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Our Ref: BN/126/20/WS  
Your Ref: WSCC/052/20  
Date: 19 November 2020

Dear Michael

**Town and Country Planning Act 1990  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 –  
Application Made Under Regulation 3 (EIA)**

I write to you further to your consultation received on 28 October 2020 for proposed development at Land to the north of Eastergate and north-west of Barnham.

**Proposal** *The construction of a 1.3km single carriageway with a 3m wide shared cycleway/footway, 2.5m wide central island, one uncontrolled pedestrian crossing with a central island to enable road users of the PRoW to cross the carriageway, three roundabouts, provision of hard and soft landscaping, road markings, traffic signals, bus stops and signalised pedestrian crossings, construction of a substation building; installation of a noise barrier and associated works.*

**Site Address** Land to the north of Eastergate and north-west of Barnham  
**Applicant** WSP on behalf of West Sussex County Council  
**Reference** WSCC/052/20  
**Date** 28 October 2020

**1. The Site**

- 1.1 The site comprises approximately 11.8 hectares in total and consisting of approximately 9.2 hectares of land for the proposed road and additional 2.6 hectares of land for use by temporary construction compounds and access.
- 1.2 The northwest of the application site begins on the A29 Fontwell Avenue at its junction with Northfield Farmhouse and Eastergate Lane. It extends approximately 214m south west along the A29 Fontwell Avenue to a point opposite Westview. Westview is a detached residential property located on the east side of Fontwell Avenue and incorporates Folly Foot Farm.
- 1.3 At the Folly Foot Farm point, the application site extends approximately 818m south east over arable fields, woodland, orchard and areas of managed grassland where it abuts the north west boundary of the properties in Ewens Gardens.
- 1.4 At the north west boundary of the site, the site extends south west for a distance of approximately 549m, bordering the north western boundary of the properties in Murrell Gardens. It continues to extend between the south eastern boundary of Fordingbridge Industrial Estate and the side boundary with Greenoaks, a detached property, until it joins the B2233 Barnham Road.

- 1.5 At this point, the application site extends approximately 214m along the B2233 Barnham Road between the frontage of Fordingbridge Industrial Estate to the north west and its junction with Downview Road to the south east.
- 1.6 From the B2233 Barnham Road, the application site extends approximately 241m further south west over land currently occupied by Fleurie Nursery.
- 1.7 The site consists of a mixture of arable fields, woodland, orchard and areas of managed grassland. The land is classified as having high quality agricultural land (Grade 1); however, an Agricultural Land Classification Assessment was not required as the principal for the proposed scheme in this location on agricultural land has already been established through the adopted Arun Local Plan.
- 1.8 The site falls within a number of designations contained within the Arun Local Plan which include:
  - Built-Up Area Boundary (Barnham)
  - Indicative Alignment of A29 Bypass
  - Site specific Strategic Housing Allocation SD5 (BEW)
  - Sharp Sand and Gravel Minerals Safeguarding Area
- 1.9 The application site lies within the made neighbourhood plan area of Barnham and Eastergate Parish Council and the majority of the site lies within Flood Zone 1; with the site's eastern boundary within Flood Zone 3. The application site is within 15km of an aerodrome (6.7km from Goodwood Aerodrome).
- 1.10 Footpath 318, a north-south running public right of way (PRoW) crosses the site between the B2233 Barnham Road and Eastergate Lane.
- 1.11 The South Downs National Park is located approximately 1.4km north of the application site. The site also lies within National Character Area (NCA) 126 – South Coastal Plain. This NCA is characterised by a flat, coastal landscape with an intricately indented shoreland and contains several major inlets.
- 1.12 WSCC's Landscape Character Assessment (2003) identifies the application site as part of Landscape Character SC8 Fontwell Upper Coastal Plain and is described as a transition area between the open lower Coastal Plain to the south and the wooded Downs to the north.
- 1.13 There are no designated assets within the Application Site. The Eastergate (Church Lane) and Eastergate Square Conservation Areas are located approximately 430m south-east of the Scheme and there are 26 listed buildings within 1km of the site, which include the Grade II\* Parish Church of St George.
- 1.14 There is a total of 19 trees and one tree group is protected by TPO BN/1/20. All protected trees are pedunculate oaks whilst tree group G37 is recorded as comprising a number of hornbeams. Features protected by TPO BN/1/20 are located onwards the northernmost extent of the scheme and on land east of Fontwell Avenue and south of Eastergate Lane.
- 1.15 There are two veteran trees located on the eastern side of public footpath 318 and towards its northern end.
- 1.16 Much of the site is identified as priority habitat (traditional orchards and woodland) in the Priority Habitat Inventory (England) and Priority Habitat Network (England). Habitats of Principal Importance (HPI) are identified throughout the Site (specifically, traditionally orchards and woodland).

