

Our Ref: 20/06002/EIA
Your Ref:
Please Contact: Anita Seymour
Telephone: 01422 392480
Website: www.calderdale.gov.uk
Email: Anita.Seymour@calderdale.gov.uk
Date: 17 April 2020

Economy and Environment

ID Planning
9 York Place
Leeds
LS1 "DS

Planning Services
c/o Town Hall
Wesley Court
Halifax
HX1 1UJ

Dear Mr Dunbavin

The Town and Country Planning (Enforcement Impact Assessment) Regulations 2017. Notification of Scoping Opinion under Part 4, Regulation 15

Proposal: Proposed development of up to 1,998 dwellings and associated infrastructure

Location: Land between Highmoor Lane and Bradford Road, Brighouse Local Plan Site ref LP1463 .

On the 17 March 2020, the Local Planning Authority received the Scoping Report submitted under Regulation 15 of the Environmental Impact Assessment (the EIA Regulations) Regulations 2017 in order to request a scoping opinion for the proposed Thornhills Garden Suburb development. This Opinion is made in response to this request and should be read in conjunction with the applicants Scoping Report.

The applicant states in paragraph 1.6 of their submission that the development will constitute EIA development (being an Urban Development project as defined in Schedule 2 of the EIA Regulations, the project area of which exceeds the applicable thresholds)

The EIA Regulations enable an applicant, who is minded to make an EIA application to ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement. (a scoping opinion)

Regulation 15 (2) of the EIA Regulations states that a request for a scoping opinion must include:

- (a) In relation to an application for planning permission
 - (i) A plan sufficient to identify the land;
 - (ii) A brief description of the nature and purpose of the development, including its location and technical capacity;



- (iii) An explanation of the likely significant effects of the development on the environment;
and
- (iv) Such information or representations as making the request may wish to provide or make;

The Local Planning Authority considers that this has been provided in the applicants Scoping Report dated March 2020.

The Local Planning Authority has a duty under Regulation 15 (4) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix A.

The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on our web site. The applicant should also give due consideration to those comments in carrying out the EIA.

Structure of this response

- 1. The Proposed Development**
- 2. EIA approach and topic areas**
- 3. Other Information**

1. The Proposed Development

The proposed development comprises a new Garden Suburb incorporating 1,998 dwellings on land between Highmoor Lane and Bradford Road, Brighouse. The applicant confirms that the site extends to approximately 140.50 hectares with an indicative developable area of 105.15 hectares.

The development would include;

- 1,998 residential dwellings built in 7 phases over 14 years, with a delivery rate of between 40 dwellings /annum in the first year to 125 dwellings /annum in 2030/31
- A main distributor road running through the site with access from the A643 and potential for future road links to the A641
- A local centre on land measuring 0.75ha containing convenience / shopping / healthcare facilities / services
- A 2 form entry primary school on land measuring 1.37ha.
- A sustainable drainage network
- Ecological enhancements
- Public Open Spaces

The site is situated on the valley slope to the north east of Brighouse. The land is currently in agricultural use comprising of a mixed field pattern, ranging from larger-scale arable fields to small-scale pastoral enclosures with associated buildings. A number of rights of way cross the site. The track of a dismantled railway runs along the western boundary.

Brighouse town centre lies approximately 500m to the west of the site. The development immediately abuts residential properties to the south and the A643. To the east is Thornhill Lane and Birkby Lane, and to the north the A649

The Local Planning Authority notes that details of various elements of the proposed development have not yet been finalised. Where details of the proposed development cannot be precisely defined, the applicant's attention is drawn to the use of the 'Rochdale Envelope' approach.

It is noted that the applicant intends to submit a number of parameter plans these should demonstrate the worst case scenario parameters within the ES.

EIA Approach

Section 6.0 of the submitted Scoping Report sets out the proposed structure of the ES as:

Part I – introduction and Background to EIA Development

Chapters:

1. Background to the Environmental Statement
2. Overall Approach
3. Project Description
4. Planning Policy Framework
5. Socio Economic
6. Traffic Transport Accessibility and Movement
7. Landscape and Visual Assessment
8. Ecology
9. Trees
10. ARCHAEOLOGY AND Heritage
11. Air Quality
12. Noise and Vibration
13. Ground Conditions / Contamination / Coal Mining Risk
14. Flood Risk and Drainage
15. Lighting Assessment
16. Cumulative Effects / Summary of Predicted Effects
17. Conclusion and Recommendations

Non-Technical Summary

Local Authority Response

Topic Areas

The Local Planning Authority agree with the proposed ES format. However, would draw your attention to the Other Matters detailed below.

