

ANNEX TWO

Responses received from organisations and individuals

Peter Clifford,
Chairman, Chilton Parish Council,
Grange Farm, Newton Road,
Chilton, Sudbury, Suffolk,
CO10 0PY

Tel/Fax: 01787 371798
Email: phoenixfound@btinternet.com

Mr. N.J. Ward,
Chief Planning Officer,
Natural and Built Environment Division,
Babergh District Council,
Corks Lane, Hadleigh,
Ipswich, Suffolk, IP7 6SJ

23rd April 2009

Dear Mr. Ward,

Land at County Farm East, Church Field Road, Chilton, Sudbury – Construction of two detached industrial buildings (Use Classes B1, B2, and B8) – Scoping Options for Environmental Assessment.

Thank you for forwarding the CD containing the Scoping Report from Nathaniel Lichfield and Partners in relation to the above site.

SETTING:

1. I would confirm that Chilton Parish Council acknowledges that the land in question has been allocated for industrial use and welcomes any increase in employment opportunities in the area. However, we believe that this particular site, whilst part of Chilton Industrial estate, has significant differences from other pieces of built - on or unoccupied land on the estate.
2. In particular it is the only piece of land on the estate significantly bounded by Grade 1 and a Grade 2 listed buildings and the slope of the site in question affords especially good long views of St. Mary's Church. These are enjoyed by local residents and the numerous walkers that use the local footpath network on a continuous daily basis. Once construction of the proposed buildings to be occupied by Prolog takes place, this setting for the Church and the view of it both from Waldingfield Road in the west, Grange Farm Road in the East and all the public footpaths and restricted by-ways (formerly a RUPP) will be permanently and irrevocably be compromised.
3. Land immediately to the west of the site is occupied by six residences at Hilltop and they and a number of other residences further along Waldingfield Road

currently enjoy extensive views across the site towards St. Mary's Church. Again, their appreciation of this setting will be irrevocably altered by the development of high sided warehousing and offices on this site. The same applies to residents using Grange Farm Road in the east and looking westwards towards the Church and beyond.

4. In addition, the land to the west and north - west of the proposed site boundary is still in the ownership of West Suffolk Hospital and therefore one of the primary sites in current consideration for the location of a substantial new integrated GP/Primary Care Trust health facility in Sudbury. A decision on this is expected within the next few months. Proposals for such a facility at this location have always been acknowledged as demanding no more than two storeys in height in order not to compromise the integrity and setting of both St. Mary's Church and Chilton Hall. Babergh planners and councillors (and NHS Suffolk) are aware of this. The same principles should apply to the Prolog site, especially given the size and scale of the proposals.
5. The proposed height of 14 metres is therefore far too high in our view and if Prolog are set on gaining this height in order to maximise the effectiveness of their operation then they must compromise by excavating downwards in order to compensate for the impact of the proposed buildings.
6. With regard to Chilton Church and Chilton Hall in particular, as has already been pointed out by Suffolk Preservation Society "The setting is often an essential part of a building's character, especially if a garden or grounds have been laid out to complement its design or function." (1990 Act). Extensive work has been carried out by the owners of Chilton Hall to improve the house, moat, grounds and gardens and similarly much work has gone into improving the planting and appearance of the churchyard and its approach road by Chilton Parish Council. In addition to that The Churches Conservation Trust has recently spent tens of thousands of pounds repairing the roof of St. Mary's and restoring every single window to its former glory (including the reintroduction of some original, now cleaned, 15th century stained glass). The energy applied to these improvements clearly relates to and complements the setting in which these buildings lie, otherwise the work would not have been undertaken in the first place, and it therefore must be taken into consideration when planning nearby developments that impact on these buildings.
7. Clearly "desk top studies" of data, as mentioned several times in the report will be inadequate to fully assess the impact of these proposals on the setting of these important buildings and their surroundings.
8. We should also point out the field immediately to east of St. Mary's, running between the Church and Grange Farm Road, has been allocated in the Local Plan (CPO2) for additional future cemetery use by Sudbury and Chilton Councils. Preliminary discussions between the two councils looked at the central part being

a conventional graveyard and the edges given over to "green burials". Clearly the setting of this future area of contemplation would be affected by nearby development.

9. Whilst the Scoping Report does consider the impact of the proposed development on the setting of St. Mary's Church and Chilton Hall it does not go far enough. Any Scoping Opinion must incorporate an appraisal of the value that these Grade 1 and 2 buildings add to the area, the way the local area is currently used and how any industrial development will detract from the quality of the amenity currently enjoyed by the local population and visitors.

Potential Environmental Effects:

Noise and Hours of Working:

10. The Scoping Opinion needs to take in the affect of noise from this proposed Development. Although not expected to be excessive, reversing alarms, fork lifts and high volumes of car, van and HGV traffic will have an effect on local residents and the potential health facility, particularly at night.
11. As already pointed out the footpath network around the Church and Chilton Hall is used extensively during the day and especially during long summer evenings and at weekends when most other businesses on the estate are quiet. Operations 24/7 would cut into this quieter time.
12. Again the churchyard is also used extensively by local workers for a quiet break during the working day, particularly in summer and by visiting families to tend graves and visit the Church. The increased energy around Church activity has resulted in extra services this year plus two concerts and additional "open days".
13. The careful installation of bunds surmounted with trees must be a part of this development in order to confine any noise within the site, particularly to the west (Hilltop residences and potentially a health facility), the north (Chilton Hall) and ideally to the east (Chilton Church and the footpath network).

Lighting:

14. Frankly, the Parish Council already finds the use of orange sodium lighting in the area excessive and would like it toned down or some of it switched off during the early hours of the morning. After midnight roosting birds in the area of the site continue singing because the existing light levels trick them into thinking it is dawn.
15. We also have an existing light pollution problem on nearby Chilton airfield and do not need it added to. Therefore, the Scoping Opinion and EIA need to take carefully into account the likely increased impact of lighting on the area, in

particular the effects on local residents at Hilltop, Waldingfield Road and Chilton Hall and Chilton Church where light will penetrate especially when trees are bare in winter.

ECOLOGY:

16. A very thorough study over a longer period than previously needs to be undertaken to identify wildlife using the area. BAP species such as badgers are regularly seen near the church and forage in the nearby fields. Skylarks are currently nesting on the Prolog field. Roe and Mucjac deer and foxes are regularly seen on the site and Barn Owl, Tawny Owl, Little Owl, Kestrel and Sparrow Hawk (frequent visitors at Grange Farm), also regularly seen in the area, use it for hunting.
17. Improvements to the ponds at Chilton Hall mean that there is now likely to be a substantial increase in the local Great Crested Newt (and Common Newt) population. The same applies to the pond at the end of the Grove (road opposite the entrance to Chilton Hall) which has been deepened and opened out by Woodland – B.A.T.S. (Biodiversity Around Towns Scheme), a local environmental group (of which I am also Chair) over the last two winters. Great Crested Newts, both juveniles and adults (and Common Newt) are often found by neighbours of the pond and by the environmental group in their adjacent tree nursery. As GCN roam up to 2 kilometres from their home pond it is likely that they encroach on the proposed site and certainly use suitable habitat in the surrounding structural tree belt. Surveys from 2006 and 2008 may therefore not be adequate (5.66 SR) in mapping these increases.
18. Common newt have been found previously on the vacant site on the opposite side of Church Field Road from the proposed development and can be found frequently in the empty reservoir just west of AFB, the factory unit opposite the Prolog site.
19. Three species of bat have been identified at Chilton Hall and in the area of the Church, Daubenton's Bat, Brown Long Eared Bat and Common Pipistrelle. Remains of the Brown Long Eared have been found at Chilton Church and the Pipistrelle normally fly most summer evenings at Grange Farm. All three are likely to be foraging on the proposed site.
20. Careful consideration for the preservation and future management of the structural tree belt needs to be undertaken and this should be defined in any report or EIA. Some of the trees in the tree belt are now up to twenty feet high and there is good hedgerow structure. Currently both Jays and Blackcaps have nested in the tree belt as well many more common species. A visit by Suffolk Wildlife Trust a few years ago confirmed that this tree belt is a useful wildlife habitat with excellent

potential for developing and increasing biodiversity. The remains of the cycle track through the northern part of the tree belt are valued and use regularly by local walkers. The Parish Council, Woodland – B.A.T.S. and local residents would like to see the possibilities that this tree belt and the track provide developed further for community use. It also fits in with a wider scheme to link all major wildlife habitats around Sudbury (including the Chilton Woods development and the Sudbury Common Lands) in a 15/16 mile continuous walk and biodiversity trail.

