

**FORMAL SCOPING  
OPINION UNDER  
REGULATION 10 OF THE  
TOWN AND COUNTRY  
PLANNING  
(ENVIRONMENT IMPACT  
ASSESSMENT)  
(ENGLAND AND WALES)  
REGULATION 1999 (SI  
1999 NO293)**

In respect of the:

**IMPROVED RAILWAY  
STATION FACILITIES, A  
FOODSTORE (32,000  
SQ.FT. GROSS),  
APPROXIMATELY 145  
RESIDENTIAL APARTMENT  
AND ASSOCIATED CAR  
PARKING.**

Located at the:

**LAND AT AND ADJOINING  
VIRGINIA WATER  
STATION – centred at  
500074 Easting and  
167893 Northing**

Adopted by:

**Runnymede Borough  
Council**

## Approval Sheet and Foreword

FORMAL SCOPING OPINION FOR THE EIA PROPOSED IMPROVED RAILWAY STATION FACILITIES, A FOODSTORE (32,000 SQ.FT. GROSS), APPROXIMATELY 145 RESIDENTIAL APARTMENT AND ASSOCIATED CAR PARKING.

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Issued to: Rapleys LLP		Case N°: P33.33.001
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### FOREWORD

1. This opinion has been prepared by Runnymede Borough Council with all reasonable skill, care, and diligence within the terms of its duty and within the limitations of the resources devoted to it by agreement of the Council.
2. It is based on the information provided to Runnymede Borough Council by the developer and the comments and opinions resulting from consultations with the developer and other consultation bodies prior to adopting this opinion.
3. This opinion is made freely available to members of the public and Runnymede Borough Council accepts no responsibility whatsoever for comments made by third parties whom this opinion references. Neither does Runnymede Borough Council accept responsibility whatsoever to third parties to whom this opinion, or any part thereof, is made known. Any such party relies upon the opinion at their own risk.
4. The fact that Runnymede Borough Council have given this opinion shall not preclude them from subsequently requiring the developer to submit further information in connection with any submitted development application to the council.
5. This opinion shall not be used for contractual purposes or as a statement of opinion unless signed above by the author and the approver for and on behalf of Runnymede Borough Council, and unless the report status is 'Final'.

## Distribution Sheet

FORMAL SCOPING OPINION FOR THE EIA PROPOSED IMPROVED RAILWAY STATION FACILITIES, A FOODSTORE (32,000 SQ.FT. GROSS), APPROXIMATELY 145 RESIDENTIAL APARTMENT AND ASSOCIATED CAR PARKING.

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## 1. Introduction

- 1.1 This chapter provides an overview of the process carried out by Runnymede Borough Council in order to arrive at its scoping opinion for the proposed Environmental Impact Assessment (EIA) development of the land at and adjoining Virginia Water station. The following information sets out:
- background information on the EIA scoping opinion process;
  - an outline of the approach to scoping used for this request;
  - the results of the consultation process undertaken; and
  - the finalised scope of the EIA, including reference to sustainable development and an Appropriate Assessment.

## 2. Background to Scoping

- 2.1 EIA is a procedure that attempts to ensure that prior to any development decision likely to have significant effects on the environment being made by a competent authority, those effects are fully understood and taken into account by the competent authority. The roots of EIA are within the accepted principals of sustainable development – both at an international level and a national level.
- 2.2 Scoping forms a component within the overall EIA process, and attempts to identify all of the possible environmental impacts that a development project might cause, and then subsequently determine which of those impacts are likely to be significant and which therefore require detailed investigation in the EIA.
- 2.3 Although not legally required by EIA Regulations, scoping is seen as an undoubtedly important facet of the EIA process. Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No294) forms the basis for this procedure for any “person mindful to make an EIA application” to ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement (SE) (a “scoping opinion”).
- 2.4 **It should be noted that the fact that a LPA has adopted and issued this opinion in relation to the scope of an EIA, shall not preclude the LPA from subsequently requiring the developer to submit further information as part of any future planning application.**

## 3. Scoping Methodology

- 3.1 A scoping exercise was initiated following a request received 20<sup>th</sup> September 2005, under regulation 10 as described above from Rapleys LLP to Runnymede Borough Council (see Annex 1 – Rapleys LLP Scoping Request and Information). This EIA Scoping Opinion has been prepared, adopted and issued by Runnymede Borough Council in response to this request.
- 3.2 The scoping opinion development exercise involved a number of stages of inquiry, and these are set out in the following paragraphs.
- 3.3 Initially, an analysis of the request and the information supplied by the applicant was carried out. This information relating to the preparation of an environmental statement (ES) in support of a possible planning application, in respect of the redevelopment of the proposal site located as indicated on the attached site location map. Based on the information supplied by Rapley LLP (included in Annex 1 – Rapleys LLP Scoping Request and Information), that indicates that the proposal will potentially comprises of “improved railway station facilities, a foodstore (32,000 sq.ft gross), approximately 145 residential apartments and associated car parking.”
- 3.4 An analysis of a recent EIA Screening Opinion for this possible development provided

- an initial impact checklist used during the early stages of the scoping exercise. Impact checklists list potential environmental impacts of a project, topic-by-topic, and in this case a logical starting point.
- 3.5 The scope of the EIA must, of course, reflect the development proposals in question and the nearby land uses and their environmental attributes that might be affected by the development. The EIA Scoping Opinion endeavours to consider these factors, and used this information to tailor the scope of the EIA accordingly.
- 3.6 The information on the environmental attributes of the development site and its surroundings was obtained from a number of sources, including *inter alia*:
- Environmental Screening Opinion – Virginia Water Station, March 2005;
  - Runnymede Borough Local Plan Second Alterations: Further Proposed Modifications (Inquiry Summary) December 2000;
  - Runnymede State report 2004;
  - Proposals Map from Runnymede BC LDP (Second Alteration - Adopted 2001);
  - Environment Agency, *What's In My Back Yard?* website (water resources, flooding, contamination, and waste information); and
  - Interactive Maps, from Surrey Maps & Data website.
- 3.7 By combining the impact checklist, limited information on the development proposals and environmental attributes, and a degree of reasoned professional judgement, including consultee replies, and comments, the scope of the EIA was then proposed. All responses received are documented within the chapter 6, with copies within Annex 2 – Consultation Responses.
- 3.8 Ensuring that the process provides comprehensive coverage of likely issues has been assisted by the scoping methodology using both qualitative and quantitative data and information to help identify potentially positive and negative, direct and indirect, significant environmental impacts.

#### **4. The EIA Scoping Opinion**

- 4.1 The EIA Scoping Opinion has two primary purposes:
- to help facilitate the EIA process; and
  - to assist Runnymede Borough Council to undertake the request by the applicant under Regulation 10 of the EIA Regulations to provide a formal Scoping Opinion on the propose development.
- 4.2 The EIA Scoping Opinion was adopted and issued to the developer on 14 November 2005.
- 4.3 The EIA Scoping Opinion informs the proposed overall EIA methodology and is based on the information supplied to Runnymede Borough Council as referred to above, and provides very basic information on the environmental attributes of the site and its surroundings. Any eventual ES shall provide a description of the environmental features covering the following:
- general overview;
  - effects on human beings and settlements;
  - nature conservation (flora and fauna) ecology;
  - soils, geology and contaminated land;

- hydrology, water quality and resources;
- air quality and climate;
- landscape and visual environment;
- material assets, archaeology and cultural heritage;
- traffic and transportation;
- noise and vibration; and,
- any interactions between the factors mentioned in the above indents.

## 5. Brief Site Details

- 5.1 The proposed development site is located on Christchurch Road at its junction with Virginia Water Railway Station. It is bounded by Christchurch Road to the north, the Reading to Waterloo railway line to the east, Station Parade to the west and the Riverside Walk SNCI and proposed Local Nature Reserve to the south. The site lies to the east of the Virginia Water conurbation.
- 5.2 The site comprises currently of an established rail facility and associated parking including a Council owned and run car park. The site comprises mainly hard cover and some existing structures, separated by a line of tree vegetation connected to the Riverside Walk site to the south.

## 6. Consultation

During the scoping process, formal consultation occurred with the relevant statutory agencies and authorities and other relevant parties seen to have an interest in the future planning and expertise in the environmental issues relevant to this site. A list of the consultees contacted, and a summary of their responses to the EIA Scoping Report, are detailed below in Table 6.1.

