

APPENDIX 1.3
SANG ENABLING WORKS FURTHER INFORMATION

Mr Tim Dawes
Guildford Borough Council
Milmead House
Milmead
Guildford
Surrey
GU2 4BB

31729/LW
12th October 2020

Dear Tim,

RE: 20/S/00003 – further information and extension of time request in respect of proposed enabling works to facilitate the first phase of SANG at the former Wisley Airfield site, Wisley Airfield, Ockham Lane, Ockham

Thank you for your letter dated 8th October in respect of the request for a screening opinion for the above site. In acknowledgement that the statutory time period for adopting a screening opinion elapsed on 14th September, the Applicant will grant the extension of time requested. However, given that the requested information has been provided only two working days later than your letter, we expect that the Council will be able to adopt its screening opinion much sooner than the requested extension date of 3rd November.

You will be aware that the planning application for the above development was submitted to the Council on 2 October 2020. Information from the submitted drawings and supporting documents is referenced and included with this letter.

This letter provides the requested information and also includes at Appendix 1, a background note that provides the context for the screening request. It reiterates the point made in the submitted screening report that the works arguably do not fall within the definition of any of the categories within Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) but a screening request was submitted nevertheless. It also provides the supporting case law that if the development were screened, it could lawfully be considered as a discrete project, not reliant upon any other development to come forward. The enabling works would be required for a future residential development at the former Wisley Airfield, but not vice versa. Any such future development is not before the Council for consideration and the works currently proposed must be considered on their own.

Further Information

- 1. An updated plan of maximum earthworks changes (to Appendix 2 provided with the Screening Report) showing the indicative size, location and depth of the drainage basins together with justification of why they are needed. The current plan shows most of the changes as being +/- 2m. It is not clear which areas are intended for the drainage basins.**



The surface water drainage plan submitted with the planning application is included at Appendix 2 of this letter. This shows the proposed size and location of drainage basins. The design notes in the bottom left-hand corner show that ponds would be 1m deep above any permanent water level with 0.3m freeboard, hence 0.7m storage depth. The basin size and storage capacity is based on calculation of the required attenuation volume for some of the proposed development zones, should a planning application for residential development at Wisley Airfield come forward in future (see also point 2 below).

2. Confirmation that the drainage strategy and basin capacity for the SANG is self-contained and does not include allowance for surface water drainage arising from the main housing development.

Surface water from a future residential development at the former Wisley Airfield would drain to the attenuation basins in the SANG area. However, with reference to the case law precedent at Appendix 1, the enabling works, including creation of drainage basins, are capable of being delivered independently, without reliance on any potential future development. Without any such future development in place, the basins would exceed the capacity required for the SANG enabling works but with no likely significant effects on the environment arising.

3. Information on the approximate volume of material required for the land raising and confirmation of whether it will all be sourced from within the SANG site resulting in a net cut and fill balance. If not, please confirm whether the indicated HGV movements included for any earthworks material being imported to, or exported from, the site and provide updated HGV estimates if necessary.

All material for the earthworks would be sourced from within the site. There would therefore be a net cut and fill balance with no import or export of soil. The HGV estimates included in the submitted screening report stand.

4. Clarification of the anticipated start and duration of the SANG construction works.

Assuming that planning permission is granted by Q4 2020, the works would start in March 2021 and end in Autumn 2022, totalling a period of 15 months.

5. The rationale for undertaking the entire SANG enabling works now when there will only be partial occupation of the new housing circa two years after the start of the main construction work. Has there been consideration of phasing the SANG works given the extended build programme for the main housing development.

Two points should be taken into consideration here. The first is that the enabling works proposed are only for part of the proposed northern SANG, which itself is intended to form only part of the phase 1 SANG. If a planning application for a residential development on the former Wisley Airfield were to be submitted, the planning application would include for SANG use, not just for this part of the Phase 1 SANG but for the entire Phase 1 SANG including an area of SANG to the south, all of which would be tested through the EIA process and reported in an Environmental Statement. There is no intention to seek to circumvent the EIA process in any way. The proposed SANG enabling works that are the

subject of the screening request must be considered on their own as the works are capable of being delivered as such.