21. We fail to understand why the full extent of the tree belt between the site (see “Location Plan – Scoping Appendix 1”) and Chilton Hall’s land to the north is not being considered in the Scoping Report. We understand that this land, mainly consisting of trees under TPO restrictions, is also owned by Prolog and believe it is integral to consideration of any development on this site as outlined in 20.above.
22. Lastly, around 500 trees around 4 to 5 years of age were removed by a contractor on instructions from the land agent Fenn Wright all along the south edge of the site bordering Church Field Road. This action resulted in the rest of the trees on the site receiving TPO protection. Whilst this is not Prolog’s fault, occurring before they purchased the site, some measures to restore this additional tree belt would be appreciated. Tree belts are of much greater visual and biodiversity value than the pathetic “shrub landscaping” that regularly and reluctantly accompanies most development of this nature.

We therefore hope that Babergh District Council will take all these points fully into consideration when considering your Scoping Opinion on this report and subsequently any EIA and planning application. Sight of any draft EIA would be useful and appreciated.

Yours sincerely,

PETER CLIFFORD

Peter Clifford
Chairman, Chilton Parish Council

creating a better place


**Environment
Agency**

Mr N Ward
Babergh District Council
Council Offices Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Our ref: AE/2009/107802/01-L01
Your ref: B/08/00964/ENQ

Date: 11 March 2009

BABERGH DISTRICT COUNCIL PLANNING DEPARTMENT		
ACK	YES	NO
DATE		
12 MAR 2009		
FILE No.		
DPD		
ADP(P)	ADP(DC)	OBCC

Dear Mr Ward

CONSTRUCTION OF TWO DETACHED INDUSTRIAL BUILDINGS (USE CLASSES B1, B2 AND B8). LAND AT COUNTY FARM, CHURCH FIELD ROAD, CHILTON, SUDBURY.

Thank you for your letter and enclosed scoping report received on 23rd February 2009.

We have included a copy of our scoping guidelines entitled "Scoping the environmental impacts of industrial estates for light manufacturing" which may provide the applicant with information relevant to this development.

We have reviewed the Scoping report prepared by Nathaniel Lichfield and Partners and dated February 2009 and have the following comments:

Flood Risk

The proposed site falls within Flood Zone 1, the low risk zone, as defined by Table D1 of Planning Policy Statement 25 (PPS 25) and illustrated by our Flood Zone maps.

PPS 25, Table D1 states that "for development proposals on sites comprising one hectare or above the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of surface water run-off, should be incorporated in a FRA."

In addition, section 5.28 of the Scoping Report states 'site surface water runoff will require evaluating and managing'.

Environment Agency
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Cont/d..



INVESTOR IN PEOPLE

A Flood Risk Assessment (FRA) should therefore be produced which focuses on the proposed drainage scheme. Information on FRAs can be found within our flood risk standing advice (<http://www.environmentagency.gov.uk/research/planning/82584.aspx>).

With regard to surface water management we have the following comments:

The Environment Agency prefers the use of SUDS (sustainable urban drainage systems) techniques for the control of surface water attributable to the development. Guidance on SUDS can be found in Annex F of PPS 25 and also within the CIRIA C697 document 'SUDS Manual 2007.'

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water runoff from a site. Generally, the use of oversize pipes and storage tanks does not constitute SUDS. Sustainable drainage techniques should be considered, and suitable justification should be given where it is not to be implemented. Percolation tests are essential at an early stage to establish what form of SuDS is achievable on site.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration e.g. soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems.

For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Further, infiltration SUDs may not be suitable in areas where pollution and contamination of the surface water may occur (for example industrial storage areas). This should be considered and it should be ensured that adequate pollution control measures are put in place (see below for further detail).

Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365. If soakaways are not designed to cater for the 1 in 100 year rainfall event plus allowance for climate change then on-site supplemental storage for the additional water up to this design event would be required.

We understand that infiltration SUDS may not be suitable in some locations, due to a low porosity of soil. However, if this is the case, there are other techniques which can be used for the storage of surface water, such as swales and balancing ponds, and these techniques should be explored further.

We require that, for the range of annual flow probabilities up to and including the 1 in 100 year event, the developed rate of runoff into a watercourse should be no greater than the undeveloped (existing/Greenfield) rate for the same event.

Evidence should be provided of how the attenuated run-off rate has been determined, and calculations should be submitted indicating the required storage volume for the 1 in 100-year storm event (including the appropriate allowance for climate change as indicated in Annex B of PPS25) attenuated at the appropriate

Greenfield runoff rate. We recommend the methodology for such calculations to be carried out as outlined in the Institute of Hydrology report 124.

There should be a site plan showing a detailed SUDS scheme providing information on the location, storage volume, and drainage course of each of the SUDS components. This should be provided to demonstrate that adequate flood storage capacity is included in the proposed development.

Details of how the proposed drainage scheme is to be managed should be included within the FRA, in terms of whom will be responsible for the maintenance of the development in perpetuity. In order to secure a management scheme a Section 106 agreement is often agreed to and evidence of this should be supplied in the FRA.

If it is proposed to discharge surface water run-off to the Local Water Authority, on-site supplemental storage should be included up to the 1 in 100 year rainfall event (including climate change) as the Local Water Authority will typically only accept surface water up to the 1 in 30 year surface water discharge rate. The FRA should provide evidence from the Local Water Authority confirming their acceptance of the 1 in 30-year surface water discharge rate.

The development site should not be flooded from surcharge of new adoptable surface water systems, including the wash from passing vehicles. For events greater than the 1 in 30 and up to the 1 in 100 year storm it should be detailed how/where surcharged water will be managed.

Informative

Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access.

Pollution

The "Ground Conditions, Hydrogeology and Hydrology" section of the Scoping Report appears reasonable with respect to the issues to be addressed within the EIA regarding the potential for historic contamination at the site, and the potential impact of the development on surface water and groundwater quality during its construction and operational phases.

In addition, the information supplied relating to the management and disposal of surface water and foul sewage, appears to cover the main issues to be addressed.

However, the site is classified as being within Source Protection Zone II of the Environment Agency's groundwater protection policy. This means that any pollutants entering the groundwater below this site could contaminate the public water drinking supply and be abstracted within 400 days. The site is also located over a minor aquifer. Therefore it is imperative that pollution control measures are put in place:

- An acceptable method of foul drainage disposal would be to the foul sewer.
- During the construction phase, adequate controls must be provided to deal with surface water run-off carrying suspended solids by way of temporary settlement tanks.
- An emergency plan must be developed to deal with potentially polluting

accidental spillages including oils and any chemicals used.

- Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Sludge, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. All washdown and disinfectant waters shall be discharged to the foul sewer. Any detergents entering oil separators may render them ineffective.
- All cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul sewer (with the approval of the sewerage undertaker). The area should be clearly marked and a kerb surround is recommended.
- No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam-cleaning effluent, shall be discharged to the surface water drainage system.
- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Assuming this development has an estimated cost in excess of £300k, A "Site Waste Management Plan" will be required.

Biodiversity

The scoping report appears to cover the relevant issues from a biodiversity perspective. We shall wish to ensure that any development has no detrimental impact on wildlife of the area.

A Phase One habitat survey will be required to identify habitat and species likely to be present. In addition surveys of protected species including reptiles, amphibians and bats will be necessary to assess habitat use and population level.

Mitigation will be necessary if the change of land use is likely to impact on species. In particular rough grassland habitat may need to be provided on site for use by reptiles and amphibians.

Lighting on the site will need careful consideration to reduce impacts on bats and to avoid light pollution off site and in any habitat mitigation areas.

Supplementary Information

If any waste is to be used on site, in particular in the creation of the bund, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If the applicant wishes more specific advice they will need to contact the Environment Management Team on 01473 706358 or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

Should you wish to discuss our comments further, please do not hesitate in contacting me.

Yours sincerely

Miss Jessica Bowden
Planning Liaison Officer

Direct dial 01473 706008

Direct fax 01473 271320

Direct e-mail jessica.bowden@environment-agency.gov.uk



ENGLISH HERITAGE
EAST OF ENGLAND REGION

Mr Nick Ward
Babergh District Council
Corks Lane
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IP7 6SJ

Direct Dial: 01223 582738
Direct Fax: 01223 582701

BABERGH DISTRICT COUNCIL PLANNING DEPARTMENT		
ACK	YES	NO
DATE		
16 MAR 2009		
FILE NO.		
DPD		
ADDP	ADPDU	CSCO

Our ref: PA00009694

Your ref:

12 March 2009

Dear Mr Ward

Request for Pre-application Advice

**LAND AT COUNTY FARM (EAST), CHURCH FIELD ROAD, SUBBURY,
BABERGH, SUFFOLK**

Thank you for sending English Heritage a copy of the Scoping Report for the Environmental Statement for the proposed construction of two detached industrial buildings at County Farm East.

