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Your Ref: EC/R9897L  
My Ref: B/IE/00339/ENQ

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10<sup>th</sup> August 2009

Dear Ms Campbell

**Town and Country Planning (Environmental Assessment) (England & Wales) Regulations 1999.**

**Our Reference:** B/IE/00339/ENQ  
**Location:** Former HMS Ganges, Shotley Gate, Shotley, Ipswich, Suffolk, IP9 1QJ  
**Proposal:** Construction of i) 190 no. open market houses, ii) 30 no. affordable dwellings, iii) shops, cafes, business/workshops in new and existing buildings (1300m<sup>2</sup>), iv) retirement community consisting 60-bed care facility, 60 assisted living apartments and 70 sheltered housing units, v) a health facility (300m<sup>2</sup>) and vi) 28-bed guest house within existing building.

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

This letter constitutes the District Council's Scoping Opinion in relation to an Environmental Impact Assessment that is to be undertaken for the above proposed development, and is made following the submission of your request under Article 10 of the above Regulations dated 7<sup>th</sup> May 2009.

The Scoping Opinion outlines the matters that the District Council considers should be addressed by the Environmental Impact Assessment (EIA) and included within the Environmental Statement (ES) that is to be prepared to accompany the planning application. In adopting this screening opinion, the District Council was provided with an EIA Scoping Report dated May 2009 prepared by Savills and responses from consultation bodies shown at Annex 2.

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

As you will be aware Appendix 5 to the DETR publication "Environmental Assessment: A guide to procedures" (2000) contains a checklist that outlines the matters to be considered for inclusion in an Environmental Statement. In response to the submission of your Scoping Report the following observations have been made by the consultation bodies that the District Council was required to contact in accordance with Regulation 12 and other individuals and organisations. A list of those who replied appears in Annex 1 and copies of the responses received appear in Annex 2



Where mitigation of adverse effects is identified, such measures should be described in full within the ES and, where appropriate, linked to identified international, national and local (identified) policy and guidance with reference to appropriate consultees and expert advice/opinion.

The ES should report on how consultation responses have been addressed and of advice is disregarded, include an explanation to justify or support that decision.

## **Development Description and Consideration of Alternatives**

The ES will need to describe the site and surroundings and provide an account of the baseline conditions. While the Scoping Report provides an outline of the potential size and height of the development, the ES will need to provide an assessment based upon minimum and maximum size and height parameters. The ES should also provide an account as to why the intended site configuration has been chosen and is considered to be appropriate in comparison with alternative layout solutions. In addition the ES should give consideration to the selection of alternative sites within the area, and their suitability for development. In our experience those compiling an ES often inadequately address the consideration of alternative sites and design solutions.

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

## **Planning Policies**

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

## **Contamination**

Paragraph 5.4.1 of the Scoping Report states that "no further intrusive investigations are proposed, as existing surveys are considered to remain robust". This view is not supported by Babergh DC, particularly since there have been significant technical and procedural developments in the assessment of land contamination since the previous studies were undertaken in 2001-02. The applicant is strongly advised to contact the Council's Contaminated Land Officer (Dr Nathan Pittam) to agree a scope of works prior to undertaking the EIA.

## **Air and Climate**

Paragraph 5.5.1 of the Scoping Report states that "the effects on occupants of the project [of shipping emissions from Felixstowe and Harwich] will not be assessed as part of the EIA". However, it is proposed to build residential properties closer to Felixstowe Port than current dwellings. The EIA should therefore include a screening assessment in accordance with Box 5.4 of DEFRA's "Technical guidance LAQM.TG(09) Local Air Quality Management, February 2009" and if necessary, a Detailed Assessment should be carried out as specified in Paragraph 6.41 of that guidance. The cumulative impact of the Felixstowe South Reconfiguration and the Bathside Bay developments (which both have planning approval) should also be assessed as part of the EIA and addressed as part of your consideration of the cumulative impacts.



## **Noise**

Paragraph 5.2.17, together with the preceding paragraph, advises that a "robust assessment" of the impact of noise from Felixstowe Port will be carried out. However, the proposed methods of measuring exiting noise from the port and of assessing the impact are not specified in the EIA and should be agreed with the LPA.

