

Chris Williamson

From: Chris Bartlett <chris.bartlett@westsussex.gov.uk>
Sent: 29 April 2020 16:13
To: Chris Williamson
Cc: Barrie Thomas
Subject: WSCC Scoping Opinion LX/20a - Loxwood Clay Pit
Attachments: Loxwood Clay Pit - Scoping Opinion LX 20a (April 2020).pdf

Our Reference: LX/20a

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for Scoping Opinion

For: Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit.

At: Land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA

Further to your request for a scoping opinion, dated 28th January 2020, I enclose a copy of the Scoping Opinion of West Sussex County Council for your records.

Kind regards,

Chris Bartlett

Principal Planner, Planning Services, Highways, Transport and Planning Directorate

West Sussex County Council, Ground Floor, Northleigh, County Hall, Chichester, West Sussex, PO19 1RQ

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**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2017:
REGULATION 15 – Request for a Scoping Opinion**

Proposal

- Excavation of minerals (principally clay) from an area of woodland and scrub; and
- The development of a construction materials' recycling facility (CMRF) to provide local recycling facilities and the utilisation of some of the recycled materials for the restoration of the clay pit.

Site

**Land in forestry area near Loxwood, off B2133, Loxwood, West Sussex, RH14
ORA**

Applicant

Loxwood Clay Pits Limited.

Agent

Protreat Ltd.

Date received

28 January 2020

**Classification of the Proposed Development and requirement for an
Environmental Impact Assessment**

It is proposed to develop an area of some 6 hectares to bring forward clay extraction, and the recycling of construction waste, over a period of some 31 years, with the voids created being progressively backfilled and restored. There would be a further two year period of restoration, including the removal of the inert recycling plant, so the site would be in use for 33 years in total before being restored. Further details of the site and proposal are set out in sections 2 and 3 below.

Need for EIA

A separate Environmental Impact Assessment (EIA) Screening Opinion has not been sought, and the submitted Scoping Request does not take a view on whether the project would be considered EIA development, though it notes the project does not fall within Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

It is agreed that this is the case, but the project could be considered to fall within Part 2(1) of Schedule 2 to the EIA Regulations as it relates to a quarry (for which all development falls within Schedule 2, other than buildings less than 1,000m² in area); and Part 11(b) as it relates to an 'installation for the disposal of waste' (for which development with a site area exceeding 0.5 hectares falls within Schedule 2).

It is therefore necessary to consider whether the development has the potential for 'significant environmental effects'.

The indicative criteria / thresholds for Schedule 2 projects are set out in the [Annex to Planning Policy Guidance: EIA](#). For clay/sand/gravel quarries, the indicative criteria/threshold is quarries veering more than 15 hectares or involving the extraction of more than 30,000 tonnes of mineral per year. The present scheme proposes to extract 12,500 tonnes of clay/year, from a 6 hectare site so falls below these thresholds. The 'key issues to consider' are identified as the scale and duration of works, and the 'likely consequent impact of noise, dust, discharges to water, and visual intrusion'.

For waste installations, EIA is more likely with new capacity of 50,000 tonnes/year, (where 25,000 tonnes of inert waste is proposed), or sites of more than 10 hectares (where the site is 6ha), with EIA being unlikely for sites seeking to accept only inert wastes. The key issues to consider are identified as the scale of the development and nature of potential impact in terms of discharges, emissions or odour.

In this case, while the proposal does not exceed the thresholds for either of the relevant parts of the schedule, it is considered that with the quarrying and waste operations in combination, with associated HGV movements, and given the location of the site on greenfield land, within woodland, close to Ancient Woodland, with a new access, there is the potential for significant environmental effects. The proposal would involve a 25,000 tonne/year throughput of inert waste, in addition to the extraction of 12,500 tonnes of clay. It is considered that in combination, given the sensitivity of the area, the development has the potential for 'significant environmental effects' particularly in terms of noise emissions, emissions to air, disturbance of habitat, and potentially visual intrusion.

On this basis, it is confirmed that EIA is required.

The EIA Regulations allow for a developer to ask the local planning authority for their formal opinion (a 'Scoping Opinion') regarding the information to be supplied in the Environmental Statement (ES). This provides clarity as to what the local planning authority considers the main effects of the development are likely to be, and accordingly, the main topics on which the ES should focus.

West Sussex County Council (WSCC) has provided this Scoping Opinion in response to the information provided by the developer on 28 January 2020. In providing this response, consultation has been undertaken with the relevant statutory authorities.

SCOPING OPINION

1. Location

- 1.1 The site the subject of this proposal is located on a parcel of woodland in the north of Chichester District, around 1km north-east of Loxwood.
- 1.2 The Scoping Request states that the site is largely flat, and in an area of commercial forestry plantation, some of which has recently been cleared, so the site contains broadleaved plantation woodland, and grassland/native scrub. There is woodland abutting all boundaries of the site.
- 1.3 It is proposed that access to the site is taken from Loxwood Road, around 1km to the south, albeit via one of two slightly circuitous routes so the road would be greater in length.

- 1.4 In planning terms, the site is located in the countryside, outside of the built up area, as defined by Chichester District Council's Local Plan: Key Policies (2014 – 2029). It has no known planning history.
- 1.5 There are a number of areas of ancient woodland near to the site, including (nameless woodland) abutting its north-western boundary, 100m east, and Hurst Wood/Caddick Copse, some 185m south.
- 1.6 There are also a number of public rights of way (PROW) in the area, including footpath 792-1 which runs along the site's northern boundary, and links to the west with PROW 797 which extends to the south; and to the east with bridleway 801 which extends east.
- 1.7 There are several listed buildings in the vicinity, including Yew Tree Cottage and Four Houses on the B2133/Guildford Road, some 1.1km west of the site; and Barnsfold, some 940m east.
- 1.8 The nearest residential properties are relatively isolated farm houses including Keepers Cottage, some 375m north-west; Old Songhurst Cottage, some 420m west, and Lower Barnsfold, some 670m east.
- 1.9 The site is not within an area at increased risk of flooding, or protected for landscape reasons, and is not within a groundwater source protection area. The Environment Agency (EA) has confirmed the site is on an unproductive aquifer.

