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Our ref: 19/00140/EIA

Your ref:

Date: 14 March 2019

Dear Mr Middleton

EIA Scoping and HRA Screening Review Report. Proposed re-development and expansion of holiday park and provision of flood defence scheme, at Medmerry Park, Stoney Lane, Earnley, Chichester, West Sussex PO20 7JP

I refer to the above request, submitted under the provisions of Regulation 15 of the Town and Country Planning Environmental Impact Assessment Regulations 2017 (as amended) (EIA Regulations), and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations). The request was received on 11 January 2019. This follows a screening opinion issued by the Local Planning Authority on 7 August 2018.

In accordance with Regulation 15 (6) of the EIA Regulations, before adopting a scoping opinion, the authority must take into account:

- a) any information provided by the applicant about the proposed development;
- b) the specific characteristics of the particular development;
- c) the specific characteristics of development of the type concerned; and
- d) the environmental features likely to be significantly affected by the development.

Consultations have been undertaken with the following statutory and other consultees:

- Natural England
- Environment Agency
- RSPB
- Marine Management Organisation
- Southern Water
- WSCC Highways
- WSCC Flood Risk and Water Management
- CDC Archaeology Officer
- CDC Senior Coastal and Drainage Engineer
- CDC Environmental Co-Ordinator

- CDC Environmental Health Senior Specialist Technician
- Earnley Parish Council (x2)
- District Councillor for the East Wittering and Bracklesham Ward

Key points from the advice received are included below. The full text of the comments from consultees and this parties have been previously provided.

Proposed development

A landscape concept plan has been provided (CP01B). The proposal comprises the comprehensive redevelopment and expansion of the existing holiday park and the provision of flood defence works. The existing 308 chalets would be replaced with 518 caravans and lodges, arranged in a lower density but fairly structured layout, with each area bounded and intersected with hedging and provided with small areas of green space. Replacement or upgraded facilities including an indoor and outdoor swimming pool, pub, offices and restaurant are proposed within the centre of the site. Additional land to the north, east and west of the existing development would be required for the new accommodation and associated facilities. The bund is proposed to the south, south east and south west of the Park, including crossing through the SSSI and extending onto the beach. Habitat enhancement areas are proposed to the south and south west.

Specific characteristics of proposed development

The proposed development is for holiday use. The site currently enjoys a long operating season, with daytime access and use available throughout the year, with overnight occupancy prohibited between 6 January and 1 March each year. The accommodation structures would comprise either static caravans (397no) or lodges (121no), the former of which may be temporary in appearance. These units would typically occupy fixed positions. The site is estimated to be some 3.2ha, resulting in an overall density of approximately 162 units per hectare (the existing site of around 0.9ha results in a comparative density of approximately 342 units per ha).

The area to the east to which access is currently restricted for ecological mitigation reasons, and areas of undeveloped land to the north and land with a small amount of existing development to the west would be used for the siting of holiday units. It is proposed that existing watercourses crossing through the site are culverted.

The specific details of the bund are not yet known.

Environmental features likely to be significantly affected

The scoping report identifies that there are 5 main environmental topics and within those, 23 individual impact pathways where the author considers likely significant environmental effects may occur:

1. Water and sediment quality (2) water quality impacts during construction of the bund
2. Ecology and nature conservation (10) recognising the proximity to a range of highly sensitive habitats and including consideration of disturbance to bird species, water quality, grassland habitats and protected species
3. Drainage and flood protection (4) surface water, tidal, ground water and fluvial flood risk
4. Archaeology/cultural heritage (3) archaeological paleoenvironmental issues
5. Landscape and visual (4) temporary or permanent changes to landscape character

Issues scoped out in the submitted Scoping report include traffic/transport, noise and vibration, air quality, greenhouse gases, human health and recreation. The report identifies that cumulative and in-combination effects will also require due consideration.

The LPA's appraisal process has identified a number of areas of disagreement with the above, which will be explained in more detail below under the particular topic headings.

