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

DX NO: 85055 Exchange: Babergh
Main Switchboard: **01473 822801**
Website: www.babergh.gov.uk

2004-2005 Supporting People
2006-2007 Waste and Recycling
2006-2007 Culture and Sport for Hard to Reach Groups

Nathaniel Lichfield and Partners
Third Floor
One St James Square
Manchester
M2 6DN

Your Ref: 11527/JG/NM/393600v1
My Ref: B/08/00964/ENQ

Please ask for: Mr Ward
Direct Line: 01473 825851
Fax: 01473 825708
Email: nick.ward@babergh.gov.uk

13 May 2009

Dear Mr Matta

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 agreeing to extend the time available for the provision of the District Council's Scoping Opinion.

This letter constitutes the District Council's Scoping Opinion in relation to an Environmental Impact Assessment that is to be undertaken for the construction of two detached industrial buildings on land at Church Field Road, Sudbury, and is made following the submission of your request under Article 10 of the above Regulations dated 18 February 2009.

The Scoping Opinion outlines the matters that the District Council considers should be addressed by the Environmental Impact Assessment (EIA) and included within the Environmental Statement (ES) that is to be prepared to accompany the planning application.

I confirm that I am duly authorised to adopt this Scoping Opinion on behalf of the District Council.

Background

The Screening Opinion adopted by the District Council on 20 December 2007 provides a comprehensive overview of the key environmental issues surrounding the proposed development of the site, and an indication of the matters to be addressed in any EIA. In response to the submission of your Scoping Report, however, the following observations have been made by the consultation bodies that the District Council was required to contact in accordance with Regulation 12 and other individuals and organisations. A list of those who replied appears in Annex One, and copies of the responses received appear in Annex Two.

Development Description and Consideration of Alternatives

The ES will need to describe the site and surroundings and provide an account of the baseline conditions. While the Scoping Report provides an outline of the potential size and height of the development, the ES will need to provide an assessment based upon minimum and maximum size and height parameters. The ES should also provide an account as to why the intended site configuration has been chosen and is considered to be appropriate in comparison with alternative

layout solutions. In addition the ES should give consideration to the selection of alternative sites within the area, and their suitability for development. In our experience those compiling an ES often inadequately address the consideration of alternative sites and design solutions.

In relation to the construction phase, the ES will need to provide an account of the building activities likely to be involved, the intended duration, the phasing arrangements (if any), and the likely vehicle movements involved. You should also specify the intended hours of work, the number of people likely to be employed and provide details of any plant to be used and areas to be formed as construction compounds. Turning to the operational phase, you should provide further clarification in connection with the nature of the intended uses in so far as they relate to the classes specified by the Town and Country Planning (Use Classes) Order, 1997, and provide sufficient detail so that the potential impacts can be fully assessed.

Planning Policies

While the Scoping Report contains reference to the planning policy background the ES will need to assess the proposals against national, regional and local planning policies in so far as they relate to the proposed development either in a separate chapter, or as part of each subject chapter. You may also consider it appropriate to produce a separate Planning Statement to accompany the application.

Traffic and Transport

The methodology outlined in your Scoping Report would appear to be acceptable to the Local Highway Authority and does not give rise to any particular issues as indicated in their response.

As you will be aware from the content of our Scoping Opinion dated 20 December 2007 consideration is required to the potential impact of the development in traffic terms upon the community hospital proposed on the adjacent site. While it is acknowledged that there are no specific proposals for this site, and the provision of healthcare within the area is still subject to discussion by the Primary Care Trust, as a useful starting point the ES should give consideration to recent approaches to community health care provision nationally. It may therefore be useful to consider the possible establishment of a 'super' surgery or polyclinic on the site which I am led to believe are usually designed to accommodate up to 25 GP's and support staff and can contain around 12 consulting rooms in order to 'test' the possible impacts. As identified by the Scoping Report, the ES will also need to consider the cumulative traffic impact of the proposals in conjunction with the intended mixed-use development at Chilton Woods to the north-west of the site.