2. Planning History

- 2.1 The site is greenfield, with no planning history.

3. Proposal

- 3.1 It is proposed to develop an area of some 6 hectares to bring forward clay extraction, and the recycling of construction waste, over a period of some 31 years, with the voids created being progressively infilled and restored. There would further two year period of restoration, including the removal of the inert recycling plant, so the site would be in use for 33 years in total.
- 3.2 It is proposed that the site would comprise an extraction area in its centre; an area for stockpiling of soils and overburden to the west; and a clay storage area to the east, where it would be allowed to weather to a more useable state for brickmaking. At the southern extent of the operational area there would be a weighbridge, office and welfare facilities.
- 3.3 An inert recycling facility or 'construction materials recycling facility' (CMRF) would be located along either the southern or eastern boundary of the site. Paragraph 5.5.1 of the Scoping Request notes that the CMRF would be housed inside a building, but the dimensions of this has not been clarified.
- 3.4 It is proposed to create a new site access of some 1.1km in length to link with Loxwood Road to the south, with two routes being considered. Details of width and surfacing have not been provided, but both routes would cross and travel along public rights of way, and both would cut through ancient woodland at Caddick Copse. The creation of the access would presumably require the removal of trees to provide visibility splays in either direction.

- 3.5 It is anticipated that some 400,000 tonnes of clay would be extracted from the site, for use in brick making and other construction/industrial processes. Annually, it is proposed that some 12,500 tonnes of clay would be extracted, and 25,000 tonnes of inert waste recycled, of which 12,500 tonnes would be exported, and 12,500 tonnes infilled on site to restore it back to existing levels. It is proposed that extraction and restoration would be sequential, with the Scoping Request noting voids would be backfilled 'more or less concurrently with the extraction operations'.
- 3.6 The plant required on site would be excavators, a crusher, screener, and dump trucks or inclined conveyors, as well as lorries to transport waste material to the site, and clay and recycled material from it. The hours of operation proposed are 0800 to 1800, Monday to Friday.
- 3.7 The Scoping Request states that the operations would result in a maximum of 42 movements each day (21 vehicles travelling to/from the site). For the purposes of this Scoping Opinion, it is assumed that this refers to heavy goods vehicle (HGV) numbers. The lorry route is some 2.2 miles east of this via Tisman's Common at the A281.

4. Scope of the Environmental Statement

- 4.1 Every Environmental Statement (ES) must provide a full factual description of the development, and consideration of the 'main' or 'significant' environmental effects to which the development is likely to give rise. The ES should, wherever possible avoid the use of jargon and be written in easily-understood language.
- 4.2 Every ES must also contain the information set out in Regulation 18 of the EIA Regulations, along with such information from Schedule 4 of the Regulations as is reasonably required to assess the effects of the project. With reference to Regulation 18 and Schedule 4, the ES should contain (in summary), as a minimum:
- o a full description of the development, including physical characteristics and land-use requirements, during both the operational stage and post-restoration;
 - o a description of the likely significant effects of the project on the environment, and the methodology used to predict them;
 - o features of the development or measures envisaged to avoid, prevent, or reduce, and if possible, offset likely significant adverse effects on the environment. All mitigation relied upon for the purposes of the assessment should be clearly detailed in the ES, along with any mechanism relied on to secure it;
 - o a description of the reasonable alternatives relevant to the proposed development and its specific characteristics, and reasons for the choice made;
 - o a non-technical summary; and
 - o a statement from the developer outlining the relevant qualifications of the competent experts who have prepared the ES.
- 4.3 In accordance with Regulation 18(4), the ES must also:
- o be based on this Scoping Opinion (or if updated, the most recent Scoping Opinion issued);

- include information *“reasonably required for reaching a reasoned conclusion on the likely significant effects on the environment”*, taking into account current knowledge and assessment method; and
 - to avoid duplication, take account of the results of any relevant UK environmental assessment which is reasonably available.
- 4.4 Any updated requirements set out in the Planning Policy Guidance: Environmental Impact Assessment should also be taken into account.
- 4.5 The EIA should take a ‘Rochdale Envelope’ approach to considering the development, with a ‘worst case scenario’ assessed, so that anything less can be considered acceptable.
- 4.6 The following sets out the County Council’s views as to the main issues which will need to be considered in an ES relating to the development, with reference to the submitted Scoping Request. It does not prevent the County Council from further requests for information at a later stage under Regulation 25 of the EIA Regulations, if deemed necessary.

Landscape and Visual Impact

- 4.7 It is agreed that it is appropriate to carry out a LVIA in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3).
- 4.8 The reliance on a 1.5km study area should be clearly set out to demonstrate how it has been determined that the development would not be ‘particularly obtrusive’ in the landscape, and to quantify what that means. The Zone of Visual Influence (ZVI) should be established taking into account a ‘worst case’ for the development, including landforms, plant and buildings (CMRF building, offices, weighbridge, welfare facilities), and must include the full extent of the access road. It must also take into account the removal of trees which potentially currently screen it, and the impact of light from both lighting required on site and vehicles on the site, including travelling to/from it during winter.
- 4.9 Final viewpoints should be agreed with WSCC’s Planning Officers once the ZVI has been established.
- 4.10 The scope of the assessment should also include the visual impact, and impact on the landscape, of the increase in HGVs travelling to/from the site through the countryside. It should also consider the impact of the access itself, including the widened access opening up views into the site. It should also take into account the changes in land levels, when finalised at different stages of the development.
- 4.11 If bunds are to be used to screen views into the site, the scale and location of these should be taken into account in terms of impacts on the surrounding area. Landscaping of the proposed bunds should be considered and detailed accordingly. Cross sections and topographical plans of existing and proposed levels should be provided for all phases of the development.
- 4.12 It is likely that fencing will be required to enclose the site, and possibly along the route of the PROW to separate HGVs from those walking the paths. The impact of this on the landscape and visual amenity should be considered, and the type of fencing used carefully considered, given its rural location, and the long term nature of the project.