In summary:

The following topics are agreed for the ES:

1. Water and sediment quality
2. Ecology and nature conservation
3. Drainage and flood protection
4. Archaeology
5. Landscape and visual amenity

Additional topics to be scoped in:

1. Cultural heritage – impacts on Earnley Conservation Area and Grade II* listed Parish Church
2. Air quality – impact on Stockbridge AQMA, effect of additional traffic on local roads particularly during peak holiday seasons, and Earnley Conservation Area
3. Recreational access
4. Soil and agricultural land quality
5. Transport and access for vehicles, including construction and operational impacts
6. Noise – including noise from entertainment and leisure facilities if likely to increase or materially change from the current situation, and noise from associated plant
7. Vibration – including effects on wildlife and the Parish Church associated with construction

Topics agreed that can be scoped out of the ES and dealt with through the planning process:

1. Land contamination (unless the material for the bund is proposed to be imported)
2. Human health

Water and sediment quality

The Scoping report identifies that water and sediment quality impacts require consideration, but then appears to limit this to construction impacts relating to the bund and alterations to foul sewerage arrangements. Various consultees consider that a wider assessment on this topic is necessary.

The RSPB are not currently satisfied that sufficient information has been provided to understand the potential impacts of the bund and the development overall on the freshwater drainage of the surrounding area and the freshwater drainage and storage that forms part of the Medmerry Managed Realignment scheme.

Natural England advises that the ES and HRA should assess water quality impacts during both construction and operation of the Holiday Park and mitigation measures will be expected. It is agreed that a particular issue will be the construction of the flood bund and the impact of this on the freshwater regime of the site and neighbouring areas.

As recognised on pages 37-38 of the Scoping Report, water quality is a key factor in the assessment of ecological impacts, and therefore further consideration on this matter is given in the section below.

The management and disposal of wastewater from the site is an important consideration that will require further review with Southern Water. Opportunities should be taken to reduce the inflow of surface water into the foul drainage network. Any proposals that include any aspect of non-mains drainage or potentially contaminated water should be discussed in the first instance with the Environment Agency.

Ecology and nature conservation

Consultation comments on this topic have been received from the RSPB, Natural England, CDC Environmental Co-Ordinator and the Environment Agency. All support the inclusion of this topic within the ES.

The response from the RSBP raises some significant concerns about the impacts of the expansion of the Park and associated flood defence works on ecology and nature conservation interests. The RSPB welcomes the identification of key environmental impact pathways including in relation to water quality, construction impacts, extended holiday season, bird disturbance, impacts on water voles and reptiles, planting, drainage and flood protection. It is noted that land currently set aside for recreational use is proposed for development. There is need for adequate Compensatory Habitat during and post-construction.

The RSPB considers that the proposed mitigation and/or compensation for adverse impacts on designated sites, associated wildlife and landscape will not adequately address the likely significant impacts identified. The particular concerns are set out in detail in the full

consultation response. These include the absence of sufficient buffer zones and scale and quality of the proposed compensatory habitat areas. The long duration of construction work may exacerbate the impacts.

Please refer to the detailed comments of the CDC Environmental Co-Ordinator for advice and observations on ecological matters including highlighting areas that require further assessment or the submission of additional documentation on this topic. This includes consideration of supporting SPA habitat, the environmental impacts of alternatives, surface water run-off impacts on Pagham SPA and Medmerry Compensatory Habitat and effects on other protected species and green infrastructure. Full mitigation strategies for any species found onsite will be required to support the planning application, with any that require mitigation for significant impacts included in the ES.

Natural England advises that an Ecological Impact Assessment (EclA) is carried out as part of the EIA process, and signposts to relevant guidelines.

Protected species

The consultation responses confirm that 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). 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 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. Standing advice from Natural England applies.

The Environment Agency has identified various queries and concerns in relation to the impact of works to watercourses on wildlife interests. The EA agrees that there is a high likelihood of the presence of water voles within the development footprint. Further surveys are recommended, with appropriate mitigation and compensation for any loss of habitat. Additionally, eel passage may be required to be incorporated into penstock structures, in order that migration of eels through the rife system is not impeded.

Natural England expects the ES to 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.

