

Mr T Hackett
Wardell Armstrong LLP
Sir Henry Doulton House
Forge Lane Etruria
Stoke on Trent
ST1 5BD

Our Ref: GEN/21/00922
Direct Line: (023) 023 9244 6549
Ask For: Mr D Eaves
Email: planning.development@havant.gov.uk
29 September 2021

Dear Mr Hackett

Site Address: Land off, St Marys Road, Hayling Island

Proposed Development: Request for formal Scoping Opinion under the Town and Country Planning (EIA) Regulations 2017, Regulation 15, regarding the proposed residential development at Land off St Mary's Road, Hayling Island.

I am writing to you further to your Scoping enquiry received on the 25th August 2021 and the submission of the following document:

Land off St Marys Road (Rook Farm), Hayling Island Scoping Report August 2021.

Proposal

The submitted report sets out the following development proposals:

It is proposed to submit an outline planning application for the erection of up to 390 dwellings in accordance with emerging Local Plan requirements (final figure to be determined by site constraints analysis) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point off St Mary's Road. All matters are reserved except for means of access.

The Site is approximately 11.81 ha and is currently in agricultural use.

It is proposed that the scheme will comprise:

- *The demolition of existing farm buildings;*
- *up to 390 dwellings in accordance with emerging Local Plan requirements (final figure to be determined by site constraints analysis);*
- *Public open space;*
- *Landscaping and Sustainable Drainage Systems (SuDS); and*
- *A vehicular access point off St Mary's Road.*

Location of development:

The environmental sensitivity of the site has been recognised by its identification as a Core Area for Brent Geese and Waders under the Solent Waders and Brent Goose Strategy.

The site is in close proximity to the Chichester and Langstone Harbour Ramsar and Special Protection Areas (SPA) approximately 0.85km and 1km from the site respectively and Solent Maritime Special Area of Conservation (SAC).

The site is therefore considered to be an important habitat for the Waders and Brent Geese of Chichester and Langstone Harbour SPA.

The purpose of the requested scoping opinion is to achieve a consensus over potentially significant environmental impacts and the content of the Environmental Statement which should accompany a future planning application. A scoping opinion has previously been issued by Havant Borough Council in relation to a 210 dwelling proposal on the land dated 15th November 2017 (a copy of this opinion can be viewed on the Council's website at the following address <https://cdn.havant.gov.uk/public/documents/Scoping%20Rook%20Farm.pdf>).

The submitted Scoping Report states:

The Applicant is now proceeding with the preparation of a new application. Therefore this Scoping Report has been prepared to support a request for a new Scoping Opinion, ensuring that the scope of the ES is up to date.

The following sections expand upon some of the areas set out in your report and adding other areas regarding the impacts that Havant Borough Council as the Local Planning Authority in consultation with relevant statutory bodies and others considers should be covered in the Environmental Statement (ES).

Screening

During the course of the associated planning application reference APP/07/00007 a letter was sent to the applicants agent setting out the Councils opinion that the development would constitute EIA development (a copy of the letter is attached at Annex B). It is understood that the need for an Environmental Statement is accepted.

Scoping

The proposed development falls within the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

In summary your Scoping Report dated August 2021 identifies a range of topics that are suggested to be 'Scoped -Out' of the EIA and others that are 'Scoped In'. Other potential areas have also been identified through the scoping process. The considerations and suggestions in relation to your identified topic areas are responded to in part 1 with the additional topic areas identified in part 2 below. The comments result largely from consultations within the EIA consultees and a range of other consultees who would also be consulted at the planning application stage. **As you are aware from my email of the 23rd September 2021 requesting an extension of time for the scoping agreement (not agreed) a number of important consultation responses remain outstanding at the time of this response. A precautionary approach therefore needs to be taken in this case to seek to ensure that matters are covered in the Scoping.**

The Non Technical chapters proposed would appear to be appropriately set out to provide context to the Environmental Statement.

