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Mr C Bartlett, Principal Planner
Planning Services, Highways, Transport and Planning Directorate,
WSCC,
Ground Floor, Northleigh
County Hall,
West Street,
Chichester,
PO19 1RQ

Our ref: 10141

26 August 2021

Dear Mr Bartlett

Objection on behalf of 'Stop the Clay Pit' against the planning application WSCC/030/21 An application for planning permission for a clay quarry and construction materials recycling facility (CMRF) for CD&E wastes including the use of an existing access from Loxwood Road, the extraction and exploration of clay and restoration using suitable recovered materials from the CMRF to nature conservation interest including woodland, waterbodies and wetland habitats at Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex, RH14 0RW.

Bell Cornwell have been instructed on behalf of 'Stop the Clay Pit' to review the planning application WSCC/030/21. Following a review of this application we are writing on their behalf to raise **significant objection**. This letter sets out in detail the concerns we have with the planning application. Appended to this letter are four documents prepared by groups/consultants outside Bell Cornwell:

1. An objection statement prepared by 'Stop The Clay Pit' members;
2. Ecology Report prepared by the Parishes Wildlife Group dated 23 August 2021;
3. Technical Note dated 06/08/2021 prepared by RSK; and
4. Environmental Noise Survey and Noise Impact Assessment Report dated 25 August 2021 prepared by Hann Tucker Associates.

The 'Stop the Clay Pit' objection statement sets the scene with regards to the level of concern that this proposal has gained within the community i.e., that there is a significant level objection to the proposal. It highlights the key concerns of the community in a succinct manner.

SITE AND SETTING

The proposal is for a site that is located within the countryside, outside the built-up area as defined by Chichester District Councils' Local Plan: Key Policies (2014-2029).

Where the site is proposed there are a number of designated Ancient Woodlands or Ancient Replanted Woodlands that the proposed access track would have to travel through.

There are a number of public rights of way in the area surrounding the proposed site. Those to note are: 3240 / 795 / 792 / 801 / 792_1 / 797. These are important as they would either run parallel to the access track, be crossed by the access track, would be near to the extraction site or would need to be temporarily closed for 33years.

The site is not located on the Lorry Route Network (LRN). It is more than a 3km drive to the LRN (but within 3km as the crow flies) and then a further 10km drive to the Strategic Road Network (SRN) (when measuring the actual drive distance).

PROPOPSAL

In short, our understanding of the proposal is:

- Minerals operation – to extract 375,000 tonnes of Weald Clay based on a mineral extraction rate of 12,500 tonnes per annum meaning the extraction site would be active for 30 years. It is demonstrated that the Weald Clay is suitable for brick making as per the confidential report provided by Lucideon within the planning package. There is no clear commitment as to which brick works the proposal would service. There is brief mention that a brickworks would be established in time on the wider estate; no evidence is provided to substantiate this.
- Waste operation – to import 25,000 tonnes per annum of construction, demolition and excavation waste to the site with 12,5000 tonnes per annum to be used as backfill to the clay pit.

Restoration of the site would be looking to secure nature conservation with waterbodies, wetland habitats and interim species rich seeded grassland would be replaced with plantation broad leaved woodland.

MINERALS OPERATION

Paragraph 214 of the 2021 National Planning Policy Framework (NPPF) sets out the need for Minerals planning authorities to plan for a steady and adequate supply of industrial minerals. (c) notes that they should maintain a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. In footnote 74 it specifies that there should be '*at least 25 years for brick clay*'. Criteria (d) notes the need for the provision of brick clay from several different sources to enable appropriate blends to be made.

West Sussex Mineral Planning Authorities strategy for clay is set out in para 6.5.6 of the West Sussex Joint Minerals Local Plan (2018/2021). When considering applications for brick-making clay, new sites are only to be allowed if existing supplies are exhausted or if a particular source of clay is required to enable appropriate blends to be made. The requirement to maintain a stock of permitted reserves of at least 25 years is set out within Policy M5 (Clay) of the West Sussex Joint Minerals Local Plan (2018/2021). This Policy also has a number of other criteria that have to be met (see below). The supporting Policy text at 6.5.5 notes that there are three active brickworks that have in excess of 25 years of clay reserves and then there is one additional site that has 24 years.

'Stop the Clay pit' have been in touch with the operators of the three existing brickworks within West Sussex to understand whether they perceive there to be a shortage of clay in the County. The findings are set out below:

Ibstock [West Hoathly and Laybrook] said that they "have other operating sites in West Sussex and East Sussex, plus one in Surrey. None of these sites require further off-site supply of clay and all have reserves adjacent at the current time".
Wienerberger said that "Warnham has no need to import clay and nothing in the pipeline to do so, also I believe there are sufficient clay reserves in West Sussex to sustain the current brick manufacture going forward for many years without the need for additional quarries".
Lambs Pitsham said that "we have enough reserves for the future" and "The Wealdon Clay [the type of clay in Loxwood] is not suitable for our products".

The Monitoring Report for 2019/2021 confirms this position meaning three active brickworks with at least 25-years of reserves remain. So, without even looking at the more specific criteria set out within Policy

M5 it is clear that West Sussex are not struggling to meet the 25 years supply. So, what is the **need** for this new clay pit?

The applicant has provided an assessment of this policy on pages 35 and 36 of their Planning Statement where they talk about the Council erring in approving the restoration of Rudgwick site. We have undertaken a review of planning permission WSCC/038/14/RW and it is clear that the site was not economically viable leading to the cessation of the clay extraction. Accompanying the planning application was a Sterilisation Assessment that demonstrated that no important mineral reserves would be sterilised by the restoration proposal. Their reliance on this site and its 'early' restoration is not a valid argument for clay extraction at Loxwood Clay Pit. The Rudgwick application was determined in 2014 prior to the adoption of the current West Sussex Joint Minerals Local Plan (2018/2021) meaning at the time of adopting the latest Minerals Plan this site was not relied upon by West Sussex Mineral Planning Authority.

The applicant fails to actually consider the criteria within Policy M5. We do not believe that the proposal meets (a) of Policy M5. With regard to (b) there is some insinuation that the clay could be used for flood defences, but this isn't truly substantiated and evidenced. In any event, criteria (ii) of this criteria states that it will only be permitted under (b) if the clay cannot be used for brick-making. On the basis that the applicant has provided evidence that the clay is viable brick making clay (appendix ES N) then criteria (b) should not be considered. Criteria (c) should then only be looked at if (a) or (b) are met. (ii) of (c) states that new clay extraction should be extensions of time and and/or physical extensions to existing clay pits or, where this is not possible, they should be sited as close as possible to the site where the clay will be used. This application is not for an extension of time. Nor is it a physical extension to an existing clay pit. It is a brand-new clay pit that is proposed, and it has no clear relationship to an existing brickworks. There is suggestion within the supporting planning documents that in time there may be a brickworks established within the wider estate but there is no clear commitment to this and it is not confirmed which brickworks the proposal would service. Criteria (iii) requires sites to be well-related to the Lorry Route Network when rail or water transportation is not practicable. The West Sussex Transport Plan (WSTP) 2011-2026 seeks to maintain and promote the Lorry Route Network (LRN) which was developed to reduce the use of unsuitable roads by hauliers. It is split into Strategic Lorry Routes and Local Lorry Routes. To reach the local lorry route, A281, over 3km of C-Roads would need to be travelled but as the crow flies it is less than 3km. So, whilst the proximity to the LRN may be acceptable as within 3km as the crow flies, the quality/appropriateness of the C-roads that would need to be driven to reach the LRN are of serious concern, and this is addressed in more detail in the Transport Technical Note accompanying this letter.

Whilst we recognise that clay is only available in certain locations, in our opinion, the clay pit proposal is not coming forward at the right time. There is no clear justification around **why** this new clay pit is required, the evidence is very much high level relating to a national position rather than concentrating on West Sussex. The proposal does not meet the criteria set out within Policy M5 and there is no additional NPPF requirement. There is no **need** for the proposed clay extraction site.

WASTE OPERATION

West Sussex as Waste Planning Authority have been responsible for delivering a Waste Local Plan. This was adopted in 2014. Within this plan the Council made provisions for the management of waste. The plan looked at waste forecasts and considered the waste management capacity in the County, and whether there are any capacity shortfalls. This led on to the Council identifying the implications for the Local Plan. Table 3 of the Local Plan (page 19) considers built waste management requirements to 2031 and implications for the Local Plan. Here under the heading recycling – CDEW there is no additional capacity identified as being required to 2031. It is noted that the Annual Monitoring Report 2019/2020 that the CD&E waste arisings are anticipated to be higher than the forecasts. At paragraph 5.19 of the Report the Council consider that the increase is not considered to be a significant amount and they conclude that the Waste Local Plan could respond accordingly. At para 5.23 of the Monitoring Report, it is noted that the capacity of 'operational' aggregate recycling sites is 562,125tpa with a further 3,750tpa of capacity at permitted sites that are 'not operational'. The document goes on to confirm that there is 174,125tpa 'headroom' capacity at 'operational' sites. This demonstrates there is not a significant need for new CD&E waste sites unless they are in accordance with planning policy.

The Annual Monitoring Report identifies that recycling rates have risen in the last two years but remain within the scenarios that underpin the Waste Local Plan. DEFRA in March 2020 released their UK statistics on Waste. This identified that the UK has a recycling target of 70% recovery rate from non-hazardous construction and demolition waste. This target is exceeded and has been for a while with the current recovery rate being around 90%. This is all good news as we look to maximise the amount of waste recycled. This data therefore brings into question the percentage of waste that the applicant suggests they would recycle on this site and the amount they would be willing to place within the void. The applicant is suggesting that only 50% per annum would be recycled with the other 50% being placed within the void. This is well below the national average for recycling CD&E waste. It is not acceptable that the application is proposing a lesser recycling rate. Are these lower recycling rates being suggested so a greater link to the mineral site can be argued to try to justify the waste site through co-location?

The evidence suggests that in reality it is likely that the applicant would be able to recycle a greater amount of waste and therefore more recycled material would be transported off-site with a need for more inert waste to be imported to fill the void. We are therefore concerned that the transport movements proposed are an under-provision. More detail is provided on this in the Transport Technical Note.

Policy W1 (Need for Waste Management Policies) of the West Sussex Local Plan (2014) is very clear in stating that where waste sites are unallocated there needs to be a clear demonstration of quantitative market need market need for the proposed facility and that the site needs to be consistent with the principle of net self-sufficiency. Paragraph 6.2.10 of the West Sussex Local Plan sets out plainly the level of information needed as part of the planning application:

- The nature and origin of the waste to be managed;
- The existing or permitted operating capacity within the plan or catchment area;
- The levels of waste arising within the catchment area; and the potential shortfall in capacity or market need that the proposal seeks to address.

There is a lot of high-level information submitted with the planning application. However, the application fails to visibly set out the nature and origin of the waste to be managed. It is acknowledged that an assessment of allocated sites has been undertaken with the applicants view provided on whether the sites are operational or not. We have not been able to ascertain whether any evidence has been provided to demonstrate where there is a specific shortfall in capacity or where there is an identified market need to justify the proposal.

Policy W3 (Location of Built Waste Management Facilities) of the West Sussex Local Plan (2014) requires applicants to pass the test of criteria (a) before moving on to (b). (c) is not a criterion applicable to this application. The applicant has tried to demonstrate that the recycling facility proposed cannot be delivered on permitted or allocated sites however we are yet to be convinced. We acknowledge that the site is within the Areas of Search. When looking at criteria (b) the tests cannot be passed. The site is not located within a built-up area or on previously developed land; it is a greenfield site within the countryside. The site is not currently agricultural land. As the site is greenfield then, to justify its location, it should be demonstrated that there are no suitable alternative sites available. We do not believe that robust evidence has been provided to pass this test. As with the Minerals tests considered above, there is the need for the site to have good access to the Lorry Route Network. As before, whilst it may be within the 3km 'as the crow flies' distance, we believe the quality of the roads are not appropriate meaning there is a highways safety concern. National Waste Policy (2014) states that when considering the right location

for waste sites that priority should be given to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. So, overall, we do not think that Policy W3 or National Policy is met. It cannot be demonstrated that this isolated location is appropriate for a new waste operation, even if a part of it is liked to a potential mineral site.

Policy W4 (Inert Waste Recycling) of the West Sussex Local Plan (2014) requires that inert waste recycling sites should be located in accordance with Policy W3 (which this proposal doesn't) or be accommodated at **active** landfill sites or mineral workings. The mineral site is not active, it is a new proposed site and so the planning application also fails to comply with this planning policy.

Policy W8 (Recovery Operations involving the Depositing of Inert Waste to Land) of the West Sussex Local Plan (2014) considers proposals involving the depositing of inert waste to land. Whilst it is recognised that some of these tests could be met, there is a need to demonstrate that there would be no unacceptable impact on natural resources and other environmental constraints. Notwithstanding the fact that we believe there should be no mineral extraction at this site, and therefore no void created and no need for restoration to occur, we feel that there are some site-specific issues that would mean there are environment constraints which the proposal would have an unacceptable impact upon. These are set out within the Site-Specific Technical Matters below.

To conclude, the proposal fails to comply with Policy W1, W3, W4 and W8 of the Waste Local Plan.

SITE-SPECIFIC TECHNICAL MATTERS

Highways

As set out within the accompanying Transport Technical Note there are a number of highways issues which are appropriate grounds for objection and in turn refusal of the planning application:

- The traffic generation information provided by the applicant is not realistic and significantly under-estimates the daily traffic flows;
- The environmental impact upon amenity of road users along Loxwood Road has not been assessed;
- The proposed site access arrangements are not 'safe and suitable' for the intended purpose;
- Loxwood Road is not suitable to accommodate a significant increase in HGV traffic.

Overall evidence suggests that there would be an unacceptable impact on highway safety and the impact on the road network would be severe. Therefore, the proposal fails to comply with the NPPF paragraph

111, Policy M20 (Transport) of the Joint Minerals Local Plan and Policy W18 (Transport) of the Waste Local Plan.

Noise

The noise survey undertaken by Hann Tucker Associates and their subsequent assessment based on the proposed development demonstrates that the proposed clay pit operations are likely to have a significant adverse impact on the noise sensitive receptors identified in their report i.e. local houses. This finding contradicts the noise assessment submitted with the planning application. This variation in conclusions is due to the different assumptions being made with regards to the calculations, estimations, where work will take place, and noise sources.

The Hann Tucker Associates report also notes that there isn't enough information provided within the application to enable a complete and robust assessment of the noise impact potential from all of the different elements of the proposal. Further details are required.

The discrepancy between noise consultants raises concern about what the potential noise levels will truly be at the nearest houses and what the noise impact will be on those walking the nearby rights of way.

Rights of Way

There are a number of public rights of way around the proposed minerals and waste site. With walkers parking in the layby which is proposed to be altered to accommodate the traffic associated with the development.

The proposed access track for the site would in places run within metres of established rights of way and at points it would cross rights of way. With regard to footpath 795 there is one particular pinch point which is of concern to the Community where the applicant is suggesting the route of the footpath has been altered over time to cross private land. The community disagree with this, and this is substantiated by the PRoW Officer in their objection dated 11/08/2021. Footpath 795 should not be separated by way of the erection of a fence. Otherwise, we are concerned about the lack of detailed provided with regard to crossing points where there is likely to be conflict between users of the rights of way (walkers, cyclists, horse riders) and the proposed HGV's. There is concern for the safety of the users of the rights of way.

There is one further significant change proposed to the established public rights of way network and this is the temporary (for 33 years) closure of footpath 792-1. The resulting diversion of this footpath would

be significant. It would prevent walkers reaching footpath 797 and bridleway 793. Walkers would be diverted down bridleway 801 to reach 793 and then 797. This would be an additional 1.3km (Figure 1).