- 4.13 Similarly, the need for signage to be installed as part of the scheme should be identified at an early stage so that the landscape and visual impacts can be considered. It is likely this will be needed at the site entrance, along the PROW, and possibly along the local roads, so the extent of signage, and what would be required, should be clarified and its impact assessed.
- 4.14 At an early stage, it should be established whether site lighting would be required for operations and if so, the location and extent, so that this can properly be assessed in terms of the impact on this countryside location, both in terms of landscape and visual impacts.
- 4.15 The landscape character assessment should consider national, county and district level character areas, and make reference to associated guidance.
- 4.16 Further, a comprehensive landscaping scheme (including details of subsequent maintenance) should be included to minimise visual impacts on the locality and provide net gains for biodiversity.
- 4.17 The intention to carry out a tree survey in accordance with BS5837: 2012 is noted and agreed. The results of this should feed into not only the conclusions regarding ecological impact, but also landscape and visual impact, given the loss of trees proposed and the resulting reduced screening of the site. The tree survey must include consideration of the requirement to create/maintain sight lines at the site access.
- 4.18 Further consideration/detail should be provided regarding existing boundary treatment/vegetation and, where appropriate, the measures that are proposed to ensure its retention.

Ecology and Nature Conservation

- 4.19 It is agreed that an assessment should be undertaken in accordance with IEM's 'Guidelines for Ecological Impact Assessment'.
- 4.20 However, as noted in the response from WSCC's Ecologist, the assessment must consider not only the operational site, but the access road, which would run through ancient woodland. The loss of ancient woodland, and direct and indirect impacts on it (including root protection areas and hydrology) resulting from both the operational site and access road should be assessed, and biodiversity net gain demonstrated.
- 4.21 As noted in the response from Chichester District Council (CDC), their records indicate the site has suitable habitats for bats and dormice, and it is within 200m of ponds, potentially providing habitat for Great Crested Newts. They also confirm that the site is not within or near any known flightlines for bats from Ebernoe Common SAC or the Mens SAC.
- 4.22 As noted in the response from the Forestry Commission, the impact of the proposed access track on trees, roots and soil, particularly relating to ancient woodland, should be quantified, and compensated for, to ensure that there is a biodiversity net gain from the project.
- 4.23 The ES should clearly specify the amount and type of compensatory planting that would be provided to replace the trees lost, particularly in the ancient woodland, and where the compensatory planting would be located.
- 4.24 The ES should quantify the impact of increased disturbance in an otherwise tranquil location in the countryside on habitat and species beyond the site, including as a result of vehicles travelling on the new access road, and lighting on site.

- 4.25 The potential impact of dust emissions, noise, and surface water run-off from the site on ecology should be assessed.
- 4.26 The EIA should clearly identify how the works would enhance the ecological environment. This will be particularly important given the loss of a mature tree belt, part of the quarry from the final restoration, and the resulting long term loss of habitat.
- 4.27 An Ecological Management Plan should be provided, setting out how enhancement will be secured and maintained throughout the lifetime of the development.
- 4.28 The final restoration proposed should be updated to reflect the most recent understanding of beneficial habitat creation and environmental benefits.

Archaeology and Cultural Heritage

- 4.29 The proposals would bring forward development on extensive areas of greenfield land, in an area known for medieval glass working.
- 4.30 As noted in the response from the WSCC Archaeologist, the proposal to prepare a desk based assessment of the site to identify the presence and significance of any potential archaeological remains within the site is welcomed and appropriate (paragraphs 5.4.1 and 5.4.3 of the Scoping Report).
- 4.31 A search should be made of the three relevant Historic Environment Record databases (Chichester District Council, West Sussex County Council, Surrey County Council), and the findings incorporated and taken into account in the desk based assessment.
- 4.32 The suggested non-intrusive geophysical survey to identify buried archaeological features (5.4.3) would not be feasible at present, with trees and scrub on the site. Instead, an aerial LiDAR survey of the site (Digital Terrain Modelling, which can filter out trees, and if of sufficiently high resolution show earthworks on the bare earth below tree cover) and access route options is strongly recommended. The LiDAR imagery, with interpretation by a suitably qualified archaeologist, should form part of the desk based assessment.
- 4.33 An archaeological walkover survey of the site and access route options should also form part of the desk based assessment. There should be illustrations to show which areas were accessible and walked through; where inspection of woodland is possible only from woodland tracks and rides, this should be made clear. The green lane bounding the site on the north-east (Public Footpath 792/1) is a feature of historical landscape interest; earthworks, such as boundary banks, associated with the lane should be identified in the walkover survey.
- 4.34 As proposed (Scoping Report para. 5.4.3), potential mitigation measures to minimise any archaeological impacts should also be included in the desk based assessment and/or chapters of the EIA addressing mitigation of scheme impact.
- 4.35 It is considered likely that the conclusion that the development would have no visual impact on Listed Buildings is correct.
- 4.36 However, as part of the desk based assessment, the locations of Listed Buildings within 2 km of the site should be shown on a map. Consideration should be given, in detail, of the potential scheme impacts upon the setting of the Grade II Listed Pephurst Farmhouse (visual, noise impacts, from the site and use of the access). The need for mitigation measures should be identified, as should the impact of features such as bunds and stockpiles.

- 4.37 The expected impact of the scheme, including both the operational area and access, upon Listed Buildings at much greater distance, should be referred to in summary. More detail should be provided in relation to the potential impact of increased noise and vibration on Listed Buildings adjacent to affected main roads.

Noise and Vibration

- 4.38 While it is agreed that the main operational site is relatively distant from any residential properties, it is in a countryside location so background noise levels are likely to be low. Further, a new access road would be created, so the impacts of that must be identified, including the new access point which would be created opposite a residential property (Pephurst Farm), in close proximity to Ivyhurst to the east.
- 4.39 The noise and disturbance caused by the increase in HGVs travelling on the local roads linking to the local lorry route should also be quantified.
- 4.40 The assessment of noise impact should be based on a 'worst case scenario', with plant, particularly the crusher, operating simultaneously alongside extraction plant, the screener, and vehicles travelling to/from the site. Plant specifications should be identified in the submission.
- 4.41 As per the response from CDC's Environmental Health Officer (EHO), a Noise Management Plan should be submitted with the application. This should clarify any measures relied upon to reduce noise impacts.
- 4.42 Noise-sensitive receptors should be agreed with CDC's EHO's and should include the closest residential receptors relative to the operational site and access road, as well as representative public rights of way.