The medieval Church of St. Mary, listed Grade I, lies immediately to the south east of the development site. To the north of site is Chilton Hall, a moated site with a house which dates from the late fifteenth century and is listed Grade II*. It is set within a Grade II registered landscape with an early seventeenth century walled garden, listed Grade II, and a woodland garden of the 1930s. The impact of the development on the setting of these sites should be fully considered within the Environmental Statement.

The Environmental Statement should include an informed analysis of the designated sites and their setting and the impact of the development. It should take into account the number and significance of the assets affected and the magnitude of the impact on the significance and appreciation of the assets. This should deal with factors like proximity, location, prominence and scale. It should consider the topography of the site which rises in the centre. The introduction of noise, movement and other issues such as lighting and air quality within the setting which can have a detrimental impact on the significance of historic sites should be discussed. The



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www.english-heritage.org.uk

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English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.*



ENGLISH HERITAGE

EAST OF ENGLAND REGION

cumulative impact of the both the existing development, the proposed development and any reasonably foreseeable actions as referred to in 5.111 should also be evaluated. Appropriate visualisation material to enable independent assessment of the impact should be provided such as verified photomontages as is proposed in 5.45. The assessment should also consider if views from principal rooms within the Hall would be affected. We would welcome the opportunity to advise on the proposed locations for the viewpoints in due course (5.48). The proposals should of course seek to avoid or minimise any detrimental impacts.

The Report proposes that the impact of the development on the surrounding area would be considered in the Landscape and Visual Impact chapter. This should be read in conjunction with the Cultural Heritage chapter as is noted in 5.54. It should be cross referenced as should the chapters on issues which may affect the amenity of the site such as noise and air quality. The Cultural Heritage chapter should consider the cumulative impact of all these aspects of the development.

It is not proposed to include a chapter on archaeological issues however the adjacent moat surrounding Chiltern Hall is considered to be of national importance based on the Secretary of State's non-statutory criteria used to recommend sites for legal protection. Although it is not yet scheduled it should be treated as a nationally important monument for planning purposes. Safeguarding the site and its setting is in our view a material consideration in the determination of any planning application. Our comments on the impact of the development on setting also therefore apply in consideration of the moated monument. There is a need for the systematic recording of archaeological remains affected by the scheme. This can be secured by use of a PPG 16 paragraph 30 condition.

Finally, although a correct reference is made in paragraph 5.55 to the designations, under 5.41 Chilton Hall is incorrectly referred to as Grade II. The Hall is listed Grade II* and the gardens are on the register of historic parks and gardens at Grade II.

We hope these comments are helpful in providing a Scoping Opinion and would be pleased to advise on the proposed viewpoints in due course.



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Yours sincerely

Clare Campbell
Inspector of Historic Buildings
E-mail: clare.campbell@english-heritage.org.uk



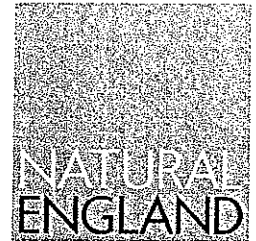
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6 March 2009
Our ref: EE3337/S.5/pjw
Your ref: B/08/00964/ENQ

BABERGH DISTRICT COUNCIL PLANNING DEPARTMENT		
ACK	REP	VAL
DATE		
-9 MAR 2009		
FILE NO.		
EPD		
ADP	IPD	CBCO



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Mr NJ Ward
Babergh District Council
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Dear Mr Ward

- 1. Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999 (as amended)**
- 2. Construction of two detached industrial buildings (Use Classes B1, B2 and B8): Land at County Farm East, Church Field Road, Sudbury**

Thank you for consulting Natural England on the Scoping Opinion for an EIA on the above proposal. Your letter was received by this office on 23 February 2009.

The Environmental Statement for this proposal should address potential impacts on the following:

- Protected species and habitats.
- Landscape.

The EIA should set out the environmental effects of the proposal on the above, and the measures that will be taken to mitigate those effects.

We welcome the inclusion of these topics in the Scoping Report drawn up by Nathaniel Lichfield and Partners

If you have any queries relating to the content of this letter, please do not hesitate to contact me on the number below.

Yours sincerely

Pat Williams
Norfolk & Suffolk Government Team
East of England Region
Direct dial: 01284 717591
Email: pat.williams@naturalengland.org.uk

Natural England
Head Office
1 East Parade
Sheffield S1 2ET



Mr N J Ward
Planning Department
Babergh District Council
Corks Lane
Hadleigh
IP7 6SJ

11 March 2008

Dear Mr Ward,

Ref: B/08/00964/EBQ Scoping opinion: Construction of two detached industrial buildings (Use classes B1, B2 and B8), land at County Farm East, Church Field Road, Sudbury

Thank you for your letter dated 19 February regarding the scoping opinion for the above proposal.

We have read the scoping report from Nathaniel Lichfield and Partners. We consider that the surveys specified in section 5.6* - Ecology, below, should address all groups that we have records for in the region of this proposal.

- Nesting birds including ground nesting species such as skylark
- Reptiles
- Great crested newts
- Common toads
- Bat activity

These surveys should be carried out at the appropriate time of year and in suitable weather conditions relevant to each group. As mentioned in section 5.6.1 assessment of the impacts should take in to account light and noise levels from the development.

We note that section 5.6.7 states that the final report will prescribe mitigation that, amongst other things, enhances the site for species such as bats, great crested newts and common toads. Enhancement of biodiversity is a key principle of PPS9 and we welcome this approach and look forward to the consultants recommendations.

Regards
Trudy Seagon
Conservation Officer

Suffolk Wildlife Trust
Brooke House
Ashbocking
Ipswich, IP6 9JY
Tel: 01473 890089
www.suffolkwildlife.co.uk

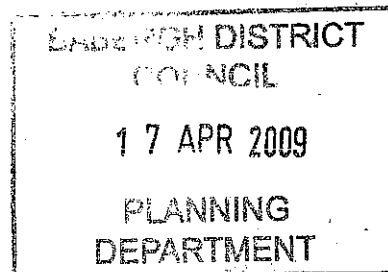
Suffolk Wildlife Trust is a
registered charity
no. 262777

Protecting Suffolk's Wildlife for the Future

Your Ref B/08/00964/ENQ

14 April 2009

Mr N J Ward
Chief Planning Control Officer
Natural and Built Environment Division
Babergh District Council
Corks Lane
Hadleigh
Ipswich
Suffolk IP7 6SJ



Dear Mr Ward

Land at County Farm East, Church Field Road, Sudbury - Construction of two detached industrial buildings (Use Classes B1, B2, and B8) – Scoping Options for Environmental Assessment.

1. Thank you for consulting the Society on the above document. Having considered the document the Society offers the following comments, which it asks the Council and LPA to have full regard to. The list below is not in any order of importance or priority.

2. In paragraph 5.56, reference is made to the impact on the setting of listed buildings. Paragraph 2.16 of PPG15 refers to section 16 and 66 of the 1990 Act which **requires** authorities, when considering applications for planning permission for proposals affecting a listed building, to have special regard to certain matters, including the desirability of preserving the setting of listed buildings. It states:-

“The setting is often an essential part of the building’s character, especially if a garden or grounds have been laid out to complement its design or function”

The problem is that the Scoping Report does not define or give any guidance on what might be taken as the setting of the listed Church of St. Mary and Chilton Hall and listed garden, for example, and the other listed buildings in the area. If the setting is drawn too narrowly, as there is the danger it might, then the results of any assessment of the proposal on the setting might be seriously and even fundamentally flawed. Therefore the Society requires the report to be amended to include at this stage an indication as to what will be taken as the ‘base line’ of the setting of all the listed buildings. In this respect the Society would refer to the comments and observations in section 8.5.2 of *“Listed Buildings, Conservation Areas and Monuments – Third Edition”* – by Charles Mynors.

The Society asks specifically to be consulted on the issue of definition of the setting of Chilton Hall, the Church and other listed buildings at the earliest stage.

3. The Society does not agree with the suggestion in 5.58 that such an assessment can be undertaken using desk-based data. This issue requires the most careful on-site assessment.

4. The Society notes that no assessment of the likely impacts of light pollution has been included. It understands that light pollution is now a statutory nuisance and therefore any impact of the proposal in this respect should be known to the LPA at the time it determines the planning application. In this respect the Society refers to Local Plan and policy EN22.

5. The Society notes that no assessment is to be made of the impact of the proposal on tranquillity. This is, in the Society's view, a major omission. Tranquillity is an essential part of the character of the countryside and setting of listed buildings within it. It is critical that the LPA are aware of the impact the proposal may have on it when determining the planning application. This will, to a large extent, bring together the cumulative impacts of traffic, noise, light. There is a clear need for the EA to examine and quantify the cumulative impacts of the proposal and not just assess the impacts in isolation.