In addition to the completion of the Transport Assessment within the ES I would remind you that a Travel Plan should accompany the planning application.

Noise and Vibration

The ES will need to consider the possible incidence of noise and vibration during the construction and operational phases and outline the intended mitigation measures.

As already indicated, the length of the construction period, the hours of construction and, implementation programme will need to be specified. You should also clarify whether any specialist plant or equipment will be used during the construction period. Please note BS 5228:1997 in relation to the assessment of construction noise has been withdrawn and has been replaced by BS5228: 2009.

In relation to the operational phase, the ES will need to assess noise and vibration arising from all fixed plant and equipment, and the movement of vehicles in the parking, loading and unloading areas. While BS4142: 1997 would appear to be appropriate for the assessment of noise from fixed plant and equipment, it is not appropriate for the assessment of noise generated from operations in service areas. It will therefore be necessary to adopt an appropriate methodology.

Air Quality

In addition to assessing any possible impacts to air quality during the construction and operational phases, the ES will need to assess the significance of any pollutants and outline the proposed mitigation measures if necessary. As you will note from the comments made by my environmental health colleagues, proposals to monitor and record background levels should be discussed in advance with the District Council. Please note that monitoring at Burroughs Piece Road and Newton Road, Sudbury ceased in Spring 2006.

Archaeology

Notwithstanding the content of our Screening Opinion dated 20 December 2007, and the comments contained within your Scoping Report, the County Archaeologist has subsequently indicated that there is evidence of further Iron Age activity beyond the areas originally evaluated in 1996. As such it has been suggested that the ES needs to include an assessment of the development's impact upon archaeological deposits in areas that have not hitherto been excavated. Depending upon the outcome it will of course be necessary to outline the intended mitigation measures.

English Heritage have also commented that the moat surrounding Chilton Hall is considered to be of national importance, and although not afforded scheduled status, the impact of the development upon its setting should be assessed within the ES.

Cultural Heritage

The medieval Church of St Mary, listed Grade I, lies immediately to the south east of the site. To the north is Chilton Hall, a moated site with a house that 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 1930's.

The impact of the development upon the setting of these sites in terms of its extent and significance should, therefore, be fully considered within the ES. In this respect I would draw your attention in particular to the comments made by English Heritage in the third and fourth paragraphs of their letter dated 12 March 2009 in relation to the assessment of possible impacts. Depending upon the outcome of the assessment it will of course be necessary to outline the intended mitigation measures.

Your attention is also drawn to the comments made by The Churches Conservation Trust, Suffolk Preservation Society, and Chilton Parish Council in relation to the potential impact of the proposals upon these important listed buildings and the need to preserve their settings, and those made by Lord and Lady Hart.

Landscape and Visual Amenity

It is noted that a landscape and visual assessment will be undertaken as part of the EIA process. In addition to assessing the potential impact of the proposals upon the sensitive receptors identified above, consideration is also required as to the potential impacts on other receptors as outlined in the Scoping Report. As you are aware the *'Guidelines for Landscape and Visual Assessment'* produced by the Landscape Institute and Institute for Environmental Assessment and Management outline the appropriate methodology. In undertaking the landscape and visual assessment careful consideration will need to be given to the impact of lighting on the environment.

In view of the proximity of public footpaths to the development site consideration will need to be given to the impact of the proposals upon informal recreational opportunities in the area and the enjoyment of the adjacent countryside and outline any intended mitigation measures. As you will be aware the structural planting belt surrounding the site is the subject of a Tree Preservation Order.

Ecology

As indicated in our Screening Opinion, the appropriate surveys will be required to determine the presence or otherwise of protected species. While the Screening Opinion identified possible presence of Common Lizards and Great Crested Newts, the Suffolk Wildlife Trust also consider survey work is required to establish the possible presence of ground nesting birds, such as Skylarks. I am aware that you have discussed the proposals with the County Ecologist and it is noted that the Scoping Report makes reference to further survey work being undertaken to establish the presence of Great Crested Newts, Common Toads and Bats. I therefore trust the relevant information will be incorporated into the ES. As you will be aware Circular 06/2005 indicates at paragraph 99 that the presence or otherwise of protected species, and the extent to which they may be affected by proposed development, should be established before a planning application is determined.