FIGURE ES 2 - FOOTPATH DIVERSIONS

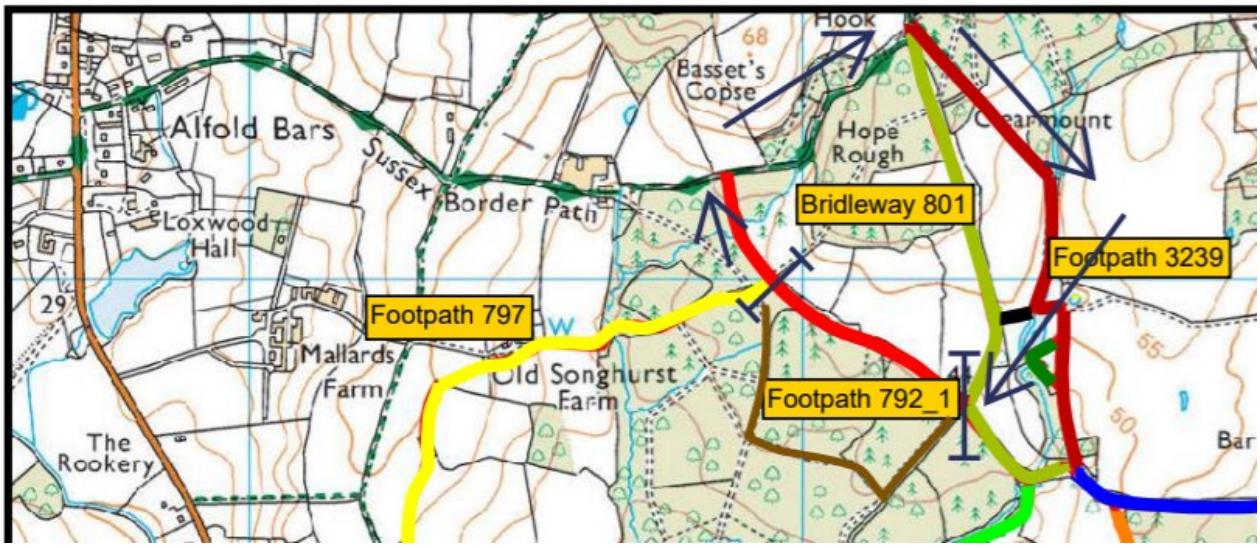

Figure 1 – Extract of Figure ES 2 – Footpath Diversions

There would be a significant impact on the users of the rights of way. In addition to the concerns raised above, the current tranquil walking routes would be negatively affected through the introduction of HGV vehicle movements, noise, dust, change in the appearance and character of the area.

The NPPF (2021) at paragraph 100 advises that planning decisions should *protect and enhance public rights of way and access*. This proposal would fail to do this. It would in fact reduce the attractiveness of this area to members of the public as the proposal fails to safeguard the routes and amenity of public rights of way. If care and attention is not given to the likely conflict points, there are potentially significant safety issues for users of the rights of way. The alternative temporary route proposed cannot be justified and does not pass the policy tests. The proposal is contrary to Policy M18 (Public Health and Amenity) of the Joint Minerals Local Plan and W19 (Public Health and Amenity) of the Waste Local Plan.

In addition to the known points of conflict identified above that we provide comment on, we have been made aware of two Definitive Map Modification Order (DMMO) applications. These are also noted within the Rights of Way Officers response. If the Council's Rights of Way team consider these applications to meet the legal tests it will introduce two additional rights of way across/around the site. This will in turn introduce additional points of conflict and would need to be taken into consideration in the determination of the planning application.

Ancient Woodland

The proposal would result in a significant intensification of the use of the current forestry tracks which runs through and adjacent to Ancient Woodland and Ancient Semi-Natural Woodland. There is a need for passing places which would result in the loss of some of the existing verge areas which at present makes a positive contribution to sustaining the health of the woodland and associated fauna. Some trees would need to be felled within the Ancient Woodland, and surrounding woodland to accommodate the proposal. The more frequent use of the logging track would result in compaction from the HGV's which in turn would impact upon the roots of the surrounding trees. There is limited detail on the size and layout of the parking/depot area identified near to the layby in Pephurst Wood (Ancient Woodland). There could be more direct impacts on the Ancient Woodland here that we are unable to understand at present.

Government advice is that *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* (para 180 of the NPPF, 2021). As there is no overriding need for the mineral or waste operation there are no public benefits that outweigh the significant harm that would be had on the Ancient Woodland or surrounding woodland. The proposal does not comply with National planning policy nor is it in accordance with Policy M18 (Biodiversity and Geodiversity) of the Joint Minerals Local Plan or W19 (Public Health and Amenity) of the Waste Local Plan.

Biodiversity

The proposal would result in the felling of a larger number of trees. These trees are typically high-grade, Category A and B. In addition, there would be the removal of vegetation cover through the stripping back of scrub and grassland. A stream runs through the site. The works required would result in significant loss and damage to flora and fauna within and adjacent to the site. It would result in significant habitat degradation also. There is at present an unknown impact on the roosts of bats within the site. The loss of bat roosts is irreversible, bats are legally protected by both domestic and international legislation. The site currently sees a number of protected flowers growing on the woodland floor throughout the year; bluebells, orchids for example. Many of these are protected under the Wildlife and Countryside Act.

The application suggests that there will be biodiversity net gain. This appears to be a long term net gain, i.e. in 33years time. In the short to medium term there would be a biodiversity net loss. Where there is biodiversity net gain proposed or where mitigation measures are proposed, we are unclear whether all land to be used is within the control/ownership of the applicant.

The site is very sensitive from an ecological perspective. Due to the sensitivity of the site, it would only be right to consider approving the proposal if there was significant public benefit provided in the grant of the planning application. Even in this instance, there should be robust and comprehensive mitigation measures in place and a clear biodiversity net gain. As set out within the minerals and waste section of this letter we cannot see that there is any public benefit arising from this proposal.

Separate from Bell Cornwell's assessment of the potential biodiversity impact the Parishes Wildlife Group have prepared a detailed Ecology Report based on their knowledge of the area and the details provided within the planning application. Their report identifies the ecological importance of the proposed development site and emphasises how important the area is to the Parish. They are very concerned about the detriment this proposal would have on the ecological status of this area.

The proposal fails to comply with Policy M17 (Biodiversity and Geodiversity) of the Joint Minerals Local Plan and W14 (Biodiversity and Geodiversity) of the Waste Local Plan.

Landscape

The site is currently tranquil. It comprises unspoilt woodland and countryside and as explained above, is close to a number of public rights of way. There are many members of the local community that enjoy walking, cycling or horse riding in the area immediately surrounding the proposed minerals and waste site.

The proposal involves the clearance of a significant number of mature trees. It also introduces not just a mineral operation but also a waste operation resulting in the need for a large waste processing building with associated welfare facilities. In addition, a weighbridge is required alongside wheelwashing facilities. A number of cars will be parked on the site throughout the working day and HGV's will be travelling into and out of the site throughout the working day.

The introduction of the proposed operation would bring about not only a significant negative visual change to the character and appearance of the area but also a negative change to the experience of users of the countryside through the generation of noise, dust, and lighting.

These changes would all have an adverse negative effect on the users of the local area. It would be to their detriment and would likely prevent members of the local community from wanting to use the local public rights of way thereby limiting their access to the countryside. The proposal would fail to conserve and enhance the character of the area and so it fails to accord with Policy M12 (Character), Policy M18

(Public Health and Amenity) of the Joint Minerals Local Plan, Policy W11 (Character) and W19 (Public Health and Amenity) of the Waste Local Plan.

CONCLUSION

As you will appreciate from reading this letter of objection, there are a significant number of failings with this planning application. We genuinely cannot see that there is a need for the proposed mineral operation. As the extraction site cannot be justified at this moment in time, there is no need for the waste operation. An isolated, rural location such as this is not suitable for a waste operation which is why policy looks to prevent waste operations in this sort of location.

Notwithstanding the overarching policy failings there are a number of site-specific technical points of concern relating to landscape, biodiversity, transport, noise, rights of way and ancient woodland.

We would urge you to recommend the planning application for refusal.

Yours sincerely,

BELL CORNWELL LLP

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APPENDIX 1

STOP THE CLAY PIT COMMUNITY ACTION GROUP

STATEMENT OF OBJECTION

Early in 2020, when local residents first heard of the proposal by Loxwood Clay Pits Ltd to create a clay pit and a waste recycling operation in the middle of Pallinghurst Woods, there was a shared sense of concern. Out of those concerns emerged a Community Action Group, formed of volunteers from Loxwood, Rudgwick, Alfold, Ifold and Plaistow, all areas that will be impacted by this proposal. We have worked diligently since then to understand the potential impact of this proposal, to raise awareness in our local communities and beyond, and help those who oppose the application to understand how to object.

The Community Action Group commissioned a number of expert consultant reports. These were funded by contributions from a cross section of the local community, form the bulk of this objection document and cover all aspects of the proposal. As can be seen from these reports, this proposal has no merits - it clearly contravenes a number of specific policy areas, any one of which should be sufficient grounds for rejecting the application. However, in our opinion, taken together the force of policy against the proposal is overwhelming

The Community Action Group urges West Sussex County Council, not only, to address the policy aspects of the application but also take into account the big picture painted by the application. Briefly:

- The need for a new, green-field source of clay in Sussex does not exist as Sussex's brickworks already have in excess of 25 years' supply of clay;

- There is enough construction and demolition waste re-cycling capacity in Sussex to deal with current demand and any increased demand in the future, with no need to open a new, green-field site a considerable distance from the lorry road network;

- The increased HGV traffic will have a severe impact on local villages and hamlets and presents a significant safety risk to existing road users - pedestrians, cyclists, horse riders and vehicle users alike. The local roads near the site will be dangerously impacted as they are too narrow to cope with such traffic;

- The HGV traffic along the access track to the site will be dangerous to non-vehicular human and animal users – with many footpaths and bridleways sharing, crossing or being very close to the track. It is proposed that one stretch of footpath should be closed "temporarily" – for 33 years;

- The entire woodland area is currently very quiet and tranquil, essentially with only natural noise. The application, if approved, will result in many fixed and moveable plant items generating significant levels of noise and other pollutants;

- A large 15000 sq. ft. building that would be constructed for the operation would have a significant negative visual impact on the area, creating light pollution in an area where there is currently none;

- The water supply to this area of Sussex is currently stretched almost to breaking point. Installing a wheel-washing facility, with its heavy demand for water, will add to the supply problems, leading to the risk of additional supply problems for many local residents and existing businesses;

- The ecological and environmental consequences of an approved application will be enormous, with huge numbers of trees and areas of animal habitat destroyed. As acknowledged within the application, the proposal will lead to a net loss of biodiversity;

- The planning application records barbastelle bats on site. Due to the proximity of the Mens Special Area of Conservation (SAC) and documented foraging routes reaching the site, a Habitat Regulations Assessment (HRA) should be carried out;

- Finally, the application makes no reference to the impact on staff and students at Rikkyo School, a Japanese boarding school with 300 students and staff, situated in an elevated position about 1km north east of the development site. It will be severely impacted by noise, light and dust pollution from prevailing wind direction.

The Community Action group has significant public support to oppose this planning application. Over 5000 people signed our petition in opposition back in 2020 and we currently have close to 1000 active supporters and followers through our website and social media presence. We speak for every one of those individuals.

Therefore in conclusion, the Stop Clay Pit Community Action Group strongly urges West Sussex County Council to refuse the planning application.

APPENDIX 2

PARISHES WILDLIFE GROUP
Objection by local residents' group to:
Application Ref No: WSCC/030/21
Location: Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW

An application for planning permission for a clay quarry and construction materials recycling facility (CMRF) for CD&E wastes including the use of an existing access from Loxwood Road, the extraction and exportation of clay and restoration using suitable recovered materials from the CMRF to nature conservation interest including woodland, waterbodies and wetland habitats

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Appendices:

Maps:

References:

LOXWOOD APPLICATION WSCC/030/21

The Group objects to this application for a variety of reasons outlined below but before beginning it is important to note a recent High Court ruling [1]in view of Chichester District lacking a 5-year housing land supply. See App 1

The key issues which make up the OBJECTION submitted by Stop the Clay Pit group are:

- Need
- Environment – Biodiversity and Green Infrastructure
- Landscape

Consultant reports are provided in addition to this objection commissioned by the LCP group covering issues on Planning, Noise and Transport.

1. PROPOSAL

1.1 Loxwood Clay Pits Ltd propose an 8 ha (20 acres) clay pit ie a Quarry, with a Construction Materials Recycling Facility which it is proposed to build on a greenfield site the company owns within Pallinghurst Woods, GR 050328.

1.2 The proposed site lies deep in Pallinghurst woods located between the service villages of Loxwood, Rudgwick and Alfold in the Northern part of Chichester District. The large area of woodland contains a mixture of woodland types - some areas of Ancient Woodland (considered irreplaceable, National Planning Policy Framework, NPPF, Guidance ch 15, Para 180c); some re-planted areas of Ancient Woodland, (which shares the same protection as ancient woodland and are also considered irreplaceable NPPF, 2021), some areas of Deciduous Woodland as well as a variety of Plantations containing mixed, Deciduous or Coniferous trees, supplemented by Orchard, hedges, banks and stream. So, some of the areas present must not be removed, harmed or damaged in any way and that will include the banks typical of ancient woodland sites. The mixture of woodland types and other habitats does create variety which, in turn, supports a wide range of species.

1.3 Of concern, the site lies within 6.5 km of an internationally important site, that of the Mens Special Area of Conservation, SAC, which contains

[1] Gladman

European Protected Species which does confer extra responsibilities and legal duties**.** SAC sites are part of a network of sites selected to ensure the long-term survival of Europe's most valuable and threatened species and habitats.

1.4 The aim of the application is to extract clay from a 6 acre site taking some 30 years to remove 12,500 tonnes per year requiring the use of 25,000 2 way HGV trips. A new building is proposed in order to accommodate a Materials Recycling Facility (MRF). The project includes removing trees resulting in a net loss of -35 77Bus equivalent to **-36.59%.** This does not conform to the current drive to provide a Biodiversity Net Gain nor the policy in the WSCC *Tree Plan*, Dec 2020. That plan seeks to protect trees and woodlands from new development and to improve tree cover in the county, and, of course is the aim of the government supported tree planting schemes which are being encouraged as a means of combatting climate change.

1.5 The applicant's Planning Statement states that the planned restoration scheme would "ensure overall Biodiversity Net Gain, BNG, thus safeguarding the site's biodiversity value" and similar positive statements are included in the EIA, Para 0.1.6; the Planning Statement, p 72; and the Environment Statement, Para 22.62 but that will ***not*** be the end result as "the majority of baseline area habitats within the site will be lost".

1.6 It is also proposed to remove some biodiverse topsoil to other parts of this site owned by LCP to enhance biodiversity in the short term. The company suggests that the final restoration would consist of grass, followed by trees, planted in soil which has become 'biologically depleted' during storage, leading to a further long period of secondary woodland and ground flora re-growth which will not help Climate Change. There are very few studies of any restoration and translocation projects being effective or successful (Cambridge University conservation evidence website……)

2. EXECUTIVE SUMMARY

2.1 **First things first:**
Development Plan - Recent case law demonstrates that 'out of date' policies within the both the CDC Local Plan 2015) and the Loxwood Neighbourhood Plan (2016; and Revision at Reg 17 stage 2020) can still carry weight in the decision-making process, even where a five-year housing land supply cannot be demonstrated by CDC (Detailed in App 1).

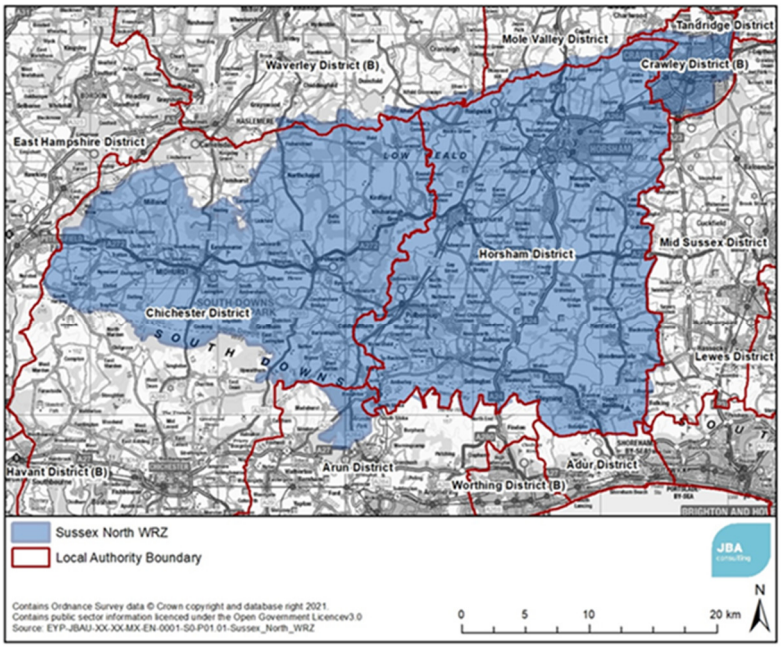
2.2 **Need for Clay –** The company suggests that it is required. The SCP and local industry state it is not.