6. The Society asks to be specifically consulted on the application and be sent a copy of the EA.

Yours sincerely

Richard Ward DipTP MRTPI
Director
Cc Lord and Lady Hart, Chilton Hall
Cc Chilton Parish Council
Cc John Ette – English Heritage
Cc Hattie Bawden & Ralph Carpenter

Ward, Nick

From: surry.burns [surry.burns@keme.co.uk]
Sent: 23 April 2009 10:55
To: Ward, Nick
Cc: val.davies@nortonrose.com
Subject: Your ref B/08/00964/ENQ

Dear Mr. Ward,

Thank you for your letter of 2nd April, I hope I'm not too late to respond, but, I have been away.

First of all could I say that I am writing as Chairman of Suffolk Gardens Trust, we do have a group researching walled gardens in Suffolk and Chilton is a rare, in Suffolk, example of an early pleasure ground, rather than the later manifestation of walled productive gardens. I am also a member of the national Association of Gardens Trust's Management Committee.

Lord and Lady Hart have copied their submission to me and I would endorse everything they say. From the perspective of Suffolk Gardens Trust I think Chilton hall is a unique example in Suffolk of a complex dating back to Tudor times and where the house remains unchanged, so that the landscape and house remains an entity. I know Elise Percival, who was the English Heritage Officer who reviewed the EH listing in 1999 (this from memory) and would endorse her view of the special quality of the site. EH are very sparing of their listings, having been involved in submissions to list buildings and landscapes I can confirm that this status is not given lightly and should be respected. I appreciate that development is essential for the local economy, but to allow a development which is so visually intrusive, should not be allowed adjacent to such a unique landscape.

Though my comments are primarily in support of preserving a unique historic landscape, Chilton Hall transcends that status in that it is also a visual reminder of aspects of Suffolk's history and a site that is home to wildlife that is also worthy of protecting.

I hope my comments are of assistance and my apologies if they are rather general, if you require amplification please do contact me.

Yours sincerely,

Polly Burns

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Ward, Nick

From: Stephen Thorpe [stephenjthorpe@btinternet.com]
Sent: 20 April 2009 18:31
To: Ward, Nick
Subject: Land at County Farm East, Church Field Road Sudbury B/08/00964/ENQ
Attachments: Prolog.doc

Dear Nick Ward

On behalf of the Sudbury Society planning group I attach our response to your letter and enclosures dated 31 March 2009.

yours sincerely

Stephen Thorpe

72 Friars Street
SUDBURY
Suffolk
CO10 2AJ

01787 881661

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LAND AT COUNTY FARM EAST CHURCH FIELD ROAD SUDBURY

We would wish to see the following topics considered within the Applicants' Environmental Statement should this accompany the fresh application on behalf of Prolog.

- 1 Visual impact on Chilton Hall of building B – at 14 metres high and close to the gardens to the House this will be considerable
- 2 Structural landscaping – will this be sufficient to soften this impact or is this building too high for its context?
- 3 Lighting and noise particularly the former. Unless managed very carefully it will have a polluting effect on the two historic properties and on the Sudbury skyline.
- 4 Traffic – an estimated 30 HGV (2 x 15) movements per day will if using the A131 worsen the environment of the historic town centre already degraded by excessive heavy goods traffic. Is it possible within planning conditions to require these vehicles to use the A134? Or at the least a traffic strategy which can be monitored.

The Sudbury Society

20 April 2009



THE CHURCHES CONSERVATION TRUST

Mr N J Ward
Chief Planning Control Officer
Natural and Built Environment Division
Babergh District Council
Corks Lane
Hadleigh
Ipswich
Suffolk IP7 6SJ

23 April 2009

Dear Mr Ward

Land at County Farm East, Church Field Road, Chilton, Sudbury - Construction of two detached industrial buildings (Use Classes B1, B2, and B8) – Scoping Options for Environmental Impact Assessment

Thank you for consulting the Churches Conservation Trust (CCT) on the Scoping Options report for an EIA on land adjacent to St Mary's Church. As you will know the CCT is responsible for over 340 churches in England that are no longer required for worship but which have outstanding architectural and historical importance. Most of these are Grade I Listed, as is the case with St Mary's. We are therefore primarily concerned with the impact of any proposed development on the church and its setting and we are keen to ensure that the EIA takes full consideration of this. We would therefore like to make the following comments on the Scoping Options report.

1. In section 5.57 it is stated that the EIA will take full account of the setting of the cultural heritage of the site. This will be an essential concomitant to the EIA and we believe that the baseline conditions of the 'setting' need to be closely defined. As stated in the Scoping Options report this needs to take full account of the guidelines in PPG 15 sections 2.16 and 2.17. Most importantly the EIA needs to be clear about the potential changes to the setting of St Mary's church and its curtilage churchyard:

The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building... setting can only be defined by a historical assessment of a building's surroundings.

2. To this end we are concerned to ensure that a full fieldwork assessment is carried out of the area. This should involve an archaeological component, which has not been allowed for in the Scoping Options report in the Cultural Heritage section.

3. Although the effect on the setting of the church building will be considered, we think it is also essential that the churchyard is included as an intrinsic part of the building. The evaluation must therefore take full account of any changes to the setting of the churchyard. This is not made explicit in the Scoping Options report.

In summary, we feel that the *definition* of evaluation and assessment on the church and its setting needs to be more rigorous and closely defined in the Scoping Options report, from which the EIA will take its brief. The evaluation of the impact of any potential development on the historical, architectural and archaeological components of the church and its setting needs to have a clearly articulated methodology and scope in order to avoid the Cultural Heritage section of the EIA being too generalised to be of genuine benefit.

Finally, the CCT would like to be consulted on the draft EIA at the first opportunity.

I hope this has been of some help to you. Please feel free to contact me at any stage if you would like clarification on any of the issues raised.

Many thanks

Dr Neil Rushton
Conservation Manager

Direct Line: 020 7213 0686
Mobile: 07887 728206
e-mail: nrushton@tcct.org.uk

Ward, Nick

From: VeryanHerbert@aol.com
Sent: 16 April 2009 13:17
To: Ward, Nick
Subject: Ref B/08/00964/ENQ

Dear Mr Ward,

You have asked me, as Chairman of the Trustees of St Mary's church Chilton, to comment on your Scoping Opinion for the EIS on the development in Church Field Road.

On behalf of the Trustees I can do no more than confirm that we agree with the points raised in her letter to you of 24 March from Lady Hart of Chilton Hall (of which I am the former owner).

Veryan Herbert

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Ward, Nick

From: VeryanHerbert@aol.com
Sent: 17 April 2009 18:27
To: Ward, Nick
Subject: Ref B/08/00964/ENQ

Dear Mr Ward,

Further to the email Sent you yesterday I presume that full account will be taken of the comprehensive SCC archaeological survey of the site carried out in 1966/7.

Veryan Herbert

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Environment and Transport Service Delivery
Shire Hall
Bury St Edmunds
Suffolk
IP33 2AR

Nicholas J Ward
Chief Planning Control Officer
Natural & Built Environment Division
Babergh District Council
Corks Lane
Hadleigh
Ipswich IP7 5SJ

Enquiries to: Edward Martin
Direct Line: 01284 352442
Fax: 01284 352443
Email: edward.martin@et.suffolkcc.gov.uk
Web: <http://www.suffolk.gov.uk>
Our Ref: EIA_CountyFarmEast_Sudbury
Date: 24 February 2009

Dear Mr Ward

**B/08/00964/ENQ. ENVIRONMENTAL IMPACT ASSESSMENT (SCOPING OPINION),
LAND AT COUNTY FARM EAST, CHURCH FIELD ROAD, SUDBURY:
ARCHAEOLOGY**

The submitted Scoping Report by Nathaniel Lichfield and Partners (Feb. 2009) rightly draws attention to the Cultural Heritage in terms of the proposed development's impact on the adjoining listed buildings and registered garden, but makes no mention of archaeology.

The assessment area was archaeologically evaluated in 1996 and the site of an Iron Age enclosure was partially excavated in 1998 (Suffolk County Council Archaeological Service report nos. 96/76 and 98/43). At the time of the 2001 planning application it was thought that the archaeological implications had been adequately covered by these pieces of work and it was thought sufficient to monitor the proposed development works (as is reflected by condition 7 on planning permission B/01/01747/OUT). Subsequently, in 2002, additional parts of the Iron Age enclosure were excavated to the south of Churchfield Road (S.C.C.A.S. report in preparation), leading to a reconsideration of the 1998 work. It is now thought that there is evidence of Iron Age activity outside the area of the identified enclosure and that there should be additional excavation on the north side. This was communicated to a prospective purchaser in 2003.