Air Quality

- 4.43 It is unclear from the Scoping Request how the impact on air quality would be quantified and what would be taken into account. While the operational site is relatively distant from residential properties, it abuts ancient woodland, the proposed access road would run through ancient woodland, and as a greenfield site, has the potential to significantly affect habitat and species, including through air quality impacts. This should be quantified through an air quality assessment, including the cumulative impacts of site operations and traffic movements.
- 4.44 Measures to minimise the impact of the works on air quality should be set out, including measures to minimise dust and prevent the tracking of mud/debris onto the road, which may also cause impacts offsite.
- 4.45 The assessment should take into account Air Quality and Emissions Mitigation Guidance for Sussex (2019), which requires increased emissions to be avoided, mitigated, or offset. A damage cost calculation will be required with the submission, along with a mitigation plan to offset the impacts, which should feed in to the Air Quality section of the ES.

Hydrogeology

- 4.46 As noted in the response from the EA, while the aquifer is designated as unproductive, the Weald Clay is not a homogenous unit, but has numerous member units which have the potential to "bear groundwater and act as baseflow supplies to local water features". While the risk to groundwater is low,

there is evidence of spring activity around the site, and numerous surface water features.

- 4.47 A basic hydrologic risk assessment should therefore be provided.
- 4.48 Pollution control measures to mitigate impacts on groundwater should be clearly set out in the submission, including measures to ensure inert waste is clean and uncontaminated, and to ensure the safe, secure storage of materials, chemicals, fuels, oils and hazardous materials which could pose a risk to controlled waters if any spillage occurs.

Hydrology

- 4.49 The Flood Risk Assessment prepared to inform the ES should be undertaken in accordance with the [West Sussex LLFA policy for the Management of Surface Water](#). The assessment of impact on the water environment must be prepared to consider all aspects of the development (mineral extraction, recycling facility, and restoration phases), and should consider surface water and ground water.
- 4.50 As noted in the response from WSCC Drainage, the proposed development site incorporates the catchment for a section of the Wey and Arun canal, with significant flow paths feeding the canal (Figure 1). The canal has been associated with historic flooding so the Hydrology section of the ES, as informed by the Flood Risk Assessment and Drainage Strategy, must demonstrate that the approach being taken with regard to tree removal and stripping of topsoil would safeguard against any increases in surface water flow routes from the development area to the downstream catchment.
- 4.51 Property flooding has occurred to properties in Burley Close to the south-west of the site so the ES must demonstrate that it would not result in increased flood risk to properties at Burley Close, as well as other properties adjacent to the Loxwood Stream.
- 4.52 The EA's comments are noted in relation to the potential need for an abstraction licence is dewatering is required. If this is the case, it should be clarified in the submission, and relevant mitigation measures managed through other regulations identified.
- 4.53 Consideration of surface water drainage should include potential impacts on public rights of way as a result of both the operational area, and the new access road.

Soil Resources

- 4.54 As noted in the comments from CDC's EHO, as well as the EA, the scope of the assessment should be widened to include consideration of potential effects from land contamination, and effects on soil resources. Appendix 5 (historical land uses) notes that the area has supported brick making and firing in the past, so there may have been localised infilling of pits.
- 4.55 A Phase 1 Contaminated Land Assessment should therefore be undertaken, to identify signs of legacy contamination (or recent contamination associated with fly tipping) with the results feeding in to the ES, and identifying the need for further work if necessary.
- 4.56 Measures to prevent pollution of soil and water resulting from the waste facility should be clearly set out.

- 4.57 It is particularly important that the impact on soils within and immediately next to the ancient woodland is quantified, and where necessary compensated for as this is irreplaceable, as noted in the Forestry Commission's response.

Traffic

- 4.58 The approach taken to assessing the impact of traffic resulting from the development is somewhat unclear.
- 4.59 The chapter should be informed by a Transport Assessment, the scope and methodology of which should be agreed with WSCC Highways. As well as an average number of HGV movements, the maximum number should be made clear, so a 'worst case scenario' can be considered.
- 4.60 The extent of works required to create the new access onto Loxwood Road should be specified early, including visibility splays and signage, so that the visual impact can be quantified.
- 4.61 The routing of vehicles to/from the site should be clarified in the submission, and a mechanism for securing this set out (e.g. routing agreement secured by S106), so the impact on local roads can be assessed.
- 4.62 The impact of the site and new access road on users of the PROW network, as well as informal paths, should be quantified, and any compensatory works to the network and recreation set out. Consideration should be given to the need for legal agreements to secure changes to PROW routes.

Cumulative Effects and In-Combination Effects

- 4.63 It is unclear what approach would be taken to the assessment of cumulative and in-combination effects.
- 4.64 The cumulative impacts of the development should take into account approved and allocated development within at least a 5km radius of the site, and consider the potential combined impacts of the proposals.
- 4.65 In addition, the ES should consider and assess the impact of potential for in-combination effects, whereby, for example, noise and air quality emissions can together result in a greater impact than they would separately.

Socio-Economic Impact

- 4.66 The socio-economic impact of the project, over its proposed lifetime, should be clearly set out, including the likely source of employees (i.e. whether specialist contractors are required, or if the local population is likely to have the relevant skills), and how many would be required.

Alternatives

- 4.67 The approach to considering alternatives set out in paragraphs 6.1.4 and 6.1.5 of the Scoping Request is not considered appropriate, particularly as the latter appears to refer to cumulative impact.
- 4.68 In this case, alternatives should include the exclusion of the waste processing operation; and the extraction of clay from other sites in the County. It is unclear where the clay from the site would be taken to for brickmaking, but it should be made clear why the use of clay from this site would be preferable.