*Table 6.1 Summary of formal responses to the EIA Scoping Request*

<b>Consultee</b>	<b>Topics for consultation</b>	<b>Response</b>
English Nature	SPA and cSAC conservation objectives	<ul style="list-style-type: none"> <li>▪ The site is within 5km of the Thames Basin Heath Special Protected Area (SPA) classified on 9<sup>th</sup> March 2005. Based on standing advice from the Government's statutory nature conservation advisor (English Nature) the Council will undertake an appropriate assessment of the implications of the development on the SPA, in light of the site's conservation objectives.</li> <li>▪ See Annex 3 - Conservation objective for the European Interest on the SSSI</li> </ul>
Environment Agency	Surface water drainage and SUDS	<ul style="list-style-type: none"> <li>▪ A surface water strategy would be required that should show runoff controlled on-site, use of SUDS, and no effects on downstream sites or watercourses including adjacent SNCI.</li> </ul>
	Contamination	<ul style="list-style-type: none"> <li>▪ Ensure no impacts of remediation of contaminated land on groundwater.</li> </ul>
Highways Agency	Transportation	<ul style="list-style-type: none"> <li>▪ No comments received.</li> </ul>
Rapleys LLP	All	<ul style="list-style-type: none"> <li>▪ No comments received.</li> </ul>
Runnymede Borough Council	Parks and amenities	<ul style="list-style-type: none"> <li>▪ Water quality reaching the Riverside Walk SNCI (proposed LNR) - Current and predicted development induced water quality, total volume</li> </ul>

		<p>and fluctuations in flow of water reaching the adjacent Riverside Walk.</p> <ul style="list-style-type: none"> <li>▪ Construction and final use waste impact on the SNCI</li> <li>▪ Visual impact of a four storey building in close proximity to SNCI</li> <li>▪ Planting of development site borders could introduce alien species to the SNCI</li> <li>▪ Include information on provision of alternative greenspace - Increased number of potential new users of the SNCI may be over capacity and could impact on the site, for example through dog fouling.</li> </ul>
	Urban design	<ul style="list-style-type: none"> <li>▪ Visual impact survey would be required to assess impact on the surrounding development and natural areas.</li> <li>▪ The application should be supported by a design statement.</li> </ul>
	Economics	<ul style="list-style-type: none"> <li>▪ No comments received.</li> </ul>
	Contamination and geology	<ul style="list-style-type: none"> <li>▪ Contaminated land remediation strategy should include assessment of the impacts of the Environment Agency pollution incident, the former gasworks site, and the former railway sidings.</li> </ul>
	Noise	<ul style="list-style-type: none"> <li>▪ The construction will occur close to local residents and an application for a prior consent under the control of pollution act 1974 would be preferred.</li> <li>▪ Operational noise should be investigated, showing the extent to which it will increase background noise levels locally, and appropriate mitigation outlined.</li> <li>▪ A full noise report, having regard of PPG24, for the new development should include information dealing with the close proximity of the railway line. It is suggested that no residential development occurs within 15m of the rail track due to vibration, noise, and hot metal debris.</li> </ul>
	Recycling	<ul style="list-style-type: none"> <li>▪ Reprovision of the bring-to recycling site should be included in the application, including suitable access for vehicles to bring and recover recyclables.</li> <li>▪ The design of the residential accommodation should give information on the provision of recycling facilities for residents.</li> </ul>
Surrey Wildlife Trust	Ecology, Flora and Fauna	<ul style="list-style-type: none"> <li>▪ Surveys should be done at the appropriate time of year for the target species and over the required period of time. Any constraints that affected the surveys should be noted. The Institute of Environmental Management and Assessment provides guidelines for the methodology etc.</li> <li>▪ Ecological survey of Trumps Mill SNCI and surrounding areas and suggested measures to limit/ compensate for potential impacts - the area to the west of SNCI beside the railway and to south of Waterloo Bridge and Fernbank Farm has been highlighted as having potential ecological value, as well as adjacent areas of open land.</li> <li>▪ An in depth ecological survey and suggested measures to limit/ compensate for potential impacts on Riverside Walk SNCI (including adjacent open land) - including disturbance of birds, impact on streams and ditches, and contaminated land, and any as yet un-surveyed protected species. Opportunities for enhancement of BAP habitat should be investigated.</li> <li>▪ A long term management plan should include a monitoring programme and specifies timescale and responsibilities of management prescriptions.</li> </ul>
Surrey County Council (Transportation)		<ul style="list-style-type: none"> <li>▪ Sufficient information has been provided to the developer and their consultant through a meeting and subsequent phone calls regarding transport.</li> <li>▪ A transport assessment should be submitted addressing the accessibility of the site by non-car modes, the impact of the development on the highway safety and capacity, whilst taking into account committed development within the vicinity of the site (St Anne's School etc).</li> <li>▪ A travel plan should be submitted as part of the application.</li> </ul>
Surrey County Council (Environmental Assessment)	EIA procedure	<ul style="list-style-type: none"> <li>▪ Consult LPA regarding proposed approach to EIA and format of draft Environmental Statement (ES) once it has reached a stage at which this would be of value to the preparation of the final report.</li> <li>▪ Presentation of the ES should be clearly cross-referenced to the relevant plan sections. A lever-arch file with a separate non-technical</li> </ul>

		summary aids consultation and cross-referencing.
	Visual impacts	<ul style="list-style-type: none"> <li>Elevation drawings or photomontages should show the relationship between the proposed development and the existing surrounding development, particularly how effects on local residents have been taken into consideration in the design, scale, massing, bulk and visibility of proposed development.</li> </ul>
	Cumulative impact	<ul style="list-style-type: none"> <li>Clarify approach – what good practice will be used.</li> </ul>
	Noise	<ul style="list-style-type: none"> <li>Development should comply with requirements of PPG24.</li> </ul>
	Lighting	<ul style="list-style-type: none"> <li>Clarify approach – what policy and legislative context is required and what good practice will be used.</li> </ul>
	Greenbelt	<ul style="list-style-type: none"> <li>Although the site is in an urban area of Virginia Water, Green Belt land lies to the south therefore this should be considered in terms of visual impact.</li> </ul>
Virginia Water Residents Association	Traffic and parking	<ul style="list-style-type: none"> <li>Transport assessment consider the number of parking spaces and increased volume and duration of traffic flow resulting from additional residents, shoppers and delivery vehicles associated with the food store, in already congested area</li> <li>Transport assessment consider the loss of 2<sup>nd</sup> access onto Christchurch road effects on traffic flow, in already congested area</li> </ul>

## 7. Scope of EIA

7.1 Following the consultation period which commencing 20 September 2005 which included a 3-week extension of time in order to allow for the receipt of responses from a number of statutory and non-statutory bodies and agencies, the issues described within this paragraph are considered to lead to possible environmental impacts that the development project might cause.

7.2 Consequently, a determination of those impacts that are likely to be significant and which therefore require detailed investigation in the EIA within the ES are therefore scoped in. The scope of the ES for the proposed EIA development is presented below in Table 7.1. **Applicants are advised to refer to the consultation response table above and its supporting copies contained within Annex 2 Consultation Responses in order to establish specific referenced methodologies, including reports, studies, etc, by which the following potential environmental effects are to be investigated.**

7.3 Under existing EU and UK procedures, references to cumulative effects can be found respectively in Annex IV of the amending EIA Directive and Part 1 of Schedule Four (4) of the Town and Country Planning EIA Regulations, and the Conservation (Natural Habitats & C.) Regulations 1994. Applicants are therefore advised that consideration of two types of Cumulative Impact of the any application proposal shall be required as part of a complete ES in support of an EIA development and an AA, these are:

- combined effects of different types of impact, for example, noise, dust and visual impacts, from any application proposal on a particular receptor known as 'impact interactions'; and,
- impacts from several developments which individually might be insignificant, but when considered together, could amount to a significant Cumulative Impact.

Table 7.1 Finalised opinion of the scope of ES for the proposed EIA development

Topic	Potential Environmental Effects/Issues	Scoped	Scoped	Reason for Scoping Out
		In	Out	
Effects on human beings	<ul style="list-style-type: none"> <li>Passengers using station facilities during construction</li> </ul>	✓		

	<ul style="list-style-type: none"> <li>Noise and vibration;</li> </ul>	✓
Ecology, Fauna and Flora	<ul style="list-style-type: none"> <li>Potential indirect and cumulative impacts on Thames Basin Heath SPA and Thursley, Ash, Pirbright and Chobham cSAC site</li> <li>Potential for disturbance or loss of habitats, protected or endangered species;</li> <li>Potential for disturbance or loss of non-recorded protected or endangered species;</li> <li>Impact of run off on downstream SNCI;</li> <li>Direct impacts of disturbance to the SNCI from an increase of people accessing the site from the new development;</li> <li>Indirect effect of mobilisation of contaminants and accidental spillages during site enabling, construction;</li> </ul>	✓ ✓ ✓ ✓ ✓ ✓
Soil, Geology and Contamination	<ul style="list-style-type: none"> <li>Risk of the contamination being present, due to EA pollution event, railway sidings and former gasworks;</li> </ul>	✓
Water / Hydrology	<ul style="list-style-type: none"> <li>Risk of contamination of surface and/or ground waters during construction (e.g. due to spillage or the disturbance of contaminated land).</li> <li>Risk of ground water and surface water contamination from operational activities.</li> </ul>	✓ ✓
Landscape, Land Use (including public rights of way) and Visual Effects	<ul style="list-style-type: none"> <li>Increased usage of amenity areas outside of site;</li> <li>Visual impact of buildings and associated lighting resulting in changes to the views from surrounding areas or rights of way;</li> <li>Alterations to the landscape character of the site and surrounding area;</li> <li>Introduction of new infrastructure and buildings;</li> <li>Introduction of alien plant species to SNCI</li> </ul>	✓ ✓ ✓ ✓ ✓
Noise	<ul style="list-style-type: none"> <li>Potential direct, and indirect and impacts to the users, and non-users during the operational phase of the proposal.</li> <li>Changes in noise level due to operational activities on site; and,</li> <li>Changes (if any) in noise due to additional road traffic during construction and operation.</li> </ul>	✓ ✓ ✓
Traffic and Transportation	<ul style="list-style-type: none"> <li>Impact of highway safety and capacity during construction and operational phases</li> <li>Increase in traffic in local area, including Christchurch road access during construction and operational phases</li> </ul>	✓ ✓
Interrelationships between effects	<ul style="list-style-type: none"> <li>Opportunity to take a comprehensive approach to the site redevelopment and look at the cumulative impacts on all topic areas.</li> </ul>	✓

7.4 The EIA should identify all possible environmental impacts that a development project might cause, and its methodology should use both qualitative and quantitative information to identify significant environmental impacts including; potential positive,

negative, direct, indirect and cumulative. Where, significant environmental effects have been identified, the EIA should propose mitigation and monitoring measures.