Therefore this EIA needs to include an assessment of the development's impact on potential archaeological deposits in the hitherto unexcavated areas, as well as the identified Cultural Heritage assets .

Yours sincerely

Edward Martin
Archaeological Officer
Conservation Team

Ward, Nick

From: Sue Hooton [Sue.Hooton@et.suffolkcc.gov.uk]
Sent: 12 March 2009 14:37
To: 'Stewart Wesley'
Cc: Ward, Nick
Subject: RE: Sudbury Prolog Development -B/08/00964/ENQ

Many thanks Stewart

I'm sorry to have missed your calls although when I'm out of the office, I am generally contactable on my mobile and will return calls if you leave a message.

I did receive the scoping report from Babergh DC but not the additional GCN information or phase 1 diagram. I agree that the GCN surveys offsite, together with onsite surveys, should provide sufficient detail to assess the impact of this development on the local population for the planning application. My knowledge of the site and others in this locality has highlighted considerable populations of lizards so I'm pleased to see widespread reptile surveys as well as Skylark nesting and bat activity surveys. I assume that any new signs of Badgers will be noted as there is no survey for included in the methodology.

I welcome the inclusion of enhancement measures in your report as this is an ideal opportunity to contribute to wildlife conservation locally.

I have copied these comments back to Babergh DC as feedback on the scoping opinion.

best wishes
Sue

Sue Hooton (Mrs) CEnv MIEEM
Senior Ecologist
Countryside and Environment Services
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich
Suffolk IP1 2BX

Tel 01473 264784
Fax 01473 216889
Mb 07834 676875

Please note I work Mon and Thurs in the office 9am - 5pm and Tues & Wed at home 9am - 3pm.

From: Stewart Wesley [mailto:stewart@adonisecology.co.uk]
Sent: 12 March 2009 11:01
To: Sue Hooton
Subject: Sudbury Prolog Development - Great Crested Newt Information

Dear Sue

I am sending you this e-mail as I understand that you are one of the consultees for a commercial development for Prolog on Churchfield Road, Chilton, Sudbury where we will be handling the ecology surveys and assessments and was just hoping to check that you were happy with our survey proposals, particularly those for Great Crested Newts of which a medium population are known within 40m of the site. I was unsure as to whether you have received any information on this (I have spoken to Natural England, another consultee who had not) and therefore I have attached the Great Crested Newt information that we currently have available

17/03/2009

along with a Phase 1 diagram of the site at present, a pond location diagram and a diagram of the proposed development. I have also attached the ecology scoping report chapter.

Pond 2 and 5 are located approximately 40m and 165m from the proposed development site respectively and have both been found to support breeding Great Crested Newt populations. As you can see, further ponds also exist within the near proximity for which Great Crested Newt data should be available, although we do not have access to this at present.

I would be very grateful if you could let me know whether you feel the information we have available is sufficient or whether further population surveys would likely be required. We shall be carrying out a full Great Crested Newt habitat survey of the site shortly to determine whether any potential newt refuges exist on site, as we feel that these may occur within the linear mound and in woodland areas, although the majority of the woodland will be retained within the development. Given the recent surveys of the near by ponds we felt that further surveys of the ponds would give limited extra information and may cause unnecessary disturbance to the newts in these ponds, however, we wanted to establish your opinion on this before the Great Crested Newt survey season so that should they be required we will be able to carry them out.

I have attempted to call you but have only gotten an answering machine so far so I will try again in the near future to discuss this matter, however, in the mean time I look forward to hearing back from you and can be contacted on the number below. If you have any further queries please do not hesitate to contact me and should you have any other comments on surveys as proposed in the scoping report these would be much appreciated.

Regards

Stewart Wesley BSc



Adonis Ecology Ltd.

Unit 11 Lavenham Studios, Brent Eleigh Road, Lavenham, Suffolk CO10 9PE

T:(01787) 249 160 M:(07799) 466 261 F: 0870 912 1171

<http://www.adonisecology.co.uk>

Registered Office: Crane Court, 302 London Road, Ipswich, Suffolk IP2 0AJ

Registered in England & Wales No. 6208092

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimise any security risks.

Ward, Nick

From: Richard Carter [Richard.Carter@et.suffolkcc.gov.uk]

Sent: 06 March 2009 16:15

To: Ward, Nick

Subject: Scoping Opinion - Construction of Industrial Buildings - Churchfield Road, Sudbury

Dear Nick,

With reference to your letter and enclosures of the 19th February, I can confirm that the extent of junctions to be assessed is as shown on drawing no.12. Therefore, subject to the submission of a Transport Assessment including the capacity checks of these junctions, together with green travel plan proposals for the development, I have no objections to the scoping as proposed.

Regards,

Richard Carter
Senior Development Management Engineer.
01473 264740

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimise any security risks.

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Ward, Nick

From: Mary George [Mary.George@suffolk.gov.uk]
Sent: 02 April 2009 11:18
To: Ward, Nick
Cc: Phil Watson; Sue Hooton
Subject: Scoping opinion - Land at Churchfield Road, Sudbury

Hello Nick

Thank you for your telephone call regarding the Scoping Opinion for the above site.

I can confirm that I discussed the proposal with David Falk, the Countryside Access Development Manager and we have no comments regarding public rights of way issues. We are satisfied that the document identifies the existing rights of way, which are not directly affected by the proposal and is considering the visual impact etc of the development on them.

I have spoken to Phil Watson, the Landscape Development Officer and he has no comments to make either. You could also check with Sue Hooton, the County Ecologist (01473 264784) whether there are any issues she wishes to raise.

Yours sincerely

Mary George
Senior Definitive Map Officer
Countryside Access
Environment & Transport Service Delivery
Suffolk County Council
Endeavour House, L5 Lime Block Desk 36,
8 Russell Road, Ipswich, IP1 2BX

Tel: 01473 264742
Fax: 01473 216889
Email: mary.george@et.suffolkcc.gov.uk
www.suffolk.gov.uk

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Vard, Nick

From: Buckingham, James
Sent: 24 March 2009 17:16
To: Ward, Nick
Subject: County Farm, Church Field Road, Sudbury - Scoping Report

Nick,

Scoping Report, Feb 2009, Nathaniel Lichfield & Partners on Behalf of Highbridge Properties & Prolog

I would only make the following brief comments on the Scoping Report:

Noise/Vibration

1. There do not appear to be any proposals to assess the impact of mitigation measures that might be put forward to reduce operational noise/vibration.
2. Paragraph 5.76 advises that British Standard 5228:1997 will be used for recommending measures to reduce noise/vibration during construction. This document has been withdrawn and replaced by BS 5228: 2009.

Air Quality

3. Paragraph 5.88 refers to the Council's monitoring of air quality at Burroughs Piece Road and Newton Road, Sudbury and states that the results will be used in the Air Quality assessment. The applicants are advised that monitoring at these locations ceased in Spring 2006.
4. The Scoping Report does not include proposals to monitor background levels of pollutants. The reference source for background levels to be used in the DMRB model should therefore be agreed with the Council in advance.
5. The Scoping Report makes reference to the criteria devised by Environmental Protection UK for assessing the significance of any air quality impacts (during construction and from operation of the development). However, the Scoping Report does not state that the criteria will actually be used in the EIA for determining the significance.

Land Contamination

I understand that Nathan Pittam has already responded to you on this.

Apologies for the delay and let me know if you have any queries.

James

Ward, Nick

From: Pittam, Nathan
Sent: 12 May 2009 07:22
To: Ward, Nick
Subject: Land off Churchfield Road,

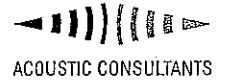
Dear Nick,

Land off Churchfield Road,

Many apologies for not getting back to you sooner. I have no reason for concern for the land at Churchfield Road unless there is to be residential development and as such would require the normal PPS23 documents.

Regards

Nathan



Mr N Ward,
 Chief Planning Control Officer,
 Babergh District Council,
 Corks Lane,
 Hadleigh,
 Ipswich.
 IP7 6SJ

14th April 2009

By post and email (nick.ward@babergh.gov.uk)

Dear Mr Ward,

Ref: Proposed Development, Church Field, Sudbury.
 Project No: 0910177.

BABERGH DISTRICT COUNCIL		
PLANNING DEPARTMENT		
ACK	YES	NO
DATE		
16 APR 2009		
FILE No.		
DDPD		
ADDP(P)	ADP(UC)	ADP(CO)

I have been instructed to advise Lord and Lady Hart of Chilton Hall on the noise aspects of the scoping report regarding the above project. I have read through the document, paying particular attention to the noise assessment section and I have the following comments. Where the comment refers to a particular paragraph in the report, I have included that for reference:

1. In paragraph 5.71, the main noise sources in the opinion of the noise consultant, H&H Acoustic Consultancy, are given. However, I would say that the list is incomplete. The list should include noise from all plant, not just "air handling plant", car parking noise (since the car park is one of the closest activities to Chilton Hall), service yard noise (not particularly for Chilton Hall, but also to other receptors west of the site) and at least some mention should be given to noise break-out from the building. Perhaps it is just the wording of this scoping report but these points should be raised.