Habitats

Page 42 of the Scoping Report scopes out impacts on other habitats despite identifying the presence of records and suitable habitat on site. Natural England disagrees with this conclusion, and advises that a habitat survey 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 full consultation response includes a list of requirements on this matter. The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

Habitat Regulations Assessment

The development site is in close proximity to the following designated nature conservation sites:

- Pagham Harbour Special Protection Area (SPA) and Ramsar wetland
- Chichester and Langstone Harbours SPA and Ramsar wetland
- Solent Maritime Special Area of Conservation (SAC)
- Medmerry compensation habitat
- Bracklesham Bay SSSI
- Pagham Harbour Marine Conservation Zone (MCZ)

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Natural England agrees that various potential or proposed sites of particular nature interest fall to be treated in the same way as designated sites under the Habitat Regulations, with reference to paragraph 176 of the NPPF. Most significantly, this applies to the Medmerry Compensatory Habitat.

Natural England advises that the Environmental Statement should be accompanied by a report to inform an HRA. Impacts on European sites should be assessed against their Conservation Objectives. These are published on Natural England's designated sites website. Supplementary advice has also been published for Pagham Harbour and Chichester and Langstone Harbours, and should also be used to inform the assessment.

Pagham Harbour SPA is designated for its breeding common and little tern, and wintering brent geese and ruff. Therefore, the incorrect species are noted in Table 6 of the Scoping Report.

Medmerry compensation habitat is treated as if it were designated, but as this has not yet happened, there are no Conservation Objectives against which to assess impacts. Therefore, Natural England advises the HRA should consider potential impacts on intertidal habitats (as the realignment was to provide compensation for losses of habitat due to coastal squeeze in the Solent), and on the assemblage of wintering waterbirds.

Natural England considers that the correct issues have been scoped in to the assessment, as set out in table 7 of the Scoping Report. In particular, NE advises that the following issues are covered by the EIA and HRA, the details of which are set out in the consultation response:

- Recreational disturbance
- Noise and visual disturbance
- Brent goose functional land
- Water quality

The project is likely to have a significant environmental effect and as such the Local Planning Authority will require sufficient information to be submitted in the joint ES/HRA document in order to undertake an Appropriate Assessment, in consultation with Natural England.

Drainage and flood protection

The LPA and consultees agree that these issues should be scoped in to the ES, including a comprehensive Flood Risk Assessment. Please refer to the full responses from the Environment Agency, WSCC Flood Risk and Water Management and CDC Senior Coastal and Drainage Engineer for further advice. This advice includes matters of flood risk and risk management, flood plain compensation, coastal erosion management and reviewing the impact of the proposed bund on surface water drainage including ordinary watercourses, and associated mitigation.

The EA advises that sites at risk of flooding used for holiday or short-let caravans should have occupancy restrictions, which are tighter than those currently operated at Medmerry Park. This will require further consideration once more information is available, in order to protect occupants of the park both during construction and once the proposed flood defence measures are in place. The FRA submitted as part of the ES should consider any changes to the flood risk as a result of the proposed works, including residual risks as identified in the EA consultation response. It is recommended that an updated management and evacuation plan is informed by the data and conclusions in the ES and forms part of a planning application.

The EA has identified that the proposed bund should be designed in order to provide the necessary protection for the whole lifetime of the development, not, as set out in section 25 of the Scoping Report, as a secondary defence. In addition the Environmental Statement and FRA will need to provide further details to address the following issues associated with the proposed bund:

- The impact of the bund on the existing floodplain will have to be assessed and adequate flood plain compensation will be expected.
- Demonstrate that the bund will not increase the risk of flooding to third parties
- As the bund does not extend for the full length of the beach to the west of the western end of the bund consideration should be given to what would happen if there is a breach of the beach where no bund is proposed.

- The height of the bund would need to be designed to take climate change into account, in particular the 0.5% AEP 2115 flood event. Section 2.5 states that the bund will be 0.75m above ground level but it is not clear how this has been calculated and whether this is in relation to Ordnance Datum.
- Maintenance arrangements and responsibilities

It is noted that the permanent retention of a continuous unobstructed area around the main river is an essential requirement for future maintenance and/or improvement works. An Environmental Permit may be required.