It is noted that careful consideration is to be given to design of any lighting to reduce the impact on the Bats and that opportunities to enhance bio-diversity are to be explored.

Lighting

In view of the proximity of the site to important listed buildings and the open countryside, and the possible presence of protected species, the ES should give specific consideration to the impact of lighting and outline any intended mitigation measures.

Socio Economic Considerations

In addition to the issues you have identified in the Scoping Report, the ES will need to give detailed consideration to the duration of construction period and the need for raw materials. The ES should also consider the use that is to be made of resources during the operational phase and the means by which they can be conserved.

While it is not a specific requirement of the EIA regulations, it is desirable that consideration be given to the risk of accidents and the general environmental effects in the unfortunate event that an incident should occur.

Waste Materials

The ES should contain information relating to the disposal of material during the construction period and upon subsequent operation and identify potential disposal sites and the distances involved. As a matter of good practice a Site Waste Management Plan should also accompany the planning application.

Ground Conditions

The approach you are proposing to adopt raises no particular issues. My colleagues have confirmed that given the intended use of the site a full investigative survey in line with the provisions of PPS23 *'Planning and Pollution Control'* will not be required.

Water Quality, Flooding and Drainage

The site falls within Flood Zone 1 as defined by PPS25 *'Development and Flood Risk'* and as such there is a low risk of flooding. I would, however, draw your attention to the comments made by the Environment Agency and the need to ensure that your flood risk assessment focuses upon the proposed surface water drainage arrangements. As you will note from the attached correspondence they prefer the use of Sustainable Urban Drainage Systems (SUDS) but have provided detailed comments on the design of any subsequent surface water drainage system.

The site is located within Source Protection Zone II designated by the Environment Agency for the protection of ground water. As such there is a risk that pollutants could enter the public water supply.

It is therefore imperative that pollution control measures are in place both during construction and operational phases. This will need to be discussed in the ES. The Environment Agency has also indicated that there will be a need to bund storage tanks and incorporate interception facilities within the drainage systems to prevent pollution to the water environment.

Environmental Statement

In preparing the Environmental Statement I would draw your attention to the relevant requirements. As a minimum Schedule 4, Part 2 of the Regulations requires that an Environmental Statement should contain:

1. A description of the development comprising information on the site, design and size of the development.
2. A description of the measures envisaged avoiding, reducing and, if possible, remedying significant adverse effects.
3. The data required to identify and assess the main effects, which the development is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4.

The suggested arrangement of the ES as outlined in paragraph 6.2 of your Scoping Report would appear to be acceptable but it may be appropriate to give further consideration to the communication of the EIA findings into a concluding chapter.

Planning Application

The following documents will need to accompany any subsequent planning application unless the relevant information is to be incorporated into the ES. These include:

- Air Quality Assessment
- Bio-diversity Survey and Report
- Economic Assessment
- Flood Risk Assessment,
- Foul Drainage and Utilities Assessment
- Landscaping Details
- Lighting Assessment
- Noise Assessment
- Parking Assessment
- Planning Statement
- Site Waste Management Plan
- Transport Statement, and
- Travel Plan.

In accordance with the Town and Country Planning (General Development Procedure) Order, 1995 (as amended) a Design and Access Statement will also need to be submitted with the planning application.

Further advice on the submission of planning applications can be obtained by referring to our document, 'Planning Applications: Local Validation Requirements' which can be inspected via the planning information pages on our website.

In order to assist the District Council with the registration of the proposed planning application I should be grateful if you would submit 14 sets of the relevant documents as hard copies and a further 18 sets in electronic form.

As I am sure you will appreciate the comments contained within this letter are made without prejudice to the eventual determination of the planning application or the need to request the submission of further environmental information under the provisions of Regulation 19 should the need arise.

Yours sincerely

N J Ward
Chief Planning Control Officer

enc.