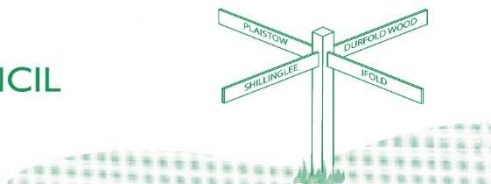


PLAISTOW AND IFOLD PARISH COUNCIL



20th August 2021

County Planning,
West Sussex County Council,
County Hall,
Chichester,
PO19 1RH

To whom it may concern,

Re: WSCC/030/21 | Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW | Loxwood Clay Pits Ltd

Plaistow and Ifold Parish Council's Planning & Open Spaces Committee considered the above application at its meeting on 18th August 2021 and objects to the proposals in the strongest terms.

From the outset, it is imperative that the Planning Officer recognises that the water supply in the Loxwood area is highly stressed and a critical factor to be considered when determining this application which cannot be ignored. This application will inevitably exacerbate the current water situation in the area.

Plaistow and Ifold Parish Council respectfully refers the Planning Officer to the open letter of Mrs Janet Cheesley, Chartered Town Planner specialising in the examination of Neighbourhood Development Plans and currently undertaking the independent examination of Plaistow and Ifold Parish's Plan. The letter is attached for ease of reference.

You will note that Natural England has concern over the accumulative impact on fresh water supplies in the North Sussex area from unsustainable extraction at Hardham in Pulborough and the potential adverse impact on the sensitive Arun Valley, which has Special Protection Areas (SPA), Special Area of Conservation (SAC) and Ramsar designations. **This statement from Natural England came out of a review of Loxwood Parish Council's Neighbourhood Plan.**

The ramifications of Natural England's statement are far reaching and impact Chichester District Council's Local Plan generally. Consequently, the Parish Council respectfully requests that the Planning Officer contacts Valarie Dobson, Principal Planning Officer at Chichester District Council, to ascertain the significant ramifications of Natural England's statement and the content of this open letter on CDC's Local Plan and the legal advice the District Council are currently seeking. Ms Dobson's email address is: vdobson@chichester.gov.uk

The Parish Council has seen no compelling evidence to support the application that there is a legitimate business need for clay in this area. The Parish Council has considered the latest WSCC Minerals Monitoring Report, which states that there is no demand for additional brickmaking and WSCC have more than 25 years of reserves. Additionally, the clay requirements are met both nationally and locally due to other sites with ample supply. The Parish Council notes that clay extraction typically takes place adjacent to brick making facilities and it is considered uneconomical and environmentally impactful to transport clay over any distance. For these reasons, the Parish Council considers that the application is disingenuous and that the primary purpose of the business will be waste transfer and landfill. However, as is the case with clay extraction, there is limited requirement for a construction and demolition waste site in West Sussex either, as the need is met at other far more suitable sites.

The site is remote and tranquil with limited light pollution and characterised by designated ancient woodland (Pephurst Wood) which supports a raft of wildlife including one of the area's priority bat species, the Barbastelle Bat (which is an International European Protected Species). The site is manifestly unsuitable for the proposed operations and the Council notes the lack of reference in the application to an active badger sett near to the proposed lay-by, parking, and wheel wash area at Pephurst Wood. The Parish Council wishes the Planning Officer to be aware that the site was part of the West Weald Landscape project.

The Parish Council recognises that without the mineral site there would be no justification for a waste site at this unsuitable location. National policy does not support this type of development on a greenfield site and specifies that waste sites should be sited in built-up areas or brownfield sites. Additionally, the proposed development is entirely contrary to either the Loxwood Neighbourhood Plan, or the Chichester District Local Plan: Key Policies 2014 - 2029 for development in a rural area and violates, among others, Policies 25, 40, 45, 48 and 49.

No part of the application is sensitive to the setting in terms of size, bulk, and location. The Parish Council notes the proposal for a 15,000 sq ft building situated within unspoilt woodland, along with the ancillary building and quarrying operation all of which will have a serious and lasting visual impact upon the landscape which has no other structures. It does nothing to enhance, protect or complement the natural environment or rural character of the area and realises no demonstrable benefits to the local and wider communities. The development will generate impactful light pollution, environmental pollution from plant equipment, generators, excavators and vehicle movement and intrusive noise to the detriment of wildlife, those who use the public footpaths and live-in nearby communities.