As a general comment, the Council receives relatively regular complaints from the nearest noise sensitive properties in Shotley to Felixstowe Docks (Trinity III terminal) which are approximately 1100m away from the quayside. The complaints relate principally to engine/generator noise from ships at berth, which the Council is relatively powerless to control in any way. The Council is concerned that residential development is proposed approximately 200m closer to Trinity III. The potential effects upon the occupiers of these dwellings should be properly investigated and any necessary proposals to mitigate any potential adverse effects included.

The proposal includes business/workshop units together with commercial space. However, Paragraph 5.2.21 of the Scoping Report states that "the proposal will not include any substantial mechanical plant" and "as such operational noise generated by plant and machinery on site will not be assessed as part of the EIA". This is accepted provided that no B2, B8 or otherwise inherently "noisy" uses are to be proposed as part of the development.

With respect to noise from road traffic, paragraph 5.2.19 of the Scoping Report identifies locations where operational noise will be assessed using peak hour flows. As well as peak hours, changes in 18 hour LA10 noise levels should also be quantified. The proposed assessment appears to focus on assessing changes to noise level at the junctions along the B1456 identified in the Transport Assessment. For previous planning applications for this site, there was considerable concern expressed by the residents in Chelmondiston, Woolverstone and Freston about increases in traffic, and hence noise, along this route. Any particularly sensitive receptors on the B1456 should be identified, and comments relating to likely noise impacts included, so that any issues can be identified from the outset and residents be informed of any impacts.

With respect to noise arising directly from the site, traffic noise impacts on dwellings in Gate Farm Road, which back on to the site should be quantified, together with any recommendations for mitigation.

An indication of likely eligibility under the Noise Insulation Regulations 1975 (as amended) should be included with reference to the new roundabout proposed to access the site from the B1456 and any other altered junctions along the B1456.

## **Drainage**

Drainage from the site may well impact on Shotley Marshes SSSI or the Stour & Orwell SPA, so this is a potentially significant environmental effect and potential impacts of drainage upon these designations should be included within the ES.

Where site investigative work confirms Sustainable Urban Drainage System (SUDS) techniques are feasible, drawings and supporting calculations should be incorporated in the ES.

## **The Historic Environment**

The proposal incorporates a block of land c. 6.20ha. in area – principally, the sports ground in the north-west part of the site. This part of the site has good potential for the discovery of important unknown archaeological sites and features in view of its proximity to known remains and also given the landscape setting on Shotley peninsula. It has not been previously developed and, therefore, this area has high potential for the survival of archaeological deposits, unlike the remainder of the site.



Therefore, for the area of the sports ground only (c. 6.20 ha in extent), the Environmental Statement for this application, should include the following archaeological evaluation:

- Geophysical survey across the entire area;
- Trial excavation across the entire area (a 5% sample of the development area), informed by the results of the geophysical survey.

The applicant is advised to liaise directly with the District Council to agree (in liaison with the Archaeological Unit of Suffolk County Council) the extent of the site to which these archaeological investigations should apply.

## Flood Risk

Section 5.4.4 of the EIA Scoping Report states a drainage Strategy has been completed. It should be ensured that the following matters have been taken into consideration within the scheme;

- Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water runoff from a site.
- Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration e.g. soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365. If soakaways are not designed to cater for the 1 in 100 year rainfall event plus allowance for climate change then on-site supplemental storage for additional water up to this design event.
- The Environment Agency prefers the use of SUDS (sustainable urban drainage systems) techniques for the control of surface water attributable to the development. Guidance on SUDS can be found in Annex F of Planning Policy Statement: Development and Flood Risk (PPS25) and also within the CIRIA C697 document 'SUDS Manual 2007.' Generally, the use of oversize pipes and storage tanks does not constitute SUDS. Sustainable drainage techniques should be considered, and suitable justification should be given where it is not to be implemented.
- Percolation tests are essential. The Council understands that infiltration SUDS may not be suitable in some locations, due to a low porosity of soil. However, if this is the case, there are other techniques which can be used for the storage of surface water, such as swales and balancing ponds, and these techniques should be explored further.
- Any drainage scheme should be presented as a Flood Risk Assessment. Please refer to the Environment Agency's flood risk standing advice;  
<http://www.environment-agency.gov.uk/research/planning/82584.aspx>
- The Environment Agency require that for the range of annual flow probabilities, up to and including the 1 in 100 year event, the developed rate of runoff into a watercourse should be no greater than the undeveloped (existing/Greenfield) rate for the same event.
- Evidence should be provided of how the attenuated run-off rate has been determined, and calculations indicating the required storage volume for the 1 in 100-year storm event (including the appropriate allowance for climate change as indicated in Annex B of PPS25) attenuated at