## 2. Proposal

- 2.1 The submission seeks planning permission for the first phase of the A29 re-alignment project. It is anticipated that this will create additional capacity for expected traffic growth and will tackle planned and potential development which will support the delivery of around 11,400 new dwellings and approximately 104,000 sqm of commercial development on permitted or planned development sites in this part of the Arun District.
- 2.2 In summary, the submission makes clear that the proposed development seeks to:
- Support delivery of the Strategic Economic Plan and the Local Plan by enabling the delivery of new homes and jobs; and
  - Improve journey times on the A29 by avoiding the Woodgate level crossing, Lidsey bends and the A29/B2233 War Memorial Junction
- 2.3 The Arun Local Plan has planned significant new housing in the area which is expected to increase demand on the A29 and B2233 roads. An application for up to 500 homes on the land to the east of Fontwell Avenue is required to deliver early phases of the homes at the Barnham, Eastergate and Westergate (BEW) strategic housing allocation during the ALP period.
- 2.4 Through consultation with the Local Planning Authority the developers consider that the capacity of the site could accommodate up to 4,300 dwellings on the BEW allocation.
- 2.5 Notwithstanding this potential increase in unit numbers, the District Council's position is that the Council relies on BEW to deliver its annualised housing targets. The BEW development would be contrary to the provisions of paragraph 109 of the National Planning Policy Framework without the delivery of the A29 realigned scheme. This point is set out in full in the Arun District Local Plan Transport Study 2017.
- 2.6 In addition to the A29 being required to deliver the District Council's Local Plan housing targets, the scheme is proposed to deliver several wider strategic aims by:
- Creating capacity for expected traffic growth;
  - Enabling the local road network to operate more efficiently by reducing congestion
  - Improving the reliability of journey times; and
  - Tackling the planned and potential development to support the delivery of the BEW site
  - Supporting the delivery of the LEP Strategic Economic Plan and Local Growth Deal

## 3. Comments on Planning Application WSCC/052/20 Submission

The following comments are based on the information submitted as part of the planning application, and do not include views from consultees.

### 3.1 Housing Numbers

- 3.1.1 The draft Framework Masterplan for the BEW site sets a target dwelling yield of 4,300, which has been tested through initial feasibility assessments.
- 3.1.2 The officer recommendation to Members to endorse a Framework Masterplan which supports this increase in dwellings has now been published and will be considered by the District's Development Control Committee is anticipated on the 25 November 2020.
- 3.1.3 Initial feasibility work indicates that the site is capable of supporting the total of 4,300 dwellings subject to the surrounding road network, and other infrastructure, being robustly planned in conjunction with this.

3.1.4 The Council seeks reassurance that the scheme as proposed would have sufficient capacity to accommodate additional unit numbers within the strategic allocation at BEW.

### 3.2 Air Quality

3.2.1 Chapter 6 of the Environmental Statement assesses the likely significant effects arising from the scheme on Air Quality. The assessment concludes that there is likely to be a direct, temporary, short term, moderate adverse effect on all receptors during the construction phase.

3.2.2 The submission relies upon a Construction Environmental Management Plan (CEMP) to mitigate construction impacts. The CEMP will comprise a range of appropriate mitigation measures which may include damping down of dry services, locating stockpiles away from sensitive receptors, or on-site speed restrictions. The assessment recommends that mitigation measures are monitored via regular site inspections to ensure effective implementation.

3.2.3 The operational effects of the development on Air Quality and Dust conclude that concentrations of all pollutants would remain well below the Air Quality Standards.

3.2.4 On the basis of the information in Chapter 6 of the submitted Environmental Statement, the scheme should comply with Policies QE SP1 (Quality of the Environment) and QE DM3 (Air Pollution) of the Arun Local Plan.

### 3.3 Noise and Vibration

3.3.1 Chapter 7 of the Environmental Statement assesses the noise and vibration impacts of the proposed scheme on residential dwellings and other sensitive receptors. There are several residential properties that are located immediately adjacent to the area where the development will meet the B2233 Barnham Road, notably Murrell Gardens, Ewens Gardens and Downview Road. There are also residential properties on the A29 Fontwell Avenue, which will be within close proximity to the north eastern tie-in of the scheme. Dwellings south of Eastergate Lane are within 300m from the scheme alignment.