Paragraphs 6.6 to 6.123 of the Scoping Report outline the scope of the assessment for each environmental topic. The Local Planning Authority's comments for each of these topics are provided below

5. Socio Economic effects

It is accepted that there is no specific guidance available which establishes a methodology for undertaking an EIA of the socio –economic effects of a proposed development. Accordingly, the assessment should be based on best practice, and in consideration of the policy requirements/tests set out within the National Planning Policy Framework. It should establish the socio-economic baseline.

The methodology is set out in paragraph 6.1 of the Scoping Report. It is considered that the following should also be considered

- Construction Phase – local employment opportunities
- Operational phase – local employment opportunities

6. Traffic, Transport, Accessibility and Movement

The proposed issues to be addressed and criteria for measuring significance in the Transport chapter are acceptable

7. Landscape and Visual Assessment

Heritage is referred to in the Landscape Assessment section which is welcomed. The Conservation Officer agrees that heritage assets need to be included as sensitive receptors.

The Local Planning Authority are happy to agree the scope of the LVIA and viewpoints to be assessed with your consultant.

8. Ecology

The proposals do not appear, from the information provided, to affect any nationally designated or ecological sites (Ramsar, SPA, SAC, SSI, NNR) or landscapes (National Parks, AONB's Heritage Coats, National Trails) or have significant impacts on the protection of soils (particularly of soils over 20ha of best or most versatile land), nor is the development for a mineral or waste site over 5ha.

The following comments have been provided by the Councils' Conservation officer and are supported by Yorkshire Wildlife Trust

We note that the following ecological reports have been produced:

Ecological appraisal
Bat report
Breeding bird report
Wintering bird report
Grassland survey

The summary of the finding from these reports fits reasonably well with West Yorkshire Ecological Services (WYES) existing reports for the site which include Grassland Phase 1 Habitat Surveys undertaken by WYES in 2008/2009. The most significant grasslands are in the north western part of the allocation site.

This part of the report recognises that great crested newt surveys will be required. We recommend that this is referred to as an amphibian surveys as all species of amphibian are considered to be at least of West Yorkshire Biodiversity Action Plan (WYBAP) significance, and all 5 species have been recorded within the site or the adjacent 2km buffer. The site supports 3 ponds and the surrounding 500m buffer and additional 14. One of the ponds is

known to be a breeding site for a large number of toads, which use Thornhills Beck lane as a migration route and is registered as a toad migration route. The amphibians will use terrestrial habitat as well as the pond. Many of the ponds are associated with Willow Valley Golf Club to the east of the allocation site.

The surveys should include reptile surveys as there is a recent record of adder within the site. This should follow standard reptile survey methodology.

We note a reference to sustainable urban drainage (SUDs) within the report. We would like to see more reference to the hierarchy of priority for SUDs which recognises that surface wetlands and swales are preferable to below ground chambers and enlarged diameter drains to provide “multifunctional benefits” as set out in the NPPF para 165.

We also agree that parts of the Calderdale Wildlife Habitat Network are species poor (6.48) but describing them to be of “negligible biodiversity value” suggests a lack of understanding of the mapping process used in developing the network. The assessment does however recognise that it is maintaining links between higher quality habitats which is significant rather than protecting the line of the Network across specific fields.

Of most concern with the scoping study is the way it handles the critical matter of “Measurable Biodiversity Net Gain” as required under the NPPF (para 170 and 174). There is a need to assess the whole of the allocation site’s value in terms of biodiversity units using the Defra metric and for every iteration of the 14 year development of the site to contribute towards a Strategic Biodiversity Habitat Enhancement Plan. Note that any species related enhancement (such as the installation of bat roosting and bird nesting features) should be supplementary to this. This process should aim to generate a minimum of 10% gain in biodiversity units or whatever becomes a requirement of the emerging Environment Act. The timescale for implementation of the Biodiversity Habitat Enhancement Plan should progress at the same rate or in advance of the site being developed. As part of the strategic biodiversity enhancement plan areas and their expected habitat ‘condition’ should be clearly identified so that they can contribute towards the Local Biodiversity Recovery Strategy which is expected to be a requirement of the Environment Act.

The Strategic Biodiversity Habitat Enhancement Plan should aim to create Local Wildlife Habitat Networks connected into the Calderdale Wildlife Habitat Network. These may also provide Accessible Natural Greenspace linked to other Green-infrastructure corridors.