2. In paragraph 5.72, BS 4142:1997 is used to define significance criteria for the assessment. If this had just been for industrial noise such as the air handling plant, then this would be appropriate. However, BS 4142:1997 is not a valid assessment tool for noise sources such as vehicle noise, service yard activity and the like. Indeed, the resultant significance matrix varies from that normally used by acoustic consultants, including Sharps Redmore, for such impact assessments and also is not in line with the (currently draft for noise) guidance from the IEMA which other disciplines in the ES team would appear to be referring to in their field.
3. We would expect other guidance to be taken into account when developing the significance criteria, such as PPG 24 "Planning and Noise" and the World Health Organisation "Guidelines for Community Noise" for example. The latter is one of the most commonly used documents when dealing with night time noise.
4. In paragraph 5.74, a minor point, but I presume they mean they are going to use the full existing noise environment measured and not just the L_{A90} results, which is the definition of "background noise" in terms of acoustical indices. They are indicating they will be measuring also L_{AMAX} and L_{Aeq} levels so I would envisage that they mean to utilise the data.
5. Comparing predicted noise levels against the L_{A90} noise levels measured is how a BS 4142:1997 assessment is carried out and as I have stated in item 2 above, that is not a valid assessment methodology for a number of sources relating to this development.
6. In paragraph 5.76, I am presuming this is just an oversight, but BS 5228:1997 has been superseded this year, so I would expect them to confirm that the assessment will be done in accordance to BS 5228:2009.
7. In paragraph 5.80, I quote "...the main acoustic impacts will arise from associated vehicle activity, particularly HGV movements in and out of the site during night-time hours" so this gives extra weight to the argument that other guidelines should be considered when developing the assessment criteria, not just BS 4142, which is not designed for assessing such noise sources.

Overall, my opinion of the proposed scope for the noise assessment is that it is not, based on the information given in this scoping document, sufficient to adequately assess the possible noise impact from the development proposals.

In addition, unlike other disciplines discussed in the report, no mention has been made of which particular receptors are going to be considered in the noise assessment. The gardens of Chilton Hall must be assessed along with the residence itself as these are a leisure area during the day, and indeed designated as of special historic interest, so should be considered. I would like to see the receptors discussed as with the other sections of the scoping document. These should be agreed with yourselves before the assessment is undertaken and we would be happy to assist in their selection.

I presume that you will forward this information to the Environmental Health Officer that will be looking after this project and if you or they would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Alison J. Longstaff (Mrs)

c.c. Lady Hart (val.davies@nortonrose.com)

Nathan Matta – Nathaniel Lichfield & Partners (nmatta@nlpplanning.com)

P. Deans – Nathaniel Lichfield & Partners (by post only)

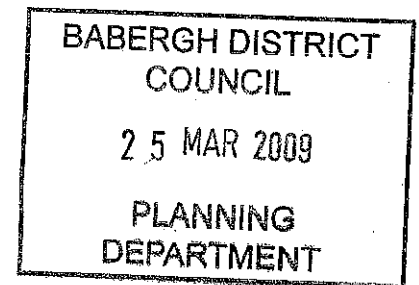
*Chilton Hall
Waldingfield Road
Chilton, Nr Sudbury
Suffolk, CO10 0PS*

24 March 2009

Please respond by email to: val.davies@nortonrose.com
hartofchilton@btinternet.com

Nicholas Ward BA (Hons) MSc MRTPI
Chief Planning Control Officer
Babergh District Council
Corks Lane
Hadleigh
Ipswich IP7 6SJ

By email to nick.ward@babergh.gov.uk



Dear Sirs

Scoping Report in respect of proposed development at Church Field Road, Sudbury

We write further to our letter of 9 March 2009 to Nathaniel Lichfield & Partners, copied to you, and their reply dated 13 March 2009 (received 15 March 2009). We note that Highbridge and Prolog (the Applicants) intend to make a new full application in respect of this site.

We have considered the Scoping Report and have a number of concerns regarding matters which we consider the Scoping Report does not address or fails to address adequately and which we believe requires to be dealt with in the Scoping Opinion to be issued by Babergh District Council (the Scoping Opinion) and the Environmental Impact Statement (EIS) to be submitted on behalf of the Applicants.

Accordingly, we write to you to require that the EIS deals with the following issues:

Use of the buildings

Very little definite factual information is provided about the proposed development and the proposed uses in the Scoping Report. Despite our request in the letter of 9 March, Nathaniel Lichfield have not provided any confirmation regarding the Prolog occupation or the Prolog unspecified use and activities within the building. Paragraph 4.6 states it is anticipated (our emphasis) that the proposed operations will be similar to those undertaken by Prolog elsewhere as "a mixture of storage and distribution of promotional material (we do not know what retail logistics means), mail order operations and similar activities. A degree of printing will also take place". Use classes B1, B2 and B8 are sought. Those classes include light and general industrial activities which could be significantly more noisy than a B8 use alone. Therefore, specific information should be provided about the proposed operations rather than what is "anticipated". There is no commitment either to phasing which is important. So, for example, if Unit A is built first the noise impact from the service

yard, parking and traffic movements would be different from the position than if Unit B is built first. The construction plans for the building development, to which we refer below, should identify the phasing. Accordingly, until unequivocal commitment by the Applicants is given, the Scoping Opinion and the EIS should deal with all possible uses and occupation and building sequence in order to assess properly the environmental impact.

We note that whilst the Applicants are not able or willing to confirm the uses to which the buildings will be put, they are conversely able to assert that their unspecified use requires 24/7, weekend and bank holiday working and the expected creation of 500 full time jobs. If, as before, the figure of 500 full time jobs is, in reality, extrapolated from a number of shift posts, this should be made clear so as not to create an inaccurate impression.

Therefore, the Scoping Opinion and EIS should specify the areas in each building allocated to each use class for which permission is intended to be sought so that the environmental impact can be assessed properly.

In addition to Circular 2/99, the Scoping Opinion and the EIS, should also have regard to The European Commission document entitled "Guidance on EIA Scoping" published in June 2001. This is not referred to in the Scoping Report. That document contains helpful guidance and specific checklists to which a local authority should refer.

Traffic

The Scoping Report does not refer to the transport assessment nor attaches it. The Scoping Report states only that the assessment has been agreed already with Suffolk County Council. Please provide us as soon as possible with a copy of it so that we may consider it. It should be provided to other consultees also to afford them an opportunity to comment on it for the purposes of the EIS.

The Scoping Opinion and the EIS should include an independent assessment of projected commercial vehicle and car movements rather than a reliance on estimated figures supplied by the Applicants with no empirical information

Car movements

Notwithstanding the creation of 500 jobs, no mention is made of car movements. There are a considerable number of car spaces contained in the drawing. If it is anticipated that 500 jobs are to be created then there would be a minimum of 1,000 car movements on and off the site daily. Given the site is within walking distance of Sudbury, the nearby bus services, the cycle way footpath, and the requirement of sustainability, the Scoping Opinion and the EIS should explain and justify why this number of car parking spaces is required and what alternatives have been considered for "greener" transport.

Ecology - Paragraphs 5:64 to 5:67

We believe the reference to a third party in paragraph 5.66 is to ourselves as there are great crested newts in the ponds at Chilton Hall. As we have undertaken recent improvements to the ponds and the surrounding habitats following specialist conservation advice from Suffolk Wildlife Trust, we proposed to Adonis Ecology Limited that an up to date newt survey should be conducted this Spring/Summer in order that up to date information be obtained. We ask that the Scoping Opinion should require such survey in 2009 because of those improvements. We have undertaken a programme of conservation measures in the gardens and grounds to maintain and conserve wildlife and flora, for example, planting trees and hedges, desilting the moat and planting up of wildflower meadows.

In addition to the great crested newts we have other protected species such as kingfishers (which frequent the pond nearest to the development site and the moat), three species of bats and other reptiles. We also have a good selection of birds. Accordingly, we ask that the Scoping Opinion require that the EIS contain an up to date ecological survey conducted in our grounds and gardens as well as the development site to assess the species, in addition to the newts, which will be affected by the noise, lighting, vibration and pollution from the proposed development.

Noise - Paragraph 5.70

A receptor for noise should be required to be located in the gardens and grounds, not just at the house. We suggest that the receptor points are also agreed with our noise consultant, Mr Doug Sharps.