The second point is that the rationale for a proposed development is not required to form a screening opinion. However, in the interests of being helpful and reaching a swift resolution of this matter, the Applicant's rationale is as follows:

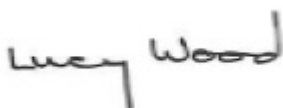
The current GBC housing trajectory seeks first occupations from 2022/23 at the Former Wisley Airfield. As GBC is aware, in order for the Applicant to achieve this, the first phase of SANG needs to be in place and ready to open by this date in line with Natural England (NE) requirements.

In order for the part of the northern Phase 1 SANG that is the subject of the screening request to be in place by early 2023, there are time critical works that need to take place as follows. The translocation of Great Crested Newts (GCN)/other relevant legally protected species needs to take place in Spring 2021 (March onwards, which is the most effective time of the year for GCN capture and relocation) once the relevant NE European Protected Species Mitigation Licence (EPSML) is obtained, prior to the subsequent site clearance and remodelling work. Once the land has been cleared and remodelled to allow for landforms and SuDs/ponds in accordance with a SANG landscape strategy, the grassland sown will have two growing seasons after translocation (as identified as a site-specific requirement by NE), in Autumn 2021 and Summer/Autumn 2022, ahead of the SANG opening in early 2023.

In order to obtain the NE EPSML by or before March 2021, planning permission will need to be obtained in December 2020, hence this application needs to be brought forward earlier than the main application.

I trust that the Council now has all the information it requires to reach the conclusion that the proposed SANG enabling works are not EIA development. As mentioned above, given the speed at which this further information has been provided, I would be grateful to receive the Council's screening opinion before 3rd November.

Yours sincerely



LUCY WOOD
ENVIRONMENTAL PLANNING DIRECTOR

Copy to Lee Davies, Camille Soor (Taylor Wimpey), Charles Collins, Katherine Munro (Savills)

Appendix 1 Background Note to Screening Request
Appendix 2 Surface Water Drainage Strategy

FORMER WISLEY AIRFIELD – BACKGROUND TO EIA SCREENING REQUEST FOR ENABLING WORKS FOR PART PHASE 1 OF SANG

File Ref: 31729

Lucy Wood, Environmental Planning Director

Background

This note sets out our understanding of the requirements of the EIA Regulations and Case Law that provided the background position for screening two developments proposed at the Former Wisley Airfield:

1. Enabling works for Phase 1 of SANG – request for Screening Opinion submitted to GBC on 24/08/20; and
2. Roundabout and stub road - request for Screening Opinion submitted to GBC on 23/09/20.

This note focuses on the first application but the principles also apply to the second.

Definition of a Project under the EIA Regulations

Schedule 4, Part 1 of the EIA Regulations refer to the need to describe and assess the "*whole development*".

Screening Requests

Regulation 6 provides for a Screening Request to include any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

Case Law

We are aware of a large body of case law on interdependent projects and splitting projects up that are part of a more substantial development. Key to our strategy is the established legal principle that the EIA Regulations are concerned with the planning application in consideration, not potential future applications unless they are functionally interdependent.

A summary of key points is provided below:

R v. Swale BC ex p. RSPB [1991] 1 PLR 6

"The proposals should not be considered in isolation if in reality it is properly to be regarded as an integral part of an inevitably more substantial development."

The Swale case indicates that whether a smaller development is an integral part of a more substantial development is a relevant consideration. But Swale also states that assessing whether the development is of a category described in the relevant EIA schedules must be answered strictly in relation to the development applied for and not for any development contemplated beyond that.

G Kokott, Case C-142/07 Ecologistas

This case established that where several projects, taken together, may have significant effects on the environment ..., their environmental impact should be assessed as a whole. It is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap. This case came up later in **Burridge** (see below), and as the Enabling works application does not require any other development to follow it, the application can be considered alone.

Candlish v SSCLG [2005] EWHC 1539 and also R (Burridge) v. Breckland DC [2013] EWCA Civ 228

This case concerned an application for a spine road to be followed by application for residential development. The spine road had no function without the subsequent development. However, the judge determined that there was no legal reason why the application should not be self-standing for the purposes of EIA.