It should be noted that there are currently 6 Local Wildlife Sites (one of which is also a Local Nature Reserve) within 2km of the allocation. These sites are likely to come under increased pressure from additional use by new residents of the development. This should be considered as part of any Biodiversity Net Gain assessment and impact assessment process.

It is good to see lighting and biodiversity being included in the scoping report. We would like to see reference to the Bat Conservation Trust publication Bats and Artificial Lighting in the UK (2018) which recommends LED street lighting should, wherever possible, be limited to luminaire with temperature of <2700K, i.e. the red end of the spectrum not the blue. This is also recognised by lighting professionals as being less intrusive for people trying to sleep.

For all species considerations, clear detail must be provided to how the mitigation hierarchy has been applied (avoid, reduce, mitigate, compensate).

9. Trees

No comments to make

10. Archaeology and Heritage

Archaeology

The proposed approach to assessing the application site's cultural heritage is acceptable. A very rapid survey of known sites indicate that remains from the later prehistoric periods (West Yorkshire Historic Environment Record PRN 40692) to the Industrial revolution are present within the site. Historic maps establish a settlement named as Thornhills along with several farmsteads.

Heritage

The Local Planning Authority are happy with the proposals however, they should refer to the Heritage Impact Assessment (HIA) for the site as one of the baselines for the assessment. The report only describes desk based assessments – as a result of identifying assets whose significance could be affected, there is a possibility that this can only be judged on site – particularly in relation to potential harmful visual impact on setting. If so, this should be combined with the landscape assessments if necessary to show how much setting is impacted by development – and potential mitigation through siting, layout design massing etc .

11. Air Quality

The scope includes construction and demolition phases as well as vehicle emissions during the operation phase of the proposed development. There is a reference to the Air Quality Management Area at Brighouse, which has been declared for nitrogen dioxide from road traffic. The applicant should ensure that any impacts on traffic flows in and around the AQMA are assessed using the best data and projections available in order to account for increased congestion, queueing and traffic volumes and the impact on nitrogen dioxide concentrations in the wider area. There are long term road schemes proposed for the road network and these may need to be referenced in the EIA. The Defra guidance on calculating damage costs may also be helpful:

<https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

Regard should be had to the planning guidance incorporated in the West Yorkshire Low Emission Strategy (WYLES) which is available to view on the council's internet site:

<https://www.calderdale.gov.uk/v2/businesses/pollution/air-quality/wyles-low-emissions-strategy>.

When calculating impact one should use the latest Emission Tool Factor kit available, if that supersedes the version stated in the guidance.

12. Noise and Vibration

The commentary in this section (Section 6.72 to 6.81) indicates that a noise survey will be undertaken and that Environmental Health would be consulted about the survey. This approach is appropriate.

13. Ground conditions, contamination and Coal Mining Risk

Ground Conditions

A preliminary Phase 1 risk assessment has been produced and identifies the need for further investigation. Although the area is characterised in this section as largely agricultural and residential it is likely that landfill has taken place in some areas (old quarries were often used as unofficial landfills) and any such contamination would need to be identified and assessed for remediation. Agriculture can also introduce sources of contamination and this will need to be considered. The large area involved may dictate a phased approach to remediation,. The use of a grid system as outlined in Section 6.91 would need to be described and justified in detail

Coal Mining Risk

The Coal Authority has been consulted, and note that this Chapter is to be prepared by Lithos Consulting in order that ground conditions / coal mining legacy within the site will be fully assessed, in order to ensure the sites suitability to accommodate development.

14. Flood Risk and Drainage

The proposals in Section 6 particularly with regard to Chapter 14 – Flood Risk and Drainage, appear to be in line with our requirements.

It is important to remember that the FRA and drainage strategy report should not just address the vulnerability of the site to flooding, but also how the development itself could impact on its surroundings and neighbours in terms of surface water management.

15. Lighting

This section covers the impact of lighting on existing and new receptors and appears to take account of the relevant guidance and Environmental Health considers that the approach is reasonable.

It is good to see lighting and biodiversity being included in the scoping report. We would like to see reference to the Bat Conservation Trust publication Bats and Artificial Lighting in the UK (2018) which recommends LED street lighting should, wherever possible, be limited to luminaire with temperature of <2700K, i.e. the red end of the spectrum not the blue. This is also recognised by lighting professionals as being less intrusive for people trying to sleep.

Other Issues

- Public Health

The Local Planning Authority seeks to ensure that the impact on health is taken into account from the outset in considering proposals, through submission of a Health impact Assessment HIA which would be a requirement of Emerging Local Plan Policy HW2.