The EA is generally opposed to the culverting of a watercourse and CDC advises against introducing culverts unless there is no reasonably practical alternative (i.e. at a point of access). Guidance about why is included in the EA consultation response, and it relates both to water management and biodiversity considerations. The plans currently show significant use of culverts, which is a cause for concern and will require comprehensive assessment and justification. Works to an ordinary watercourse will require Lead Local Flood Authority consent.

Water Framework Directive

The EA agrees that an initial screening and scoping for the requirement of a Water Framework Directive assessment will likely be required, and offers a pointer towards improvements in relation to works to watercourses and biodiversity impacts.

Marine Management

The proposal may also require a license from the Marine Management Organisation. You are advised to submit an enquiry directly to the MMO online, details are provided in the consultation response. This will help identify whether any of the works fall within the mean high water springs and what activities are licensable. It would be sensible to follow up this enquiry prior to progressing the ES to minimise duplication where the procedures overlap.

Archaeology/cultural heritage

In light of the significant finds discovered during the construction of the adjacent Medmerry Managed Realignment, it is considered highly likely that the application site has the potential to contain significant archaeological resources. The CDC Archaeology Officer advises that the potential impact on below-ground archaeological interest, including that potentially associated with any palaeoenvironmental resources, merits further assessment. It is therefore agreed that this assessment should be scoped in, and that it should comprise the processes outlined in section 4.5.3 of the Scoping Report.

The Scoping report considers only built heritage assets on site. It is considered that the impact of the proposed development, particularly the associated activity, on the character

and amenity of the nearby Earnley Conservation Area and its listed buildings requires further consideration.

Vehicular access to the Park is only possible via the Conservation Area, which is approximately 0.5 miles north of the site. The Conservation Area is historic and compact, and therefore its sensitivity to change is heightened. The Grade II* Parish Church in particular is sensitive to traffic impacts for it is located on the road junction. Matters to review should include the tranquillity currently experienced within the Conservation Area, the likely impacts of a prolonged period of construction, access for larger construction and lodge/caravan delivery/removal vehicles through the historic centre, and the potential traffic and associated environmental impacts generated by a much larger Park through and on this designated area. The Earnley Conservation Area Appraisal and Management Proposals document sets out key issues to consider. The management of construction traffic in particular, with associated vibrations, will need careful attention. I would advise that vibration effects are considered within the ES. Please refer to the Earnley Parish Council comments (two entries) for more details of potential implications of heavy traffic on the heritage assets and residents.

If impacts cannot be avoided, they should be reduced as far as is practically possible with effects mitigated or compensated for. A management strategy including driver education, banksmen for the largest or least manoeuvrable vehicles, community notification of key phases of construction and the adoption of a travel plan for the site that promotes non-car travel ought to be considered.

Longer views of the Conservation Area and from the CA towards the coast including from the various public rights of way should be reviewed in relation to heritage impact, in addition to landscape and visual impact.

Landscape and visual impact

Natural England offer advice on this topic. Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The full assessment of the potential impacts of the development on local landscape character should follow appropriate landscape assessment methodologies. Advice is provided in the NE response.

Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. It is recommended that consideration in this regard is given to the documentation published earlier this year as part of the Local Plan Review, including the supporting evidence.

This chapter needs to additionally consider the impact of external lighting and associated light glow from the Park in an otherwise naturally dark coastal environment, and include appropriate light minimisation and management strategies.

Transport and access

Advice from consultees, including WSCC Highways (the Local Highways Authority – LHA) and Natural England, identifies that further work is required on transport and access matters. Local concern has been raised on the impact of traffic on Earnley Conservation Area as highlighted above. Based on the advice from consultees and consideration by officers, I recommend that vehicular access and transport impacts are scoped in. Natural England advises that access impacts (recreation) are scoped in.