R (Burridge) v Breckland DC [2013] EWCA Civ 228

In this case, it was determined that projects were functionally interdependent as a biomass renewable energy plant, near Kenninghall, Norfolk could not operate without a combined heat and power plant on nearby land at Crown Milling, Heath Road, Kenninghall and the pipe carrying fuel between the two sites. The judge (Davies LJ) also referenced **Candlish** and **Swale** in that "*there are strong grounds for not requiring planning authorities to look behind the particular application for development before them (or, in the words of Swale, to look for "any development contemplated beyond that")*". In this case, the reason for separate applications was "to meet deadlines".

The judge also referred back to the **Ecologists** case in that it would not be acceptable if the purpose was to deliberately circumvent the EIA Directive by the calculated making of separate or staggered successive applications which, if taken on their own, would not be Schedule 2 development.

It is also worth noting that **Candlish** features in Planning Practice Guidance (Paragraph: 025 Reference ID: 4-025-20170728).

R. (Crematoria Management Ltd) v Welwyn Hatfield BC [2018] P.T.S.R. 1310

This case was borne in mind when taking the decision to request a Screening Opinion for the Enabling works for Phase 1 of SANG. The judge in this case ruled that the LPA had not erred in law when not screening an application for a cemetery (including demolition of a chapel, store, crematory, new car parking and landscaping) as whilst "urban development project" (Schedule 2, 10, b)) does not have a definition, it was reasonable not to screen as it was not in a urban area and would not have a significant urbanising effect. As we acknowledged at paragraph 3.7 of the submitted Screening Report, the works do not fit within any of the categories of Schedule 2 of the EIA Regulations. However, we prepared a request for a Screening Opinion as a precautionary measure.

Discussion

As noted above, it is considered that screening may not be required at all for the application for Enabling works for Phase 1 of SANG. However, as a Screening Opinion has been requested, the decision as to whether it is EIA development or not should be considered on the characteristics of the proposed works, not on the basis of any possible planning application that may come forward in future as the works proposed within the Enabling application do not require any other development to come forward.

There is no intention to “salami slice” development so as to circumvent the EIA Regulations. Any future applications would consider the EIA Regulations as required and it has been acknowledged by the Applicant that a future application for residential-led development (and SANG) at the former airfield, would be EIA development, supported by an ES. Even if a future application for residential development never came forward, the Enabling works application would not lead to likely significant effects on the environment.