The Local Planning Authority would suggest that health impacts are included in the EIA in a separate chapter, which can detail the interaction between human health and the natural and physical environment as well as transportation and environmental quality, such as air quality.

Health impacts are also linked to access to community facilities such as schools. Residents within large developments who moved sooner had higher than average mental health problems, which were attributed to a lack of facilities in the new community.

The baseline health conditions can be obtained from the Joint Strategic Needs Assessment and reference should also be made to the linkage to the Health and Wellbeing Strategy.

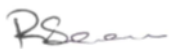
- Environmental Mitigation Measures

The ES should include a schedule of the proposed environmental mitigation measures. This should include a description of the following;

- The predicted significant effects before mitigation, as described in each of the assessment chapters of the ES
- The characteristics of the mitigation measures proposed to address the significant effects, as well as the resultant 'residual' effects with the measures in place.

Where reliance is placed on management plans to deliver the proposed measures the ES should include draft copies of such plans and provide a full explanation of how they will address the potentially significant adverse effects.

Yours sincerely,



Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Other Planning Related Comments

Archaeology

Further physical archaeological evaluation and potentially further work will be necessary if the proposals progress to a planning application.

Ecology

Natural England however, considers that the area within which the development is situated would benefit from enhanced green infrastructure

Coal Mining

The Coal Authority “ would request that any layout should be informed by the findings of intrusive site investigations, especially in relation to the 27no. mine entries recorded as being present within the site and buildings should avoid these areas, wherever possible, as per out adopted policy: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Noise

Noise during the construction phases will need to be considered in detail to avoid new and existing receptors being exposed to noise from construction plant and machinery including piling and other major groundworks. Thought should be given to the site access for construction and

other works vehicles and plant, as well as plant locations in relation to dwellings, as the scheme progresses.

Flooding / Surface water

The applicant should pay particular attention to the following points when producing the Flood Risk Assessment and Drainage Strategy:

1. The applicant should give serious consideration to the use of sustainable drainage techniques and may be asked to justify any decisions that do not include the use of SUDS. The following links may be useful:

http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx,
<https://www.kirklees.gov.uk/beta/flooding-and-drainage/pdf/sustainable-urban-drainage.pdf>)

2. The applicant should demonstrate compliance with the hierarchy of surface water disposal. This will comprise an assessment to dispose of waters from all roof and paved areas via ground infiltration, to watercourse, to surface water sewer and finally to combined sewer in that order of priority. Initially the site should be investigated for its suitability for infiltration drainage techniques as a means of disposing surface water. Only if this proves impracticable, or other mitigating reasons, should the lesser disposal methods be considered in priority order. Any sustainable drainage system features should be designed in accordance with SuDS Manual C753. The applicant should carry out a ground investigation percolation test and submit their findings to the Local Planning Authority for comment.

3. An existing drainage survey (including any culverts/watercourses) showing connectivity and condition would be recommended prior to demolition of any existing structures. Firstly, it would give comfort that nothing unusual would be unearthed on site and secondly is vital in demonstrating the nature of the site prior to development (brownfield or greenfield) including existing flows from the site, the existing means of disposal and flow routes across the site.

4. It is important to remember that the FRA and drainage strategy report should not just address the vulnerability of the site to flooding, but also how the development itself could impact on its surroundings and neighbours in terms of surface water management. The situation during a 100 year storm plus allowance for climate change needs to be examined. Flows between this and a 1 in 30 year storm shall be detained on site above or below ground or shall be safely discharged from site without causing increased risk of flooding elsewhere. Consideration should be given to the requirement for compensatory storage in the area of the site mentioned as being in flood zone 2/3.

For further information, or to discuss the development further with the Flood Risk team, the applicant can send an email to LLFA@calderdale.gov.uk

Appendix A

| Consultation Bodies | Responded within the Statutory Time Frame | Comments Provided |
|----------------------------|--|--------------------------|
| Lead Local Flood Authority | Y | Y |
| Environment Agency | N | |
| Natural England | Y | Y |
| West Yorkshire Archaeology | Y | Y |
| Highways | Y | Y |
| Countryside Services | Y | Y |
| Environmental Health | Y | Y |
| The Coal Authority | Y | Y |
| Yorkshire Wildlife Trust | Y | Y |
| National Grid | N | |
| Northern Gas Network | N | |
| Spatial Planning | N | |
| Tree Officer | Y | N |
| Historic England | N | |
| Conservation Officer | Y | Y |