Additional Topics to be Scoped In

Climate Change:

- 4.69 The impact of the project on climate change should be included (e.g. greenhouse gas emissions, loss of trees and carbon sequestration), as well as the impact of climate change on the project (e.g. increased surface water run-off/flooding, increased dry periods, loss of habitat), particularly given its 31 year duration, and the distance to brick making facilities.
- 4.70 It is considered that the following topics are unlikely to represent the 'main' or 'significant' environmental effects to which the development is likely to give rise, so can be excluded from detailed consideration in the Environmental Statement:
- Population and Human Health: it is not considered that the project has the potential to result in significant impacts on human health beyond those considered in the specific chapters already outlined including air quality, noise and hydrology. Therefore it is agreed this can be addressed within the relevant sections of the ES outlined above.
 - Risk of Major Accidents/Disaster: It is not considered there is a high probability of major accidents resulting from the scheme, and certainly not so significant as to warrant inclusion in the EIA. However, measures to ensure the site is secure should be made clear in the application. This can therefore be scoped out of the EIA.
 - Heat and Radiation: it is not considered the project would result in significant heat/radiation impacts. This can therefore be scoped out of consideration in the EIA.

5. Conclusion

- 5.1 As already noted, in accordance with Regulation 18(4) of the EIA Regulations, the submitted ES must be based on this Scoping Opinion (or the most recent Scoping Opinion relating to this project).
- 5.2 It is recommended that in addition to the above, the responses from consultees forwarded to you directly, should be reviewed.

Signed:



Jane Moseley
Case Officer

for the Head of Planning Services
Date: 29 April 2020

Signed:



Chris Bartlett
Reviewer

Chris Bartlett
Planning Services
WSCC

BY EMAIL ONLY

Case Officer: Kayleigh Taylor
Email: ktaylor@chichester.gov.uk
DD: 01243 534849

Our Ref: 20/00330/ADJ
Your Ref:

06/03/2020

Dear Mr Bartlett,

Ref: Request for Scoping Opinion under Regulation 15 for proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit.

Thank you for notifying Chichester District Council (CDC) on the above scoping opinion. I have reviewed the submitted EIA Scoping report by ProTreat and have the following comments in consultation with colleagues at CDC.

The Council's Environmental Protection Officer has commented on Section 5 of the submitted EIA Scoping report as follows:

- Section 5.5.1 - it is recommended that a noise management plan is submitted with the future planning application
- Section 5.8.1 - should be widened to include potential effects from land contamination and effects on soil resources. Appendix 5 lists historical uses at the site and it is clear that the area has supported brick works in the past – this may have led to localised infilling of pits. Measures to prevent future pollution from the CMRF should be specified within the planning application documents.
- Section 5.9.1 - relates to potential effects of traffic. An air quality assessment of the vehicle movements generated by the development should also be undertaken and this should be produced as part of the dust and air quality section.

With regards ecological impacts our records indicate that the site has suitable habitats for bats and dormice. The impacts on great crested newts must also be assessed as the site is within 200m of a variety of ponds. The phase 1 habitat survey is considered appropriate; however it is likely this could identify the need for further reports. The site is not on or near any of the known flight lines for bats from Ebernoe Common SAC or the Mens SAC.

With regards to the 'potential effects on Archaeology & Cultural Heritage', the Council's Archaeologist is satisfied with the proposed desk based assessment, subject to the County Archaeologist being satisfied.

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Friday 8.45am - 5pm

It is noted that the site would abut ancient semi-natural woodland on the western edge. Advice should be sought from WSCC Arboriculturalist and The Forestry Commission as to whether an arboricultural impact assessment should be included in the EIA.

I trust that WSCC Lead Local Flood Authority and WSCC Highway Authority will provide you with appropriate comments on surface water drainage/flood risk and impacts on the highway network.

There is no reference in the submitted EIA scoping report on the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. The site is located in woodland and as such the loss of trees is likely to result in a loss of carbon sequestration and potential for increased carbon emissions as the result of vehicle movements and the use of machinery in the excavation of the clay. Furthermore, the anticipated extraction period is over 31 years, therefore, consideration should be given to whether the project would be vulnerable to changes in climate over this time.

I trust the above comments will assist you in adopting a scoping opinion.

Yours sincerely,

Kayleigh Taylor
Senior Planning Officer

West Sussex County Council
Head of Property Services
County Hall West Street
Chichester
West Sussex
PO19 1RQ

Our ref: HA/2020/122011/01-L01
Your ref: 10729828
Date: 13 March 2020

Dear Sir/Madam

Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit

Land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA

Thank you for consulting the Environment Agency on the above application. We have reviewed the documents submitted and have the following comments on this scoping opinion.

Environment Agency Position

The proposed site rests upon the Weald Clay formation, which is characterised as an unproductive aquifer by the Environment Agency. The site does not sit within a source protection zone.

Hydrogeology

Whilst the aquifer has been designated as unproductive, the applicant's impact assessment has recognised that the Weald Clay is not a homogenous unit and that there are numerous smaller member units which may have the potential to bear groundwater and act as baseflow supplies to local water features.

Whilst the risk to groundwater is low, there is evidence of spring activity around the proposed site of development. There are also numerous surface water features located around the proposed development site. We would expect the applicant to provide a basic hydrologic risk assessment for this site as part of any planning application

Land contamination

The site selected for the proposed development appears to be greenfield, and therefore at low risk from existing contamination. However, there is evidence of legacy brick making and firing in the area. Both of these activities have the potential to cause land contamination.

Environment Agency
Environment Agency Depot Canal Walk, Romsey, Hampshire, SO51 7LP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

We would, therefore, expect the applicant to conduct a phase 1 walkover of the site to search for signs of legacy contamination (or recent contamination associated with fly tipping), accompanied by a report summarising the findings of said investigation.

Drainage

It is our understanding that the applicant proposes to convert the usage of the site to a recycling facility after clay extraction has finished. We would expect the applicant to prepare a drainage strategy for the site to encompass all aspects of the development (mineral extraction, recycling facility and any restoration phase). This drainage strategy should consider surface water, groundwater and how drainage will be affected in the construction phase. Any drainage design should be in line with current best practice.