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

- There should be a site plan showing a detailed SUDS scheme providing information on the location, storage volume, and drainage course of each of the SUDS components. A detailed site plan should be included with the FRA to determine that adequate flood storage capacity is included in the proposed development
- Details of how the proposed drainage scheme is to be managed should be included within the FRA, in terms of whom will be responsible for the maintenance of the development in perpetuity. In order to secure a management scheme a Section 106 agreement is often agreed to and evidence of this should be supplied in the FRA.
- If it is proposed to discharge surface water run-off to the Local Water Authority, on-site supplemental storage should be included up to the 1 in 100 year rainfall event (including climate change) as the Local Water Authority will typically only accept surface water up to the 1 in 30 year surface water discharge rate. The FRA should provide evidence from the Local Water Authority confirming their acceptance of the 1 in 30-year surface water discharge rate.
- The development site should not be flooded from surcharge of new adoptable surface water systems, including the wash from passing vehicles. For events greater than the 1 in 30 and up to the 1 in 100 year storm you should detail how/where surcharged water will be managed.
- The site lies in close proximity to Flood Zone 3, the high risk zone, as illustrated by Environment Agency Flood Zone maps. It is unclear whether a small part to the south-east of the site lies within the flood zone. This should be confirmed within the EIA. Should the south east corner of the site lie within the flood zone the Sequential approach should be applied and development located away from this area (PPS25).

## **Landscape and Visual Assessment**

The EIA should assess potential impact upon the Suffolk Coast & Heaths AONB (in terms of landscape character, visual impact, access) and set out the environmental effects and provide details of the measures that will be undertaken to mitigate those effects. It would be useful for this aspect to be considered under its own separate heading/sub-section.

The proposals for landscape and visual assessment are in line with what is required. This work should expand the range of viewpoints, specifically adding a viewpoint from the Fagbury Point area on the Suffolk Coasts and Heaths Coastal Path. Furthermore, the assessment should identify distances to sensitive receptors and include an assessment of the visual effects of lighting.

There should be specific reference to important trees on and adjacent to the site, particularly those with Tree Protection Orders. Potential impacts upon these specimens should be investigated and proposals to mitigate any effects identified included.

## **Highways and Transport**

The Council is broadly satisfied with the content of this part of the Scoping Report. The ES should discuss the environmental effects of Transportation issues.

Queue data analysis at the A137/B1456 Wherstead Roundabout, including the onward network into Ipswich should be included in the assessment.

The Scoping Report does not refer to the likely need for off-site infrastructure improvements. The Transport Assessment should consider, in particular, improvements to the A137/B1456 and B1456/B1080 junctions and the introduction of traffic management measures in Chelmondiston,



Woolverstone and Shotley (subject to local consultation) would also need to be implemented and inform the Environmental Impact Assessment accordingly.

There are concerns relating both to the direct environmental impacts of additional traffic on access routes to the application site and the broader indirect environmental impacts of carbon dioxide emissions associated with this. In identifying mitigation, the Environmental Impact Assessment should:

- Highlight how overall travel demand will be reduced
- Encourage the use of sustainable transport modes (walking, cycling, car sharing, public transport etc)
- Discourage the use of the car, especially by single occupants.

This might be achieved through infrastructural improvements (e.g. cycle way/footway provision/enhancement or associated facilities (e.g. cycle shelters), through transport planning (e.g. travel planning, car clubs) or by direct contribution to sustainable transport programmes (e.g. 'Buzzabout').

There is potential for the development to impact upon public rights of way in the vicinity of the application site. The Environmental Impact Assessment should assess this potential impact.

## **Ecology**

The proposed development as detailed above, is on a site adjacent to the Stour Estuary SSSI, the Orwell Estuary SSSI, the Stour & Orwell Estuaries Special Protection Area (SPA) and Ramsar site and the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB).

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

- The interest features of the Orwell Estuary SSSI and the Stour Estuary SSSI.
- The designated features of the Stour & Orwell Estuaries SPA and Ramsar site.
- Protected species and habitats.

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

The marine location will be one of the main attractions of the development and associated leisure activities such as boating and walking have been shown to be a major issue for the protected bird populations in the Stour and Orwell Estuaries SSSIs and Special Protection Area. For example, dogs that are exercised off their leads are particularly disruptive to feeding and roosting waders.