Paragraph 3.3.1 of the submitted Scoping Report anticipates the following issues will need to be addressed as part of the Environmental Impact Assessment:

Ecology
Air Quality
Transport
Soils and Agricultural Land

These are set out below in PART 1

Part 1:

1. Ecology

The submitted Scoping Report notes the site is identified as a Core Area used by Solent waders and Brent Geese as defined by Policy E17 in the submitted Local Plan. In such cases, it should be noted that development will only be permitted where a suitable replacement habitat is provided in perpetuity in consultation with the competent authority which:

- a. Contributes to a biodiversity net gain to the SWBG network;
- b. Is of an equal, or where possible, greater size and quality to the Core Area being lost and damaged; and
- c. Is secured through a costed Habitat Management and Monitoring Plan.

It is noted that consultation is presently ongoing to ascertain the suitability of potential off-site land to be secured as mitigation for impacts on Solent Waders and Brent Geese (SWBG) associated with the Chichester & Langstone Harbours SPA/Ramsar. This will be of particular pertinence in assessing whether there is a likely significant effect to nearby European designated sites and their supporting habitat. In particular, site-specific mitigation measures will need to be deliverable, in order to avoid significant adverse effects.

The Council's Summary of Site Screening Work (EB44) also notes that there is a moderate level of bat activity at the site's boundaries and potential for common reptiles at field margins. As such Phase 2 ecological surveys for bats and common reptiles will be required in addition to the Phase 1 ecological assessment.

The Council's Environmental Control Officer provides the following comments relating to Ecology (linked to Transport Assessment and Air Quality):

The scoping report acknowledges that nitrogen-deposition & nitrogen-derived acid deposition could increase as a result of (primarily-) transport-related emissions associated with the development.

It is not clear from the report whether domestic sources are to be included (i.e. emissions from combustion within dwellings, for space / water heating & cooking), but I would assume that it is envisaged to limit the assessment to the transport model.

Paragraph 4.4.10 refers to a screening level derived from the environmental permitting regime, considering effects to be insignificant where the development contribution is <1% of the long-term critical load for the habitat. This benchmark is typically applied irrespective of the baseline conditions, and in this way is a benchmark capable of representing 'acceptable adverse impact'. Local policy aims to achieve 'no net deterioration (i.e. 'hold the line' rather than a 'managed rate of decline'-), and in this way, there could potentially be a conflict. The outcome of this assessment could also be material to ecological policies, seeking ecological net-gain (i.e. additional mitigation may be required to account for a net negative air-quality impact at sensitive & protected habitats).

The above matters need to be assessed in the Ecology Section.

We also strongly encourage the applicant to engage with the Council's Ecologist and Natural England, potentially through their Development Advice Service, in the preparation of the Ecology chapter, the scope of any Wintering Bird Surveys and the information to inform the Council's (as competent authority) Habitats Regulation Assessment (HRA). This is particularly important given that consultation responses have not been received in relation to the current scoping process at the time of this response.

Natural England and the County Ecologist provided comments in relation to the previous Scoping Opinion dated 15th November which need to be taken into account in the Ecology section (**please note that the site is now identified as a Core Area and further comments on cumulative impacts are provided in the 'Cumulative Impacts' section of this letter**). The previous Scoping Opinion set out the following comments from Natural England and the County Ecologist:

Natural England:

Case law and guidance has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England has serious concerns that the proposals will result in the direct loss of supporting habitat for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. The site is considered essential to the continued function of the Solent wader and brent goose ecological network and is functionally-linked to the designated Solent SPAs. The loss of this site would impact on the integrity of the SPA and this issue will need to be thoroughly examined within the Environmental Impact Assessment and Appropriate Assessment.

The recommended details to be included in the scope of the EIA are set out in Annex A and include an assessment of the proposals on:

- *the designated sites, protected species, habitats and species of principal importance and wider biodiversity*
- *the water environment and the need to achieve a nutrient neutral scheme*
- *soil and agricultural land quality*
- *rights of way, access and recreation*
- *climate change and in-combination and cumulative impacts*

We strongly recommend that the developer seeks Natural England's advice through our Discretionary Advice Service to ensure the sensitivities of the site are appropriately addressed within the EIA, Appropriate Assessment and the subsequent planning application. The first step is to fill out a simple 'Request Form' and email it to consultations@naturalengland.org.uk.