Vehicular access and transport

The LHA has requested additional information on matters including details and reasoning behind the proposed site access proposals, visibility details, use of the TRICS database and the evidence base for trip generation assumptions. The LHA advises that Highways England is consulted in relation to A27 impact, and their advice is included below. Queries are raised on access for larger vehicles on site. The LPA would add here that tracking should be included for construction traffic including delivery vehicles for new lodges and caravans (and removal vehicles for old units), which could be of a significant size and limited manoeuvrability. It should be demonstrated that all large construction or operational traffic will be able to access the site from the primary road network without causing a hazard or damage to property. While this level of detail can typically be dealt with through a planning application, given the sensitivities of the access route as discussed under the Heritage heading above, it is considered sensible to review these aspects at part of the EIA process. If any material for the proposed bund is to be delivered by road, this needs to be taken into account in the assessment.

It is considered that the Transport Statement (TS) provides a good overview of key services and facilities and options for existing modes of sustainable transport. The preparation of a Travel Plan is strongly recommended to encourage a wide range of sustainable travel options for access to/from the site and recreational use. The Public Rights of Way Team has made a number of recommendations to improve local routes to cater for the expanded Park, which are set out in the WSCC Highways consultation response.

Highways England is interested in the potential impact on the A27 trunk road. Advice is offered in their consultation letter regarding infrastructure contributions to mitigate the impacts of additional trips, beyond those planned for in the current Local Plan, on the trunk

road and associated junctions. That is a matter specifically for the planning application, however the calculation will be based “per trip”, therefore it is critical that the trip data used for the whole planning process is as accurate and representative as it can be, and is consistent throughout the documentation. WSCC Highways question the current data as identified above. Highways England will also wish to comment on construction management issues affecting the A27.

Recreational access

Paragraph 4.10.3 advises further work on recreational impacts and opportunities and therefore inclusion in the ES, however other parts of the report suggest this has been scoped out. Natural England wishes to see recreational access included in the ES. NE encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. The Local Planning Authority promote green infrastructure enhancements. Natural England consider that the EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. There is a network of public rights of way in the local area that it is expected that the development will engage with and promote opportunities for recreational access, particularly given the holiday purpose of the Park.

Noise and vibration

It is agreed that the details of noise and vibration impacts of construction on people on site and local residents to the site itself could be adequately controlled by a Construction Management Plan through the planning process. However, noise and vibration of construction activities and traffic on the Earnley Conservation Area and the Parish Church should be considered in more detail as part of the chapter on heritage impacts, and effects on local residents ought to be considered as an environmental matter.

The site is sensitive to noise. I would therefore recommend that noise effects are considered in the ES, including operational noise generated by any entertainment or leisure facility on site with regard, for example, to plant/equipment required and hours of operation.

It is agreed that noise and vibration impacts on ecology ought to be properly considered within the relevant chapters on ecological impacts.

Air quality

The Scoping report deals with local air quality impacts, however the LPA has taken a wider view on this topic. An air quality assessment is recommended to consider the impact of the development traffic on the Stockbridge Air Quality Management Area (A286/southern approach to A27 junction) and local roads during the holiday season. Additionally, in light of concerns raised by Earnley Parish Council, it is advised that the air quality assessment considers the effects of construction and operational activity on the Earnley Conservation Area. If any additional plant is required on site to support the expanded use, this may also

need to form part of the AQA. Further advice can be offered on this matter on receipt of additional details. The air quality assessment should also include consideration of construction phase effects, to be managed in detail through a Construction Management Plan.

Soil and Agricultural Land Quality

Natural England advises that impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. NE also recommends that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

Matters scoped out

Land contamination

Following advice from the CDC Specialist EH Technician, it is agreed that land contamination effects can be scoped out. These matters will be dealt with directly under the planning application.

General advice

General advice on the content of the ES is included in the consultation response from Natural England, including general principles, climate change considerations and dealing with cumulative and in-combination effects.

I trust the above advice will be informative in the preparation of the Environmental Statement to accompany a planning application. If there are any matters that require further clarification please contact the undersigned.

Yours sincerely,



Naomi Langford
Senior Planning Officer
Development Management – Majors and Business