2.3 **Infrastructure** – The application has not addressed a significant infrastructure issue which is the lack of a suitable sustainable supply of water in this area and an additional potential threat to the Upper Arun Special Protection Area which has been highlighted by Natural England, NE. (App 7).

2.4 Southern Water announced that in the Sussex North Water Supply Zone they might not be able to supply water to the 4 Parish Councils in the North of Chichester District. This has led to a current halt to planning proposals and to the suspension of the Loxwood NP. See map below.

2.5 **Omissions:** the carbon footprint of the development has not been assessed; in addition, the Scoping opinion included a need to detail the impacts of the traffic impacts occurring outside the proposed development site but this has not been done.[

2.6 **Ecology** – The words repeatedly applied to this area are rural, tranquil and undisturbed. The proposed development would result in the loss of habitat and will have a significant impact on biodiversity including rare and protected species. HM



Government is encouraging people to plant more trees rather than removing them as is proposed in this application for some 33 years.

Landscape: "This is a rural part of the country and the county and should *not* (emphasis added) be subjected to an industrial scale operation. The infrastructure is not suitable…. The Low Weald is a predominantly pastoral and wooded landscape that is still largely rural and relatively tranquil outside the main urban centres and is part of the WSCC Southern Weald area".

(Natural England National Landscape Character,
The Low Weald, 121, Sept 2013)
(Landscape Character Assessment, WSCC, Central Low Weald, updated June 2016)

2.7 The application refers in general to a ***Biodiversity Net Gain[2] (***BNG), but, actually documents a ***Biodiversity Net Loss*** for a greater part of the operations and that does not include the impacts arising from noise, light or disruption on important and rare wildlife species which would be adversely affected/harmed.

2.8 On **p 9** of the Planning Statement submitted by the applicant states that Pallinghurst Woods is situated 6.5 km from the Mens SAC (Special Area of Conservation, European designation) which is a Sussex Wildlife Trust site. The Mens SAC is an ancient woodland located within the South Downs National Park, SDNP, which contains barbastelle maternity roosts and this very rare species has been included in the records reported in the ecological surveys of the woods. They are a qualifying feature of both the Mens SAC and Ebernoe Common SAC, and are 'functionally linked' to these specific sites making use of the wider landscape for commuting and foraging.

2.9 While the Scoping document states that an HRA would not be required as CDC lacked evidence of the bats' foraging routes in the area, (Para 4.21 in document ES-B), a map in Frank Greenaway's report, 2008, shows such routes reaching Loxwood and beyond. An HRA would thus be mandatory, given the proximity of the European site,the Mens, in order to demonstrate that the plan won't adversely affect the European site's integrity. This assessment would need to consider the wider area around the site which provides commuting and foraging areas.

2.10 The rare Barbastelle bat is included on the Red List of Threatened Species. The Natural History Museum describes it as being "*one of the rarest species of mammal in the UK*"; they are protected under the Wildlife and Countryside Act (1981). This legislation also applies to other species of bat the survey detected.

2.11 Barbastelle bats are:
- European Protected Species under the adopted European Habitats Directive.
- Are a priority Species under the UK Post-2010 Biodiversity Framework.

[22] Not yet a legal requirement as the Environment Bill has yet to go through Parliament

- Recorded in the ecology survey carried out on this site.
- The Mens SAC is located 6.5km away (stated on **p 9** of the Planning Statement
- The site fits within 12 km zone for the SAC protocol (drawn up by the SDNP/NE)
- And, Barbastelle bat was recorded in the woods

Functionally-linked habitats and Key Conservation Areas

2.12 In addition to roost sites, the bats also require access to habitats outside the boundary of the SACs. This habitat is integral to supporting bats associated with the SACS and is thus functionally linked habitat. It includes:

- **Flightlines –** key communing routes from roosts to foraging (feeding) areas used by the bats.
- **Foraging areas** – these are the areas of land where bats feed. Barbastelle bats can forage 10-15 kms from the roosting sites;. Bechstein's tend to forage in and around the woodland where they roost with limited outward travel.
- **Key Conservation Areas – based on published data, Natural England , the Government wildlife advisory body, recommends that the following impact zones around SACs are examined:**
  - **6.5km Key conservation area –** ***all*** impacts assessed. Includes the key issues critical for sustaining the populations of bats within the SACs
  - **12km Wider conservation area –** ***significant impacts or severance to flightlines*** to be considered and area includes the full extent of the range of foraging areas required by the bats.

2.13 **Landscape –** the development and its associated traffic – up to 42 HGV movements daily or 12,000 per year will have a significant impact on the historic and rural character of the site, the woodland tracks, rural roads and the site's surroundings. The scoping opinion suggested that the access routes should be included and the impacts of this increase in movement checked for impacts. This has not been done.

2.14 S**ummary** – For the above reasons, application 21/00621/FUL is contrary to international legislation, national law and policy including the National Planning Policy Framework (NPPF), July 2021, Local plans such as the WSCC Joint Minerals Plan Policy M17, Chichester District Local Plan (CDCLP), the South Downs National Park Local Plan (**given that the Parish is within its setting**) and the Loxwood Neighbourhood Plan.

For these reasons (with further details below) this application should be **REFUSED**.

3. The issue of the NEED for clay and for C&D Recycling

3.1 The applicant has evidenced that their 'Weald' clay is suitable for brickmaking. Therefore, as per the Joint Minerals Local Plan (JMLP, 2018) policy M5 extraction of the clay can only be considered for the purpose of brick making.

3.2 The applicant says there is a shortage of clay in West Sussex. We have contacted West Sussex brick makers:

- **Ibstock [West Hoathly and Laybrook]** told us, "We have other operating sites in West and East Sussex, plus one in Surrey. None of these sites require further off site supply of clay and all have reserves adjacent at the current time" (Ibstock, PLC, 2021)
- **Wienerberger** told us "Warnham has no need to import clay and nothing in the pipe line to do so, also I believe there are sufficient clay reserves in West Sussex to sustain the current brick manufacture going forward for many years without the need for additional quarries". Their Ewhurst site (in Surrey) has 200 years of clay reserves (Wienerberger Ltd, 2021).
- **Lambs Pitsham** told us on [date] "We have enough reserves for the future" and "The Wealden Clay [the type of clay in Loxwood] is not suitable for our products" (WT Lamb & Sons Ltd, 2021)

3.3 There are currently no remote clay extraction sites listed in the WSCC Monitoring Report 2019/20 WSCC 19/20 p52). They are all adjacent to brickworks. Brick makers rarely import clay due to its low value and cost of transportation, both in monetary terms and embedded CO_2.

3.4 The 2019/20 monitoring report (p11) shows a total county brick clay reserve of 17.5 million tonnes, a reserve of 56 years at the current rate of sales. The applicant is proposing to excavate 375,000 tonnes of clay which is only 2% of the WSCC brick clay reserve.

3.5 There is nothing unique about the proposed site. Approximately one third of the county is underlain with Weald Clay formation (WSCC 2018 p123); Should a new clay quarry be required there would be numerous alternative brownfield and less sensitive sites offering a similar clay reserve.

3.6 The proposed site does not accord with 4 of the 5 guiding principles for the allocation of minerals sites in the WSCC JMLP (p77).

3.7 Nor does the application conform with the JMLP Strategic Objectives, including; to safeguard potential economically viable mineral resources from sterilisation; to protect, and where possible enhance, the health and amenity of residents, businesses and visitors; to protect and, where possible, enhance the natural and historic environment and resources of West Sussex (WS) to maximise the use of rail and water transport for the movement of minerals and to minimise lorry movements and the use of local roads for minerals (WSCC JMLP, pp15-19)

Need for Construction and Demolition (C&D) Recycling

3.8 The applicant is proposing a C&D recycling capacity of 25,000 tonnes per annum (tpa)

3.9 West Sussex capacity for C&D recycling has increased from 276,000 tonnes to 321,000 tpa between the 2018/19 to 2019/20 monitoring reports, an increase of 45,000 tpa (WSCC JMLP and WLP *Mon report* 2018/19 p66; and pp 62-63).

3.10 The 2019/20 monitoring report states that "There is currently adequate capacity for recycling C&D waste withinWS" (WSCC JLMP and WLP *Mon Report* 2019/20, Para 4.15, p 15).

3.11 In addition further C&D recycling capacity has been approved since the 2019/20 reporting period; 25,000 tpa WSCC/009/20 Approved 29/10/2020 (Land at Thistleworth Farm, Grinders Lane, Dial Post, Horsham, RH13 8NR)

3.12 Further to that there appears to be a C&D recycling operator omitted from the 2019/20 monitoring report, Penfold Verrall Ltd, The Haulage Yard, Dial Post, Horsham, West Sussex RH13 8NY, who advertise a capacity of 75,000 tpa (https://www.penfoldverrall.co.uk/recycling/)

3**.13** All existing C&D recycling sites listed in the 2019/20 monitoring report are located within a few hundred metres of the local lorry route network and in some cases the strategic lorry route network. The applicant's site is 4.8km from the lorry route network via an unclassified road and a woodland track.

3.14 The applicant plans to only recycle 50% of the waste stream, with the residual 50% being landfilled for restoration of the quarry. This does not accord with the concept of a circular economy which aims to keep valuable resources in use and replace the need for landfill. (WSCC JMLP and WLOP *Mon Report* 2019/20 pp 62-63).

3.15 We believe that a significantly higher percentage of the waste could be recycled for beneficial use as per the aspiration of WSCC waste policy. This policy also regards landfill as an undesirable option in environmental terms and seeks to minimise waste and regard it as a resource.

3.16 Given the geographic location of the proposed sight, near to the Surrey border, it is likely that not all of the available C&D capacity would solely serve the needs of WS.

Summary

3.17 There is no demand for additional brickmaking clay in West Sussex. Approval of this minerals application would contravene WSCC policy. Without the need for clay extraction then there is no justification for the applicant's location of a C&D recycling facility, approval of which would contravene WSCC waste policy. Furthermore approval would set an unwelcome precedent for the siting of minerals and recycling facilities, remote from immediate need and in a sensitive green field location.

4. Biodiversity: International commitments

4.1 In 2019, the IPBES[3] declared a Biodiversity Emergency and its chair, Prof Sir Bob Watson declared:

"*the health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide*."

4.2 **This is the United Nations, UN, Decade on Ecosystem Restoration 2021–2030** which, in order to be successful, civil society organisations must continue to:

- fight unsustainable exploitation of the natural world
- explain what the new commitments that politicians are making mean in practice
- make the case that the nature and climate emergency must be tackled together
- challenge those policies which are inconsistent with or undermine political rhetoric on the environment

4.3 **1992**, The Convention of Biological Diversity, CBD, an international treaty was agreed at the United Nations Earth Summit in Brazil. It has three goals: the conservation of biological diversity; the sustainable use of nature; and the fair and equitable sharing of benefits arising from genetic science.

4.4 **In 2010**, under the CBD, countries agreed to the Aichi Biodiversity Targets – a group of 20 goals to conserve biodiversity that range from preserving species, to reducing deforestation by 2020. Aichi's goals are to biodiversity what the Paris climate accord is to global warming (See **App 2**).

4.5 "*We have no time to wait. Biodiversity loss, nature loss, it is at an unprecedented level in the history of mankind*", Elizabeth Mrema, the Executive Secretary of the CBD.

4.6 The UK is one of the most nature-depleted countries in the world, failing right now to meet 17 out of 20 UN biodiversity targets and it is ***not*** on track to achieve its goal of providing the next generation with a better natural environment. The abundance and distribution of the UK's species has, on average, declined since 1970 and many metrics suggest this decline has continued in the most recent decade. There has been no let-up in the net loss of nature in the UK. Prior to 1970, the UK's wildlife had already been depleted by centuries of persecution, pollution, habitat loss and degradation (State of Nature, 2019). So we must protect and safeguard what we have.

4.7 Climate and nature are two faces of the same problem and both need addressing.

This proposal addresses neither and should be REFUSED.

[3] The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, IPBES, is an intergovernmental organization established to improve the interface between science and policy on issues of biodiversity and ecosystem services.

5. Biodiversity: UK National policies

5 And, Sir David Attenborough commented:

"*It may sound frightening, but the scientific evidence is that if we have not taken dramatic action within the next decade, we could face irreversible damage to the natural world and the collapse of our societies*."

5.1 So we need to safeguard what wildlife and biodiversity we have now and to develop a resilient future. Biodiversity Opportunity Areas (BOAs) are areas where improved habitat management, as well as efforts to restore and re-create Priority habitats, will be most effective in enhancing con-nectivity to benefit recovery of Priority species in a fragmented landscape.

5.2 They are therefore the basis for achieving Sir John Lawton's vision of a "***coherent and resilient ecological network***".

This application fails to do this, in fact it interferes with the extant network.

6. Biodiversity: West Sussex Local policies

6. "This is a rural part of the country and the county and should ***not*** (emphasis added) be subjected to an industrial scale operation. The infrastructure is not suitable…. The Low Weald is a predominantly pastoral and wooded landscape that is still largely rural and relatively tranquil outside the main urban centres and is part of the WSCC Southern Weald area".

(Natural England National Character Area, NCA Profile 121
The Low Weald, (NE450) Sept 2013)
(*Landscape Character Assessment*, WSCC, *Central Low Weald*,
updated June, 2016)

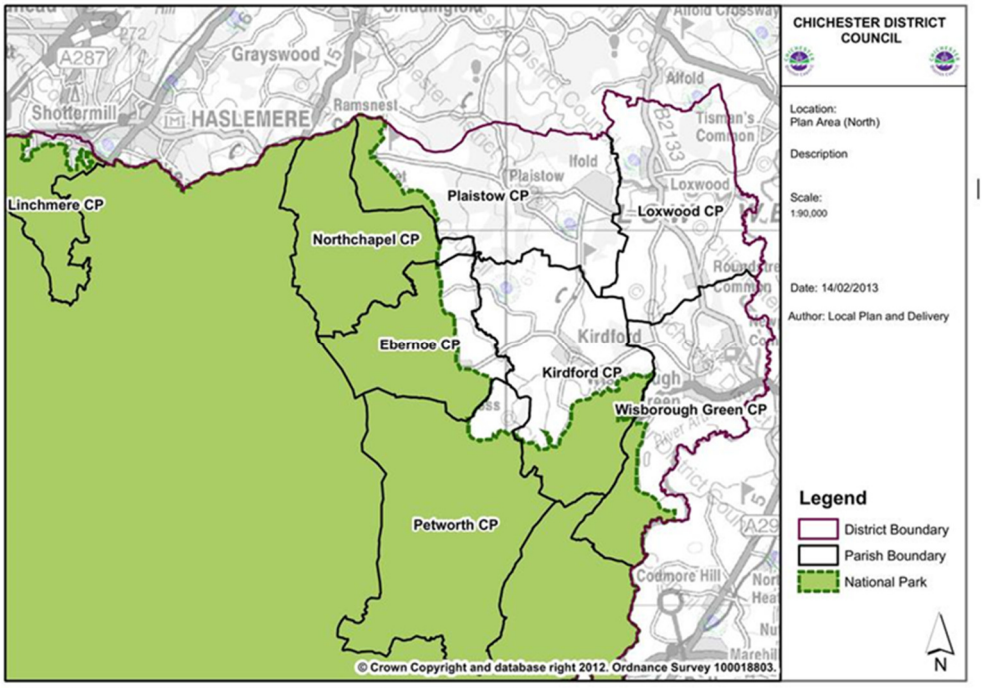
6.1 This area is a deeply rural, tranquil and enclosed landscape with an essentially medieval pattern of fields and tracks.

6.2 A working group chaired by eminent ecologist Sir John Lawton produced a paper in 2011 stating "*The Weald is a living landscape ... one of the largest areas of undisturbed semi-natural habitat supporting a wide range of associated rare species ... this should* ***not*** *be jeopardised by short term thinking*" (emphasis added). Sir John had been separately asked to advise HM Government in 2010 as to the suitability of the important designated UK wildlife sites. In brief, paraphrasing, his recommendations were that:

"*Designated* (important wildlife) *Sites needed to be in better condition, larger and joined up*" ie Connectivity is very important. This report underpinned the following Government approach. It also prompted Natural England, NE, the Government advisory statutory body to examine the condition of its key wildlife sites. This has a bearing on Loxwood Parish which will be examined later in this report.

7. Place

7.1 Loxwood Parish is one of 4 Parishes[4] [superscript 4 is not required as the parishes are listed in this para] situated in the NE area of Chichester District which form part of the rural area of the District: namely, Kirdford, Loxwood, Plaistow and Ifield, and Wisborough Green.