Further detailed comments were previously provided in Annex A of the Consultation Response with regard to (amongst other matters):

- Ecology
- Designated nature Conservation Sites
- Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010
- Habitats and Species of Principal Importance
- Biodiversity Mitigation and Enhancement Plan (BMEP)
- Climate Change Adaptation

The Information in relation to these headings are provided below:

Annex A Advice related to EIA Scoping Requirements

Ecology

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

Designated nature conservation sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposal would result in the loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. The site is considered essential to the continued function of the Solent wader and brent goose ecological network and is functionally-linked to the designated Solent SPAs. The site has recorded a maximum count of over a 1000 Brent Geese. The loss of this site would impact on the integrity of the SPA and this site would be extremely difficult to replace. Any potential damage to the integrity of the site will be subject to a Habitats Regulations Assessment and the associated requirements to meet the statutory tests. The EIA will need to include a thorough assessment of the baseline environment and assessment of the significant environmental effects arising from the development proposals. Detailed information will need to be provided to determine the extent to which the proposals will adversely affect the integrity of the SPA and measures that would counteract or avoid a likely significant effect or to otherwise address any adverse impacts on site integrity. This assessment will need to meet the statutory tests of the Habitats Regulations Assessment and the EIA Regulations.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available [here](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity)

<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek to avoid an adverse impact on sensitive areas for wildlife within the site, and provide opportunities for overall wildlife gain. The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

Biodiversity Mitigation and Enhancement Plan (BMEP)

Natural England recommends that the proposal is accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist. The BMEP should set out all the mitigation measures proposed within the Environmental Statement. It should also ensure the scheme meets the requirements of the standing advice and the additional requirements for biodiversity enhancement, and net gain, as set out in National Planning Policy Framework paragraphs 7, 109 and 118.

Whilst the applicant has identified that Ecology and Wildlife should be scoped in, they are strongly encouraged to engage with the Council's Ecologist and Natural England in the preparation of the Wildlife and Ecology Chapter, the scope of any Wintering Bird Surveys and the information to support the HRA.

Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.

Detailed consideration should be given to Solent Wader and Brent Goose ecological network and how the loss of the site could impact on the resilience of the future network with regard to climate change and sea level rise.

The County Ecologist provided the following comments in relation to the previous scoping and should be taken into account in the ES:

As detailed within the previous application-stage discussions, the key issue at this site is the potential loss of supporting habitat for Chichester & Langstone Harbours SPA and Ramsar. This site has been shown to support significant numbers of dark-bellied brent geese, a key qualifying species for both SPA and Ramsar, and is one of the most important sites for this species within Havant Borough. The proposed development would, unmitigated, result in an unacceptable significant loss of supporting habitat and would affect the integrity of the SPA/Ramsar.

Any future ES will need to include a comprehensive review of all existing data pertaining to the use of the site, and other nearby sites, by SPA/Ramsar species. The source of this information is the Solent Waders & Brent Goose Strategy. The SWBGS is currently undergoing a refresh and so I would strongly advise that the applicant's ecological advisors ensure that they obtain the latest data and are fully aware of its use in assessing site status: any assessment must not rely solely on the applicant's own collected data. A new framework for mitigation is being developed and so again I would strongly recommend that the applicant engages with Natural England (via the DAS service) when attempting to develop any mitigation/compensation strategy.

A key reason for refusal in relation to planning application APP/07/00007 related to the direct loss of supporting habitat for the SPA, and in particular dark-bellied Brent geese. Specifically reason for refusal 4 states:

"The development would result in a direct loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. A likely significant effect on the Chichester & Langstone Harbours SPA cannot therefore be ruled out that this proposal would not have an adverse effect on site integrity. No measures have been proposed or appropriate that would counteract or avoid a likely significant effect, to otherwise address any adverse impacts on site integrity. The proposed development is therefore contrary to Policies CS11 and CS21 of the Local Plan (Core Strategy) 2011 and DM23 of the Local Plan (Allocations) 2014, section 118 of the National Planning Policy Framework and the provision of the Conservation of Habitats and Species Regulations (2010) as amended."