The Council has seen no verifiable evidence that suggests that the lasting damage this development will cause to the natural environment and local communities is outweighed and/or mitigated by a legitimate business need for any part of the applicant's proposed operations at the site. At a time when preventing and/or mitigating climate change and protecting the natural environment is critical, it is manifestly inappropriate to countenance the approval of an application which will result in an increase in net carbon emissions from the burning of fossil fuels, removal of tree canopy by felling and disturbance of the woodland floor for corporate profit only. Particularly when the proposed operation

is contrary to industry standards which considers the transport of clay over any distance to be both uneconomical and environmentally impactful.

The Parish Council has significant concerns regarding the increased volume of traffic the proposal will generate. 42 HGV movements per day along narrow country lanes with relatively poor infrastructure and away from the primary road network is unacceptable and will impact multiple communities, including Plaistow and Ifold, and cause a significant increase in road safety concerns and negative residential amenity. Many of these roads do not benefit from pavements and visibility can be poor due to vegetation. The roads are used by pedestrians, cyclists and horse riders of all ages and abilities and frequently host large scale cycling events throughout the summer months.

This volume of HGV traffic will be detrimental to the tranquil and isolated location of both the site and our rural villages. The Parish Council respectfully requests that the Planning Officer does due diligence to satisfy themselves of the suitability, sustainability and safety of this increased level of HGV movements in this area. This application for development should not be considered in isolation; to do so would be manifestly irresponsible. The application must be considered alongside all the other planning applications in the area (of which there are a large number from both Horsham District Council and Chichester District Council for substantial residential development sites) and the cumulative impact the increased traffic will create on the road networks and road safety.

The Parish Council notes that the applicants only plan on recycling 50% of the waste brought onto site – an amount well below the accepted industry standard. If they subsequently decide to increase the recycling rate this will inevitably result in an increase of HGV movements.

Yours sincerely



Catherine Nutting

Clerk & RFO to Plaistow and Ifold Parish Council

cc. WSCC Cllr. Janet Duncton and District Cllr. Gareth Evans

Clerk & RFO: Miss Catherine Nutting
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Examination of the Plaistow and Ifold Parish Neighbourhood Plan

Open Letter to Plaistow and Ifold Parish Council and Chichester District Council 8 July 2021

Paragraph 1.10.5. in Part 2 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* advises that: *the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.*

I undertook such a high level assessment at the start of the examination and concluded that there were no obvious or potential flaws. Unfortunately, following the Revised Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement, (Revised HRA), which I received on 2 July 2021, this is no longer the case. Therefore, in the spirit of the guidance, I am writing to alert the local planning authority and qualifying body.

I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:

Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;

The making of the neighbourhood plan contributes to the achievement of sustainable development;

The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority;

The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements; and

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

On 21 April 2021 Chichester District Council advised via email: *As part of the required procedures on another neighbourhood plan in the north part of the plan area, CDC prepared a Habitats Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement and has received a response from Natural England set out below.*

Sussex North Water Supply Zone

We have advised that any developments in Chichester District which fall within the Sussex North water resource supply zone will need to be tested through an HRA. This is because the Sussex North area is supplied by a water extraction at Hardham, which we have advised cannot with certainty conclude is not having an adverse impact on integrity on the Arun Valley SPA, SAC and Ramsar.

Therefore, in-combination impacts on the Arun Valley SPA SAC and Ramsar need to be considered. A water neutral approach is a mechanism for avoiding impact if an alternative water supply cannot be secured. We appreciate this is a complex issue and would welcome engagement with your authority on this matter and through the Local Plan review.

In the same email, Chichester District Council stated that as the competent authority it was *obliged to undertake a further Habitats Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement of the Plaistow and Ifold Neighbourhood Plan, in conjunction with Natural England, in the light of this new issue.*

I replied in an email dated 22 April 2021 stating: *As both you and the Parish Council are well aware, as part of the examination of the Plan I am obliged to determine whether the Plan complies with all of the Basic Conditions. One of these conditions is: the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.*

In these circumstances, I am going to suspend the examination of the Plan pending the outcome of the HRA Screening Matrix and Appropriate Assessment.

I re-opened the examination on 2 July 2021 following receipt of the revised HRA. This document has been sent to the Parish Council and is available on the Chichester District Council's website for this Neighbourhood Plan. As such, I will not be quoting all of the document, but will quote key points.