Dewatering

If the development requires dewatering, further information will be required, which may require the development to acquire an abstraction license. If dewatering is required, a strategy should include the following;

1. secure de-watering of the site
2. secure an acceptable means of water supply
3. secure the protection of licensed and un-licensed sources of water
4. secure the maintenance of spring-fed flows
5. secure the protection of groundwater dependent terrestrial ecosystems

Permitting guidance can be found at <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Storage of chemicals

Storage of oils and chemicals increases risk of hazardous run off to surface or groundwater. Therefore, we would expect the applicant to submit a document outlining their strategy for safe storage of oils and chemicals – this document should address the following;

- secondary containment that is impermeable to both the oil, fuel or chemical and water, with no opening used to drain the system
- a minimum volume of secondary containment of at least equivalent to the capacity of the tank plus 10% and if there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.
- all fill points, vents, gauges and sight gauge located within the secondary containment
- associated above ground pipework protected from accidental damage.
- below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks.
- all fill points and tank vent pipe outlets designed to discharge downwards into the bund.

The scheme shall be implemented as approved prior to any storage of oils, fuels or chemicals.

General informatives

Any proposed development of this type should also consider the following;

- i. the storage of materials;
- ii. the storage of chemicals;
- iii. the storage of oil;
- iv. the storage of hazardous materials;
- v. the proposed method of working;
- vi. the proposed phasing of development;
- vii. the proposed maintenance and after-care of the site;
- viii. future landscaping;

- ix. the provision of road and wheel cleaning facilities;
- x. proposed scheme for monitoring

Environmental permit

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply. More information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

Yours faithfully

Miss Hannah Brothwell
Sustainable Places Advisor

Direct dial 02084745865

Direct e-mail hannah.brothwell@environment-agency.gov.uk

West Sussex County Council,
Ground Floor,
Northleigh,
County Hall,
Chichester,
West Sussex,
PO19 1RQ

South East & London Area Office
Bucks Horn Oak
Farnham
Surry
GU10 4LS

Area Director
Craig Harrison

VIA EMAIL ONLY

Dear sir/madam,

RE: Request for Scoping Opinion under Regulation 15 for "*Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit at Land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA*"

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Summary:

This site borders several areas of ancient woodland and PAWS sites, which would cause us concern, especially with impact on root systems and hydrology.

The proposed access routes, which although already existing, appear to be basic access tracks and one 'forestry'-type road. We have concern that these tracks will need to be widened and surfaced to accommodate the types of heavy vehicles which will be required to import materials for the CMRF, and remove the extracted clay. These tracks run through ancient woodland, and so their widening would lead to significant loss of ancient trees, roots and soils, and fragmenting the woodland compartments.

While we note the woodland loss within the proposed development site would be gradual as the clay is extracted, and there is the intent to restock the land once extraction is complete, we would hope to see significant compensatory planting carried out before this, to begin the mitigation process and offset some of the negative impacts of these operations. We would also expect to see significant compensatory planting proposed for the woodland loss caused by the improvement of the access tracks.

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “*there are wholly exceptional reasons^[1] and a suitable compensation strategy exists*” (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

[Planning Practice Guidance](#) emphasises: ‘*Their existing condition is not something that ought to affect the local planning authority’s consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)*’.

If this application is on, adjacent or impacting the Public Forest Estate

- Please note that the application has been made in relation to land on the Public Forest Estate and the Forestry Commission is a party to the application.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that “*Ancient woodland, ancient trees and veteran trees are*

irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”.

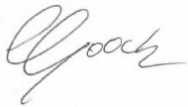
We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry).

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a [felling licence](#) from the Forestry Commission.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.

Yours sincerely,



Caroline Gooch
Local Partnerships Advisor
Forestry Commission South East and London

A summary of Government policy on ancient woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[National Planning Policy Framework](#) (published February 2019).

Paragraph 175 – “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

[Planning Practice Guidance](#) (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient semi-natural woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on

the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs)”).

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.

Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2017)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Summaries of some [Case Decisions](#) are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.

[Biodiversity 2020: a strategy for England’s wildlife and ecosystem services](#) (published August 2011).

Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.

^[1]For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.)

Loxwood Parish Council

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for Scoping Opinion under Regulation 15

Proposed Clay pit and Construction Material's recycling facility in Pallingshurst Woods Loxwood

Herewith are Loxwood Parish Councils (LPC) comments on the Scoping Report provided by Loxwood Claypits Ltd

LPC understands that the scoping process determines the content and extent of the matters which should be covered in the environmental information to be submitted to a competent authority for projects which are subject to EIA. The scoping report defines what will be addressed in the EIA.

Planning matters will be addressed by LPC when a planning application is submitted.

The Scoping Report does not adequately address the following matters.

1. The whole area of the Pallingshurst Woods is used extensively by walkers as a recreational area either on the established PROW or the myriad of tracks which criss-cross the woods. Both Lorry routes A and B in the report utilise the PROW. All 4 boundaries of the site are bounded by tracks used by walkers. The Scoping Report does not adequately address in para. 6.1.7 how the EIA will address public safety.
2. The Scoping Report estimates that up to 42 lorry movements per day will take place 6 days per week. Both lorry routes A and B will utilise the established forestry transport infrastructure. These are simple forestry tracks which will not withstand weight and bulk of 40 tonne HGVs for the above number of movements per day. Paras. 5.9.1 and 5.9.2 of the Scoping Report do not adequately define how the EIA and planning documents will address this issue. Nor does it address what level of road infrastructure would be required to accommodate such HGVs and what level of disruption to the local woodland tracks this would mean.
3. The area defined as being the development site is heavily wooded across much of its space and indeed has a portion of designated ancient woodland in the top northern most corner. The scoping document fails to address how this will be dealt with.
4. The egress onto the Loxwood Road is onto a local "C" category road with limited carriageway width. It was almost certainly never constructed with the intention of usage by HGV vehicles, nor is it wide enough for two such vehicles to pass safely. The Scoping Document glosses over the impact this heavy goods traffic would have on the surrounding roads.
5. The designated area is covered by a number of priority habitat designations. No mention of these is made in the scoping document e.g. Ancient replanted woodland, Priority Deciduous woodland, Lapwing habitat, Nitrate vulnerable area English Woodland Grant Scheme.