7.2 The Low Weald landscape, to the north east of the South Downs National Park Authority (SDNPA) boundary, is characterised by a mix of pasture and medium to small scale arable fields.

7.3 The name Loxwood is thought to have derived from a combination of the Celtic or Saxon god Lokka/Loxwe and an identification of the wooded origin. There are many timber framed houses and cottages dating back to the C15th with more of the period features still intact.

7.4 The presumption in favour of sustainable development for plan-makers was adjusted in the most recent version of the NPPF[5], just published by MHCLG July 2021.

7.5 The NPPF's presumption in favour of sustainable development for plan-makers **(paragraph 11a**) says that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

[4] Kirdford, Loxwood, Plaistow and Ifield. Wisborough Green
[5] National Panning Policy Framework, NPPF, which guides planning process and the NPPF guidance

7.6 Sustainable Development involves considerations of Social, Economic, Environment and Ecological issues and impacts.

7.7 Applications should be conditioned to **undertake ecological surveys** as applicable. All development proposals should seek to result in a net gain in biodiversity [BUT] p***roposals which result in an adverse impact on protected species will not be supported*** unless the harm can be avoided, mitigated or compensated for. Proposals should seek to ***retain and where possible enhance existing biodiversity corridors and network within and beyond the site.***

(**Para 17.22.11**, Revised Neighbourhood Plan, Loxwood Parish, 2020).

The application does not conform to policies concerning Sustainable Development nor the need to enhance existing biodiversity corridors and networks within and beyond the site.

8. Relevant National Biodiversity Legislation and Planning Policy

8.1 This sub-section summarises the legislation, planning policy and evidence base at the international, national UK, County, District and parish levels.[6]

- Wildlife and Countryside Act, 1981, as amended. Available online at: https://www.legislation.gov.uk/ukpga/1981/69

- Conservation of Habitats and Species Regulations, 2017, Available at: https://www.legislation.gov.uk/uksi/2017/1012/contents/made

- Countryside Right of Way Act, CROW Act, 2000, Available online at https://www.legislation.gov.uk/ukpga/2000/37/contents

- HM Government (2005) Office of the Deputy Prime Minister (ODPM) Circular 06/05 Biodiversity and Geological Conservation- Statutory Obligations and their impact within the Planning System. Available at: https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005

  Natural Environment and Rural Communities Act 2006, https://www.legislation.gov.uk/ukpga/2006/16/contents

- NERC lists Habitats and Species of Principal Importance and places a DUTY on Local Authorities to have regard for biodiversity
- National Planning Policy Framework (NPPF) 2019/21, Available online at MHCLG, Ministry of Housing, Communities & Local Government
- Loxwood Neighbourhood Plan, made, and a revised draft for Reg 16. Submission,
-

[6] The application does set out some of the relevant legislation in detail but does not give it the correct emphasis and interpretation.

9. UK Government Policy Commitments

9.1 Current UK policy commitments include. *A Green Future: Our 25 Year Plan to Improve the Environment*, HM Government 2018 and 2019. The Environment Bill, 2019 and Environmental Net Gain with regard to new development which has to ensure 10% habitat are not yet legal requirements having not yet passed through Parliament. The Government Green policy includes the need for transport, to include cycling and walking; Greener buildings, and, protecting our natural environment and leaving it in better condition than it was originally

- *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*. This biodiversity strategy for England provides a comprehensive picture of how the UK is implementing their international and EU commitments.

This application does not conform with this policy.

10. National Planning Policy Framework, NPPF, MHCLG, July 2021

10.1 "The NPPF is clear that planning policies which lead to isolated developments in the countryside should be avoided." The MHCLG confirmed in a statement that the updated NPPF "will place greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes".

10.2 The documentation presented with the application states that "The site does not form part of a valued landscape in the context of **Para 174(a)** of the NPPF in as much as the area is not designated" but it does not refer to the sub-section b) in that paragraph.

i) [7]**Para 174b** states "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".

ii) And **Para 174 (d**) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

iii) **Para 31** of the NPPF states: 'The preparation and review of all policies should be underpinned by **relevant and up-to-date evidence**. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.'

11. Habitats and biodiversity, NPPF, 2021

11. Para 179: To protect and enhance biodiversity and geodiversity, plans should:

[7] A new version of the NPPF was published on July 2021 so both para nos are used with the extant one following the 2019 version

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

[NB: CDC has mapped the GI within its District area and will be supplying the map of Loxwood Parish and its surrounds in September when staff return to the office.]

Para 180: When determining planning applications, LPAs should apply the following principles:

(a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning *permission should be refused;*

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), *should not normally be permitted*. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest

The application fails to comply with these principles/criteria.

11.1 Biodiversity is ***under unprecedented pressure*** so much so that a Bio-diversity emergency has been declared alongside that of the Climate. Supporting the health and resilience of wildlife is essential in maintaining and enhancing its ability to provide the wealth of ecosystem services that we rely on: clean air, water, air purification, water retention, climate regulation. The emergency is a reflection of how much wildlife is being lost and the UK Government has committed itself to halt and reverse the over-all decline in biodiversity notably in its 25 year *Environment plan* which proposes to embed an environmental net gain ie any development proposal must include a 10% gain.[8]

The central problem with this application for a clay quarry and construction of a Materials Recycling Facility (CMRF) is that it does not conform to international, national or local policy.
The application does not comply with the NPPF, 2021, it does have adverse impacts on the wildlife living in the area and so should be refused.

[8] This metric is still under development and so far draft versions have been much criticised.

12. Green Infrastructure

12.1 GI policy:

Support development which seeks to improve the connectivity of GI and enhance biodiversity (and not supporting development which further fragments GI and impacts negatively on biodiversity)

The application does not comply with these policies.

NB *CDC will provide a Green Infrastructure, GI, map of Loxwood Parish and area at the beginning of September when environment staff resume working in the main CDC office.*

12.2 The NPPF requires biodiversity improvements to be built into any standalone renewable energy **NB** The company intends to use a diesel generator or obtain a link to the electricity system as there are local pylons. Electricity is supplied by Southern and supply can be erratic at the end of the line. There is no mention of using renewable action.

12.3 **Climate Change Act 2008** www.legislation.gov.uk/ukpga/2008/27/

The Climate Change Act 2008 commits the UK to set a long-term binding framework to cut our emissions by at least 80% by 2050 and by at least 35 % by 2020 against 1990 levels. And now the government has committed the UK to Net Zero emissions by 2050/35. It also places a duty on authorities to report to Government on the current and future predicted impacts of climate change on their organisation; proposals and policies for adapting to climate change; and an assessment of progress towards implementing the policies and proposals set out in previous reports. This is in the context of the national climate change risk assessment and adaptation programme that has been devised to address the Act's requirements. Series of reports by the independent Climate Change Committee and the latest IPCC report published Aug 21.

13. Landscape

13. This area is part of the Natural England Landscape Area, *the Low Weald* and the West Sussex County Council the *Low Weald Hills*. These documents describe the areas and aim to protect, manage and significantly enhance the area's intricate and characteristic mix of semi-natural ancient woodlands, gill woodland, shaws, small field copses, hedgerows and individual trees to reduce habitat fragmentation and benefit bio-diversity, while seeking to improve and encourage access for health and wellbeing and reinforce sense of local identity**.**

13.1 The area comprises broadleaved oak over hazel and hornbeam coppice, shaws, small field copses and tree groups, and lines of riparian trees along watercourses. Veteran trees are a feature of hedgerows and in fields. There are many small rivers, streams and watercourses with associated water meadows and wet woodland**.**

13.2 [this and next para seem to need a bit of context/link] Consider appropriate traffic management strategies to reduce traffic pressures on the narrow lanes.

(WSCC *landscape management guidelines*, 2003)

13.3 Biodiversity (WSCC landscape management guidelines, LW4)

Extensive semi-natural broad-leaved woodlands linked by hedgerows and shaws particularly on the heavy clay hill tops and alongside gill valleys. Inter-connected woodland of special value.
Contains many ancient semi-natural woodlands, but some coniferised.
Woodland important for tree species such as small-leaved lime and wild service tree.
Gill woodland.
Mosses and liverworts in the gill woodlands are of national significance.
Field corner ponds add to habitat interest. Support amphibian populations.

13.4 ***Natural England National Character Area, CA, 121 the Low Weald***

This CA is **important for biodiversity**, being rated among the most important NCAs for richness of bat species, bullfinch and lesser-spotted woodpecker, and several plants, including spiked rampion, plus a variety of rare lichens. It also supports rare invertebrates, notably woodland butterflies. Ebernoe Common and The Mens are Special Areas of Conservation (SAC) extend into the area. The NCA is identified as a potential Forest District so opportunities exist to achieve huge benefits by connecting existing woodlands.

Before looking at the Chichester District Council Local Plan, it is evident that the **application to remove clay at Pallinghurst Woods which involves removing trees, constructing a building the length of 2 football pitches and involving 42 HGV movements along forest tracks and narrow rural lanes does not comply with this area's character**

14. Chichester District Council Local Plan: Key Policies 2014-2029

14.1 Chichester District prepared a Local Plan in 2015 and is in the process of updating and revising this. While the District is deemed *not* to have a 5 years Housing Supply a Judge in the High court….(Refer opening para),

The Chichester Local Plan: Key Policies 2014-2029 was adopted on 14th July 2015. Preferred update

14.2 The adopted Chichester Local Plan sets out the policy framework and long-term strategy that will guide decision on planning applications and development for Chichester District (excluding the area within the South Downs National Park) up to 2029.

14.3 **Policy 25:** Development in the North of the Plan area states that provision will be made for small scale development in this location through neighbourhood plans. Specifically, the Council will encourage and support development proposals and other initiatives that:

Conserve and enhance the rural character of the area, the quality of its landscape and the natural and historic environment;

This application to remove clay does not conform with Policy 25.

15. CDC extant Local Plan Policy

Relevant policies which are considered to be EXTANT until the revised Local Plan is available.

15.1 Protecting and enhancing the natural environment of the District includes providing adequate open space, sport and recreation facilities and maintaining the biodiversity. Designated open space and areas of biodiversity form key components of a green infrastructure network.

15.2 Development proposals must take account of international, national and local designations as part of their application. Exceptions will only be made where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts. Where a development proposal would result in any significant harm that cannot be prevented or mitigated, appropriate compensation will be sought.

15.3 The Plan area includes parts of four national landscape areas: **Low Weald**, Wealden Greensand, South Downs and South Coast Plain. *A Strategy for the West Sussex Landscape* has been developed by West Sussex County Council, which sets a vision for each of the character areas, and landscape guidelines relating to development.

15.4 POLICY 45:

….. where it can be demonstrated that *all* the following criteria have been met:

1. The proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement;
2. The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and
3. Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have *minimal impact* on the landscape and rural character of the area.

The application does not conform to this policy

15.5 POLICY 48: *Natural Environment*

Planning permission will be granted where it can be demonstrated that ***all*** the following criteria have been met:

1. There is **no adverse impact** on:

- **The tranquil and rural character of the area**.

2. Development ***recognises distinctive local landscape character*** and sensitively contributes to its setting and quality;
3. Proposals **respect and enhance the landscape character** of the surrounding area and site, and public amenity through detailed design;
4. Development of poorer quality agricultural land has been fully considered in preference to best and most versatile land; and
5. The **individual identity of settlements**, actual or perceived, **is maintained** and the integrity of predominantly open and undeveloped land between settlements is not *undermined.*

The application does not conform to this policy

15.6 POLICY 49: *Biodiversity*

Policy 49 of the CDC LP aims to protect and manage the District's network of ecology, biodiversity and geological sites, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping-stones that connect them (see 10.2 above). Planning permission will be granted for development where it can be demonstrated that ***all*** the following criteria have been met:

1. The biodiversity value of the site is safeguarded;
2. **Demonstrable harm** to habitats or species which are protected or which are of importance to biodiversity **is avoided** or mitigated;
3. The proposal has incorporated features **that enhance biodiversity** as part of good design and sustainable development;
4. The proposal protects, manages and enhances the **District's network of ecology**, **biodiversity and geological sites**, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping stones that connect them;
5. Any **individual or cumulative adverse impacts** on sites are avoided;
6. The **benefits** of development ***outweigh*** any **adverse impact on the biodiversity** on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.

This application does not conform to this policy.

15.7 POLICY 52: Green Infrastructure

Development will be expected to contribute towards the provision of additional green infrastructure and protect and enhance existing green infrastructure.
Planning permission will be granted where it can be demonstrated that ***all*** the following criteria have been met:

1. The proposals maintain and where appropriate contribute to the network of green infrastructure i.e. public and private playing fields, recreational open spaces, parklands, allotments and water environments;
2. The proposals contribute to improving the health and well-being of the local

and wider community;

3. Where appropriate, the proposals incorporate either improvements to existing green infrastructure or the restoration, enhancement or creation of additional provision/areas;
4. Where appropriate, the proposals incorporate either improvements to existing ecology and biodiversity or the restoration, enhancement or creation of additional habitat and habitat networks;
5. Where appropriate, the proposals incorporate either improvements to existing trees, woodland, landscape features and hedges or the restoration, enhancement or creation of additional provision/areas;
6. The proposals do not lead to the dissection of the linear network of cycleways, public rights of way, bridleways and ecological corridors such as ancient woodlands, hedgerows, ditches and water environments.

Development that will harm the green infrastructure network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.

This application will damage the extant GI network and permission should be refused.

16. CDC Local Plan Review 2016-2035: Preferred Approach

And, as the Chichester Plan is still in preparation and yet to be finalised, it currently carries little weight but it does show direction of travel and re-states policies concerning the rural area of the county where Loxwood Parish is situated**:**

16.1 In response to the requirement to complete a review within five years as set out in the Planning Inspector's findings of the adopted Local Plan, the Council is currently reviewing its adopted policies and strategic allocations to ensure that sufficient housing is planned to meet the needs of the area. The Review is currently at Stage 2, whereby the preferred approach version of the draft policies was published for consultation between December 2018 and February 2019, and responses are currently being reviewed by the Council. Once adopted, the Chichester Local Plan Review policies will replace the policies in the current adopted Local Plan (July 2015)

Emerging Policies from the Preferred Approach version of the CDC Local Plan Review 2035 (included in the Land Capacity study)

16.2 **Policy S19:** North of the Plan Area retains **Policy 25** broadly unchanged from the adopted Local Plan.

16.3 CDC emerging LP Review Policy **DM29: Biodiversity** that states; 'The benefits of development outweigh any adverse impact on the biodiversity on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.'

The Preferred Approach version of the plan includes a number of policies that relate to **landscape:**

16.4 Policy S26 – Natural Environment contains various criteria relating to protecting the distinctive local landscape character, the openness of views in and around the coast, designated environmental areas and the setting of the South Downs National Park.

16.5 Policy S24 – **Countryside** states that outside settlement boundaries development will be permitted in the countryside provided that it meets certain criteria including conserving and, where possible, enhancing the key features and qualities of the rural and landscape character of the countryside setting.

16.6 Policy S29 – **Green Infrastructure** states that the Council will seek to ensure development should reinforce and enhance the role of green infrastructure.

16.7 Policy DM22 considers '**Development in the Countryside'** that occurs beyond settlement boundaries and must meet a demonstrable need that cannot be met within or on the edge of an existing settlement boundary.

16;8 Policy DM28 – Natural Environment contains various criteria relating to landscape character, openness of views, including in relation to the setting of the South Downs National Park, the tranquil and rural character of the area and the need to retain the identity of settlements.

16.9 Policy DM31 – **Trees, Hedgerows and Woodlands** contains criteria relating to conserving and enhancing existing valued trees, hedgerows and woodlands.

16.10 Policy DM32: Green Infrastructure states that all development will be expected to contribute towards the provision of additional green infrastructure, and the protection and enhancement of existing green infrastructure.

This application does not conform to these policies.

17. CDC Local Biodiversity Action Plan

The protection and improvement of the natural environment is a core objective of the planning system in Chichester District (CDC, LBAP, 2020)

Rural area (Map B1l designated as rural under section 157 of the Housing Act 1985

- **Conserve and enhance the rural character** of the area, the quality of its landscape and the natural and historic environment
- **Protecting the biodiversity value of the site and its environment** in accordance with Policy **DM29**

CDC, March 2019, *Chichester Local Plan Review 2035*

This application does not conform to this policy.