7.5 The applicant is advised to include the information referred to in 4.5 above within any ES submitted in support of this application -:

- general overview;
- effects on human beings and settlements;
- nature conservation (flora and fauna) ecology;
- soils, geology and contaminated land;
- hydrology, water quality and resources;
- air quality and climate;
- landscape and visual environment;
- material assets, archaeology and cultural heritage;
- traffic and transportation;
- noise and vibration; and,
- any interactions between the factors mentioned in the above indents.

## **8. Environmental Baseline and Required Information**

8.1 The establishment of the environmental baseline and setting any environmental benchmarks for consideration within the ES shall be formulated through consultation with the relevant statutory bodies. It shall be expected that applicants consult the relevant statutory bodies, who will be expected to provide information useful to an applicant.

8.2 At present, no indication of the nature of the development other than a likely mix of uses has been given. If an outline planning application were to be submitted in support of this proposal, the requirements of the EIA project Circular 2/99 should be noted by the applicants:

*“48. Where an EIA is required for a planning application made in outline, the requirements of the Regulations must be fully met at the outline stage since reserved matters cannot be subject to EIA. When any planning application is made in outline, the local planning authority will need to satisfy themselves that they have sufficient information available on the environmental effects of the proposals to enable them to determine whether or not planning permission should be granted in principle.”*

8.3 Information within the ES relating to impacts and their prediction shall include,

- Impact prediction:
  - methods;
  - assumption and underlying rationale;
  - fact, interpretation of facts, opinions, judgments based on facts;
  - confidence limits associated with the prediction; and
  - the characteristics and dimensions of the impacts – ie: nature, magnitude, extent, timing, duration, reversibility, likelihood and significance.

- Impact uncertainty:
    - worst case;
    - impact range; and
    - risk assessment.
- 8.4 Establishing the significance of impacts can inevitably be contentious as it often involves value judgments and expert interpretation. It is therefore prudent that any significance criteria is established on a transparent methodology based on official standards, legislation, policy and expert opinion, which would allow the reader to reach their own conclusions.
- 8.5 Mitigation measures proposed within the ES shall be detailed within a schedule of environmental commitments, that could assist in drafting conditions and or S106 agreements. It is advised that the applicant adopt a hierarchical approach to the development of mitigation measures, by:
- avoiding adverse impacts;
  - minimizing or reducing impacts to as low as possible; and
  - remedy or compensate adverse impacts that are avoidable.
- 8.6 It is important that potential positive and negative residual effects remaining after mitigation measures have been identified and accounted for within the ES in order to assess their significance and acceptability. Consequently, each environmental chapter shall contain a 'Residual Effects Table'.
- 8.7 The justification for the development as well as consideration of alternatives to the proposals will have to be discussed in the ES. In particular the following points should be addressed:
- What would be the consequences of a no action alternative?
  - In terms of location what alternative sites could have been selected for development? and,
  - What alternative design solutions are available in relation to the environmental implications?
- 8.8 Finally, a credible ES needs to demonstrate that it is objective, transparent while being well written, scientifically rigorous, well assembled and easy to read.
- 9. Sustainable Development and Sustainability Issues**
- 9.1 As referred to in 2.1 above, EIA has at its roots sustainability (the integration of social, economic, environmental and resource issues into the decision making process) and for this reason it is often referred to as a sustainable development tool. Runnymede Borough Council has a longstanding practical approach and position to both the general overarching issue of Sustainable Development, including specific issues such as Agenda 21 and environmental policy (currently under review). This pragmatic and understated approach has served Runnymede Borough Council and its stakeholders well for a considerable period of time.
- 9.2 In recognition of the fact that sustainable development and sustainability have become issues of progressively greater importance within the consideration of future developments. Coupled with the fact that both sustainable development and sustainability can be "*all things to all men*" - the Council has historically worked in a coherent and inclusive manner. This approach seeks not only to minimise

environmental damage but also to actively promote enhancement to the quality of life provided by the Borough and guided by *inter alia* its Environmental Policy Statement. Currently, the Council is in the process of reviewing its Environmental Policy Statement – fundamental to this review will be the process it uses to address the issues of unsustainable development.

- 9.3 It is expected that the review will encourage a greater and more explicit reference being made to the impact development will have on sustainability and thus, in the way development proposals are considered. In the absence of a formalised framework and in order to assist the development process by providing a degree of commonality between stakeholders, reference is expected to be made to the SEERA Sustainability Checklist (<http://www.sustainability-checklist.co.uk/>). Therefore, it is advised that applicants not only make themselves aware of the contents and use of this checklist in the development of any proposal for consideration, but also integrate best practice within the overall proposal.

## 10. Appropriate Assessment

- 10.1 Appropriate Assessment's (AA) are required to be undertaken under Regulations 48, 49, and 54 of the Conservation (Natural Habitats&c.) Regulations 1994 by a Competent Authority to determine the 'likely significant effect, either alone or in combination' of the developments on the features of interest of the pSPA and cSAC. The assessment concerns proposals as described within the above sections of this opinion that are likely to have an impact on an area designated European and International nature conservation importance, and is a separate process.
- 10.2 Like EIA it is not possible to undertake an AA at the Reserved Matters stage, a practice frequently associated with outline planning applications. It is therefore essential that sufficient detail is included as part of the ES to enable an AA to be undertaken. The Council appreciates that these are potentially relatively new procedures and as such some background information is set out below.
- 10.3 The Conservation (Natural Habitats & C) Regulations 1994 (as amended) came into effect in the UK on 30 October 1994. The Regulations transpose into British law the requirements of European Community Directives on Habitats (92/43) and Wild Birds (79/409) and seek to protect certain rare and endangered habitats, plants and animals on land and at sea.
- 10.4 On land, the Regulations apply to designated and candidate Special Areas of Conservation (SAC) plus designated and potential Special Protection Areas (SPA). As a matter of policy, the UK Government has also extended the scope of the Regulations to encompass Ramsar Sites, designated under the Ramsar Convention on Wetlands of International Importance.
- 10.5 As a means of protecting these sites, the Regulations introduce a requirement for CA to undertake an AA before deciding to grant, authorise or undertake any permission, consent or other authorisation which is likely to have a *significant effect* on a designated site and is not directly connected with or necessary to the management of the site. Generally, a CA can be any public body, including a local authority.
- 10.6 The purpose of undertaking the AA is to assess the likely nature conservation implications of a project and to determine whether it would adversely *affect the integrity* of the site, in view of that site's nature conservation objectives. It is therefore much narrower in scope than a formal EIA and ES to which this opinion relates – although in some cases an AA and EIA may be required, depending upon the nature of a particular scheme.

- 10.7 In practice, CA's will rely heavily upon the advice of English Nature (who must be consulted on an AA as the appropriate nature conservation body) as it is they who put forward the sites for designation in the first instance and have the technical expertise to advise on the likely nature conservation implications of implementing a particular plan or project.
- 10.8 The Regulations affect the operation of the planning system in three main ways, as follows: -
- New planning applications for operational development or changes of use, which would have a significant effect on a designated site, must also be subject to an AA.
  - Existing planning permissions that have not been fully implemented and would be likely to have a significant effect on a designated site must also be the subject of an AA.
  - Schemes that normally benefit from permitted development rights, but would have a significant effect on a designated site, no longer benefit from the permitted development rights until such time as an AA has been carried out.
- 10.9 Regulation 48. (1), requires *“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-*
- (a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of the site,*
- shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.”*
- 10.10 The Council will be requiring the applicant under Regulation 48. (2) to provide such information as may reasonably be required for the purposes of carrying out the appropriate assessment. In addition the applicant should note that for the purposes of this assessment the Council have, are and will be in direct consultation with English Nature (the appropriate nature conservation body) in addition, Surrey Wildlife Trust and will have regard to any representations made by them.
- 10.11 At this time and for this stage, the Council do not consider it appropriate to take the opinion of the general public, as the proposals are general in nature and there would be little for the general public to consider. The Council will consult all relevant stakeholders as more detailed fixed information becomes available.
- 10.12 Please note that, in the light of the conclusions of the above assessment, and subject to regulation 49, the Council shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.
- 10.13 In considering whether a plan or project will adversely affect the integrity of the site, the Council shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

#### **10.14 Indicative Steps in an Appropriate Assessment**

##### **Identify Site Conservation Objectives**

Clearly identify and understand the site's conservation objectives having particular regard to the advice of English Nature.

##### **Establish Assessment Information Required of Applicant**

Information required to be provided by the applicant for the purposes of the assessment

**Identified Effects on Site Conservation Objectives**

From the information supplied by the applicant and the response to the consultation given the EN and SWT what are the considered effect on the proposal on the habitats and species of international importance and how those effect are likely to affect the site's conservation objective

**Decide Nature of Effect**

Council will decide whether the project, as proposed, would adversely affect the integrity of the site in the light of the conservation objectives.

**Consider Project Execution Manner**

Council will consider the manner in which the plan or project is proposed to be carried out, whether it could be modified, or whether conditions or restrictions could be imposed, so as to avoid adverse effects on the integrity of the site.

**Post Modification Consideration**

Council will consider and conclude whether the proposal, as modified by conditions or restrictions, would adversely affect the integrity of the site.

**Record and Notification of Conclusions**

Council will record and notify applicant, EN, SWT and any other of their conclusions.