Date: 17 February 2020
Our ref: 308153
Your ref: Loxwood Clay Pits



Hornbeam House
Crewe Business Park
Electra Way
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Cheshire
C W1 6GJ

T 0300 060 3900

BY EMAIL ONLY

planning.applications@westsussex.gov.uk

Dear Sirs,

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town & Country Planning EIA Regulations 2017): Claypit and Construction Materials Recycling Facility
Location: Loxwood Clay Pits, Loxwood**

Thank you for your consultation dated and received by Natural England on 05 February, 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at consultations@naturalengland.org.uk, and we may be able to provide further information.

Yours faithfully

Judy Connell
Consultations Team

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

1. A description of the development, including in particular:
 - (a) a description of the location of the development;
 - (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the development on the environment resulting from, inter alia:
 - (a) the construction and existence of the development, including, where relevant, demolition works;
 - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
 - (g) the technologies and the substances used. The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC (a) and Directive 2009/147/EC(b).

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.
8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

IF THE SCOPING REPORT CONCERNS ONSHORE OIL AND GAS EXTRACTION PLEASE ADD A BULLET POINT 9. TEXT TO INSERT CAN BE FOUND ON THE AREA TEAM TOOLKIT SEE LINK BELOW. INSERT THE GENERAL PRINCIPLES PARAGRAPH

http://neintranettechnical/content/technical/topics/document_details.asp?DC=22095

2. Biodiversity and Geology

2.1. Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. [Guidelines for Ecological Impact Assessment \(EclA\)](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework ([NPPF](#)) sets out guidance in paragraphs 170-171 and 174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2. Internationally and Nationally Designated Sites

Natural England undertakes an initial assessment of all development consultations, by determining whether the location to which they relate falls within geographical 'buffer' areas within which development is likely to affect designated sites. The proposal is located outside these buffer areas and therefore appears unlikely to affect an Internationally or Nationally designated site. However, it should be recognised that the specific nature of a proposal may have the potential to lead to significant impacts arising at a greater distance than is encompassed by Natural England's buffers for designated sites. The ES should therefore thoroughly assess the potential for the proposal to affect designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSI). Should the proposal result in an emission to air or discharge to the ground or surface water catchment of a designated site then the potential effects and impact of this would need to be considered in the Environmental Statement

Local Planning Authorities, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), should have regard to the Habitats Regulations Assessment process set out in Regulation 63 of the Habitats Regulations in their determination of a planning application. Should a Likely Significant Effect on a European/Internationally designated site

be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Statutory site locations can be found at www.magic.gov.uk. Further information concerning particular statutory sites can be found on the [Natural England website](#).

2.3. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England has adopted [standing advice](#) for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It also includes links to guidance on survey and mitigation.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species.

2.4. Regionally and Locally Important Sites

The ES should thoroughly assess the impact of the proposals on non-statutory sites, for example Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) and Regionally Important Geological and Geomorphological Sites (RIGS). Natural England does not hold comprehensive information on these sites. We therefore advise that the appropriate local biological record centres, nature conservation organisations, Local Planning Authority and local RIGS group should be contacted with respect to this matter.

2.5. Biodiversity Action Plan Habitats and Species

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed in the UK Biodiversity Action Plan (BAP). These Priority Habitats and Species are listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, recently [published](#) under the requirements of S14 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that BAP species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

3. Landscape, Access and Recreation

3.1. Landscape and Visual Impacts

The consideration of landscape impacts should reflect the approach set out in the *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and the Institute of Environmental Assessment and Management, 2013, 3rd edition), the *Landscape Character Assessment Guidance for England and Scotland* (Scottish Natural Heritage and The Countryside Agency, 2002) and good practice. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England would expect the cumulative impact assessment to include those proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

3.2. Access and Recreation

The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation. With this in mind and in addition to consideration of public rights of way, the landscape and visual effects on Open Access land, whether direct or indirect, should be included in the ES.

Natural England would also expect to see consideration of opportunities for improved or new public access provision on the site, to include linking existing public rights of way and/or providing new circular routes and interpretation. We also recommend reference to relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

4. **Land use and soils**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 and 171 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the valuing of the ecosystem services they provide as a natural resource, also in line with paragraph 170 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The Natural Environment White Paper (NEWP) *'The Natural Choice: securing the value of nature'* (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils and the protection of BMV agricultural land.

Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution.

Defra published a Construction [Code of Practice for the sustainable use of soils on construction sites](#) (2009). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.

As identified in the NPPF new sites or extensions to new sites for Peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

General advice on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" ([NPPF](#) Paras 170 and 174), which should be demonstrated through the ES.



Head of Planning Services
West Sussex County Council
The Grange
Tower Street
Chichester
West Sussex
PO19 1RH

Your ref
10729828

Our ref
PLAN-031790

Date
19/02/2020

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit.

Site: 10729828: - Land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA.

Thank you for your letter dated 05/02/2020.

Further to your scoping document for the above site Southern Water have the following observations to make with respect to the proposed development:

- The Environment Agency should be consulted directly regarding the discharge of clarified overflow.
- The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In case you require any further information, please do not hesitate to contact us via the address shown in the footer of this document.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Joff Edevane".

Joff Edevane
Growth Planning Lead
Business Channels

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ0532NW

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: chandne

Date: 18-2-2020

Southern Water MapGuide Browser

Requested By:



Chris Bartlett

Subject: Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Request for Scoping Opinion under Regulation 15

From: Julie Bolton
Sent: 19 February 2020 15:01
To: PL Planning Applications
Cc: Chris Bartlett
Subject: FW: Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for Scoping Opinion under Regulation 15

Chris,

Request for Scoping Opinion under Regulation 15 for **“Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit at land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA”**

A full ecological appraisal will be important for this site and the wider context but complementary to this, a tree survey in accordance with [BS5837:2012 Trees in relation to design, demolition and construction – recommendations](#) will be required. Adherence to the process detailed in Figure 1 is essential.

Impacts are likely to occur beyond the development site boundary, e.g. edge effects and access routes, so these must also be similarly assessed. The whole of the ‘western plot’ and ‘eastern plot’ are significant areas of woodland with ancient woodland definition in part, and have strong connectivity at a landscape scale with other woodlands and habitat features so any impact appraisal must address this wider context.

Any LVIA must be assessed by a qualified landscape architect.