The Revised HRA refers to the reasons for designation of Arun Valley SPA / SAC / Ramsar site and the site conservation objectives. It states: *The document from Natural England "Supplementary advice on conserving and restoring site features" sets a number of targets for the site under the supporting processes objective above. These cover hydrology and flow, water quantity, area depth and water quality. The hydrology of the river Arun is the major factor affecting these targets and this is turn is affected by the abstraction at Hardham for the supply of drinking water.*

Natural England were consulted on the Revised HRA. Whilst I am not quoting all advice given, Natural England advised *that effective mitigation to ensure that the plan will not increase water demand in the Sussex North WRZ needs to be addressed strategically through the current Local Plan Review and in partnership with neighbouring LPAs within Sussex North. Natural England will continue to work in partnership with your authority and neighbouring authorities to secure a Sussex North water neutrality strategy and associated policy for this complex issue. Once secured the strategy and policy will be applicable to Neighbourhood Plans within Sussex North.*

We have provided your authority with advice on potential mitigation measures to consider for current applications within Sussex North although again we have advised that mitigation should be secured strategically at the Local Plan level. Our advice includes a combination of maximising water efficiency of new builds to achieve a target of 90L per person per day and, in addition, providing water offsetting. Measures include ensuring new builds incorporate rainwater harvesting and greywater recycling as well as water efficient fixtures.

Following advice from Natural England the Revised HRA concludes on this matter that Chichester District Council as the competent authority *does not at this stage agree to the Plaistow and Ifold Parish Neighbourhood Plan under the Conservation of Habitats and Species Regulations 2017.*

Suggested mitigation with regard to this matter in the Revised HRA is as follows: *Until replaced with a strategic scheme of mitigation or a more sustainable source of water supply, the plan should ensure that developments mitigate water resource impacts through a combination of maximising water efficiency of new builds to achieve a target of 90L per person per day and, in addition, providing water offsetting. Measures include ensuring new builds incorporate rainwater harvesting and greywater recycling as well as water efficient fixtures.*

In the absence of a strategic scheme of mitigation or a more substantial source of water supply and as this mitigation advice is being given by Natural England on current planning applications, it is reasonable for the Revised HRA to reach this conclusion.

In order to meet the Basic Conditions - *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and the making of the*

neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7), it would be necessary to include these mitigation measures in the Neighbourhood Plan. Where I refer to EU obligations, I am referring to the Habitats Directive 92/43/EEC.

The Neighbourhood Plan allocates a site for residential development on Land Opposite the Green, Plaistow and a mixed use site on land at Little Springfield Farm. In addition, limited residential development at Ifold is supported subject to a list of criteria. These are in addition to the allocation of a site for residential development on Land North of Little Springfield Farm in the Site Allocations Development Plan Document, which is part of the Local Plan.

National Planning Practice Guidance, (at Paragraph: 001 Reference ID: 56-001-20150327 in the Housing: Optional Technical Standards Section), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Therefore, I am unable to recommend that the mitigation measures outlined above can be included in the Neighbourhood Plan as this would be introducing an additional local technical standard relating to the performance of new dwellings. This would not have regard to national guidance and thus Basic Condition *Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan* would not be met.

To meet the Basic Conditions regarding conservation of habitats and EU obligations requires the Neighbourhood Plan to include additional local technical standard relating to the performance of new dwellings. However, this would not have regard to national guidance and thus would not meet the Basic Condition referred to in the above paragraph. In these circumstances, I am afraid that I have no alternative but to recommend that the Neighbourhood Plan does not proceed to referendum. I have seriously considered whether to hold an exploratory meeting or a hearing before reaching this conclusion. It is clear that the mitigation measures outlined in the conclusion to the Revised HRA seek to protect the integrity of the Arun Valley SPA / SAC / Ramsar site. Therefore, I see no benefit to any party for a meeting or hearing to be held.

In the light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the Neighbourhood Plan from examination or whether I continue with the examination with the understanding that I will recommend that the Neighbourhood Plan does not proceed to referendum. I realise that either decision will be a great disappointment to the many local people would have contributed to the production of this Neighbourhood Plan.

I would like to add that I have given much thought to whether there is an alternative modification to the Neighbourhood Plan that I could recommend, but unfortunately there is not. I am sorry to give you such bad news. I realise that this is an important consideration for the local community. I would like to give the Parish Council 7 days from receipt of this letter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Please can this open letter, together with all other correspondence referred to above, be placed on the Chichester District Council's web page for the Neighbourhood Plan.

Kind Regards

Janet Cheesley