- 10.15 The Council will issue a Habitats Directive (1994) –regulation 48 screening opinion pursuant to 10.1 above, once an application is received.

**ANNEX 1**  
**Rapleys LLP Scoping Request and Information**

Mr Phillip Taylor  
Senior Planner  
Rapleys LLP  
Maddox House  
1 Maddox Street  
London  
W1S 2PZ

Tuesday, 11<sup>th</sup> October 2005  
Ref: P33.33.001

Dear Mr Taylor,

**Location:** Virginia Water, land at and adjoining Virginia Water Station

**Proposal:** Mixed-use proposal

It is our wish to adopt and issue a scoping opinion in response to this request on or before but no later than 24<sup>th</sup> October 2005. Regrettably, due to unforeseen circumstances we are experiencing delays that make this original deadline difficult to reach. Pursuant to Regulation 5 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulation 1999 (SI 1999 No293) I therefore request an extension to this deadline to 14<sup>th</sup> November 2005. I would hope that this will be sufficient time in order to receive the comments from consultees, and thus incorporate them into the formal scoping opinion.

I do appreciate that under Regulation 10 (4) of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulation 1999 (SI 1999 No293) you are not obliged to agree with this request. However, I feel that it would be in the interest of all concerned with the above proposal that consultees are afforded every opportunity to make representations at this initial scoping stage.

I trust that this request will be acceptable, and look forward to your reply, however should you require any additional advice or clarification on anything contained within the above, please do not hesitate to contact me.

Yours sincerely

**DTS**



**Rapleys**

Commercial Property and Planning Consultants

Town Planning Consultancy

PILETIN/JWF/105/APP

0/1

PET/sab/1023/2/1

19 September 2005

P Jenkins Esq  
Head of Planning  
Runnymede Borough Council  
Civic Offices  
Station Road  
Addlestone  
Surrey  
KT15 2AH

20 SEP 2005

Dear Mr Jenkins

**RE: VIRGINIA WATER - MIXED-USE PROPOSAL**  
**TOWN AND COUNTY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)**  
**(ENGLAND AND WALES) REGULATIONS 1999 – REQUEST FOR SCOPING**  
**OPINION FROM LOCAL PLANNING AUTHORITY**

I write to you following my conversation with John Willmott-French on Friday 16<sup>th</sup> September regarding the Scoping Opinion request made for the above proposal. I understand that the original letter (previously sent by my colleague Matthew Walton dated 2 August 2005) has been mislaid. Please find enclosed a copy of this letter. Because of this unexpected delay, a swift response from the Council has now become imperative and would be greatly appreciated.

Yours sincerely

**Phillip Taylor**  
**Senior Planner - Rapleys LLP**  
pet@rapleys.co.uk  
DDI: 0207 855 8075

cc: J Willmott-French Esq – Runnymede Borough Council

MW/ljs/1023/2/1

02 August 2005

P Jenkins Esq.  
Runnymede Borough Council  
Station Road  
Addlestone  
Surrey  
KT15 2AH

Dear Mr Jenkins

**RE: VIRGINIA WATER - MIXED USE PROPOSAL**  
**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT**  
**ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 – REQUEST**  
**FOR SCREENING OPINION FROM LOCAL PLANNING AUTHORITY**

I refer to your Council's Screening Opinion, dated 31 March 2005, in respect of the above site. It is noted that the Council consider that an Environmental Statement is required in support of the proposed development.

As previously advised, my clients seek consent for improved railway station facilities, a foodstore (32,000 sq.ft gross), approximately 145 residential apartments and associated car parking. Details of the development are illustrated on enclosed drawings VW1 – VW7, although the scheme is being reviewed in light of your comments at the recent meeting.

In order to progress matters, the Council's Scoping Opinion is now sought. In this regard, and following a review of your earlier Screening Opinion, the following matters should be considered as part of an assessment of the possible impacts, of the proposal, on the environment:

- (i) Contaminated Land;
- (ii) Cumulative Impacts;
- (iii) Landscape and Visual Impact;
- (iv) Waste, and
- (v) Water.

I would be grateful if you could confirm whether these matters represent the extent of issues to be assessed and, furthermore, the nature/scope of the assessment.

Clearly, it is recognised that these matters may need to be refined, subject to any possible amendments to the development proposals, however, your views are sought in order to formally progress matters.

I look forward to receiving your response.

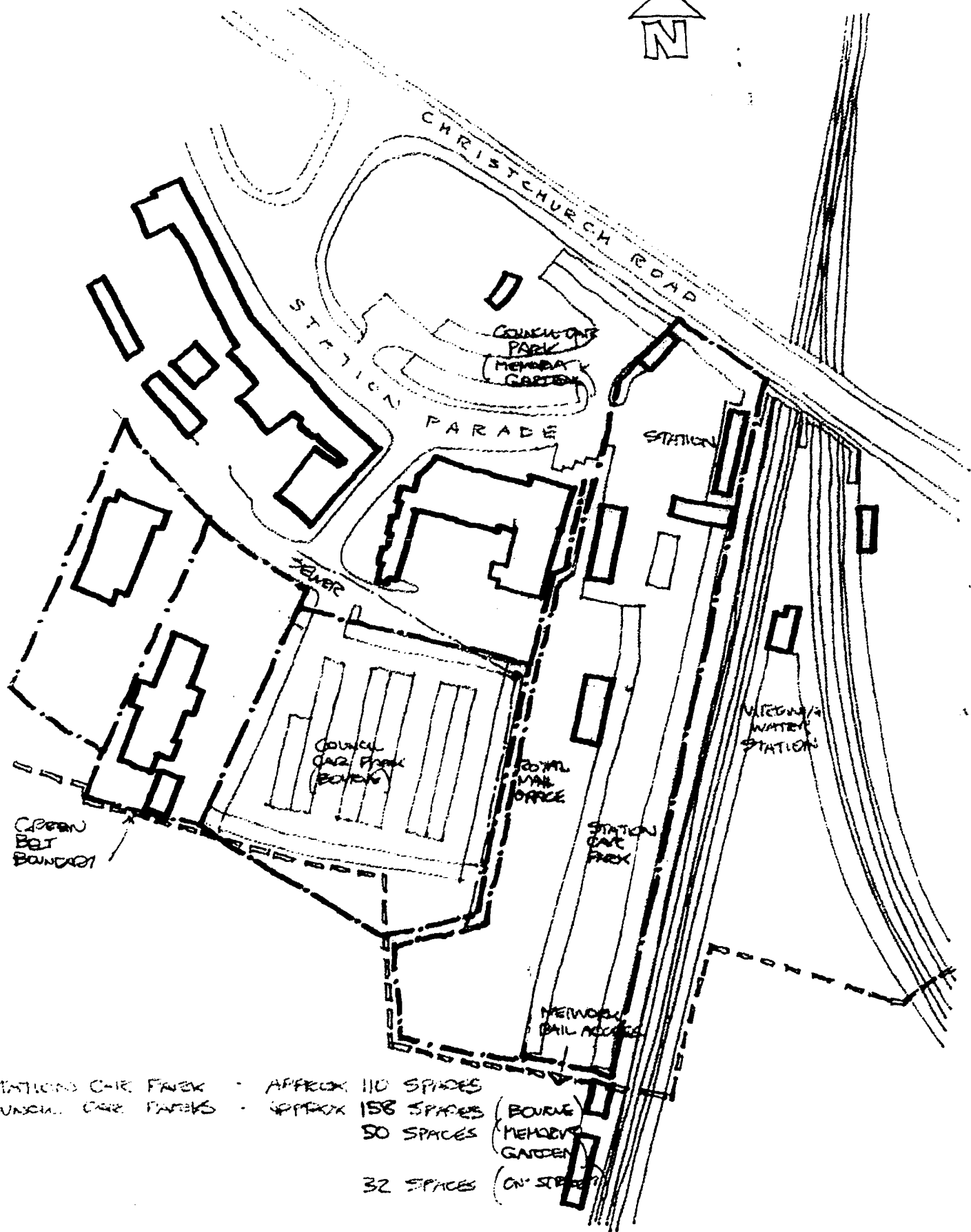


Yours sincerely

**Matthew Walton MA(Hons) MRTPI**  
**Associate - Rapleys LLP**

mw@rapleys.co.uk  
DDI: 020 72558083

cc. S Costello Esq. – Bedfall Falls Properties (letter only)



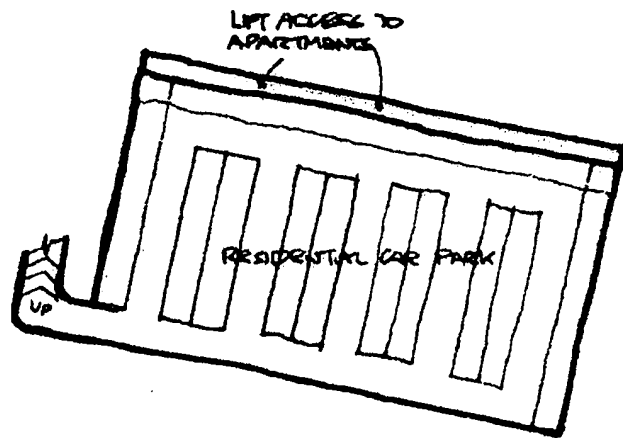
- STATION CAR PARK - APPROX 110 SPACES
- COUNCIL CAR PARKS - APPROX 158 SPACES (BOURNE)
- 50 SPACES (MEMORIAL GARDEN)
- 32 SPACES (ON STREET)