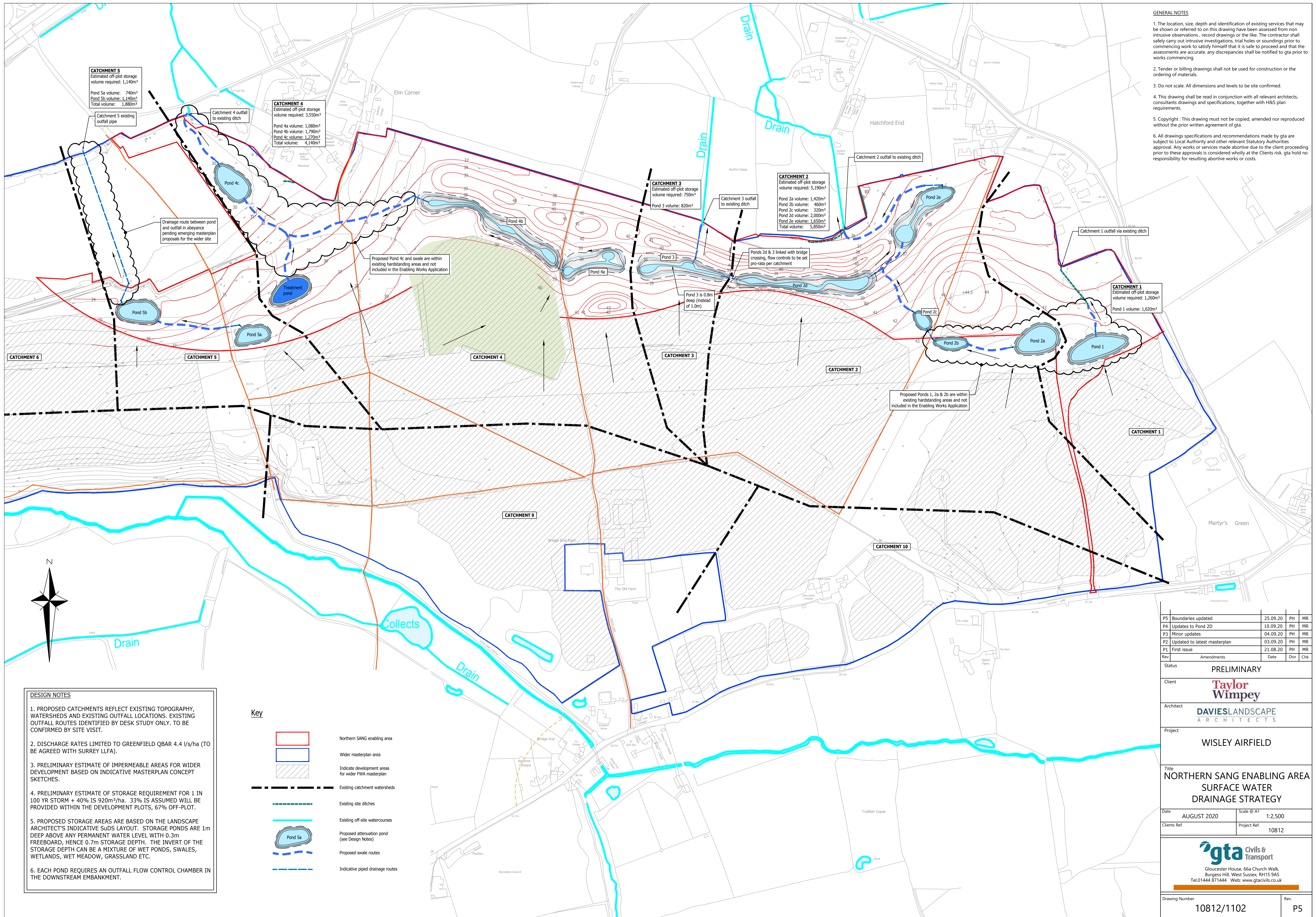
There is a good reason for submitting the application for Enabling works for Phase 1 of SANG ahead of any future application for residential development, which is stated in paragraph 1.2 of the submitted Screening Report, *“to enable sufficient time for ecological mitigation works to be undertaken in the appropriate seasonal survey window to enable construction work to commence targeting first occupations [should a residential development be permitted at the former airfield] (text added) in Q4 2022”*. Note that this could be early 2023.

The Screening Request has been made in respect of the following works, using the access from Ockham Lane. This work could be completed without the need for any other development so has been screened as a project in its own right:

- Ecological mitigation works;
- Vegetation clearance;
- Landform alterations;
- Creation of drainage basins;
- Ground preparation; and
- Advanced landscaping.

These works are not considered to give rise to likely significant effects on the environment, as explained in the submitted Screening Report. The mitigation measures committed to at screening stage, which have been proposed by qualified ecologists and other relevant technical specialists, are set out in paragraphs 2.15 and 2.16 of the report.

I trust that this information provides helpful clarity on the rationale for the screening request. In light of the requirements of the EIA Regulations and the established legal precedents, we do not consider the Enabling works for Phase 1 of SANG to be EIA Development.



CATCHMENT 5
 Estimated off-plot storage volume required: 1,140m³
 Pond 5a volume: 740m³
 Pond 5b volume: 1,140m³
 Total volume: 1,880m³

CATCHMENT 4
 Estimated off-plot storage volume required: 3,550m³
 Pond 4a volume: 1,080m³
 Pond 4b volume: 1,790m³
 Pond 4c volume: 1,270m³
 Total volume: 4,140m³

CATCHMENT 3
 Estimated off-plot storage volume required: 750m³
 Pond 3 volume: 820m³

CATCHMENT 2
 Estimated off-plot storage volume required: 5,190m³
 Pond 2a volume: 1,420m³
 Pond 2b volume: 460m³
 Pond 2c volume: 320m³
 Pond 2d volume: 2,000m³
 Pond 2e volume: 1,650m³
 Total volume: 5,850m³

CATCHMENT 1
 Estimated off-plot storage volume required: 1,260m³
 Pond 1 volume: 1,620m³

Catchment 5 existing outfall pipe

Catchment 4 outfall to existing ditch

Catchment 3 outfall to existing ditch

Catchment 2 outfall to existing ditch

Catchment 1 outfall via existing ditch

Drainage route between pond and outfall in abeyance pending emerging masterplan proposals for the wider site