Regards
Julie

[Julie Bolton](#) | County Arboriculturist,
Environment & Heritage Team, Planning Services,
[West Sussex County Council](#)
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Chris Bartlett,
Principal Planner,
Planning Services,
West Sussex County Council,
Ground Floor Northleigh, County Hall,
Chichester, PO19 1RH

21 February 2020

EIA Scoping Opinion – Proposed Claypit and Construction Materials Recycling Facility for Loxwood Claypits Ltd.

Reference:

- A. EIA Scoping Report for Loxwood Claypits dated January 2020.
 - B. West Sussex County Council Strategic Flood Risk Assessment (SFRA) of West Sussex 2010.
1. The Lead Local Flood Authority (LLFA) within West Sussex County Council has been approached for comments on the above Scoping Report (Reference A).
 2. Paragraph 5.7.2 of Reference A states: *As the site is over 1 hectare in area a Flood Risk Assessment will also be undertaken.* The LLFA requires the flood risk assessment (FRA) and drainage strategy in support of any planning application to comply with the West Sussex LLFA policy for the Management of Surface Water
https://www.westsussex.gov.uk/media/12230/ws_llfa_policy_for_management_of_surface_water.pdf
 3. Paragraph 3.1.8 of Reference A states: *Prior to extracting the clay each phase area will be felled of trees and stripped of topsoil and subsoil.* The area of proposed development incorporates the catchment for a section of the Wey and Arun canal with significant flow paths feeding the canal (Figure 1). The canal has been associated with historic flooding and features in the SFRA for West Sussex (Reference B). The LLFA would require the FRA and Drainage Strategy to demonstrate that the approach being taken with regard to tree removal and stripping of topsoil would safeguard against any increases in surface water flow routes from the Development area to the downstream catchment. Property flooding has occurred to properties in Burley Close (see red circle in Figure 1). It is considered that increases in catchment storm water flow rates could create increased flood risk to properties at Burley Close and other properties adjacent to the Loxwood Stream.



Figure 1: Surface Water Flow Paths in the vicinity of Loxwood Claypits Proposed Development

R C DRABBLE

From: John Mills <john.mills@westsussex.gov.uk>
Sent: 04 March 2020 17:57
To: PL Planning Applications
Cc: Chris Bartlett
Subject: Request for Scoping Opinion: Loxwood : Environment & Heritage Team response to consultation (Archaeology)

Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Request for Scoping Opinion under Regulation 15

Proposed new clay-pit (mineral extraction) and the development of a construction materials recycling facility to provide recycling facility and for use during restoration of the clay-pit at Land in forestry area near Loxwood, off Loxwood Road, Loxwood, West Sussex, RH14 0RA

Environment & Heritage Team response to consultation

Archaeology and Cultural Heritage

Archaeology

EIA should include consideration of archaeology and cultural heritage.

The proposed clay-pit and access route Options A and B are located within the Medieval and 16th- to 17th-century glass working area of the Weald of Surrey and West Sussex. There are known former glass working sites located both to west and east of the Western and Eastern Plots marked on Fig. 1 of the supporting EIA Scoping Report, with much associated desk- and field-based research carried out within the last ten years, in connection with Historic England's Wealden Glass Project (some background information may be found on Surrey County Council's web pages – see following link). **Link:** <https://www.surreycc.gov.uk/culture-and-leisure/archaeology/archaeological-unit/recent-archaeology-projects/investigating-the-wealden-glass-industry>

Intact and well-preserved ancient glass working sites in the Weald are rare and significant. At present none are known to exist within the footprint of the proposed extraction area and access route options (an apparent absence which may reflect scarcity of previous fieldwork within the site), although a medieval glass working site is recorded approximately 250 metres to the east.

The proposal to prepare a desk based assessment of the site to identify the presence and significance of any potential archaeological remains within the site is welcomed and appropriate (paragraphs 5.4.1 and 5.4.3 of the Scoping Report). A search should be made of the three relevant Historic Environment Record databases (Chichester District Council, West Sussex County Council, Surrey County Council), and the findings incorporated and taken into account in the desk based assessment.

The suggested non-intrusive geophysical survey to identify buried archaeological features (5.4.3) would not be feasible at present, with trees and scrub on the site. Instead, an aerial LiDAR survey of the site (Digital Terrain Modelling, which can filter out trees, and if of sufficiently high resolution show earthworks on the bare earth below tree cover) and access route options is strongly recommended. The LiDAR imagery, with interpretation by a suitably qualified archaeologist, should form part of the desk based assessment.

An archaeological walkover survey of the site and access route options should also form part of the desk based assessment. There should be illustrations to show which areas were accessible and walked through; where inspection of woodland is possible only from woodland tracks and rides, this should be made clear. The green lane bounding the site on the north-east (Public Footpath 792/1) is a feature of historical landscape interest; earthworks, such as boundary banks, associated with the lane should be identified in the walkover survey.

As proposed (Scoping Report para. 5.4.3), potential mitigation measures to minimise any archaeological impacts should also be included in the desk based assessment and/or chapters of the EIA addressing mitigation of scheme impact.

Cultural (built) heritage

In paragraph 5.4.2 of the Scoping Report, it is stated that due to the topography and landscape and separation distances, there are believed to be no visual effects of the proposals upon Listed Buildings within 2 km of the site and Scheduled Monuments in the local area, other than possibly Pephurst Farm, in respect of the route exit onto Loxwood (Rudgwick) Road. This assessment seems very likely.

As part of the desk based assessment, the locations of Listed Buildings within 2 km of the site should be shown on a map, and consideration given in detail of potential scheme impacts upon the setting of the Grade II Listed Pephurst Farmhouse (visual, noise impacts), and where appropriate, mitigation measures; the expected scheme impact upon Listed Buildings at much greater distance, and not intervisible with the site and access route options should be referred to in summary. More detail on scheme impact upon Listed Buildings (noise) may be necessary, if lorry routes would pass by nearby Listed Buildings adjoining main roads.

John Mills
County Archaeologist
Planning Services
West Sussex County Council

[John Mills](#) | County Archaeologist, Environment & Heritage | Planning Services | [West Sussex County Council](#), Ground Floor, Northleigh,
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