18. CDC Landscape Capacity Study

18.1 In preparation for the revised Local Plan CDC commissioned a report on land capacity. Fo*r* the purposes of the study the reporting parcels are called sub-areas. 144 sub-areas were assessed in the CDC area. These include:

a) In the north, around Haslemere, Plaistow, Ifold, ***Loxwood,*** Kirdford and Wisborough Green;

18.2 Landscape The West Sussex County Council **Landscape Character Assessment** (2003) is presented as Land Management Guidance sheets. Land management guidelines cover 42 unique areas of West Sussex. The guidelines identify key characteristics, historic features, biodiversity and key issues of change and land management guidelines for each area. This assessment has provided the main landscape character evidence base for this Study.

18.3 And in the Landscape Capacity Study these are extracts from sub sections: sub area, 158 on p52 and 159 Landscape sensitivity: Medium /High

The CDC Landscape Study for North of the District - Sub-areas 158; 159 and 160 conclude that development in the Loxwood area should be limited to small scale developments adjacent to the B2133 in small paddocks and equestrian facilities which do not impact the tranquil rural nature of the area and do not impact the landscape character and visual sensitivity of the area.

158 (Loxwood Western Low Weald) the Study concludes as follows: - "It is unlikely that further development along the settlement edge may be accommodated and integrated without adverse negative effect on both the landscape character and the historic features, views and openness across plateau of high ground". Similar conclusions are drawn for Sub-areas 159 and 160.

The key landscape characteristics are as follows:-

a) Sub area 158 - Loxwood western Low Weald.

Localised river cut escarpment following the River Lox valley bottom. The eastern boundary includes the western edge of the settlement. The area is predominantly rural, containing extensive gardens, paddocks and arable fields, with hedges, health land, scrubland, furze, copses and wood meadow. It is sparsely settled and criss-crossed by farm tracksleading to isolated farmsteads.

b) Sub area 159 Loxwood eastern Low Weald.

A long narrow rolling ridgeline running north/south through its centre with the B2133 and settlement edge forming the western boundary. Extensive areas of woodland and wooded stream valley order the eastern boundary. The area is predominantly rural arable and pastures fields with scattered isolated farmsteads and occasional individual dwellings.

c) Sub area 160 Ifold eastern Low Weald.

A predominantly arable landscape that lies between the historic village of Loxwood and Ifold, both settlements of very individual distinct identity. It

comprises gently. Undulating land, gently rising to a high point at the junction between Plaistow Road and the B2133. The area is predominantly rural and very sparsely settled with an isolated farmstead and ribbon development.

Managing guidelines include: -

- Conserve and manage valleys woodland and hedgerows
- Conserve and extend existing grassland managing for species richness
- Encourage the conservation and management of existing hedgerows
- Increase tree cover in and around villages
- Minimise the effects of adverse incremental change by seeking new development of highquality that sits well within the landscape and reflects local distinctiveness minimising the cumulative impact of land use changes and the introduction of suburban styles and materials.

Priority Habitats

They cover a wide range of semi natural habitat types. Those that were identified as being most threatened and requiring conservation action in Loxwood were: -

- **Semi improved grassland**
- **Deciduous woodland**
- **Ancient woodland**
- **Traditional orchards**
- **Wood pasture and parkland**

NB: The application threatens the first 3 of these habitats.

West Sussex Transport Plan

. West Sussex Transport Plan (2011-2016) was adopted in February 2011. The main objective of this Plan is to improve quality of life for the people of West Sussex by:

- promoting economic growth;
- tackling climate change;
- providing access to services, employment and housing; and
- improving safety, security and health.

The additional HGVs and associated traffic do not meet these aspirations.

19. Neighbourhood Plan policies

Loxwood Neighbourhood Plan (2013- 2029), *Your Plan for the Future of Loxwood Parish*

Loxwood Neighbourhood Plan –Revised and updated draft plan and the difficulties of Southern Water North Sussex water supply.

19.1 **Section 15** deals with the **Natural Environment in the revised plan drawn up for Reg 16**:

- The NP will encourage sympathetic management of the countryside and natural outdoor environment in and around the parish to enhance the quality of the landscape, improve local biodiversity and provide other benefits to the community's quality of life.
- The Plan will expect developments to retain features of high nature conservation or landscape value, including mature trees, species-rich hedgerows, natural habitats, ponds and existing areas of woodland

This application does not conform to this policy.

19.3 In the WSCC *Landscape Characterisation* of the county, Loxwood is included within the ***Low Weald: No 121*** and the management guidance states that:
- Encourage restoration and expansion of networks of hedgerows and shaws to minimise the effects of development and its associated infrastructure (including light, noise and air pollution) intruding on the *rural character and the special qualities of adjacent protected landscapes.*
- **Seeking to conserve areas with high levels of tranquillity** and the settlement pattern of small, scattered villages and hamlets of this predominantly rural area.
- Encourage detailed landscape assessment in advance of all significant development to identify ways of minimising impact on the rural character, the local community and the environment.

19.4 Environmental Opportunity
- Protect, manage and significantly enhance the area's intricate and characteristic mi**x** of semi-natural ancient woodlands, shaws, small field copses, hedgerows and individual trees to reduce habitat fragmentation and benefit biodiversity, while seeking to improve and encourage access for health and wellbeing and reinforce sense of local identity.

20. Habitats

Ancient woodland

20.1 Ancient woodland is defined in NPPF 2021, as:
An area that has been wooded continuously since at least 1600 AD. It ***includes*** *ancient semi-natural woodland and plantations on ancient woodland sites* (PAWS).

20.2 In the UK, an ancient woodland is a woodland that has existed continuously since 1600 or before in England, Wales and NI (or 1750 in Scotland). Planting of woodland was uncommon before those dates, so a wood present in 1600 is likely to have developed naturally. This area contains remnants of such woodland which lines the western extent of the wooded area. And occurs elsewhere, Loxwood Parish NP, 2020 map.

20.3.1 Ancient woodland includes all woodland sites with evidence of continuous wooded cover since 1600 AD. The definition includes Planted Ancient Woodland Sites **(PAWS)** and restored Native Woodland on Ancient Sites **(RNWAS).**

20.4 Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It's important for its:

- wildlife (which includes rare and threatened species)
- soils, recreational value
- cultural, historical and landscape value

20.4.1 It includes: ancient semi-natural woodland mainly made up of trees and shrubs native plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi. These woodlands have equal protection in the NPPF, 2019. Baroness Barbara Young proposed an amendment to the Environment Bill seeking to put it on the same basis as SSSIs. It was not adopted.

20.5 "Ancient woodland covers just 2.4% of the UK. The area covered by woodland in the UK continues to increase from very low levels a century ago, but its integrity is under threat from invasive plants, pests anddiseases. Nature in woodland is under pressure from a lack of management, overgrazing by deer, increasing levels of recreational disturbance and nitrogen pollution.

"Numbers of many woodland birds and butterflies continue to decline. Ancient woodlands across the UK have been lost through conversion to plantation forestry and face continued threat from infrastructure and housing development. Addressing the problems facing woodland and trees of the wider countryside is increasingly recognised as a major conservation issue, which is the focus of a wide range of ambitious consortium projects involving both research and conservation action".

State of Nature, 2019

20.6 **Planted Ancient Woodland Sites (PAWS)** are woodland sites which contain evidence of former ancient woodland, or for which there is recorded evidence, and which have subsequently been planted with coniferous or broadleaved trees (North East England Nature Partnership, 2020; accessed July 27th, 2021).

20.7 **Restored Native Woodland on Ancient Sites** (**RNWAS)** are PAWS sites as above which have been restored to native woodland. A PAWS site can be defined as restored if re-establishment of a functioning native woodland ecosystem has been undertaken, both in terms of the woodland structure and its composition. This is undertaken by (defined by the Forestry Commission 2003):

- Securing features from the former ancient semi-natural woodland.
- Removing introduced species of trees, shrubs, and other plants.
- Encouraging the re-establishment of native species.
- Initiating or enhancing ecological processes which may be absent or damaged (such as appropriate grazing regimes).

20.7.1 Pallinghurst Woods has been subject to an FC agreement(s) and the Ecology surveys record many AW indicator species of flowering plants indicating a prior link to AW.

-

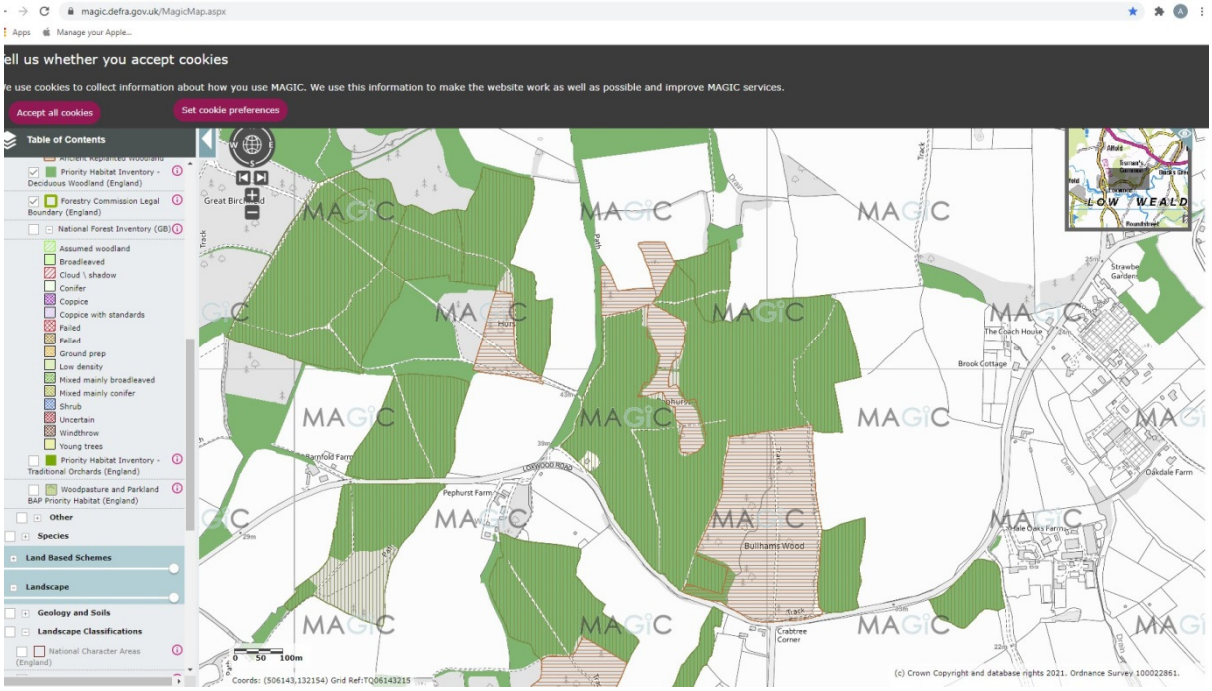
This application does not conform to the NPPF guidance which states that Ancient Woodland, AW including PAWS, is irreplaceable and should not be removed.

21. Pallinghurst Woods: Habitats and Biodiversity

21. **NPPF: Para 175(c)** 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. Such reasons do not exist in this case.

21.1 Ancient woodland, as listed in Section 41 of the NERC Act 2006 is a habitat of principal importance and this occurs alongside the site and underlies much of the whole site. The Act places a Duty on Local Planning Authorities, LPAs. to have due regard to biodiversity.

21.2 Ancient woodland is also afforded protection in the National Planning Policy Framework (NPPF) 2019. (**Para 174b in 2018)/2021)** It states that council policies should "*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity*".



21.4 The pressures affecting woodland, and trees in the wider countryside, are diverse and dependent on location and species. Many woods have become fragmented, intersected by roads and development that de-grade habitat and form barriers to wildlife Increasingly, the prevalence of tree disease is a serious concern. Dutch elm disease resulted in the loss of 20 million trees during the 1970s while Ash dieback and Acute Oak Decline are currently seriously affecting three of our most common and widespread tree species. The pathogen *Phytophthora ramorum* mainly affects Larch within plantations but is known to infect other tree and shrub species; its arrival has led to wide-scale preventative felling.

21.5 **Hedges:** Given that many of the surrounding fields were created out of the woodland this often means that the hedges contain a wide range of species and standard trees. Wooded corners are referred to as shaws and represent a remnant link to that original ancient woodland cover.

21-6 The ODPM Circular 06/05 also states that the potential effects of a development on nearby habitat or species listed as priorities in the UK Biodiversity Action Plan (BAP) (now Habitats and Species of Principal Importance) can be a material consideration in planning decisions as well.

22. Protected Species and Species of Conservation Concern

22.1 The NPPF, 2021/2019, sets out government policy on biodiversity in planning decisions. Under the NPPF the presence of a protected species is a material consideration when a planning authority is considering a development proposal.

22.2 The Sussex Biodiversity Records Centre supplied a report for the woods including a 2 mile/km buffer zone concerning the species which have been recorded there. The key important records for birds and their status are shown in Appendix 4. These are of international and national importance.

Different species update

a) ***Plants*****:** Important records for orchids, Chamomile, Dyer's Greenweed. St John's wort, Lesser Spearwort, Devisbit Scabious, Tormentil

b) I***nvertebrates*** - Butterflies, Moths . Butterflies seen in the woods are regularly recorded by Mrs Mary Mansson and submitted to the Sussex Biodiversity Records Centre and she has submitted a separate objection. There are a number of species of concern among them and their use of the site includes verges which are predicted to be widened for the HGVs..

c) **O*donata***-dragonflies. – important record for Scarce Libellula

d) ***Reptiles*** including snakes and slow worms. Translocation of the "exceptional number of Slow Worms" found is suggested but evidence does not point to these moves being successful (Cambridge Conservation Evidence website).

e) ***GCN*** – Record submitted for this, another European Protected Species.

f) Common Toad

g) ***Breeding birds:*** See App for those recorded and their status.

h) M*ammals* – Bats – up to **9** recorded but not treated accordingly with their correct status in the ecological surveys.

- Hazel dormouse; European Hedgehog; Harvest mouse; Brown hare searched for
- **Badger** Present and recorded by local residents (including video).but declared as not present in the application.

The *Quinquennial Review* is taking place which collates and considers the latest data and considers the status of the species so some species will join the lists of important

threatened species and some will be considered to be in better position and might be proposed to be taken off the list(s). this process is currently taking place.

22.1 Protected Species and Species of Conservation Concern policy

22.1 The NPPF, 2021/2019, sets out government policy on biodiversity in planning decisions. Under the NPPF the presence of a protected species is a **material consideration** when a planning authority is considering a development proposal. A serious omission from the planning application is the failure to provide a Habitats Regulations Assessment, HRA (distance from the Mens and the Ebernoe SACs, the River Arun SPA, the presence of barbastelle bats recorded on site; and SouthernWater issue)

22.2 Significant effects on the integrity of the European Protected Sites are evident and, without an HRA, the development would be in breach of the requirements of the Habitats and Species Regulations 2017 (as amended) that present a prima facie risk of legal challenge to the planning permission if granted.

23 Net Biodiversity Gain is recorded as a LOSS

23.1 **Ecology: The Parishes Wildlife Group objects to the development on the basis of the impact** on biodiversity and loss of habitat resulting from the development, and considers the application contrary to NPPF paragraphs 174 and 175,180a (in particular), Policy 49 of the CDCLP and the Environment Policy 22 in the Loxwood Neighbourhood Plan:

23.2 ●The impacts on rare species that the site currently supports (**some of which the Ecological Appraisal fails to identify)** including Noise, habitat removal and degradation. Some of thse speices are protected through environmental legislation (notably the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981)

23.3 ●The report fails to address protected species on the site such as Slow Worms and Great Crested Newts have been recorded in the vicinity of the site and “exceptional numbers of slow-worms were recorded”. There is a reference to translocation but the Conservation Evidence website contains no examples of successful translocation of slow worms.

23.4 The applicant’s report established Barbastelle Bat on site but does not refer to their European Protected Species status. They will use the site for commuting and foraging, and are recognised as rare thus attracting the highest form of protection through wildlife legislation.

24 The presence of the trees represents a good response to the Climate Emergency rather than if they were removed and the site was left over 33 years to develop secondary woodland.

24 Barbastelle and Bechstein Bats

A Habitat Regulations Assessment (HRA) has not been undertaken for the proposed development:

The Mens SAC is designated under the Habitats Directive 92/43/EEC, which is transposed into UK law under the Conservation of Habitats and Species Regulations 2010 (as amended) ('Habitat Regulations). This means that the populations of bats supported by this site are of international importance and therefore afforded high levels of protection, placing significant legal duties on decision-makers to prevent damage to bat roosts, feeding areas and the routes used by bats to travel between these locations.