As to noise pollution, in BDC Second Deposit Draft the relevant provisions are:

"EN24 Planning permission will be granted for noise sensitive development, including hospitals, schools and housing, provided that there is no adverse impact from existing noise generating development ..."

*"EN25 Planning permission **will not be granted** for noise generating developments which would cause an adverse impact on noise sensitive development, taking into account existing ambient noise levels for the area ..."*

LP69 is demoted and instead becomes **Para: 2:48a** which provides:

"In determining any proposal where noise may be a problem, the potential for ameliorative works to overcome this will be considered and, where necessary, made the subject of a condition or planning obligation."

The EIS should address with these policies.

Construction noise

The Scoping Opinion and the EIS should specify a detailed programme of construction works in order that the impact of these works can also be assessed. No information is provided as to the envisaged duration of the works. It is not sufficient or satisfactory for the Applicants merely to propose as is done in 5.75 that typical construction plant will be used and best practices to reduce noise will be recommended. This proposed work will need to be assessed.

Further, there should be a detailed description of the planned construction traffic to accord with the various stages of the planned works. It should also be confirmed that there will be no weekend or bank holiday construction working and that any construction work will take place during core hours between 09:00 and 17:00 on weekdays.

Assertions without supporting evidence

Elsewhere in the Scoping Report a number of broad assertions are made without any empirical evidence to support them. The measures referred to below need to be assessed for their impact rather than it being accepted that they have no impact - paragraph 5.80; once the development operational major acoustic impacts will arise from associated HGVs. Fuller particulars should be supplied.

The Scoping Opinion should require the Applicants in the EIS to explain and justify why 24/7 and weekend working is required at the site and for what purpose. How many HGV or van movements are needed to occur in and out of the site during night time hours and for what purpose? As to the mitigation of noise emissions and light pollution, why cannot such night time HGV movements occur during normal working hours?

A much more detailed analysis of what work will be carried out in the buildings and the service yards needs to be provided by the Applicants. For example, notwithstanding the limited description of Prolog's uses in the Scoping Report, it appears that there would be loaded vehicles with reversing alarms, forklift trucks with reversing alarms moving around, and men wheeling trolleys. Electrical vehicles should be required to be supplied to minimise noise and no alarms should be required.

Ground borne vibration

The issue of whether ground borne vibration from HGVs, especially 19 ton articulated lorries, would adversely affect local residential properties should be the subject of independent measurement and assessment rather than accepted on the basis of a "likelihood" assertion. We ask that such vibrations should be assessed. Further, such vibrations may have an adverse impact on the fauna and reptiles.

Call centre

The Scoping Report refers to a future call centre. It should be confirmed that any projected call centre would be located in one or other of the proposed new buildings. If, as we assume, this involves shift workers then car movements will need to be analysed and their impact analysed in the EIS.

Structural tree belt

The EIS should deal with the maintenance and preservation of the tree belt. Any planning application should include the whole of the structural tree belt in order that planning conditions, if thought appropriate, can be imposed. This would not cause the Applicants any difficulty as the structural tree belt is owned by the same entity who currently owns the proposed development site.

Prolog previously intended that the development site would be fenced off within the tree belt by high security fencing and floodlighting for security reasons. The Applicants should be asked to confirm whether or not this is still the case. If so, justification for this should be required.

Policies LP153 and LP33 are relevant to the cycleway and footpath in the structural tree belt.

Light Pollution

The EIS should address the relevant policies. The BDC Second Deposit Plan provides in paragraph 2:46 and Policy EN22 respectively as follows:

"2.46 *There are three elements to light pollution:*

- *Glare – shining into the eyes of drivers and others.*
- *Skyglow – illuminating the night sky.*
- *Spillage – lighting pieces of land that are not meant to be lit.*

Light pollution, whether by keeping people awake at night, or by impeding views of the night sky, is a form of pollution which can be substantially reduced. Light pollution occurs in both rural and urban areas. Light in the form of sky glow and glare can be particularly obtrusive in rural areas. The District Council will produce guidelines for developers to help reduce obtrusive light installations, to safeguard and enhance the night time environment. Policy EN22 will apply to proposals for highway/ street lighting since these also have the potential to cause the problems mentioned above."

"EN22: Applications for planning permission involving outdoor lighting will only be granted where the following criteria are met:

- (a) *The application is accompanied by a detailed lighting scheme which complies with any supplementary planning guidance adopted by the District Council in respect of outdoor lighting;*
- (b) *the proposed lighting is the minimum necessary for security, leisure and safe operation of the site;*
- (c) *light spillage and glare are minimised, particularly where the development is located in the open countryside or on the edge of a settlement;*
- (d) *there is no adverse impact upon **residential amenity, highway safety, landscape characteristics, biodiversity, cultural heritage, or on buildings or areas of architectural or historic quality.***"

Cultural and heritage value

The Scoping Report pays scant attention to the cultural and historic value of St Mary's Church, Chilton Hall, the moat and the gardens and grounds, save to deal with their listing designation. Their listings as respectively Grade I and Grade II identify the 2 buildings as being of outstanding interest which comprise a small proportion, approximately 8%, of all listed buildings.

Chilton Hall and its gardens are a surviving fragment of a large Tudor Mansion built by the Crane family in the sixteenth century. Surrounded by its own brick-lined moat (likely to be scheduled as a historic monument in its own right) and approached by a brick bridge the house is of acknowledged importance, listed Grade II*.

The gardens and grounds are also of acknowledged importance and separately listed, appearing on both the Suffolk County and the English Heritage Register of Historic Parks and Gardens (Grade II). There has been a house at Chilton since the 13th century. Chilton is mentioned in the Little Domesday Book.

The house was previously occupied by Sir Robert Crane, who was a powerful figure in National and East Anglian life. He was MP for Sudbury and sat in the Long Parliament. Robert Walpole our first Prime Minister, was a descendant and one of his friends, John Winthrop, a frequent visitor to the Hall, emigrated to the New World and became the first Governor of the Massachusetts Bay Company.

The Hall is linked historically and visually to St Mary's Church across the fields. Alabaster effigies of Sir Robert Crane and his second wife are to be found in the Church. A footpath along an old farm driftway passes the Hall and crosses falling land to lead to the Church. This is an attractive tree lined walk although the view and setting of the Church has been

compromised by factory sheds along Church Field Road with little landscaping in front of them.

Both the Hall and the Church are mentioned in Pevsner and Eric Sandon's "Suffolk Houses". They are shown on all maps since the sixteenth century where in early editions part of the surrounding land is shown as the Hall's Deer Park.

The quality of the Hall and its listed grounds, the Church, their historic and visual links one with another and the importance of the integrity of the setting of each are repeatedly mentioned in the evolution of the local plan and in the structure plan as referred to below. They are the last links with Chilton's past and are important historic assets. These buildings and their setting tell a story about its past and its connection with notable people and events in Suffolk history.

We make no apology for repeating these facts because we believe in the past these buildings and their setting have been given insufficient weight by the planning officers of Babergh District Council and by Prolog and its previous advisers. It is clear that the proposed development will permanently and irrevocably damage them. This is because of the height, bulk, massing of the buildings and the subsequent light pollution and noise will impact adversely on the setting of both Chilton Hall and, separately its moat, listed gardens and grounds. The proposed development will also impact adversely on the Church and the surrounding historic landscape. We hope now that proper weight will be given by the planning department of Babergh District Council and the Applicants' advisers to these historic assets.

Para 5 of the Scoping Report states that the EIS will have regard to relevant national strategic and local policy. The protection of the historic environment whether individual listed buildings, conservation areas, parks and gardens or the wide historic landscape is a key aspect of these wider environmental responsibilities (see PPG15 para 2:1). It is necessary to consider the relevant Governmental Planning Guidance and Supplementary Planning Policies adopted by Suffolk County Council and BDC. The following policies provide in our view the historic environment policy framework against which the EIS should explain the conformity, or lack of conformity, of the development with the policies and deal with the impact.

a) **PPG15: Planning and the Historic Environment**

This planning guidance policy provides as follows:

"Para 1:1 It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage. They are an irreplaceable record which contributes, ... to our understanding of both the present and the past."

"Para 1:6 The Government urges local authorities to maintain and strengthen their commitment to stewardship of the historic environment and to reflect it in their policies and their allocation of resources, ... Above all, local authorities should ensure that they can call on sufficient specialist conservation advice, ... to inform their decision making."

"Para 2:24 instructs that "planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications".

"Para 2:24 also confirms that "the effect of proposed development on a registered park or garden or its setting is a material consideration in the determination a planning application. Planning authorities should also safeguard registered parts of gardens when themselves planning new development."

The EIS needs to deal with distinct issues, namely the setting of the two listed buildings, i.e. Chilton Hall and St. Mary's Church, and the setting of Chilton Hall's moat and listed gardens and grounds and the surrounding landscape itself, the consideration of which requires an evaluation of a range of different issues.