As stated above we strongly encourage the applicant to engage with the Council's Ecologist and Natural England potentially through their Development Advice Service, in the preparation of the Ecology Chapter, the scope of any Wintering Bird Surveys and the information to inform the Council's (as competent authority) Habitats Regulation Assessment (HRA). The latter will be of particular pertinence in examining the likely significant effect to nearby European designated sites and their supporting habitat. In particular, site-specific mitigation measures will need be shown to be deliverable, in order to avoid significant adverse effects.

Please ensure that the ES addresses the matters set out above in relation to Ecology and Wildlife. These matters are therefore Scoped In.

2. Air Quality

The submitted Scoping Report indicates that both a construction phase and operation phase assessment will be undertaken for air quality. In this respect, it should be noted that Policy E23 in the submitted Local Plan sets out the following:

“Offsetting emissions

- d. Major development proposals will be expected to provide mitigation measures which offset emissions and are proportionate to the scale and nature of the development.*

Threshold based assessment

In addition to a., development proposals of 150 or more (gross) residential units, 1,000 sqm or more of commercial floorspace, or which are likely to materially alter the traffic flow on the local highway network will be permitted where:

- e. Projected levels of air pollution or emissions associated with the development would not result in a significant deterioration of current air quality at a location where national air quality objectives or limit values apply; or*
- f. Measures are provided which demonstrably mitigate the impact on air quality to an acceptable level.”*

Whilst it is noted that the Scoping Report identifies various site specific mitigation for the construction phase, it is recommended that the applicant engage with the Council's Environmental Health Team in respect of mitigation measures to offset the emissions which would occur as a result of the development.

At this stage Environmental Health have provided the following comments in relation to Air Quality (in addition to those highlighted under Ecology above:

Transport Assessment, Air Quality; Human Health

I would agree that both the Transport Assessment & Air Quality should be scoped-in to the Environmental Statement. I note that the envisaged transport assessment would cover a study area to include the A3023 up to the A27 junction, and associated links and junctions.

It is considered potentially appropriate for the Air Quality assessment to cover the same study area, subject to screening of the magnitude of traffic impact indicated by the agreed development net-transport-demand (against an agreed baseline). The most sensitive receptors from an air quality perspective are located on the local strategic route (A3023) with some receptors being located within 2m of the kerbside (e.g. no. 68 & 85 Havant Road, Hayling Island).

The transport assessment is to consider ‘in combination’ effects, to include the land at Sinah Lane. Concerns have been raised about the volume of traffic from the Sinah Lane development routing via West Lane, to avoid congestion on the A3023 route. As a result, turning movements at the Havant Road / West Lane junction (associated with the Sinah development) could cause disproportionate impacts on the principal route. No. 80 Havant Rd is opposite the West Lane junction at 3m from the kerbside, and could be affected by any disproportionate impacts on the free flow of traffic on the A3023 by turning movements to / from West Ln.

Concerns have also previously been raised about the potential for disproportionate impact on traffic flows arising from turning movements at the Tournerbury Lane Junction (described in EH comments to APP/17/00007, CONS/17/00125, 14/02/17).

Both the transport assessment, and air quality assessment should ideally consider these issues specifically, as it is possible that the transport model may not adequately capture these factors (West Lane arising from traffic not yet on the road network, but associated with 'committed' development, and Tournerbury only being captured by surveys post-dating the opening-date for the local food retail outlet identified as a significant contributor to driver-delay). Sensitive receptors are located at this junction within 3m of the kerbside (141-143 Elm Grove).

Transport Assessment, Air Quality; Ecology

The scoping report acknowledges that nitrogen-deposition & nitrogen-derived acid deposition could increase as a result of (primarily-) transport-related emissions associated with the development.

It is not clear from the report whether domestic sources are to be included (i.e. emissions from combustion within dwellings, for space / water heating & cooking), but I would assume that it is envisaged to limit the assessment to the transport model.

Paragraph 4.4.10 refers to a screening level derived from the environmental permitting regime, considering effects to be insignificant where the development contribution is <1% of the long-term critical load for the habitat. This benchmark is typically applied irrespective of the baseline conditions, and in this way is a benchmark capable of representing 'acceptable adverse impact'. Local policy aims to achieve 'no net deterioration' (i.e. 'hold the line' rather than a 'managed rate of decline'), and in this way, there could potentially be a conflict. The outcome of this assessment could also be material to ecological policies, seeking ecological net-gain (i.e. additional mitigation may be required to account for a net negative air-quality impact at sensitive & protected habitats).