**VIRGINIA WATER**

SITE PLAN AS EXISTING

APPROX 1:1250

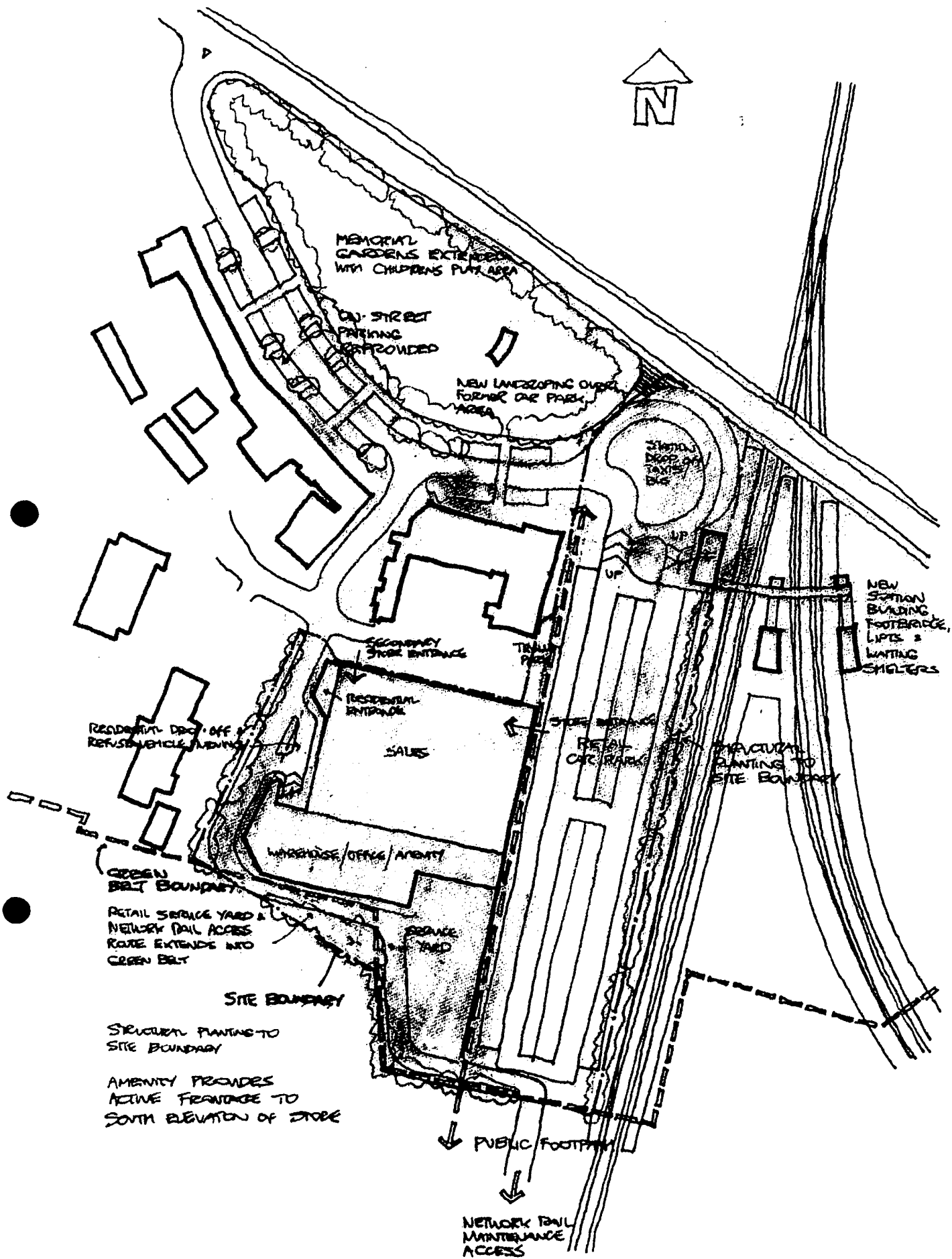
VW1



VIRGINIA WATER

UNDERCROFT PLAN AS PROPOSED  
VW2

APPX 1:1250  
6 FEBRUARY 2005

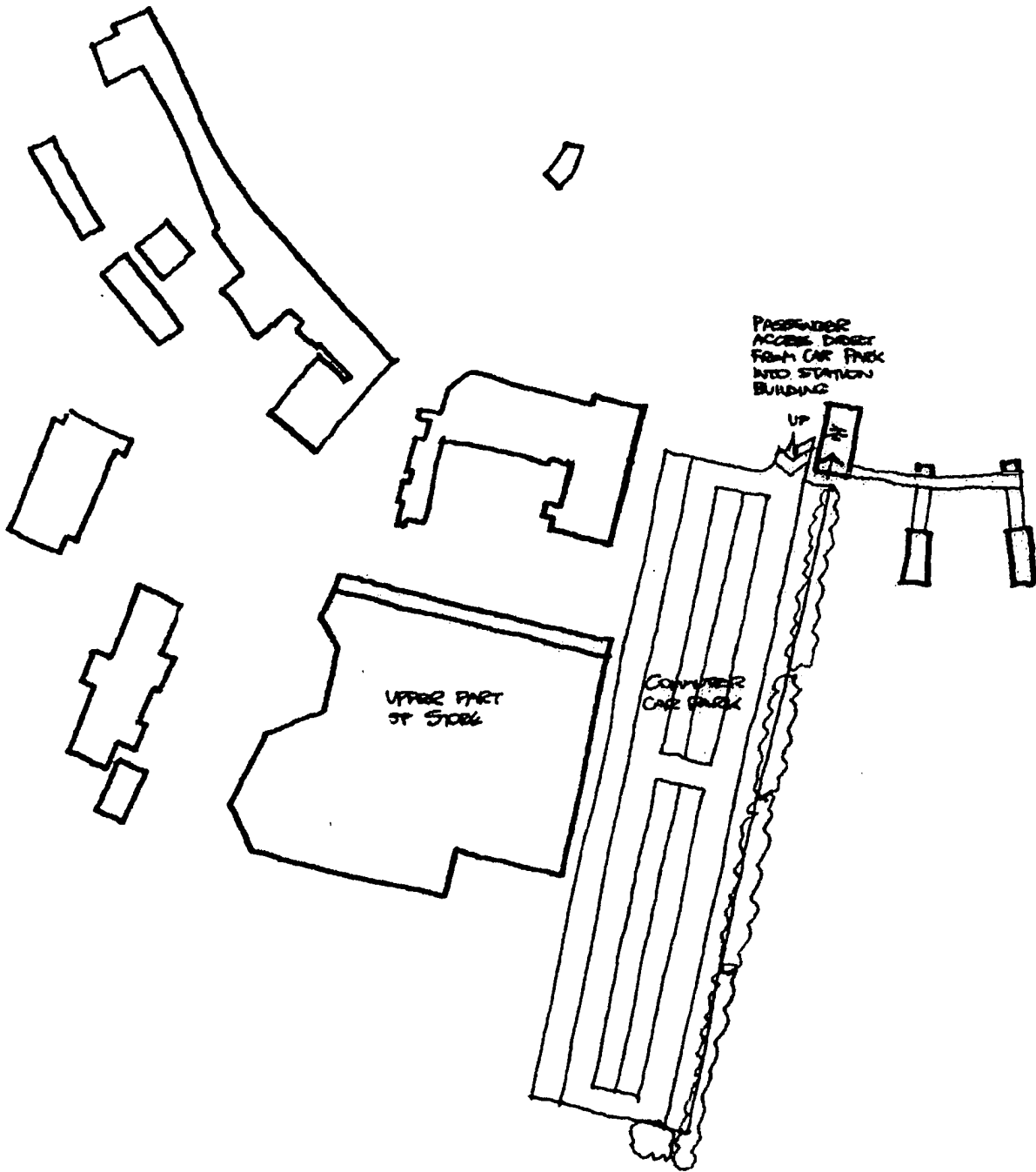


VIRGINIA WATER

SITE PLAN AS PROPOSED

APPENDIX 1-1250  
6 FEBRUARY 2005

VW3

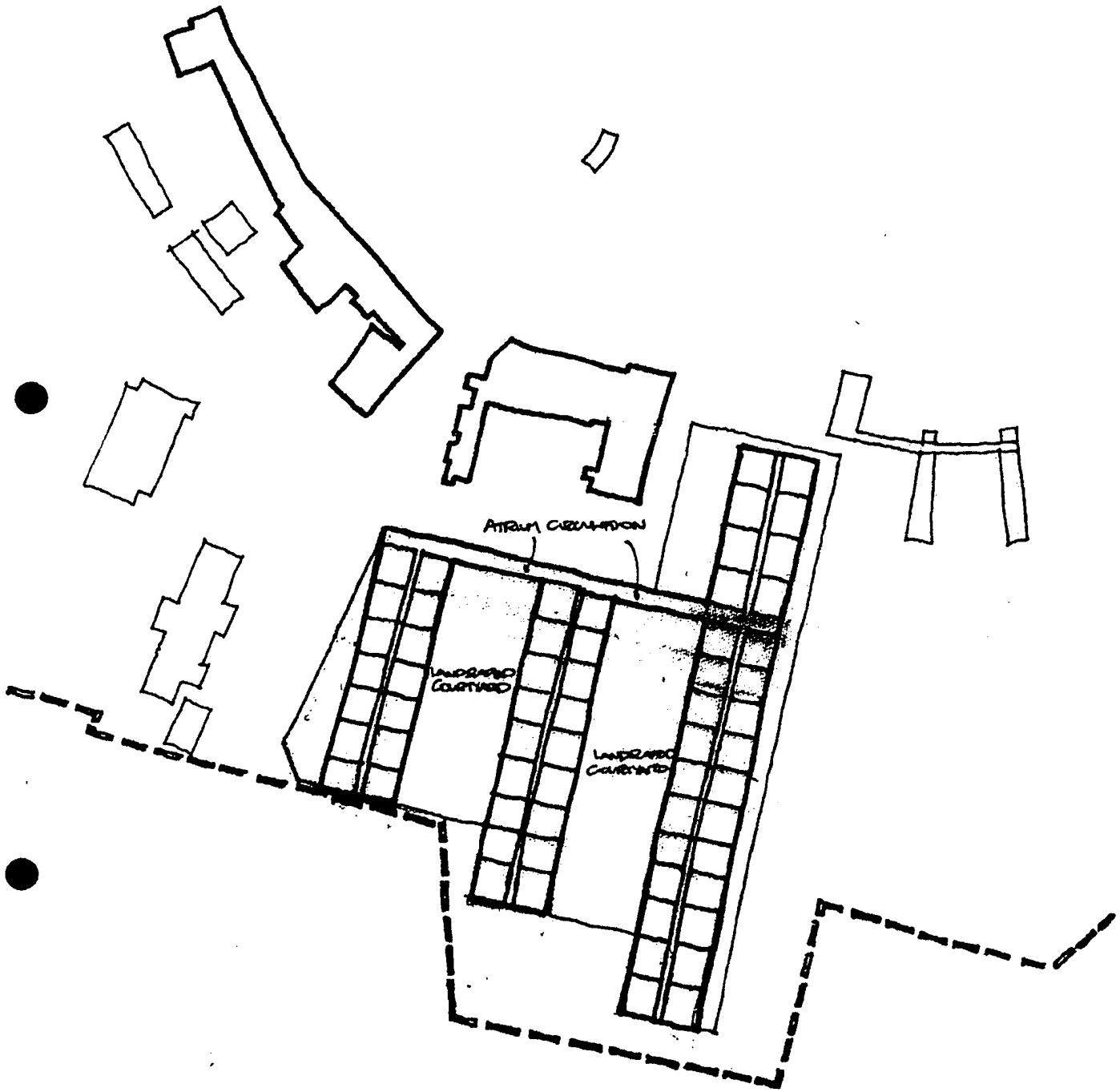


VIRGINIA WATER

FIRST FLOOR PLAN AS PROPOSED

APPROX. 1.12.50  
6 FEBRUARY 2006

VW 4

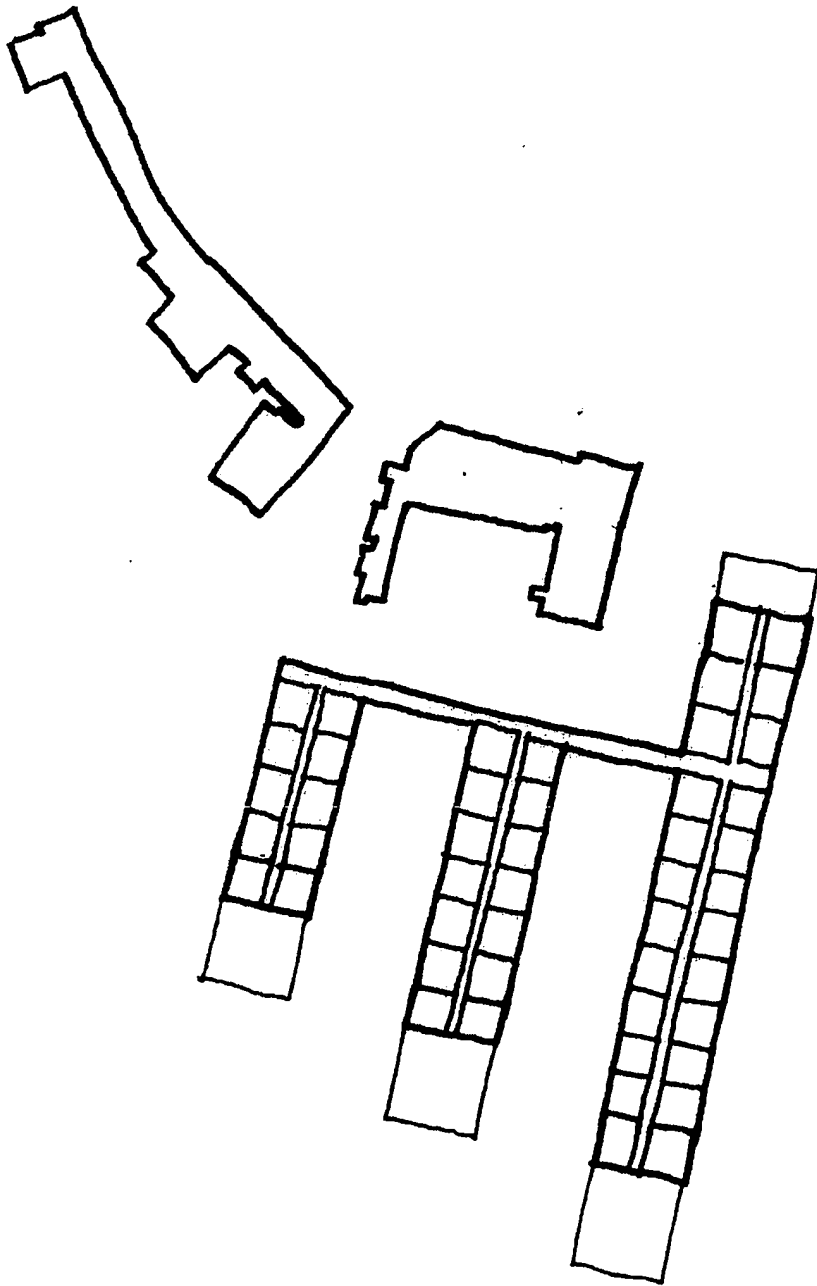


VIRGINIA WATER

SECOND FLOOR PLAN AS PROPOSED

APPX 1-1250  