Proposed Pond 4c and swale are within existing handstanding areas and not included in the Enabling Works Application

Ponds 2d & 3 linked with bridge crossing, flow controls to be set pro-rata per catchment

Pond 3 is 0.8m deep (instead of 1.0m)

Proposed Ponds 1, 2a & 2b are within existing handstanding areas and not included in the Enabling Works Application

DESIGN NOTES

- PROPOSED CATCHMENTS REFLECT EXISTING TOPOGRAPHY, WATERSHEDS AND EXISTING OUTFALL LOCATIONS. EXISTING OUTFALL ROUTES IDENTIFIED BY DESK STUDY ONLY. TO BE CONFIRMED BY SITE VISIT.
- DISCHARGE RATES LIMITED TO GREENFIELD QBAR 4.4 l/s/ha (TO BE AGREED WITH SURREY LLFA).
- PRELIMINARY ESTIMATE OF IMPERMEABLE AREAS FOR WIDER DEVELOPMENT BASED ON INDICATIVE MASTERPLAN CONCEPT SKETCHES.
- PRELIMINARY ESTIMATE OF STORAGE REQUIREMENT FOR 1 IN 100 YR STORM + 40% IS 920m³/ha. 33% IS ASSUMED WILL BE PROVIDED WITHIN THE DEVELOPMENT PLOTS, 67% OFF-PLOT.
- PROPOSED STORAGE AREAS ARE BASED ON THE LANDSCAPE ARCHITECT'S INDICATIVE SUDS LAYOUT. STORAGE PONDS ARE 1m DEEP ABOVE ANY PERMANENT WATER LEVEL WITH 0.3m FREEBOARD, HENCE 0.7m STORAGE DEPTH. THE INVERT OF THE STORAGE DEPTH CAN BE A MIXTURE OF WET PONDS, SWALES, WET MEADOW, GRASSLAND ETC.
- EACH POND REQUIRES AN OUTFALL FLOW CONTROL CHAMBER IN THE DOWNSTREAM EMBANKMENT.

- Key**
- Northern SANG enabling area
 - Wider masterplan area
 - Indicate development areas for wider FWA masterplan
 - Existing catchment watersheds
 - Existing site ditches
 - Existing off-site watercourses
 - Proposed attenuation pond (see Design Notes)
 - Proposed swale routes
 - Indicative piped drainage routes

- GENERAL NOTES**
- The location, size, depth and identification of existing services that may be shown or referred to on this drawing have been assessed from non intrusive observations, record drawings or the file. The contractor shall safely carry out intrusive investigations, trial holes or soundings prior to commencing work to satisfy himself that it is safe to proceed and that the assessments are accurate. Any discrepancies shall be notified to gta prior to works commencing.
 - Tender or billing drawings shall not be used for construction or the ordering of materials.
 - Do not scale. All dimensions and levels to be site confirmed.
 - This drawing shall be read in conjunction with all relevant architects, consultants drawings and specifications, together with H&S plan requirements.
 - Copyright: This drawing must not be copied, amended nor reproduced without the prior written agreement of gta.
 - All drawings specifications and recommendations made by gta are subject to Local Authority and other relevant Statutory Authorities approval. Any works or services made abortive due to the client proceeding prior to these approvals is considered wholly at the Clients risk. gta hold no responsibility for resulting abortive works or costs.

PS	Boundaries updated	25.09.20	PH	MR
P4	Updates to Pond 2D	10.09.20	PH	MR
P3	Minor updates	04.09.20	PH	MR
P2	Updated to latest masterplan	03.09.20	PH	MR
P1	First issue	21.08.20	PH	MR
Rev	Amendments	Date	Dsn	Chk

Status	PRELIMINARY			
Client	Taylor Wimpey			
Architect	DAVIESLANDSCAPE ARCHITECTS			
Project	WISLEY AIRFIELD			
Title	NORTHERN SANG ENABLING AREA SURFACE WATER DRAINAGE STRATEGY			
Date	AUGUST 2020	Scale @ A1	1:2,500	
Clients Ref		Project Ref	10812	
Civils & Transport Gloucester House, 66a Church Walk, Burgess Hill, West Sussex, RH15 9AS Tel: 01444 871444 Web: www.gtacivils.co.uk				
Drawing Number	10812/1102	Rev.	P5	