Air Quality, Offsetting Emissions

The scoping report references air quality mitigation (at section 4.5) only in the context of construction phase dust.

I would highlight that in addition to the management of construction impacts, there may be a need to proportionately mitigate or offset any specific air quality impacts identified within the transport-emission air quality assessment.

Emerging policy E23 also seeks an automatic offsetting of development-related (operational phase) emissions, encompassing those associated with both the development transport demand, and emissions from buildings.

Given the scope of this application (i.e. EIA scoping only, not development pre-app for an outline-, reserved matters- or detailed- application), it is appropriate only to highlight that the policy requires mitigation / offsetting to be 'designed in' to the scheme. I would encourage the applicant to consider the benefits of considering health, pollution/air quality, high-quality design, climate, ecology, energy & sustainable transport (policies) holistically as a core element of scheme design.

Insofar as relevance to the Environmental Statement; I highlight the above policy context to encourage authors to consider mitigation more broadly & holistically (than is implied by the scoping report), especially given the expectation that ecological air-quality benchmarks may be subject to a net negative long-term impact where baseline conditions are already approaching (and may already exceed-) critical load benchmarks at relevant locations.

Please ensure that the ES addresses the matters set out above in relation to Air Quality. These matters are therefore Scoped In.

3. Transport

It is noted that the transport input covered through the Environmental Statement will be supported by an appended Transport Assessment and Travel Plan – this is welcomed. In addition, it is noted that the applicant has used the microsimulation model to assess the transport impacts of development. Significantly, however, the run of this model assumes access from St Mary's Road. It should be noted that the Council has proposed a change to the Inspectors (CD27) with access from Lulworth Close which was discussed at the Stage 1 Examination Hearings which took place in July 2021.

It is noted that the environmental impacts to be assessed include:

- Impacts on driver delay;
- Impacts on pedestrian delay and amenity;
- Impacts on fear and intimidation;
- Impacts on severance;
- Impacts on collisions and road safety; and
- Impacts on public transport users.

This is supported. In addition, the identification of Mengham Infant School and Hayling College as local sensitive receptions is welcomed. In addition, to confirming the scope of the TA with Hampshire County Council, the applicant is encouraged to engage with the local highways authority in respect of the scope of the Transport chapter.

The comments of Environmental Health in relation to Transport impacts also need to be incorporated in the Transport Section.

The reasons for refusal in relation to Planning Application APP/07/00007 in relation to transport matters can be summarised in terms of the impact of development on the existing transport network (5); the proposed access is inadequate to accommodate the development safely (6); and the severe impact on the local transport network as a result of a greater number of trips by private car (7). Reason for refusal no. 2 also relates to the infrastructure requirements of the development in itself, and in combination with other sites on Hayling Island.

Given the strategic infrastructure constraints facing this part of the Borough, it is considered appropriate to Scope In the likely significant environmental effects associated with transport and travel demand.

Please ensure that the ES addresses the matters set out above in relation to Transport. These matters are therefore Scoped In.

4. Soils and Agricultural Land

The submitted Scoping Report indicates that a detailed survey showed agricultural land classification grading across the site range from Grade 2 (very good) to subgrade 3a, with the main limitation to agricultural land quality being stoniness. It is noted that the Scoping Report suggests that there is no mitigation for the loss of best and most versatile agricultural land, but site specific measures will be recommended during the construction phase.

In terms of the operation phase, it should be noted that the site allocation (H27) in the submitted Plan includes a developer requirement to provide community food growing provisions in line with Policy E9. The Council's Sustainability Appraisal of the Pre-Submission Havant Borough Local Plan (CD10) acknowledges that the requirement of Policy E9 would not entirely offset the loss of BMV agricultural land, but would help conserve and utilise soil quality and resource.

The comments of Environmental Health in relation to Soils / Ground Contamination are as follows:

The scoping report notes at 3.5.42 that a Phase 1 Site Investigation will be submitted in support of the application. I would highlight that a Phase 1 Environmental Desk Study was submitted with the APP/17/00007 application, concluding that precautions would be needed to manage an elevated risk of encountering unexploded ordnance, and additionally that a Phase 2 intrusive investigation was considered necessary.