"Para 2:16 and 2:17 provide that "planning authorities should have special regard to certain matters including the desirability of preserving the setting of a listed building." There are two, namely Chilton Hall and St. Mary's Church.

"Para 2:16 provides further that "The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function". This is the precise situation regarding Chilton Hall.

Para 2:17 provides:

*"in some cases **setting** can only be defined by a historical assessment of a building's surroundings". A proposed high or bulky building might also affect the setting of a noted building some distance away or alter views of a historic skyline."*

All of the above criteria of PPG15 apply directly in whole or in part to:

- Chilton Hall itself;
- the listed grounds which extend right up to the boundary with the proposed development site;
- the Moat as a likely historic national monument;
- St. Mary's Church Chilton.

b) **The Suffolk Structure Plan 2001, the current plan**

Policy ENV1 provides: -

"the character and setting of conservation areas and buildings listed as being of special architectural and/or historic interest will be protected and enhanced.

... New Developments in conservation areas or affecting the setting of listed buildings will be in harmony with their surroundings."

The EIS should explain how the erection of 2 very large sheds 14 metres in height, where articulated HGV lorries will be making deliveries and collections on a proposed 24 hours basis 7 days a week **protects** and **enhances** the setting of St. Mary's Church, Chilton Hall and its listed grounds.

Also relevant is policy ENV3 which provides:

"to conserve and enhance the special character of Suffolk, the local planning authorities will require high standards of siting, design and landscaping in all developments. Designs and layouts should respect the characteristics of their sites and surroundings"

Policy ENV4 provides:

"...Proposals for prominent structures will only be acceptable if the local planning authority is satisfied that they are essential in the countryside, and that the location, siting and design minimises adverse impact on the environment"

The EIS needs to explain how the location, siting and design of the 2 proposed prominent buildings sited on higher land than the surrounding land minimises such adverse impact.

c) **The Babergh Local Plan**

From a historic landscape point of view, the local plan specifically refers to the English Heritage National Register as identifying important historic parks and gardens and to the need to protect them from inappropriate development.

LP75 provides:

*"Development within or the vicinity of parks and gardens of historic or landscape significance which would lead to the erosion of their character and setting will be **resisted**"*

Next we draw attention to **Para 7:19** of the Babergh District Plan Alteration No. 2 Second Deposit Draft May 2003 (hereafter referred to as "BDC Second District Plan") which is headed

Historic Parks and Gardens of Special Historic Interest and provides:

"Nationally there is now a greater appreciation of the importance of historic parks and gardens. A National Register of statutorily protected historic parks and gardens has been produced by English Heritage ... A County Register of locally important sites has been produced by Suffolk County Council. It includes the following sites in the district:

- Chilton Hall, Chilton
- Kentwell Hall, Long Melford
- Melford Hall, Long Melford
- Trinity Hospital, Long Melford; and
- Tendring Hall Park, Stoke by Nayland."

Paragraph 7.19a states:

"The list will be reviewed and added to as appropriate. In order to protect Historic Parks and Gardens, development proposals will be considered against the following two policies:

CN06 *"Development in or adjacent to parks and gardens of historic or landscape significance (listed in the National Register of statutorily protected **historic** parks and gardens) which would lead to the erosion of their character, appearance or setting will be **refused**."*

CN07 *Development in or adjacent to an historic park or gardens, listed in the Suffolk Register of locally important sites, will be expected to preserve or enhance the character of the area. Proposals that lead to the erosion of their character, appearance or setting will be **refused**."*

Chilton Hall and its grounds appear on both lists. It is clearly not in dispute that the proposed development is in the vicinity of an important historic park and gardens and an area of landscape significance.

Para 7.22 of the Babergh Local Plan Alteration No 2 states that the Planning (Listed Buildings and Conservation Areas) Act 1990 "places a duty on LPA to 'have special regard to the desirability of preserving the [listed] building or its setting ...'. The District Council will only grant planning permission for development ... which satisfy this obligation".

BDC's policy therefore is only to grant planning permission for proposals that preserve the setting of a listed building.

Further LP79 provides further protection for listed buildings such as Chilton Hall and St. Mary's Church. That policy provides:

"when considering proposals for development in the vicinity of a listed building, special attention will be given to the need to protect its setting and where appropriate to prevent the sub-division of its grounds or curtilage"

The EIS should therefore include a historic landscape assessment.

Also, regard should be given in the EIS to the conservation principles contained in the English Heritage publication entitled "Conservation Principles, Policies and Guidance for the sustainable management of the Historic Environment". According to those principles, the EIS should deal in detail with the evidential, historical, aesthetic and communal value of St Mary's Church, Chilton Hall, moat, its gardens and grounds and the surrounding historic setting and landscape; and

Planning policy statement - (1) Delivering Sustainable Development (2005); and

The European Landscape Convention which has been ratified by the UK.

Public and Expert consultation

A number of expert conservation consultees and societies opposed the previous Prolog application for reserved matters consent. This proposed development is very similar. A number of those organisations can provide expert advice to BDC and we are concerned that they should be consulted before BDC issues its Scoping Opinion. We assume BDC are still consulting the Institute of Environmental Management. Perhaps you would confirm this.

We hope that the organisations listed below have already been consulted by you but, if they have not, we ask please that you ask the Applicants to agree to extend the time for BDC to issue the Scoping Opinion. No prejudice will be caused to the applications by such an extension. Those organisations are:

- English Nature
- English Heritage
- The Garden History Society
- Chilton Parish Council (to whom we refer below)
- The Sudbury Society
- The Churches Conservation Trust (responsible for St Mary's Church)
- The Trustees of St Mary's Church Chilton
- The Suffolk Preservation Society
- The Suffolk Gardens Trust

Suffolk Wildlife Trust
The Suffolk Walled Garden Society.

We assume Suffolk Primary Care Trust have been consulted. Recently we learned from the Chairman of Chilton Parish Council, Mr P Clifford, that the Parish Council had not been consulted by BDC with regard to the Scoping Report. Mr Clifford has since requested a copy from you. However, this gives Chilton Parish Council very little time to reply to you before 26 March, when you are due to issue your Scoping Opinion. This is another reason why we ask you to extend the time for issuing the Scoping Opinion.

As you are aware in scoping, the consultation with interested parties and the public forms an important part of the process to ensure that all the impact, issues, concerns, alternatives and mitigation which interested parties believe should be considered in the EIA are addressed. The Aarhus Convention on Access to Information, Public Participating in Decision Making and Access to Justice in Environmental Matters recognises the importance of public consultation at scoping and other stages in the EIA. The Aarhus Convention was ratified by the UK in February 2005 and creates obligations in relation to access to information, public participation in decision making and access to justice in environmental matters. The European Commission made a number of directives to ensure that European law was consistent with this Convention, including the public participation directive. As a result of the public participation directives, the UK EIA regulations have been amended. We ask you please therefore to confirm to us that the following interested parties who may be affected by the development have also been consulted and, if they have not, that BDC will now do so:

The occupiers and residents of the houses known as 1-5 Hilltop, the occupiers and residents of the properties which are situated along Waldingfield Road which overlook the northern end of the site, the occupants of St Mary's Close and other nearby streets.

Have any steps been taken by BDC to publicise the Scoping Report as suggested in Guidance on EIA scoping? If not, please could you explain why it has been considered appropriate by BDC not to take any such steps?

As required, the EIS should include an outline of the main alternatives to this site and the main reasons for the choice of this site in preference to others by the Applicants. Further, the EIS should contain with regard to mitigation measures why the Applicants require these buildings to be so large and so high, particularly in the light of the existing configuration and height of the Prolog existing buildings elsewhere in the Chilton Industrial Estate and, in particular, why the Applicants have not proposed to excavate the site in order to lower the buildings.

Structure of the EIS

It is clear from the Scoping Report that St Mary's Church, Chilton Hall and the gardens and grounds will be adversely affected by the proposed development. In addition to the required non-technical summary, we ask therefore that rather than having to search through the various separate sections on visual impact and heritage, noise, light pollution, construction, vibration, waste, ecology, etc, in addition to the various chapters dealing with all those headings there be included an additional chapter. That chapter should pull together into one chapter for ease of reference all the cumulative types of impacts and effects of the proposed development upon St Mary's Church, Chilton Hall, the moat, gardens and grounds. This will make it much easier for us and other readers, consultees and interested parties to understand the adverse impacts of the proposed development on the listed buildings, and the gardens and grounds and their setting.

If you have any queries on this consultation response, please do not hesitate to contact us.
Please would you acknowledge safe receipt by email.

Yours faithfully

Lord and Lady Hart of Chilton

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