3.3.2 In the construction phase, noise and vibration will have a major, temporary, direct and short-term impact on residential dwellings. A range of mitigation measures will be implemented, including switching vehicles and plant off when not in use, installing the permanent 3m noise barrier at the earliest opportunity, using low vibratory equipment and methodologies, and locating vibratory plant equipment at least 50m from sensitive receptors.

3.3.4 Arun District Council would support a scheme of engagement as part of the CEMP condition to ensure residents are kept fully informed of proposed works, including time, duration and nature.

3.3.5 In respect of the operational phase, the Environmental Statement has identified a need for a noise barrier on the eastern side of the new road alignment and properties on Murrell Gardens. The barrier will be 3m high, approximately 440m long and comprise absorptive materials required to reduce noise to acceptable levels at the properties on Murrell Gardens.

3.3.6 Arun District Council would require confirmation that the proposed mitigation, post instalment, achieves the correct noise mitigation levels as stated in the Environmental Statement. Conditions should be applied requiring the delivery of the noise barrier prior to the first activities adjacent to Murrell Gardens and retention of the noise mitigation in perpetuity.

3.3.7 Subject to the above recommendations, and subject to addressing any comments from Environmental Health officers, the proposed scheme should comply with Policies QE SP1 (Quality of the Environment) and QE DM1 (Noise Pollution) of the Arun Local Plan.

### 3.4 Transport and Access

- 3.4.1 The submission is supported by a full Transport Assessment and Chapter 8 of the Environmental Statement details matters relating to Transport & Access.
- 3.4.2 The above documents conclude that the scheme will result in improved cyclist and pedestrian facilities and shared use path will encourage local residents to undertake local trips on foot or by bike. The assessment concludes that the scheme will be beneficial to the highway network in the Westergate area, especially at the War Memorial roundabout, where existing traffic diverts to the proposed scheme.
- 3.4.3 The modelling for both 2023 and 2038 future year assessments show that the Proposed Scheme would have a minimal or beneficial impact on the assessed junctions. There will be an increase in southbound traffic at the A29 Westergate Road/B2233 Nyton Road junction. However, it is anticipated that this will be reduced when Phase 2 becomes operational. Such effects would therefore be temporary in nature.
- 3.4.4 On the basis of the above, the first phase of the re-aligned A29 scheme will adequately mitigate the current identified problems with this section of the existing A29 and provide sufficient capacity to deliver significant new allocated housing growth at BEW during the Arun Local Plan period.
- 3.4.5 Therefore, the District Council considers that the proposed scheme should accord with Policies T SP1 (Transport and Development), T DM1 (Sustainable Travel and Public Rights of Way) and T SP3 (Safeguarding the Main Road Network) of the Arun Local Plan.

### 3.5 Ecology and Nature Conservation

- 3.5.1 Chapter 9 of the Environmental Statement assesses the likely significant effects on Ecology and Nature Conservation. The assessment identified that during both the construction and operational phases, the likely effects will be significant.
- 3.5.2 Given the significance of these effects, the following mitigation measures are therefore proposed:
- *Production of a Construction Environmental Management Plan (CEMP) and associated Ecological Management Plan (EMP) for the construction phases. The CEMP and EMP will include best practice construction measures to minimise the effects of noise pollution and visual disturbance to onsite and offsite receptors, as well as a sensitive programme of works, a sensitive temporary lighting regime and measures for sensitive vegetation clearance;*
  - *Production of a permanent sensitive lighting strategy and reduce effects upon sensitive habitats and species, to be informed by best practice guidance regarding bats;*
  - *Landscaped areas to be managed in line with the Landscape Maintenance and Management Plan (LMMP) and sensitively with regard to protected species*
- 3.5.3 Subject to the above mitigation measures which cover both the construction and operational phases, Arun District Council would not object to the proposed scheme in terms of the scope of ecology and nature conservation, as set out above.

#### *Biodiversity Net Gain*

- 3.5.4 A Biodiversity Net Gain assessment of the landscape design has been prepared for the Proposed Scheme. Emerging legislation seeks to achieve biodiversity net gain of 10%. The results of the assessment indicate that area-based habitats achieve BNG of +44%, the hedgerow units show a net loss of +3%. As such, the scheme does not achieve a scheme wide BNG.