6 FEBRUARY 2005

VWS



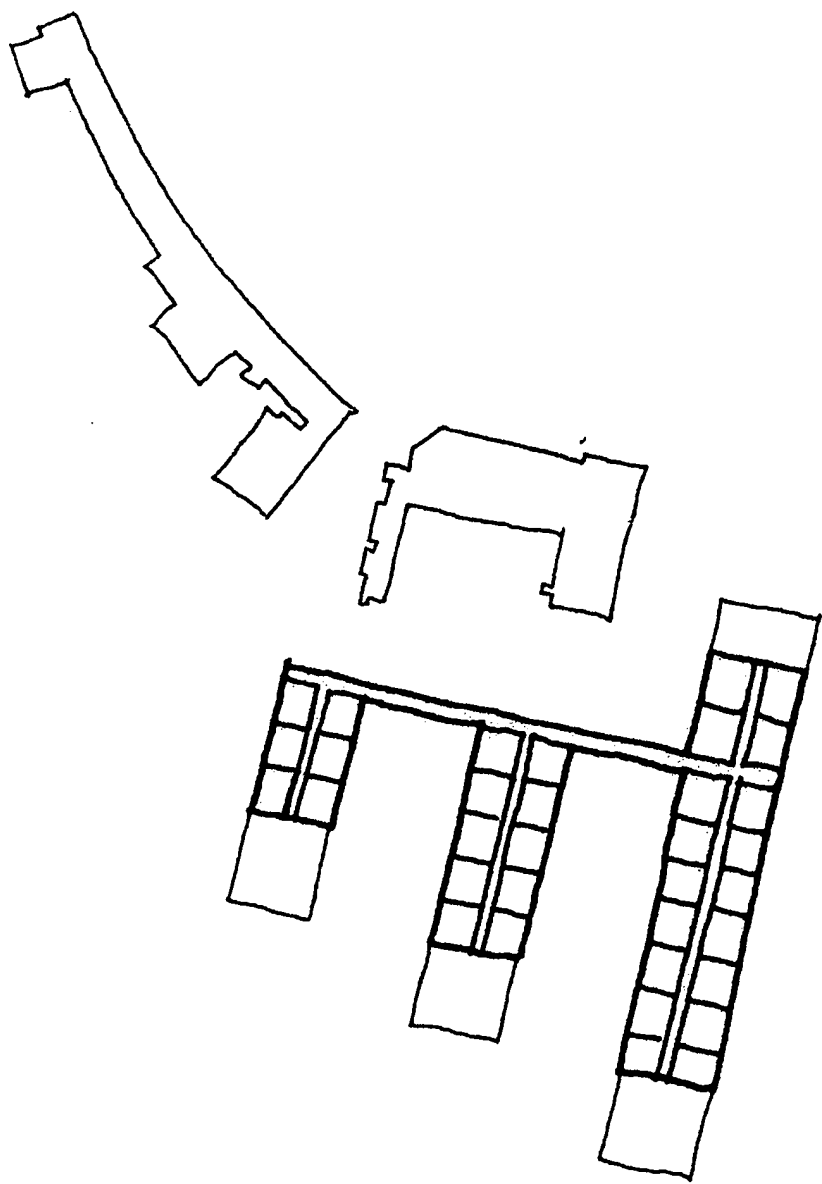
VIRGINIA WATER

THIRD FLOOR PLAN AS PROPOSED

VW 6

APPROX. 1:1250  
6 FEBRUARY 2005

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VIRGINIA WATER

FOURTH FLOOR PLAN AS PROPOSED

APPROX. 1:1250  
6 FEBRUARY 2005

VW7

**ANNEX 2**  
**Consultation Responses**

# Memorandum

**From:** John Willmott-French  
**Sent:** 14 November 2005 12:55  
**To:** Kirsten Jack  
**Subject:** FW: P33.33.001

---

Kirsten,

I have the following comments to make in respect of the above.