Amongst the qualifying features for the SAC are two Annex II species:
- the Barbastelle bat *Barbastella barbastellus*; and
- the Bechstein's bat *Myotis bechsteinii*

Barbastelles prefer rural landscapes with deciduous woodland, wet meadows and water bodies. They commute to foraging sites along linear landscape features, such as woodland edges and hedgerows, similar to the hedgerows that act as wildlife corridors and connect our villages

O The site Pallinghurst Woods site lies within the 6.5km buffer zone for the Mens SAC and Ebernoe Common SAC (both recognised for their population of rare bat species)
O The site supports rare bat species; including but not limited to, the Barbastelle, which is on the red list of threatened species, which forages in open areas and uses linear features such as hedgerows and tree lines for commuting. The removal of mature trees and hedgerows on the site, which serves as 'functionally-linked habitat', would undoubtedly impact on these species.
O In line with the precautionary approach set out in DEFRA guidance, as significant effects on the integrity of the Mens SAC and Ebernoe Common SAC cannot be ruled out; an HRA is definitely required.

●Arun Valley SPA, SAC and RAMSAR
The site lies within the Sussex North Water Resource Zone (SNRZ)

O CDC officers have advised Loxwood Parish Council that any new development within the Sussex North Resource Zone will result in increased water extraction at Hardham which may not prove possible and there are currently ***no*** known mitigation measures.
O CDC officers advise that this applies to ***all*** planning applications, presenting a potentially long-term constraint to development.
O In line with the precautionary approach, Natural England is currently advising that it cannot be concluded that any new development would avoid an adverse impact on integrity of the internationally important Arun Valley Special Protection Area, SPA, and so an HRA is required. Without an HRA, the development would be in breach of the requirements of the Habitats and Species Regulations 2017 (as amended) that would present a risk of legal challenge to the planning permission, if granted**.**

24.1 EUROPEAN PROTECTED SPECIES, EPS: LEGAL POSITION

24.1. Not surprisingly the Barbastelle bat population at the Mens SAC has been shown to forage outside the SAC (Greenway survey). More up to date survey data would be helpful. The map of foraging routes on the last page of the Greenway report 2008 demonstrates foraging routes coming to Loxwood and beyond. The presence of Barbastelle bats on the sound recording confirm their presence in Pallinghurst Woods.

24.2. Given the reference to Barbastelle bats and the close proximity of the Mens SAC a HRA must be undertaken (6.5 kms).

24.3. A survey is required to ensure that the Mens Barbastelle bat population is not affected.

24.4. The relevant legal references are The Conservation of Habitats and Species Regulations 2017 (Part 6 Regulation 63 etc.), and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Remember that the precautionary principle applies, that is, a competent authority must ascertain that there is ***no*** adverse effect on the integrity of the site.

24.5. The Mens SAC is underpinned by an SSSI and therefore technically the provisions of section 28 Wildlife Countryside Act 1981 as replaced by Schedule 9 Countryside and Rights of Way Act 2000, must be satisfied.

24.6. In the unlikely situation it cannot be ascertained that the population at the site is not affected, then species protection provisions of the Habitats Regulations (Part 3 Regulation 43 etc.,) and section 9 Wildlife and Countryside Act 1981 as amended, need to be satisfied.

24.7. The local authority has a duty to 'have regard' to conserving biodiversity in the exercise of its functions see section 40 Natural Environment and Rural Communities Act 2006.

24.8. Natural England, the Sussex Wildlife Trust , the Sussex Bat group and the Bat Conservation Trust have been informed.

24.9. All bat species, their breeding sites and resting places are fully protected by law - they're European protected species.

Bats: Legislation and Protection

All bats and their roost sites are strictly protected under UK and European legislation and decision-makers are required to follow strict legal processes under the relevant legislation when determining planning applications potentially affecting them. This means you may be committing a criminal offence if you:

- Deliberately take, injure or kill a wild bat

- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
- Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstruct access to a bat roost.

Please refer to the following legislation for further details
- Section 9 of the Wildlife and Countryside Act (1981) (as amended)
- Section 42 of the Conservation of Habitats and Species Regulations (2017) (as amended).

Note – 'recklessly' can be defined as a wilful act that fails to take reasonable care, such as demonstrating that an attempt has been made to establish if a protected species is present or likely to be affected by the proposed actions, before they proceed.

The maximum penalty for anyone found guilty of committing any of the offences outlined above, include an unlimited fine, confiscation of the vehicles and equipment used to carry out the offence and up to 6 months in prison.

Therefore, regardless of whether the action is subject to a planning application, it is recommended that the building should initially be subject to a Preliminary Inspection for Bats (PIB) before any further works commence. It should also be noted that, depending upon the findings of the PIB, further survey for bats may be required during the winter or summer period.

Is this a repetition of the previous paragraphs? All bats and their roost sites are strictly protected under UK and European legislation and decision-makers are required to follow strict legal processes under the relevant legislation when determining planning applications potentially affecting them Please refer to the following legislation for further details

- Section 9 of the Wildlife and Countryside Act (1981) (as amended)
- Section 42 of the Conservation of Habitats and Species Regulations (2017) (as amended).

Note – 'recklessly' can be defined as a wilful act that fails to take reasonable care, such as demonstrating that an attempt has been made to establish if a protected species is present or likely to be affected by the proposed actions, before they proceed.

The maximum penalty for anyone found guilty of committing any of the offences outlined above, include an unlimited fine, confiscation of the vehicles and equipment used to carry out the offence and up to 6 months in prison.

25: Summary

During the pandemic many people re-discovered the delights of their local green patch. There was less noise from overflying/braking aircraft such that residents found not only solace in their nearest green area but also heard bird song, some for the first time….and that included our rare and threatened nightingale. This area near Billingshsurst contains the second highest density of this species which is found in the thick scrub underlying woodland and hedges. Any interference with that will continue the decline of this special bird and is a threat.

There is a significantly important listing of birds making use of the woods (Appendix 4) and then there are the European Protected Species of bats and Great Crested Newt. The variety and importance of the habitats and their associated species including the Wood White butterfly make this worthy of being a Local Wildlife Site.

This is a highly important area within Loxwood Parish and should not be subject to an application which is industrial in scale and which stands to lose or degrade important habitat and very important international species.

Appendix 1 – Gladman –v– Secretary of State for Housing, Communities and Local Government Housing and District Council issues related to CDC Plan policies

Land promoter loses High Court challenge over application of 'tilted balance'. 12th March 2020; (Article from localgovernmentlawyer.co.uk)

(A further detailed analysis of the judgement is available at: https://www.casemine.com/judgement/uk/602219f72c94e04ca163899c#)

A recent court ruling which established that the provisions of the NPPF (National Planning Policy Framework, 2019, updated and revised July 20th, 2021) remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies. Gareth Evans, District Cllr reported a one-year delay in the CDC Local Plan (March 2022) with the anticipated full adoption set to March 2023.

- For the council to acknowledge the widespread public concern and regret regarding all further delays and ask residents to understand that the delay is due to an impossible timetable imposed by central government and the tardiness and equivocation of the statutory bodies including West Sussex County Council Southern Water, Environment Agency and Natural England.

- In July a critical Council report was presented to Council, where a full debate could take place in public on the next stage of the Local Plan. This is to ensure that residents are kept fully abreast of developments

Local Plan: Cllr Janet Duncton advised that Chichester District Council did have a Local Plan in place but did not have a Revised Plan, but officers were working hard to achieve. …. . The Chairman expressed concern that the CDC position with a lack of 5-year housing land supply put parishes in a very vulnerable position for development outside an adopted Neighbourhood Plan. He asked if representations had been made to the government to highlight local concerns. They had.

Land promoter Gladman has lost two High Court challenges to planning inspectors' decisions on the 'tilted balance' in the National Planning Policy Framework (NPPF). The company brought its case over planning disputes with Corby and Uttlesford councils. In Gladman Developments Ltd v Secretary of State for Housing, Communities and Local

Government & Anor [2020] EWHC 518 (Admin) Mr Justice Holgate said that the cases turned on whether the NPPF requires - as Gladman argued - the 'tilted balance' to be struck without taking into account policies of the development plan concerned, leaving those matters to be weighed separately under s.38(6) of the Planning and Compulsory Purchase Act 2004.

The Secretary of State for Housing, Communities and Local Government and the two councils said this was not the case as relevant development plan policies, whether favourable, unfavourable or neutral towards the development proposed may be taken into account.

Holgate J dismissed Gladman's argument, in which he found “a number of flaws”:

NPPF:

Para 11(d)(ii), which contains the tilted balance, did not itself provide a solution for the problem with which Gladman was concerned, namely a shortfall or a lack of land to meet identified development needs. The judge said: "It does not automatically lead to the grant of planning permission... [it] involves the balancing of competing interests, but with a tilt towards granting permission. That exercise may or may not result in planning permission being granted. But there is nothing about the nature of that policy or the assessment it requires which would justify the exclusion of development plan policies from the tilted balance.”

If development plan policies were to be disregarded, this would also mean that policies that favoured development would be ignored in decisions.

It was not sensible to divorce considerations which are relevant under the tilted balance from related development plan policies. "The very need for market housing and affordable housing upon which a developer relies in support of his proposal is likely to gain strength from development plan policies which validate that need. Absent these policies, it would be necessary for evidence to be produced on need without reference to the development plan when the subject is already covered adequately by that plan (together with any updating from the monitoring of the plan's policies). The same would apply for various forms of employment development, the need for which may be supported by specific policies in the development plan."

The claimant's focus on the trigger in footnote 7 of NPPF 2019 overlooked the established principle that the trigger only deems certain policies to be out-of-date. "Whether they are in fact out-of-date and, if so, in what respects, and how much weight should be attached to those policies remains to be assessed. Such policies are not simply left out of account because of this deeming provision, as the claimant's case sometimes appeared to be on the verge of suggesting. It is sensible for the decision- maker to be able to take those policies into account in the tilted balance and make an assessment of the weight to be given to them at the same time."

The claimant's approach would mean that factors are taken into account in striking the tilted balance without any development plan policies related thereto, leaving those policies to be applied and weighed in a separate exercise under s.38(6). "But that would require the decision-maker to consider topics addressed by development plan policies twice; once (without those policies) in the tilted balance and then again (with those policies) under

s.38(6). This would require an elaborate form of decision-making which the NPPF does not call for."

On the claimant's two-stage approach, the second stage applying s.38(6) would only be necessary in practice if the outcome of the tilted balance supported the grant of permission. This decision-making framework was "objectionable because it would enable some applicants to satisfy the test in paragraph 11(d)(ii) (and gain the benefit of the presumption in favour of sustainable development) without any assessment being made of the weight to be given to relevant development plan policies, even where those policies justifiably attract substantial or full weight".

Mr Justice Holgate said he accepted the Secretary of State's submissions that there was no legal justification for the court to prescribe that the tilted balance in paragraph 11(d)(ii) of the NPPF and the presumption in s.38(6) must be applied in two separate stages in sequence.

"There is nothing in the wording or effect of either provision which would justify the court acting in that way," he said.

The judge said Gladman's challenge relating to the interpretation of paragraph 11(d)(ii) of NPPF 2019 must be rejected. "The NPPF does not exclude development plan policies from the tilted balance; they are relevant considerations."

He also noted that neither the NPPF nor planning policy in general “should be subjected to ‘excessive legalism’ in legal challenges brought by any party disappointed by the outcome of a planning application or planning appeal.

APPENDIX 2: Aichi Biodiversity Targets

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use
Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services
Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society

Target 1
By 2020, at the latest, people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably.

Target 2
By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems.

Target 3
By 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed in order to minimize or avoid negative impacts, and positive incentives for the conservation and sustainable use of biodiversity are developed and applied, consistent and in harmony with the Convention and other relevant international obligations, taking into account national socio economic conditions.

Target 4
By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits.

Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use

Target 5
By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible brought close to zero, and degradation and fragmentation is significantly reduced.

Target 6
By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

Target 7
By 2020 areas under agriculture, aquaculture and forestry are managed sustainably, ensuring conservation of biodiversity.

Target 8
By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.

Target 9

By 2020, invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.

Target 10

By 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, so as to maintain their integrity and functioning.

Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity

Target 11

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

Target 12

By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.

Target 13

By 2020, the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity.

Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services

Target 14

By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.

Target 15

By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification**.**

Target 16

By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building

Target 17

By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan.

Target 18

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their

customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local co

Target 19

By 2020, knowledge, the science base and technologies relating to biodiversity, its values, functioning, status and trends, and the consequences of its loss, are improved, widely shared and transferred, and applied**.**

Target 20

By 2020, at the latest, the mobilization of financial resources for effectively implementing the Strategic Plan for Biodiversity 2011-2020 from all sources, and in accordance with the consolidated and agreed process in the Strategy for Resource Mobilization, should increase substantially from the current levels. This target will be subject to changes contingent to resource needs assessments to be developed and reported by Parties.

APPENDIX 3: How to conduct an Appropriate Assessment

Deciding if a proposal will not have an adverse effect on site integrity calls for scientific judgement. A competent authority may ask the applicant for any information necessary to inform an AA.

An appropriate assessment should:

- focus exclusively on the qualifying interests of the European site
- clearly use the site's conservation objectives to help conduct the appraisal

Conservation objectives for each site can be found on SiteLink, for SACs these are within the Conservation Advice Packages (CAPs) or Conservation and Management Advice Documents (CMAs).

The assessment should be based on – and supported by – evidence that can stand up to scientific scrutiny. It must be detailed and robust enough to answer the question "Can it be ascertained that the integrity of the European site will not be adversely affected?" European case law* confirms that, in order to conclude a lack of adverse effects, there must be no reasonable scientific doubt about their absence.

A hierarchy of consents and/or assessments may apply to a proposal. If so, the Habitats Regulations Appraisal (HRA) must be revised and updated to take account of recent developments, changes or information. This helps to ensure that you assess the potential impacts on European sites at every relevant stage.

* Note that following the UK's departure from the European Union rulings from the European Court of Justice remain in force as though made by the Supreme Court.

Concluding no adverse effects

The competent authority must be sure – by means of the AA – that the plan or project will have no adverse effect on site integrity (including any potential cumulative effects). This reflects the degree to which the precautionary principle is written into law via the Habitats Regulations

.

A competent authority may also set up a legally enforceable framework (e.g. conditions) to ensure no adverse effect on the integrity of a European site.

Consenting a proposal with potential to adversely affect site integrity

IF Significant effects on the integrity of the European Protected Sites are evident and, it lacks a Habitat Regulations Assessment, the development would be in breach of the requirements of the Habitats and Species Regulations 2017 (as amended) that present a prima facie risk of legal challenge to the planning permission if granted.

Appendix 4: LOXWOOD SXBRC Report Bird Records for Pallinghurst Woods

With respect to this report, regarding a different application the CDC ecologist wanted to see records within the last 5 years ie up to date so the relevant ones have been highlighted and drawn out of the report. Table 5 in the SxBRC report includes the bird records, most of which fit that time period as well as stating the key designations. Keeping to woodland bird species

Status: Amber-list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised occurrence.

Site records:	**Status of species**
Red Kite;	**UK Amber List; Schedule 1 spp**
Sparrowhawk; Buzzard;	
Kestrel;	**UK Amber list**
(Lapwing – uses fields);	**UK Red list**
Variety of pigeons; Turtle Dove;	**UK Red List**
Cuckoo;	**UK Red List**
Barn Owl	**UK Amber List; Schedule 1 list**
Tawny Owls;	
Swift;	**UK Amber List**
Green and Gt Spotted Woodpeckers.	
{Lesser spotted of great interest as Rare but not seen in last 5 years.}	**UK Red list**
Chiff chaff;	
Willlow warbler;	**UK Amber List**
Skylark (uses fields);	**UK Red List**
Swallow	**UK Amber List**
and House Martins;	**UK Amber List**
Grey Wagtail;	**UK Amber List**
Pied Wag; Wren;	
Dunnock;	**UK Amber List**
Nightingale* – uses scrub and area to east of Billingshurst is the 2nd most important place in the UK for this species after Kent;	**UK Amber List**
Blackbird;	
Fieldfare;	**UK Red List; Schedule 1 spp**
Song Thrush;	**UK Red List**
Mistle Thrush,	**UK Amber List**
Pied Flycatcher;	**UK Amber List**
Blackcap; Garden Warbler;	
Whitethroat;	**UK Amber List**
Goldcrest; Long tailed tit; Blue; Great; Coal;	
Marsh Tits	**UK Red List;**
Nuthatch, Treecreeper;	

Starling;	**UK Red List**
House Sparrow;	**UK Red List**
Linnet;	**UK Red list**
Bullfinch;	**UK Amber List**
Yellowhammer;	**UK Red List**
Reed Bunting (water)	**UK Amber List, passage migrant + w inter**
Woodcock	**Amber list**

These species and their status highlight the importance of Pallinghurst Woods.