- 3.5.5 The assessments detail that this inability to demonstrate a BNG is due to the lack of available land to provide additional planting to achieve a net gain. The immediate surrounding land has been allocated for housing development. The submission states that the need to achieve a biodiversity net gain is outweighed by the need to provide additional housing to meet Arun District Council's housing delivery targets.
- 3.5.6 Whilst this point of principle is not disputed, it should be noted that the site wide biodiversity net gain for the remainder of the Barnham, Eastergate and Westergate strategic allocation, which the Phase 1 A29 falls within, is understood to achieve a biodiversity net gain.
- 3.5.7 On this basis, whilst the specific land required for the northern portion of the A29 re-alignment may not achieve BNG, when assessed across the wider strategic allocation, BNG would be achieved.
- 3.5.8 Taking this point into account, in addition to requirement for the northern portion of the re-aligned A29 and requirement to deliver housing within the District of Arun, such an approach to Biodiversity Net Gain is accepted in this instance by Arun District Council.

### 3.6 Landscape and Visual

- 3.6.1 Chapter 10 of the Environmental Statement identifies the likely effects on identified landscape and visual receptors. The site is located approximately 1.4km to the south of the South Downs National Park and to the north of the coastal town of Bognor Regis within National Character Area 126 – South Coastal Plain.
- 3.6.2 The site's contribution is one of a transitional landscape that comprises mainly arable fields, woodland, hedgerows, orchard and areas of managed grassland. The site is also part of numerous local landscape designations, as set out in WSCC and ALP landscape assessments.
- 3.6.3 The assessments conclude that the scheme will not adversely impact any landscape designations, including the three Landscape Character Areas identified in Table 10-8 of the EIA, and will not exhibit any rare or unusual landscape features throughout the construction phases. Construction effects are detailed as being temporary and will be mitigated through the CEMP.
- 3.6.4 The assessments conclude that there would be some visual impact throughout the operational phases of the development; however, the assessment balances this harm against the need for the development, as well as the strategic requirement for the road to be in the location proposed in order to enable future housing growth
- 3.6.5 The District Council agree with the submission in so far that the proposed scheme will become integrated with future residential development and therefore the visual impact will lessen over time. It is considered that whilst there may be impacts in terms of the change, this change is not considered to be harmful and will not result in tall structures which would disrupt the visual appreciation of the South Downs National Park to the north.
- 3.6.6 To mitigate visual impacts on the landscape the assessment proposes the following:
- *New woodland planting to create habitat for wildlife in addition to provide green visual containment;*
  - *New specimen tree planting to enhance visual appeal and integrate the proposed scheme into the surroundings;*
  - *New hedgerow planting to enhance visual amenity of the proposed scheme and respond positively to the local character; and*
  - *Planting of areas of wildflower grassland and bulb planting to enhance the biodiversity along with visual appeal*

3.6.7 The assessment states that the benefits the proposed scheme will deliver will outweigh the short-term adverse effects the proposal will have on the landscape character of the area. The District Council considers that the impacts are short term and will reduce in severity through the passage of time. On this basis visual impacts will not be of such an extent that they are overriding.

3.6.8 Taking the above into account, the proposal should accord with Policy LAN DM1 (Protection of Landscape Character) of the Arun Local Plan.

### 3.7 Water Resources and Flood Risk

3.7.1 Chapter 11 of the Environmental Statement states there will be likely significant effects arising from the proposed scheme upon water resources, flood risk and drainage. The assessment concludes that the scheme has the potential to adversely impact on the water quality of water resources from construction activities through accidental leaks and spillages or release of harmful substances caused by materials being stored on site, such as oils, fuels and other chemicals. The assessment details that during periods of heavy rainfall, vehicle movements associated with construction activities may result in damage to soil structure that may generate increased sedimentation within surface run-off.

3.7.2 The assessments detail several points which could reduce surface water quality with respect to physical contaminants which include:

- *Site clearance;*
- *Excavations;*
- *Groundwater dewatering;*
- *Localised ground remediation (if required); and*
- *Materials handling, storage, stockpiling, spillage and disposal.*

3.7.3 The assessments highlight that the proposed scheme will introduce a significant amount of new impermeable areas leading to increased rates and volumes of surface water runoff which has the potential to increase flood risk within the vicinity of the site.

3.7.4 The District Council is re-assured by the fact that the drainage proposals are designed to control runoff up to the 100 years event plus 40% increase due to climate change. The proposed discharge rate into the Barnham Lane Ditch is 1.8l/s which is a significant reduction in greenfield runoff for up to the 100 year plus 40% climate change event.