This proposal has the potential to have a significant effect on the urban character within this location. A compressive design statement (DS) and urban context analysis would be expected to be submitted in support of any potential application. In addition where applicable a landscape strategy could also assist in the assessment of an eventual application.

Regards,

John Willmott-French  
Senior Policy Officer  
Runnymede Borough Council

Tel: 01932 425277

Fax: 01932 425271

E-mail: [john.willmott-french@runnymede.gov.uk](mailto:john.willmott-french@runnymede.gov.uk)

# Memorandum

**From:** Peter Winfield  
**Sent:** 26 October 2005 17:59  
**To:** Kirsten Jack  
**Subject:** FW: P33.33.001

---

Kirsten,

Yes, that's about it. Thanks

Peter

**From:** Kirsten Jack  
**Sent:** 25 October 2005 16:06  
**To:** Peter Winfield  
**Subject:** P33.33.001

Hi Peter,

Thank you for taking the time to meet with me today.

In our meeting, regarding the scoping opinion for the mixed use development proposal at Virginia Water station, I understand that you mentioned the following issues as being potentially of importance, that you would require more detailed information on in order to assess the impacts of this proposed development on the Riverside Walk site:

- Changes in surface run-off from the site may impact on key flora in the LNR, both during construction and completion stages. Data to monitor this should include the current and predicted water quality, total volume and pattern of fluctuation of volume of water reaching the LNR.
- Waste from the site may impact on the LNR, both during construction and completion stages. A statement regarding waste management during construction and final use stages should be included in the development proposal.
- The visual impact of a 4 storey building in close proximity to the LNR may affect the experience of visitors to the LNR. A statement about how this impact can be minimized should be included in the development proposal.
- The planting of site borders could introduce alien species to the site. A statement about how this impact can be minimized should be included in the development proposal.
- The children's play area in the 'Memorial Gardens' should include reference to how this site is going to be maintained during the use of the site.
- The influx of potential new visitors to the LNR created by this development may harm the site, particularly with reference to dog walking and fouling. A statement about how this impact can be minimized, for example the provision of alternative green open space, should be included in the development proposal.

Could you please confirm that the above reflects your views at this stage?

Regards,

Kirsten Jack

# Memorandum

From: Oluseyi Osiyemi [oluseyi.osiyemi@surreycc.gov.uk]  
Sent: 20 October 2005 14:47  
To: Kirsten Jack  
Subject: P33.33.001

---

Dear Kirsten,

I am the County Council Senior Officer dealing with Transportation Development Control issues in Runnymede.

I attended a meeting between RBC and the developer about five months ago. At this meeting, transport related issues with regards to the train station redevelopment were discussed. The County Council noted what it will want to see in the Transport Assessment- which I presume will be submitted as part of the EIA.

In addition to this, Erica Roberts(SCC) spoke extensively with Denis Wilson Partnership(DWP)- who are the transport consultants acting on behalf of Rapleys - on the scoping of the Transport Assessment.

I will note that sufficient information has been provided to the developer and their consultant through the meeting and subsequent phone calls.

In terms of the traffic and transportation issues noted in the scoping opinion, I will note that applicant will need to submit a Transport Assessment which will address the accessibility of the site by all non-car modes, the impact of the development on the highway safety and capacity, whilst taking into account committed development within the vicinity of the site(St Anne's school etc). In addition to this, we will require a Travel Plan to be submitted as part of the application.

I trust the above answers your question.

Please note that I will be off on leave for couple of weeks starting from Friday.

Regards

Seyi Osiyemi  
Transportation Development Control  
Surrey County Council  
Room 412, County Hall  
Penryhn Road,  
Kingston-upon-Thames  
KT1 2DY  
Tel(Direct Line) - 02085417421  
Mobile - 07968832685

# Memorandum

**From:** Judy Sauter [Judy.Sauter@surreywt.org.uk]  
**Sent:** 21 October 2005 08:56  
**To:** Kirsten Jack  
**Subject:** RE: P33.33.001

---

Hi Kirsten

Firstly English Nature is really the one to advise on an appropriate assessment, and I guess they will say yes from what I've seen recently.

I don't have an LNR marked on our maps, is it newly designated?. The site to the south of the development is Riverside Walk SNCI and described as "Alder fen and damp Oak woodland. Records of 57 bird species including 13 amber and 4 red RSPB list, and the reason for selection is "alder fen and damp woodland and for its county importance for birds". Alder swamp is rare in Surrey and wet woodland is a Biodiversity Action Plan habitat.

The SNCI to the east is Trumps Mill described as "dry broad-leaved and alder woodland" with the reason for selection being "good wet alder woodland" noting that the area to west beside railway and to south Waterloo Bridge and Fernbank Farm is highlighted for survey in future.

The EIA would need to look at the disturbance to birds, impact on the streams and ditches that pass through the SNCIs with measures to prevent contamination during construction and in afteruse. As well as any other likely impacts on the SNCI and to do that would need a detailed survey. Although our survey info dates from 1999 and 2000 is was mainly for flora there is the possibility of other important species such as water voles, however an indepth survey should identify any such species. There are also the bits of open land with no designation that also need to be looked at in detail as we don't have any info on those and who knows what could be there!

Hope this helps, let me know if you need any more info

Best wishes

Judy

# Memorandum

From: Samantha king [samantha.king@surreycc.gov.uk]  
Sent: 26 October 2005 15:01  
To: Kirsten Jack  
Subject: Proposed development at Virginia Water rail station

---

Dear Kirsten

further to my email below, whilst this is not a consideration for EIA, it is recommended that an economic case would be required for improvements to Virginia Station supported by Network rail and South West trains.

Regards

Samantha

Email: [Samantha.king@surreycc.gov.uk](mailto:Samantha.king@surreycc.gov.uk)  
DX: 020 8541 7107

Kirsten Jack  
Environmental Policy Officer  
Runnymede Borough Council  
Civic Offices  
Station Road  
Addlestone  
KT15 2AH

Your ref: PET/sab/1023/2/1  
Our ref: SPA/T7/1

26<sup>th</sup> October 2005

Dear Ms Jack

Proposed mix-use at Virginia Water Rail Station, Virginia Water  
Request from Surrey County Council on a formal Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

Further to your email of 19<sup>th</sup> October 2005, the comments of the Environmental Assessment team, Surrey County Council in respect of the proposed development are set out below.

#### General Comments

As no proposed format or approach to the Environmental Impact Assessment (EIA) or Environmental Statement (ES) has been submitted, the Environmental Assessment team can therefore not comment on any proposed procedure. We recommend that the applicant contact you to discuss the adequacy of the draft ES once it has reached a stage at which such consultations would be of value to the preparation of the final report. It would also be useful to have a summary of the formal consultations that have been undertaken so far (and those that will be undertaken as part of the EIA) as a separate section within the study. Consultations with the bodies responsible for the environmental receptors that are considered to be at greatest risk of significant impacts should continue throughout the EIA process. The Local Planning Authority has the power (under Regulation 12 of the EIA Regulations) to require that consultees make non-confidential information available when an EIA is being undertaken.

It would be useful for the final ES to include tables summarising the key findings of the EIA, which would specify the potential adverse impacts, the ways in which they could be avoided or mitigated and any residual impacts that would persist subsequent to mitigative action having been taken. Compensation measures and opportunities for environmental enhancement should also be described, and the potential for interaction between different types of impact should be made

clear in the ES. If taken, the suggested steps would help to ensure that the ES is a clear and objective account of the environmental considerations that should be taken into account by any decisions that are subsequently made about the proposal.

### Key Significant Adverse Impacts

#### *Transport*

With respect to the transport assessment element of the EIA the County Council's Transport Development Control Service has made the following recommendations:

- A Transport Assessment should be submitted addressing the accessibility of the site by all non-car modes and the impact of the development on the highway safety and capacity (whilst taking into account the committed development within the vicinity of the site – e.g. St Anne's school)
- The submission of a Travel Plan as part of the application

It is recommended you refer to the applicant to the Institute of Environmental Management and Assessment (IEMA) publication "Guidelines for the Environmental Assessment of Road Traffic".

#### *Visual Impacts*

A draft site layout plan has been submitted with the Scoping Study, but it would also be useful to have draft elevation drawings or photomontages of the proposed development, particularly in terms of the relationship between the project and existing surrounding development. We would advise that such drawings could be submitted within the ES to demonstrate that potential effects on the amenity of local residents have been taken into consideration in the design, scale, massing, bulk and visibility of the proposed development.

#### *Cumulative Impacts*

The issue of cumulative effects assessment is mentioned within the applicant's letter, but no information has been provided as to how this work would be undertaken and what best practice will be used. It would be advisable to clarify this.

### Further Issues

#### *Noise*

As no information has been submitted in relation to noise, it is recommended that the development should comply with the requirements of PPG24.

#### *Lighting*

It would be useful to have a clearer explanation of the legislative and policy context for the project with respect to the issue of lighting, and to know what good practice guidance and working standards would be used in the assessment of the existing lighting environment and the potential impacts of the development.