Appendix 5 - National Planning Policy Framework, July 2021

Para 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a s**ocial** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an e**nvironmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The application does not draw up a plan for sustainable development

The presumption in favour of sustainable development
Para 11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
c) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The adverse impacts from the proposed development far outweigh any benefits, as set out elsewhere in these comments

For decision-taking this means:

d) approving development proposals that accord with an up-to-date development plan without delay; or

This document, demonstrates using evidence that the proposed development does not conform with national, local and neighbourhood plans; the 'tilted balance' implicit in this clause has been shown to add weight to existing policies even if they are, marginally, out of date.

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The adverse impacts of this application demonstrably outweigh any benefits from this development.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan) such as that undertaken by Loxwood Parish Council, permission should not usually be granted. L ocal planning authorities may take decisions that depart from an up-to-date development plan, but only if material consider-ations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Loxwood Parish has, via the process of creating and then revising, its Neighbourhood Plan ensured that local people have had a direct and repeated opportunity to shape their surroundings

29. Non-strategic policies

Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

Loxwood has an extant Neighbourhood Plan and is in the final stages of producing a Revised Plan.

Loxwood Parish: The NP was suspended at the Regs 17 process. See App 7 on infrastructure below.
98. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

This application does not enhance any public rights of way; indeed it proposes removing use of one at the north of the site for some 33 years and more.

127. Planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping**;**
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

The application is not sympathetic to local character in aim, scale or setting

e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users4

Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The proposal does not value the wildlife which makes use of the area nor the green spaces provided by the woods.

d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

The application states that it will have a would have a negative impact not only on the biodiversity of the site itself and has not evaluated its impacts on the the nearby internationally designated wildlife sites - The Mens SAC, Ebernoe Common SAC and Arun Valley SPA/SAC and Ramsar**.** The incredibly rare Barbastelle bats that are present on this site

are a qualifying feature of the nearby SAC's meaning that they are 'functionally linked'. The removal of parts of designated 'important' hedgerows, the addition of road infrastructure and also light pollution would most likely have a significant negative impact as it would be fragmenting the bats flightlines and foraging.

This proposed development could also have a significant negative impact on the aquatic species that the Arun Valley SPA/SAC and Ramsar is designated. Not been examined.

f) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

This proposed development might have a significant negative impact on the aquatic species that the Arun Valley SPA/SAC and Ramsar is designated for due to demand for water that this proposed development would bring.

172. Consideration of such applications should include an assessment of:

a) the **need** for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the **cost** of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) **any detrimental effect** on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The proposed development is likely to have significant effects on the internationally designated wildlife sites but this possibility has not been explored or evaluated. The Mens SAC (approx.6.5 km away) and Ebernoe Common SAC (just under 6.5km away).

Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity56; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity**.**

The application does not conform to policy.

175. When determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

This development will have a detrimental impact on the biodiversity on the site as expressed within the application and particularly on the foraging area used by the EPS, Barbastelle Bats, and potentially on the biodiversity of the nearby internationally designated wildlife sites - The Mens SAC, Ebernoe Common SAC and Arun Valley SPA/SAC and Ramsar.

b) Development on land within or outside a Site of Special Scientific Interest, SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

This proposed development is likely to have an adverse effect on the nearby SSSI's - The Mens Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

c) 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; and

d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

This proposed development would have a negative impact not only on the biodiversity of the site itself but quite possibly also the nearby internationally designated wildlife sites - The Mens SAC, Ebernoe Common SAC and Arun Valley SPA/SAC and Ramsar.

180. (identified in Southern Water's response)
Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate **and reduce to a minimum potential adverse impacts resulting from noise** from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect **tranquil areas** which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The application involves all these harms.

182 (identified in Southern Water's response) to Loxwood Parish Council)

183 **(**identified in Southern Water's response)

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

This application does nothing to contribute positively to local character and distinctiveness.

Appendix 6: Chichester District Council Local Plan and Nationally Protected Sites

1.4 Protecting and enhancing the unique and special qualities of our environment.

This development neither protects nor enhances the unique or special qualities of the Pallinghurst Woods environment. The special character of the area is set out at points 2.10, 2.26, 2.30 and 2.32 below

2.10 The North of the Plan Area **is primarily rural in character with diverse landscapes, rich cultural and heritage assets and a number of dispersed settlements, some of which are relatively isolated and served by narrow lanes with limited public transport.**

2.26 In the North of the Plan Area, the 'Low Weald" landscape is characterised by a mix of pasture and medium to small scale, arable fields and paddocks.

2.32 This Plan faces a number of important challenges. To address these, it needs to:

- Preserve the attractive landscapes of the area…
  Protect and enhance the area's biodiversity and habitats, including designated areas f international and national importance.
- .

The proposed development does not preserve the attractive landscape, nor does it protect or enhance the biodiversity and habitats

Vision for Places – North of Plan Area

3.12 For the North Plan area, the emphasis will primarily be upon maintaining the rural character of the existing villages… The conservation and enhancement of the historic environment, the high quality landscapes and the agricultural and other rural activities that support it will remain paramount.

The proposed development.does not confom to this policy.

3.14 Some limited development will take place, balancing the need to retain the rural character of the area with the issue addressing local housing needs and affordability. New housing and employment will be focused mainly on larger villages to help support local facilities and sustainable settlement**.**

3.23 Conserve and enhance the distinctive character, quality and importance of the …, local landscapes, wildlife and habitats,

ThIs application neither conserves nor enhances the distinctive character, quality and importance of the…. local landscapes, wildlife and habitats, whilst accommodating the development needs of the community; in fact the the proposal achieves exactly the opposite result/effect

4.3. The strategy aims to meet identified needs as far as possible, in a manner compatible with the special environmental qualities of the area and having regard to infrastructure requirement and deliverability.

This application will place the local infrastructure – water and local roads network – under pressure.

4.4E Environmental constraints – avoiding flood risk areas, protecting environmental designations, landscape quality, the historic environment and settlement character.

Managing Environmental Assets and Natural Resource, by managing growth, whilst at the same time protecting the designated ecological, and landscape assets.

This area, the Pallinghurst Woods is of particular ecological significance including providing habitat for a bat, the Barbastelle bat, which is a European Protected Species which is on the red list of endangered species. It was found in the survey but not given its appropriate status nor was the requisite HRA undertaken.

LOCAL PLAN STRATEGY FOR DEVELOPMENT

4.7 A key theme running through the whole CDC Local Plan is the need to conserve and enhance the quality of the environment and heritage of the area, in particular designated sites and assets of national and international importance. The Local Plan strategy aims to steer major development away from the most environmentally sensitive areas and towards locations that have the widest access to employment opportunities and community facilities or where development can contribute to addressing an under provision of such facilities.

The proposed development fails to conform to this aspect comprehensively.

4.10 Elsewhere in the Plan Area [ie North] development will be restricted to small-scale housing and employment to meet local needs, whilst seeking to protect and enhance local services and facilities. Development will be primarily directed towards the larger and more sustainable villages. Neighbourhood Plans prepared at the local parish level will provide the main mechanism for identifying sites and bring forward local facilities.

Loxwood Parish has a, robust and extant Neighbourhood Plan that is in the process of being revised and updated to take into account new information..

7.27 … It is intended that identification of sites and phasing of delivery will be determined primarily by local communities through a neighbourhood plan.

7.30 If work on a Neighbourhood Development Plan stalls or is turned down by the community at the referendum stage, the Council may identify sites and review Settlement Boundaries in the Site Allocation DPD or subsequent development plan documents.

Loxwood's Neighbourhood Plan and its updated revision has been suspended on grounds of Southern Water's doubts about the availability of fresh water supply to be supplied by the Hardham pumping station and the potential impacts on the Upper Arun SPA. And its invaluable wildlife.

Policy 8 - Transport and Accessibility

Ensuring new development is well located and designed to minimise the need for travel, [and, in this case requiring a short link to the Advisory Lorry Network] encourages the use of sustainable modes of travel as an alternative to the private car …

This proposal does not conform to this policy by introducing high numbers of HGVs in a rural area with insufficient road widths.

Strategic Infrastructure
9.1 … A key element of the Local Plan is for new development to be coordinated with the infrastructure it requires and take into account the capacity of existing infrastructure.

This proposal does not conform to this policy concerning the provision of water supplies and the importance of the local Environment

10.3 Countryside protection policies and development of green infrastructure will provide links both for wildlife and for residents and help protect the separate identity and distinct character of individual settlements.

This proposal fails this to conform to this policy. See Appendix VI - Ecology

10.10 Climate change mitigation and adaptation is a theme which underpins much of the Local Plan Strategy –….employment (reducing the need to travel by car). The aspiration of providing high speed broadband and the promotion of more sustainable modes of transport.

This proposal fails to conform to this policy.

14.2 Conserving the rural character of the area with its high quality landscape and environment is a key objective**.**

This application does not conform to policy.

14.5 All the Parish Councils in this part of the Plan Area are committed to producing Neighbourhood Plans, which it is envisaged will provide the main vehicle for identifying sites for small-scale housing …

POLICY 25 North part of the area
The Council will encourage and support development proposals and other initiatives that Conserve and enhance the rural character of the area, the quality of its landscape and he natural and historic environment.

The proposal does not conform to this policy.

16.3 Consequently, it is important to protect the best and most versatile agricultural land and to minimise its loss to development in order to safeguard this resource.

17.1 They will require consideration of:

The natural landscape and historic environment

Infrastructure provision, including education, primarily healthcare and transport.
…

The application does not conform to this policy.

Transport, Accessibility and Parking
How the proposal aims to protect and enhance the environment, both built and natural.
7. The historic and built environment, open space, and landscape character will be protected and enhanced.

This application does not conform to this policy.

8. The natural environment and biodiversity will be protected and/or where appropriate provision will be made for improvements of biodiversity areas and green infrastructure.

The application fails to conform to this policy

9. The development … sensitively designed to maintain the tranquillity and local character and identity of the area.

The application does not conform to this policy.

Development in the Countryside
19.21 Areas outside the Settlement Boundaries are defined as 'countryside', which includes villages, hamlets, farms and other buildings as well as undeveloped land. In order to protect the landscape character, quality and tranquillity of the countryside it is essential to prevent inappropriate development.

The application does not conform to this policy.

19.23 … If no appropriately located and deliverable previously developed sites exist in the local area, greenfield sites within or immediately adjacent to existing settlements may be considered.

The application does not conform to this policy; the Loxwood Neighbourhood Plan revision process.

1. The proposal conserves and enhances the special interest and settings of designated and non-designated heritage assets including: monuments, sites and areas of archaeological potential or importance, listed buildings including buildings or structures forming part of the curtilage of the listed building;

2. Buildings of local importance, including locally listed and positive buildings;

Ecology: CDC Local Plan Nationally Protected Sites SSSI, NNRs, MCZ as shown on the Policies Map in the Local Plan

i. Development proposals considered likely to have a significant effect on nationally protected sites will be required to assess the impact by means of an EIA

ii. Development proposals should avoid impacts on these nationally protected sites. Development proposals where any adverse effect on the site's notified special interest features is likely and which cannot be either avoided or adequately mitigated will be refused, unless the benefits of the development, at this site clearly outweigh the likely impact to the notified features of the site and any broader impacts on the network of nationally protected sites

c) Irreplaceable Habitats (including ancient woodland as shown on the Policies Map, and veteran trees): Development proposals which result in the loss or deterioration of irreplaceable habitats, including ancient woodland and veteran trees will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists

d) Locally Protected Sites (Sites of Nature Conservation Importance (SNCI)/Local Wildlife Sites (LWS)/Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR and Local Geodiversity Sites (LGS)) as shown on the Policies Map:

i. Development proposals considered likely to have a significant effect on local sites will be required to assess the impact by means of an Ecological Impact Assessment (EcIA)

ii. Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances outweighing the adverse effects are clearly demonstrated

e) Outside of designated sites

i. Development proposals should identify and incorporate opportunities to conserve, restore and recreate priority habitats and ecological networks. Development proposals should take opportunities to contribute and deliver on the aims and objectives of the relevant biodiversity strategies where possible.

1. Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) within the following ranges as shown on the Policies Map, should have due regard to the possibility that Barbastelle and Bechstein's Bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance.

a) **6.5km: Key conservation area** – all impacts to bats must be considered given that habitats within this zone are considered critical for sustaining the populations of bats within the SACs; and

b) **12km: Wider conservation area** – significant im**pacts or severance to flightlines to be considered.**

Arun Valley SPA

3. Development proposals on greenfield sites within 5km of the Arun Valley SPA, as shown on the Policies Map, will undertake an appraisal as to whether the land is suitable for wintering Bewick Swan. If it is suitable then surveys will be undertaken to determine whether the fields are of importance to the swan population. If so, appropriate alternative habitat would be required before development, if approved, could proceed.

Appendix 7: LOXWOOD Neighbourhood Plan

Policy 22 Natural Environment:

Appendix 8: Infrastructure

Overview

Loxwood is a rural village community with a small store, with post office, butcher and hairdresser at its centre but is almost wholly reliant on private vehicles as the primary mode of transport.

The electricity supply to the village is prone to failure during times of extreme weather and there is no mains gas; most of the older houses using oil or gas heating supplied from tanks. There is a sewage treatment plant within the village that disposes of effluent into the river Arun.

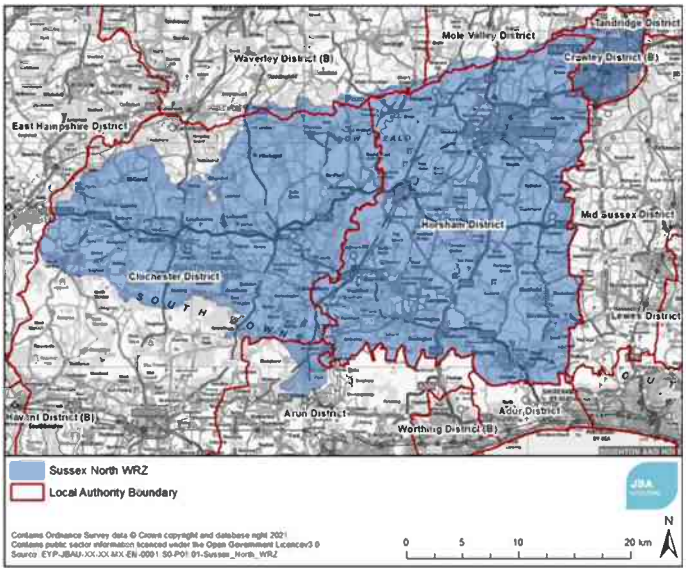
F**rom an infrastructure point of view**

Loxwood PC: Water supply sustainability - **Sussex North Water Supply Zone**

There is serious concern about the sustainability of the growing demand for water from Southern Water's extraction facility at Hardham, which supplies the Sussex North Water Supply Zone, including the northern Parishes. Natural England has proposed that any new development should be, at a minimum, 'water neutral' (an approach for minimising impact should an alternative water supply not be secured). The proposed development has not included any rainwater capture or grey water recycling capability.