It would appear that the applicant intends to defer the submission of a Phase 2 investigation to the reserved matters stage, however I note that section 7.2.1 of the scoping report refers to a 2018 'site investigation' (soils). It is unclear whether this assessment represents a specific agricultural soils classification assessment, or a combined geo-environmental + agricultural soils report. If the latter, it may constitute the expected Phase 2 report, and I would recommend that it be submitted with the application for outline consent. This may avoid a suite of conditions being applied to the outline consent to secure appropriate assessment / remedial proposals (where necessary).

The report does not state explicitly that Contamination has been scoped out of the Environmental Statement, but it similarly doesn't state explicitly that the Soils & Agricultural Land section would not include consideration of contamination.

Generally, I would agree the report's implicit condition that the predominantly greenfield site is unlikely to be so contaminated that it could be considered that a 'significant environmental impact' would arise as a result of development that could not be effectively mitigated. This is especially so given that only limited (brownfield) areas of the site would be expected to be affected by contamination. I would on this basis be content to manage contamination risk via the usual planning controls.

In the event that a phase 2 assessment is not submitted with the Outline application, Environmental Health would likely seek a suite of conditions as it did under the APP/17/00007 consent, for the same reasons. It is likely that the primary condition would be of Grampian style.

The ES will need to include consideration of the matters raised above.

Please ensure that the ES addresses the matters set out above in relation to Soils and Agricultural Land. These matters are therefore Scoped In.

Contamination issues can be scoped out and managed through the Planning Application process.

5. Cumulative Impacts

Table 3.1 identifies the following schemes which will be included within the assessment of cumulative effects:

- APP/20/01093 – Land at Sinah Lane, Hayling Island – planning permission for 195 dwellings
- APP/17/00529 – 380 Sea Front, Hayling Island – planning permission for 13 dwellings

However, the Scoping Report does not provide an indication of the methodology used to screen these sites into the assessment. In terms of other schemes within the locality of the site, the following development proposals are likely to be of relevance:

- H28 – Fathoms Reach – residential allocation for 55 dwellings
- KP3 – Beachlands – residential allocation for 100 dwellings
- APP/20/00015 – Pullingers, 108-110 Elm Grove – planning permission for 43 dwellings
- APP/19/00324 – 5-7 Station Road – planning permission for 19 dwellings
- APP/17/00529 – 380 Sea Front – planning permission for 13 dwellings

Natural England previously advised in relation to the earlier Scoping:

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. A key issue for consideration is the cumulative and in-combination effects arising from development pressure on the Solent Water and Brent Goose ecological network. The EIA should consider the cumulative impacts arising from the loss of a number of Solent Wader and Brent Goose Sites within the ecological network.

The cumulative impacts of the above schemes in relation to ecology and transport are therefore scoped in to the ES.

Other matters considered in the Scoping Process:

Part 2

6. Heritage and Archaeology

It should be noted one of the reasons for refusal associated with APP/17/00007 relates to the impact on the setting of St Marys Church a Grade II listed building. The Council's Summary of Site Screening Work (EB44) indicates that the proposed development will cause minor harm to the significance of the Church of St Marys via a change in setting – and noted to be at the lower end of the less than substantial bracket. Such harm needs to be balanced against the public benefits of the scheme in line with the NPPF.

It is noted however the Scoping Report considers the effect 'not significant in EIA terms' and is proposed to be scoped out accordingly.

The Council's Conservation Officer states:

There are designated heritage assets in close proximity to the development site – St Mary's Church (Grade II) and Rook Farm House and Cottage (Grade II).*

Further listed buildings are identified in the Scoping Report.

I note that para 3.5.31 confirms that an updated Heritage Assessment will be submitted as part of any forthcoming application. I consider this to be essential in assessing whether the revised proposal would have any further impact on these nearby heritage assets .