#### *Green Belt*

On a general planning matter, although the site is within an urban area of Virginia Water, Green Belt land lies to the south therefore this would be a consideration in terms of visual impact.

*Presentation of the ES*

We would recommend that the environmental information should be presented so that it is possible to gain an appreciation of the nature of the proposed development and its cumulative effects, and the specific impacts that may arise in sensitive areas. It is suggested that plans of the wider area be used to provide an overview of the entire development in context, in addition to more detailed and focussed site and location specific plans. The latter should detail individual areas and set out the relevant environmental information, working methods and proposed mitigation/compensation measures. Those plans could be cross-referenced to the relevant sections of the ES.

A recommended format for the ES is a lever arch file with a separate non-technical summary, as this type of layout aids consultation and cross-referencing.

It would be advisable to inform the applicant that Runnymede Borough Council, as the LPA, may choose to exercise their right under Regulation 19 of the 'EIA' Regulations to request additional information in connection to the submitted ES at the time that the planning application is considered.

Should you have any further queries please do not hesitate to contact either myself on the above number or my colleague, Jessica Salder on 020 8541 7109.

Yours sincerely

Samantha King  
Environmental Assessment Officer  
Sustainability Projects and Assessment

# Memorandum

From: Alan Thorogood [alan\_thorogood@msn.com]  
Sent: 30 October 2005 14:59  
To: Kirsten Jack  
Subject: RE: VW Station Redevelopment EIA (P33.33.001)

---

Kirstin,

Now that I am back home I find that I cannot open the TIF file number two as it seems to have been corrupted. Can you please resend it? Thanks.

My initial reaction is to say that I am concerned that there is apparently no information on how many bedrooms the 145 apartments will have, so it is impossible to guess how many car parking spaces will be required or what the likely impact of this extra traffic is likely to be on the already congested area around Station Parade and the two exits onto Christchurch Road. Is there any summary of a) how many existing car parking spaces are available for the Bourne Car Park, Memorial Gardens, the on-street parking in the area, and the Station Car Parks, b) how many (if any) of them will remain after the proposed development, c) how many car parking spaces will be provided in the undercroft for residents, d) how many will be provided for commuters and shoppers at the new store in the new two storey car park that will replace the currently available car parking?

I am also very concerned that plan VW3 appears to indicate that the Memorial Gardens car park appears to be going to landscaped, and the second access onto Christchurch Road will disappear. This is all likely to create total traffic chaos in the area. Have SCC Highways commented on the proposal?

Presumably all the delivery lorries going to the Retail Warehouse/Service Yard (As well as the Network Rail Maintenance HGVs) will have to enter the far end of Station Parade, and turn past the Library/Nursery? How many delivery lorries are anticipated per day, and what restrictions are envisaged to avoid an unacceptable impact on residential amenity due to the noise from refrigeration units on delivery lorries that arrive before the store opens (or in the evening)?

I will try to discuss these issues with other key members of the VWCA Exec Committee and get back to you asap. If you have any other details, possibly it would be helpful if we could arrange a face to face meeting to discuss the issues?

Regards,  
Alan Thorogood

# Memorandum

**From:** Sarah Paxman [sarah.paxman@environment-agency.gov.uk]  
**Sent:** 26 October 2005 13:34  
**To:** Kirsten Jack  
**Subject:** Re: P33.33.001 - Virginia Water

---

Hi Kirsten,

For some reason I never received your email of 19/10, so Derek has passed me the one sent today.

The only issue I can see that we would have with the development is with regard to surface water drainage & SUDS. The site looks as though it is over 1ha in area so we would need the applicants to put together a surface water strategy detailing how they are going to control surface water on site and use SUDS. Part of this would be that they would need to show that runoff will be controlled on-site and won't effect adjacent/downstream sites or watercourses, so this would be relevant to any potential impacts on the LNR. This strategy could form part of the EIA.

As the site may be contaminated they would also need to do a site investigation and propose remediation to ensure no impacts on groundwater.

With regard to impacts on the LNR, we would not generally comment specifically on impacts on this designation (they are also not among the designations shown on our maps). The use of SUDS and remediation of any contamination should prevent water quality effects.

However I will be consulting the relevant EA teams for comments re the above issues before responding to you formally. I will aim to respond by your deadline of 7th Nov.

Hope this is OK but please let me know if you have any queries re the above.

Kind regards

Sarah Paxman  
Development Planning Officer  
Environment Agency - Thames Region  
Swift House  
Frimley Business Park  
Camberley  
Surrey  
GU16 7SQ

Tel: 01276 45 4323  
Fax: 01276 45 4339

**ANNEX 3**  
**Latest advice on Thames Basin Heath**  
**SPA (12<sup>th</sup> October 2005)**

**NB This letter will be appropriate to most case work but would not be used for “larger” proposals that include delivery of mitigation measures by way of adequate off-site greenspace provision (not merely an agreement to contribute to its provision)**

**LETTER 401m - 5km**

Dear Sir,

**Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure Order) 1995, Article 10  
Conservation (Natural Habitats &c) Regulations 1994, regulation 48  
Wildlife and Countryside Act 1981, Section 28(G) and (I)  
Residential development at xxxxxxxxxxxxxxxxxxxx**

Thank you for your consultation on the above application. The site lies approximately xxx metres from the Thames Basin Heaths Special Protection Area classified on 9<sup>th</sup> March 2005 under the EC Birds Directive. This part of the SPA lies in the xxxxxxxx Site of Special Scientific Interest, notified by English Nature under the provisions of section 28 of the Wildlife and Countryside Act 1981.

It is now widely recognised that increasing urbanisation of the area around the SPA has a continuing adverse effect on its interest features, namely nightjar, woodlark and Dartford warbler, the three internationally rare bird species for which it is classified.

Owing to the proximity of the site to the SPA, English Nature is of the opinion that the increased number of dwellings, in combination with other dwellings proposed near to the SPA, would be likely to have a significant effect on the SPA in the context of regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994. Before granting planning permission the planning authority should undertake an appropriate assessment of the implications of the development, on the SPA, in light of the site’s conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the habitats of the nightjar, woodlark and Dartford warbler, with particular reference to lowland heathland habitats.

Whilst on its own the development may not adversely affect the integrity of the SPA, in combination with other dwellings proposed near to the SPA, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking.

It would be possible to mitigate the effects of the proposed development by providing, or contributing to, additional green space to avoid an increase in the extent of recreational and dog-walking pressure on the SPA. This additional open space would need to be a

more attractive alternative, to the occupants of the new housing, than the SPA. It would therefore have to meet a range of specifications in terms of the nature, size and location of the open space.

The Thames Basin Heaths Delivery Plan is being developed by English Nature as part of the wider Thames Basin Heaths Area Based Delivery Project. It will set out the level of open space provision required for the different scales and locations of residential development within 5km of the SPA, in order to ensure that any potential effect on the SPA is fully mitigated. It will also address the way in which the open space can be delivered via the planning authorities in the area. It will form the basis for the key mechanism of the Plan, which will be Supplementary Planning Documents adopted by each of the eleven planning authorities with land in or near to the SPA.

However, although the Plan is being developed as quickly as possible, until the Delivery Plan is implemented, this and other application and appeal proposals must be determined in accordance with the law and current policy. Without the generic provisions of the Delivery Plan, it is necessary for the application proposals themselves to mitigate all potentially adverse effects on the integrity of the SPA that they may contribute to. Unless the application proposals are amended to include all mitigation measures that would avoid the potential effects on the SPA, it is English Nature's advice that an appropriate assessment under regulation 48 could not ascertain that the development would not adversely affect the integrity of the SPA. There being alternative solutions and no imperative reasons of overriding public interest to allow the proposal in light of a negative assessment, the proposal is unlikely to survive the tests of regulation 49. English Nature therefore objects to the proposed development and recommends that the application be refused planning permission.

This advice also relates to the SSSI. If the Council is minded to grant planning permission, contrary to English Nature's advice, the procedures set out in S.28(I) of the Wildlife and Countryside Act would apply.

The Council may find it helpful to refer to paragraphs 9 - 32 and 56 - 67 of Circular 6/2005 (ODPM) *Biodiversity and geological conservation: Statutory obligations and their impact within the planning system*.

Yours faithfully,

**ANNEX 4**  
**Conservation Objectives for the SSSI**  
**(that forms part of the Thames Basin**  
**Heath SPA)**



ENGLISH  
NATURE

Sussex and Surrey Team  
Howard House  
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BUNNYMEDE BOROUGH  
COUNCIL

28 APR 2004

TECHNICAL SERVICES

## CHOBHAM COMMON SSSI

### Conservation objective for the European Interest on the SSSI

The conservation objectives for the European interest on the SSSI are:

subject to natural change, to maintain\*, in favourable condition, the Northern Atlantic wet heath with cross-leaved heath (*Erica tetralix*).

subject to natural change, to maintain\*, in favourable condition, the depressions on peat substrates.

subject to natural change, to maintain\*, in favourable condition, the dry heath.

subject to natural change, to maintain\*, in favourable condition, the habitats of the bird species of European importance<sup>†</sup>, with particular reference to lowland heathland

<sup>†</sup>Dartford Warbler, Nightjar & Woodlark

\* maintenance implies restoration if the feature is not currently in favourable condition.

The conservation objectives for the Thursley, Ash, Pirbright and Chobham Commons candidate Special Area of Conservation are, in accordance with para C 10 of PPG 9, the reasons for which the cSAC was designated. The SSSI also forms part of the Thames Basin Heaths potential Special Protection Area.

Annex:  
Favourable Condition Table.