3.7.5 The assessment details several mitigation measures to control pollution levels associated with surface water run-off from new impermeable areas as part of the drainage design. Such measures include:

- *The use of swales as runoff collection mechanisms and interception mechanisms. Swales are designed depressions in the ground designed to carry water away to appropriate locations (e.g. attenuation ponds). Infiltration along the route, for example through grass, can filter suspended sediments and slow water flow;*
- *The use of infiltration and attenuation ponds for water storage; and*
- *The use of swales or filter drains for conveyance of water away from the road into the ground*

3.7.6 Subject to the above recommendations and mitigation measures, it is considered that the proposed scheme should comply with Policies W SP1 (Water), W DM2 (Flood Risk) and W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

### 3.8 Geology and Soils

- 3.8.1 Chapter 12 of the Environmental Statement outlines the results of the Contaminated Land Preliminary Risk Assessment. It details that historical mapping indicates that the majority of the site has never been developed.
- 3.8.2 The assessment concludes that there is a low risk to construction workers and end users, buildings and underground structures. There is a risk to controlled waters.
- 3.8.3 The assessment details that these construction and operational effects can be managed through the detailed mitigation measures contained within both the Flood Risk Assessment and Construction Environmental Management Plan.
- 3.8.4 Subject to addressing any comments from Environmental Health officers, the District Council agree with these proposed mitigation measures and considers, subject to the mitigation measures proposed, that effects on geology and soils would be sufficiently mitigated.

### 3.9 Historic Environment

- 3.9.1 Chapter 13 of the Environmental Statement assesses the likely effects arising from the scheme on archaeology. The likely effects on above-ground heritage assets were scoped out within the EIS Scoping response from WSCC.
- 3.9.2 Buried heritage assets from various periods have been recorded on-site or in the near proximity, such as Palaeolithic axe 1.2km to the north-east of the site and Saxo-Norman assets 800m south-west of the site. Page 12, Chapter 13 of the Environmental Statement sets out a full chronological summary.
- 3.9.3 The submitted assessment concludes that the scheme could have a significant impact on prehistoric and roman remains if present, due to the construction activities such as site preparation, road construction, excavation for attenuation ponds, services/drainage and possible planting.
- 3.9.4 It therefore recommends that an archaeological investigation is carried out prior to construction in order to clarify the nature, survival and significance of any archaeological assets that may be affected.
- 3.9.5 Subject to mitigation in the form of preservation by record and a watching brief during ground works (construction phases), then impacts should be mitigated. Operational effects are likely to be negligible and not significant on both prehistoric and Roman remains.
- 3.9.6 On the basis of the above, the scheme should accord with Policy HER SP1 (The Historic Environment) of the Arun Local Plan.

### 3.10 Minerals

- 3.10.1 The site is within a Minerals Safeguarding Area for Sharp Sand and Gravel in the West Sussex Joint Minerals Plan.
- 3.10.2 The submitted statements conclude that whilst it would be possible to recover sand and gravel deposits to form an aggregate product, the refinement process is likely to incur significant additional processing costs due to the high percentage of recorded clay cohesive bands, and this will reduce the economic viability of recovery and reuse of the resource.
- 3.10.3 On the basis of the above, the District Council does not have any objection based on safeguarding sharp sand and gravel in the Minerals Safeguarding Area, as this is a matter for the Mineral Planning Authority to consider.

#### 4. Conclusions: Planning Balance

- 4.1 This assessment has detailed that there will be some adverse impacts to local residents during the construction phases; however, these will be short term in duration and able to be controlled. Furthermore, the proposed scheme will not deliver a biodiversity net gain due to the lack of available land which has been allocated for housing development.
- 4.2 Notwithstanding these disbenefits, several public benefits will arise from the development which are considered, on balance, to outweigh the identified disbenefits. These comprise:
- Enabling the delivery of new homes in the Arun District supporting around 11,400 new dwellings and 104,000 sqm of commercial development on permitted or planned development sites in this part of Arun District;
  - Improvement of vehicular, pedestrian and bicycle connections;
  - Improvement and expansion of the Green Grid to promote strategic east/west and north/south links;
  - Encouragement of walking and cycling;
  - Supporting the delivery of the Strategic Economic Plan and the Local Plan by enabling the delivery of new homes and jobs; and
  - Improvement of journey times on the A29 by avoiding the Woodgate level crossing, Lidsey Bends and the A29/B2233 War Memorial Junction;
  - Creation of a sense of place for the strategic allocation;
  - Enabling the delivery of new jobs; and
  - Improvements to road safety
- 4.3 All planning applications are assessed against the Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires *any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*
- 4.4 Whilst the development is not fully in accordance with the development plan in so far as residential amenity, it is considered that on the whole, and on balance, the proposals accord with the Development Plan. The material considerations in this instance comprise biodiversity net gain, which is enshrined within the NPPF. However, it is not considered that this material consideration is of such weight at this time as to warrant deviating from the Development Plan. Therefore, Arun District Council supports the approval of this planning application.

Kindest regards,



Strategic Development Sites Project Officer