The County Council's Archaeologist states:

I note in the report submitted that whilst archaeology is not significant enough to fall within the scope of the EIA, it will be subject to a stand alone assessment (para 3.3.3). I welcome this and would concur that this is appropriate. I also note that in para 3.5.29 it is suggested that, subject to the desk based assessment, it seems unlikely that archaeological issues would preclude development and archaeological matters might end up being dealt with by use of conditions attached to any planning permission. I would of course await an opportunity to review any submitted desk based assessment, however I note that the desk based assessment submitted with 17/00007 came to this conclusion and this conclusion was endorsed by my colleague Mr Adam at the site, and so I recognise that this is not an unreasonable expectation.

In conclusion it is agreed that Heritage and Archaeology matters can be scoped out of the ES. They will form an important aspect of the planning submission considerations.

7. Water Environment

At the time of writing a consultation response from the Loca Lead Flood Authority has yet to be received.

Natural England provided the following comments in relation to the Water Environment in relation to the previous Scoping opinion:

The EIA should also consider the impacts of the development on the water environment. There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites.

An Integrated Water Management Study for South Hampshire has been commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. Further details will be provided in due course. However, it is likely that measures will be required to mitigate the adverse water quality impacts arising from the new development on a significant number of designated sites in the Solent.

Natural England therefore recommends that this issue is examined in the EIA. For confidence that the development will be deliverable, Natural England recommends that the proposals achieve nutrient neutrality. We would be happy to advise further as part of our Discretionary Advice Service. The EIA should also include a consideration of the availability and source of water resources for the development and set out the water supply provider for the development.

The Water Environment requirements above are therefore Scoped into the ES.

8. Noise Impact Assessment

It is considered that the Noise Impact of the proposed development can be adequately assessed with the submission of appropriate Noise Impact Assessment and Mitigation as part of any planning application.

Noise impact can therefore be Scoped out of the ES at this stage.

9. Rights of Way, Access and Recreation

Natural England provided the following advice in relation to these aspects in relation to the previous Scoping Opinion:

The EIA should consider potential impacts on public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

The impact in relation to Rights of Way, Access and Recreation are therefore Scoped in to the ES.

10. Landscape and Visual Assessment

It is considered that the landscape and visual impact of the proposed development can be adequately assessed with the submission of appropriate Landscape Impact Assessment and Mitigation as part of any planning application.

Landscape impact can therefore be Scoped out of the EIA at this stage.

11. Climate

The application will need to consider the impact of the development in terms of sustainability and Local and National policy considerations. Impacts of Climate change in relation to the development and its vulnerability will also be required to be considered through the planning application.

The Ecology chapter in the ES will need to consider climate change in relation to the relevant impacts as set out by Natural England.

A separate chapter on climate change has been scoped out at this stage subject to any further consultation advice received.

12. Human Health

Impacts on Human Health as set out above will need to be assessed as part of the ES for example in relation to Air Quality/Transport or through the submissions in relation to the planning application (for example in relation to noise and contamination).

At this stage a separate chapter in relation to Human Health can be scoped out subject to any further consultation advice received.

13. Risks of Major Accidents and/or Disasters

Given the potential vulnerability of Haying Island as a whole to flood risk and/or accidents impacting access to the island and potential impact on emergency services it is considered appropriate to address the proposed developments vulnerability to such risks as part of the ES.

Risks of Major Accidents and/or Disasters are therefore scoped in to the ES.

Conclusion:

In conclusion and in summary;

The following matters are scoped into the ES/EIA:

- Ecology
- Air Quality
- Transport Considerations
- Soils/Agricultural Land Quality
- Cumulative impacts (in relation to Ecology/Transport)
- Water Environment
- Rights of Way, Access & Recreation
- Risks of Major Accidents and/or Disasters

The following matters are scoped out of the ES/EIA as separate chapters but some form parts of other ES chapters and others are subject to detailed submissions/assessments in relation to any further planning application:

- Heritage and Archaeology
- Noise Impact
- Landscape and Visual Impact
- Climate
- Human Health

I trust that the contents of this opinion are clear, but please do not hesitate to contact me if you require any clarification.

This letter should be taken as the local planning authority's scoping opinion under the Regulations.

Yours Sincerely

A solid black rectangular box used to redact the signature of Simon Jenkins.

Simon Jenkins
Director of Regeneration and Place
Havant Borough Council and East Hampshire District Council