse. However, these risks can be controlled by appropriate construction management procedures and no significant effects are likely. With regards to the operational phase, the proposed development would be subject to a Travel Plan to effect modal shift away from the private car. The new dwellings will also be required to provide EV charging points. With such mitigation in place there should be no significant cumulative effects in relation to air quality from this development.

(f) The risk of accidents during the construction phase can be managed through appropriate construction management procedures. No significant effect is likely.

(g) The risks to water contamination can be managed through appropriate construction management procedures. There are no air quality management areas in the immediate locality of the site and no significant effect is likely.

'Location of development

2.—(1) The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

- (i) wetlands, riparian areas, river mouths;*
- (ii) coastal zones and the marine environment;*
- (iii) mountain and forest areas;*
- (iv) nature reserves and parks;*
- (v) European sites and other areas classified or protected under national legislation;*
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
- (vii) densely populated areas;*
- (viii) landscapes and sites of historical, cultural or archaeological significance.'*

Taking these in turn:

(a) The land is currently laid to grass. It is bounded by residential development to the east and is in close proximity to the village of Bolney. The land is not within a nationally designated landscape. As such whilst there will be a change on the site from a greenfield to a housing development, this would not have a significant urbanising effect given the close proximity of other urban development.

(b) The land and its surrounds are not subject to any national designation. There are no areas on or around the site which contain important high quality or scarce resources which could be affected by the project. The closest European designation is Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), which is located approximately 16km to the north-east of the site. With appropriate mitigation the proposal should not have a significant effect, either alone or in combination with this European Protected site. This will be subject to a Habitats Regulation Assessment when a planning application is submitted. The nearest statutory designation is Blunts and Paige's Wood Local Nature Reserve (LNR), which is located approximately 5.6km to the north-east of the site. The LNR comprises a mixture of deciduous woodland and meadows which supports a diverse range of species, including Black Poplar and Dormice. The next nearest statutory designation is Ashenground and Bolnore Woods LNR, located approximately 5.9km to the east of the site. The LNR supports a small area of ancient woodland.

(c) i) there is a watercourse located to the west of the site, but no significant effect is likely on this watercourse.

ii) The site is not in a Coastal zone, so this is not applicable.

iii) The site is not a Mountain or Forest area, so this is not applicable.

iv) The site does not include a Nature Reserve or Park so this is not applicable.

v) The closest European site is the Ashdown Forest, referred to above.

vi) The site is not within an area that has failed to meet environmental quality standards in Union legislation.

vii) The site is adjacent to the village of Bolney. The proposed development would be of a scale and proportion that would be appropriate to the surrounding urban development in the locality and no significant effect is likely.

viii) The site is not within a landscape of historical or cultural significance. There is a generally low to moderate potential for other yet-to-be-discovered archaeological assets on the site. The impact of this can be suitably managed through planning conditions.

'Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

- (d) the intensity and complexity of the impact;*
- (e) the probability of the impact;*
- (f) the expected onset, duration, frequency and reversibility of the impact;*
- (g) the cumulation of the impact with the impact of other existing and/or approved development;*
- (h) the possibility of effectively reducing the impact.'*

Taking these in turn:

- (a) The impact of the development will be localised. During construction, the effect on the population will be limited to those that are close to the site and these construction impacts can be mitigated through a Construction Management Plan.
- (b) There should be no significant impacts as a result of the development on population and human health. The proposal for up to 200 dwellings and a community building on a site in close proximity to the village of Bolney would not result in a change to the size of the village that would have significant effects, with regards to the factors set out in section 4(2) of the Regulations. The site is not nationally designated in relation to its ecological value or landscape value and no significant effect is likely in relation to biodiversity or landscape. There is a requirement for biodiversity enhancements through the planning process, with a minimum 10% gain in biodiversity being a requirement in legislation. The site does not contain scarce resources in relation to water, air and climate and there are no likely significant effects. There are designated heritage assets in close proximity of the site (of 2 Grade II listed buildings, 1 Grade I listed church and 2 Conservation Areas) to the east and north-east of site. The low rise nature of the proposed development, separation distance and proposed additional boundary screening means that there should be no significant impact in EIA terms on these heritage assets.
- (c) The development will not lead to any transboundary effects.
- (d) The proposal is not a complex development. It is a normal residential development.
- (e) There are not likely to be significant effects from the development. During the construction phase there will be localised impacts, but these can be mitigated through a Construction Management Plan.
- (f) Subject to a planning permission being granted, the development would need to commence within three years of the consent being granted. The scheme would take several years to build out, with the precise timings dependent on the developer and market conditions. The frequency of different construction works will depend on the stage of works within the site. The scheme will result in irreversible impacts as the site will change from being a greenfield site to a housing development.
- (g) During the construction phase, the impact of the development with other schemes that could be approved in the locality could be mitigated through a Construction management Plan.
- (h) The scheme would need to obtain planning permission. There would be a requirement within the planning application for the development to provide infrastructure and/or make contributions towards infrastructure to mitigate the impact of the development (for example, contributions to provide infrastructure to serve the development, such as towards school places, library provision, leisure and play space facilities). There would also be a requirement to mitigate the impact on air quality, which can objectively be assessed and provided for by a damage cost calculation, with the monies generated going towards projects such as interventions to change behaviour, for example, cycle storage facilities, cycle route contributions, EV charging points. There would also be a requirement for a minimum 10% gain in biodiversity at the site. All of these mitigations can be secured by way of planning conditions or through a section 106 legal agreement attached to the planning permission.

Conclusion

Whilst the area of the site is greater than 5 hectares, a significant proportion of the site would be landscaping rather than physical development. The number of units would be significantly

below the indicative threshold of 1,000 units in paragraph 57 of the PPG, which is provided as an example of a proposal that would have significant urbanising effects in a previously non-urbanised area.

Having regard to the selection criteria in Schedule 3 of the EIA Regulations, it is considered that the scale and nature of the development, both on its own and in combination would not have significant effects on the environment within the meaning of the EIA Regulations.

Accordingly, the Local Planning Authority directs that the development above for which planning permission is sought is **not EIA development**. Consequently no Environmental Impact Assessment is required to be submitted with any subsequent planning application.

This letter will be placed on the public register and on the Council's website, in accordance with Regulation 28(2).

Please do not hesitate to contact me if you have any further queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'ABiggs', with a stylized, cursive script.

Ann Biggs
Assistant Director Planning and Sustainable Economy

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