Although the main area of estuarine shore adjacent to the proposed development is not designated as part of the SPA there will be impacts on wider areas through extra numbers of people exploring the Shotley peninsular and the wider leisure activities such as sailing and motor boat usage which will place increased pressure on habitats along the shore. The noise from the development during and after the construction phase could also have a damaging effect on SPA features and will need to be addressed.

The Environmental Statement should include sufficient information to enable the Council to discharge its obligations under the Habitat Regulations to undertake an 'Appropriate Assessment' of the proposals, particularly with regard to the potential direct and indirect effects and impacts upon the adjacent Special Protection Areas. A specific heading "Likely significant effects on the internationally important habitats and/or species" should be included at the relevant part of the Environmental Statement.

There should be some reference to "Geological and geomorphological features" as required by PPS9, as such features have the equivalent status as biodiversity features. If none exist or there is no impact then this should be stated to demonstrate the ES has had regard to this.



The ES should also include comprehensive and up-to-date survey information on the presence of legally protected species and BAP species and habitats within the application site. All survey information should be collected by suitably qualified personnel and at a time of year appropriate to the species/habitat in question. The likely impact of the proposal on those species and/or habitats present should be assessed within the ES and, if necessary, suitable mitigation measures proposed.

The ES should address breeding bird interests within the proposed development site. All wild birds, their nests, and eggs, are protected by law during the breeding season, under the Wildlife and Countryside Act (1981). The ES should identify breeding bird interest within the development site and, if necessary, propose suitable mitigation for any loss of habitat that may result from the proposed scheme.

Invertebrate surveys should be undertaken as these habitats may yield scarce species, such as burrowing bees and wasps.

## **Lighting**

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

## **Waste**

The EIA will need to explain how the applicant proposes to manage any construction and demolition (C&D) waste generated on the site during the construction of the project in particular how they intend to tackle resource efficiency e.g. minimise the wastage of building materials, the use of recycled products wherever feasible, re-use and recycle C&D waste generated during the project build for use on site.

## **Socio-Economic.**

The ES should consider the potential impact of the development on local services, including health care, education, policing, water supply & efficient use/recycling of water and drainage capacity.

## **The Environmental Statement.**

In preparing the ES you will be aware that as a minimum Schedule 4, Part 2 of the Regulations requires that an ES should contain:

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

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



## Planning Application

The following documents (from the Council's Local Validation Requirements document) will need to accompany any subsequent planning application unless the relevant information is to be incorporated into the ES. These include:

- Affordable Housing Statement
- Air Quality Assessment
- Bio-diversity Survey and Report
- Economic Statement
- Flood Risk Assessment
- Foul Drainage and Utilities Assessment
- Heritage Statement
- Land Contamination Assessment
- Landfill Statement
- Landscaping Details
- Lighting Assessment
- Noise Assessment
- Open Space Assessment
- Parking Assessment
- Photographs and Photomontages
- Planning Obligations – Draft Heads of Terms
- Planning Statement
- Site Waste Management Plan
- Transport Assessment,
- Travel Plan,
- Tree Survey & Arboricultural Report
- Ventilation/Extraction Statement (for all relevant buildings except self contained dwellings).

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

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

In order to assist the District Council with the registration of the proposed planning application I should be grateful if you would submit 15 sets of the relevant documents as hard copies and a further set in electronic/disc form.

## Other advice

The Stour and Orwell Estuaries Management Strategy (Draft) is set to replace an earlier version. This covers the status of the Estuaries as a European Marine site under the EU Habitats Directive 92/43/EEC

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

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river.



There is a body of data relating to bird numbers and distribution on the Stour and Orwell Estuaries, and to disturbance on these sites, that may be useful in determining likely affects from the proposed scheme. Such data may be available from the Suffolk Wildlife Trust, the British Trust for Ornithology and the RSPB amongst others.

I am sure you will appreciate the comments contained within this letter are made without prejudice to the consideration and determination of any subsequent application that may be made to the Council or the opportunities provided by Regulation 19 to request further environmental information should the need arise.

If you have any queries regarding the contents of this opinion, please contact the case officer, Gareth Durrant, 01473 825748 or by e-mail at [gareth.durrant@babergh.gov.uk](mailto:gareth.durrant@babergh.gov.uk).

Yours sincerely,

Nick Ward  
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