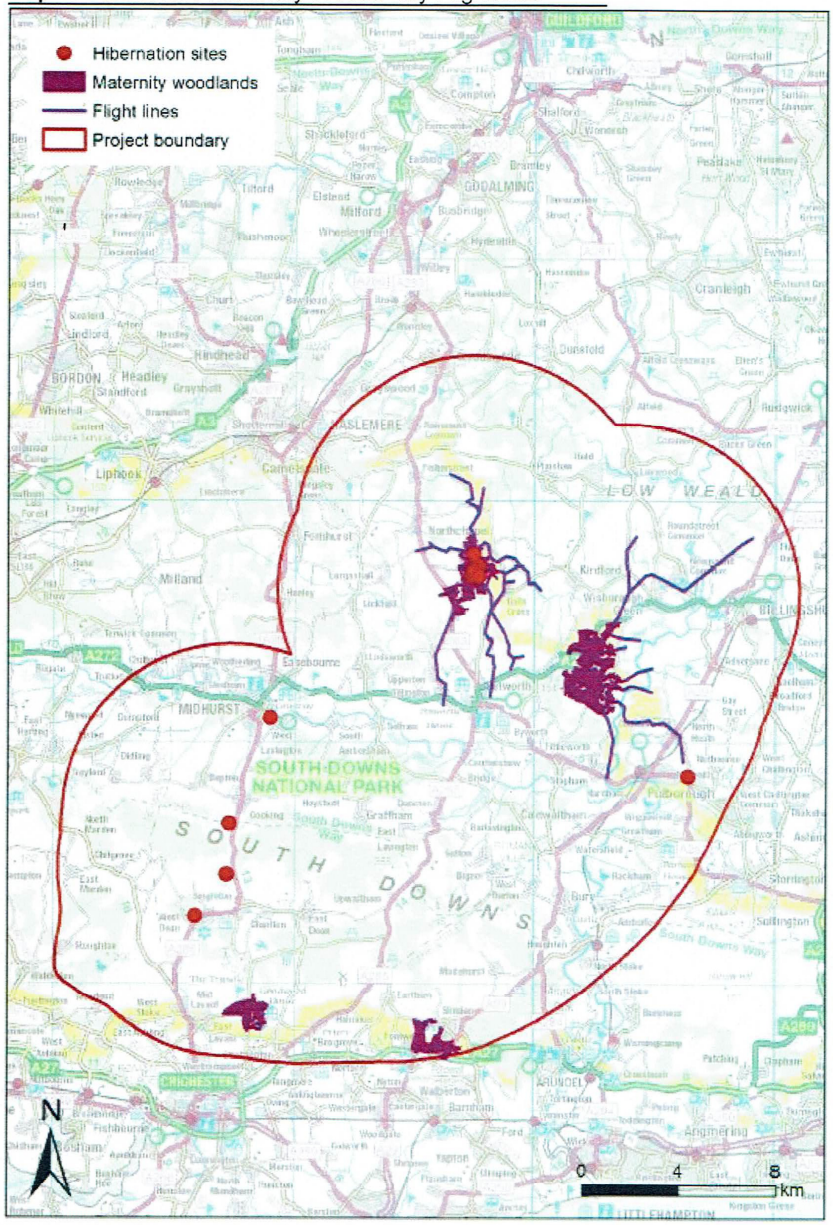
It is understood that developments in Chichester District that fall within the Sussex North water resource supply zone are required to be assessed by an HRA; Sussex North area is supplied by water extraction at Hardham that will have an adverse impact on the integrity of the Arun Valley SPA, SAC and Ramsar. Consideration of these impacts, on the Arun Valley SPA SAC and Ramsar, is essential.

The map shows Sussex North Water Resource Supply Zone, that includes Loxwood
It is essential that the full implications of a potential water shortage are determined and agreement reached with Natural England prior to the determination of, not only this application but, other planning applications within this area. It is understood that CDC has requested clarification from Natural England for their approach to applications.



MAPS

Map 1: Barbastelle Maternity Woods Key Flightlines



Source: Bat Conservation Trust 2015[5]

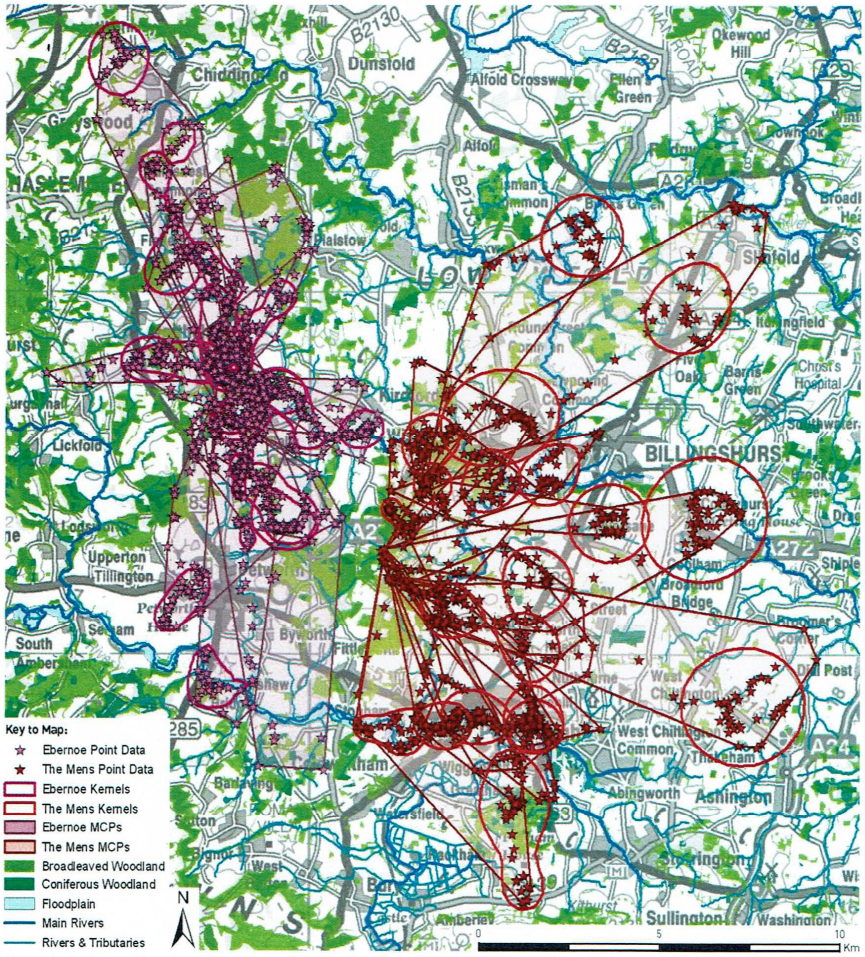
[5] Scoping study for the West Sussex Bat Project - Assessing current evidence to recommend conservation measures important to barbastelle and Bechstein's bats of consequence in the project area A report to Natural England. Bat Conservation Trust 2015

Map 2: Barbastelle Bats Foraging Routes, Frank Greenway, report 2008 reaching Loxwood and the woods beyond as recorded in the survey work.

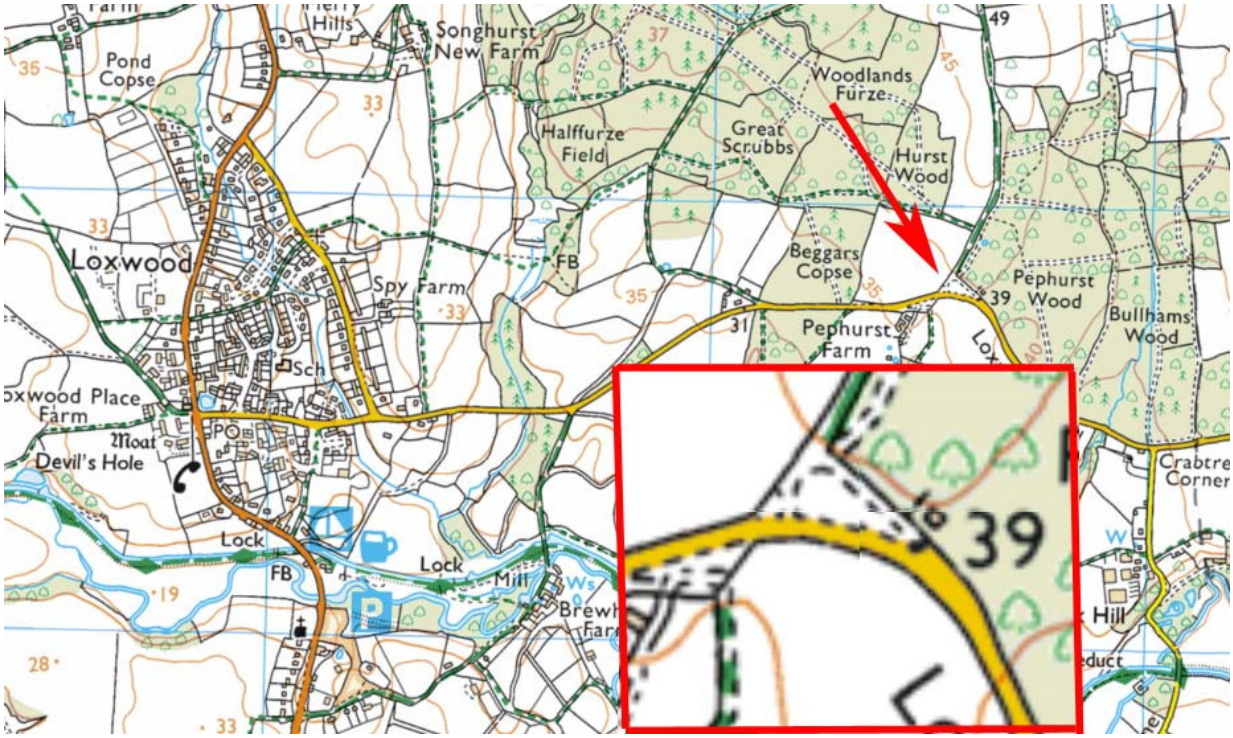
Appendix III

Prepared for Frank Greenaway
28/10/2008
ESD/08/573.

Sussex Biodiversity Record Centre
Email: sxbrc@sussexwt.org.uk
Website: www.sxbrc.org.uk
Woods Mill, Henfield
West Sussex BN5 9SD
Tel: 01273 497 558/557
Fax: 0203 070 0709



All data points, MCP's and Kernels from barbastelle bat tracking in 2008.



Map 3: Proposed entrance to clay quarry site off the Loxwood Road

2 HGVs passing on the Loxwood Road

REFERENCES:

Aichi Biodiversity Targets, International Union for the Conservation of Nation, IUCN, 2011-2020, adopted in Nagoya in 2010.

- Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
- Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use
- Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services • Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building

And then these strategic goals are divided into 20 targets.

Burrows, L, 2018, *Barbastelle Bats, Exmoor and Quantocks Oak Woodlands Special Area of Conservation (SAC), Guidance on Development*, Version 1.2 – April 2018

Centre for Sustainable Energy, CSE, 3rd edn Feb 2020, *Neighbourhood planning in a climate emergency*

CDC AND SDNP, *GI policy*, Local Plan;

CDC 2020, *Local Biodiversity Action Plan* 2020-2025

CIEEM , 2018, *Guidelines for Ecological Impact Assessment* (EcIA)

Convention on Biological Diversity (CBD) 1992 stemmed from the growing recognition that biological diversity is an asset of tremendous value to present and future generations across the world. The United Nations Environment Programme (UNEP) tasked experts to prepare an international legal instrument for the conservation and sustainable use of biological diversity. They were to take into account "the need to share costs and benefits between developed and developing countries" as well as "ways and means to support innovation by local people".

Convention on Biological Diversity, CBD, 2014, Technical Series No 78; Leadley, P.W., Krug, C.B., Alkemade, R., Pereira, H.M., Sumaila U.R., Walpole, M., Marques, A., Newbold, T., Teh, L.S.L, van Kolck, J., Bellard, C., Januchowski-Hartley, S.R. and Mumby, P.J. Progress towards the Aichi Biodiversity Targets: An Assessment of Biodiversity Trends, Policy Scenarios and Key Actions. CBD Secretariat, Montreal, Canada.

CBD, 2018, *Updated assessment of progress towards selected Aichi Biodiversity targets and options to accelerate progress*

Council of Europe, 2006, *European Landscape Convention*:, UK signed European Landscape Convention:

CPRE, CPRE *map of Tranquillity* (2006)

DEFRA, 2010, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*

EU Science Hub, 2019, *An update on progress towards Aichi Biodiversity Target 11*;

Commission's Blueprint to Safeguard Europe's Water Resources. 2012

European Union, *EU, Habitats Directive*

EU, *Water Framework Directive* (WFD)

EU *Biodiversity Strategy*, by 2030, in the EU, at least 50% of species and habitats protected under the Birds and Habitats Directives will have a favourable conservation status, no species or habitat will have deteriorated compared to 2020, and status and trends will be known for all.

Greenaway, F, 2008, *Barbastelle Bats in the Sussex West Weald 1997-2008*, West Weald Partnership, Sussex Wildlife Trust

HM Government, 2018 and 2019, *A Green Future: Our 25 Year Plan to Improve the Environment*, 2018 and 2019, *A Green Future*, in which it explicitly aspires to create a "nature recovery network" based on the "Lawton principles", including the creation and restoration of 5,000km^2 of wildlife-rich habitats.

HM Government, 2011, White Paper on the natural environment titled '*The Natural Choice: securing the value of nature'*

IPBES 2019, *Global Assessment on Biodiversity and Ecosystem Services*, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). Its aim is to inform better policies and actions towards the protection of biodiversity in the coming years. It declared a Biodiversity Emergency in May 2019.

Institute of Lighting Professionals (ILP) guidance GN01:2011 *Guidance Notes for the Reduction of Obtrusive Light*

International nature conservation designations covered by the *Habitats Directive* include: SACs, SPAs, Sites of Community Importance (SCI), and candidate SACs. As a matter of Government policy, possible SACs, potential SPAs and listed and proposed Ramsar sites and sites identified or required for compensatory measures for adverse effects on such sites are also treated as internationally designated sites eg the Medmerry site on the Manhood Peninsula, south of Chichester; European Commission (1992) 92/43/EEC Habitats Directive

Landscape Institute and IEMA, 2013, *Guidelines for Landscape and Visual Impact Assessmen*t 3rd Edition

Lawton, Sir J 2020, *Making Space for Nature, ten years on* - now widely known as the Lawton report - had immediate policy impact, shaping both the Natural Environment White Paper and the Biodiversity 2020 strategy

Lawton, Sir John et al, 2010, *'Making space for nature': a review of England's wildlife sites*.

Loxwood Parish Council, *Your revised updated Plan for the future of Loxwood Parish*, Neighbourhood Plan 2019-2037 for submission at Regulation 16

MAGIC – Multi-Agency Geographic Information for the Countryside, www.magic.defra.gov.uk

NERC, 2006, *Natural Environment and Rural Communities* Act. Public bodies, including local authorities now have a legal duty to have regard to conserving biodiversity in the exercise of their normal functions. In England, this obligation derives from the Natural Environment and Rural Communities (NERC) Act 2006. Awareness of the ***presence of any principal species or principal habitat identified on these lists is of great importance within the local authority planning process*** when land is considered for development. Along with legally protected

species, statutory and non-statutory sites, knowledge of their presence is required if the impact of future development is to be avoided or mitigated.
In England *Section 41 habitats of principal importance* (priority habitats) were published by Natural England in August 2010 whilst many of our rarest and most threatened species are listed under Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act. ... These experts considered all of the S41 species found in England and identified the actions they believe are needed for their recovery.
Ministry of Housing, Communities and Local Government, MHCLG, 2019, *National Planning Policy Framework, NPPF* and revised and updated version published July 20, 2021
Planning Guidance: Biodiversity, geodiversity and ecosystems
Is there a statutory basis for seeking to conserve and enhance biodiversity?
Section 40 of the Natural Environment and Rural Communities Act 2006 places a **duty** on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.
NPPF 2021/2019 Guidance searchable version;
Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.

Paragraph: 009 Reference ID: 8-009-20190721
Revision date: 21 07 2019

Planning, Sustainability and Nature; Amongst other guidance, **Paragraph 175** of the NPPF (2021) states: "Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
b) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"
NRA/EA, 2013, *Water stressed areas*: 2013 classification confirms this area as that which will be most water stressed in the UK.
"The National Audit Office (NAO) 2020 said the *country's total water supply is forecast to drop by 7 % by 2045 because of climate change.*
"*In the coming years there will be decreased rainfall and a need to reduce the amount of water taken from natural waterways. And the South East is particularly at risk of shortages. This is likely because the region is already a 'water-stressed' area where London's consumption of water already outstrips supply during dry years*."
Natural England, Sept 2013, *National Landscape Character*, ***The Low Weald, 121***
PROTREAT supporting documentation for this application, WSCC.030/21, Pallinghurst Woods

Sky Quality Measurement (SQM). The latest version of the Sky Quality Measurement map should be used as the reserve is subject to ongoing measurement
SDNP *Local Plan 2019*; South Downs Local Plan, adopted 2 July 2019 (2014-33)
SDNP, 2020 *Partnership Management Plan 2020-2025*
SDNPA, 2014, *Access Network and Accessible Natural Greenspace Study*
SDNPA, 2016, *Mapping of Ecosystem Services* Within the South Downs National Park Using the EcoServ GIS Tool
SDNPA, 2017, *South Downs Dark Night Skies* Lighting Technical Advice Note
SDNPA, 2017, *South Downs National Park Tranquillity Study*
SDNP/NE, 2018, *Draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol* (Natural England, 2018)
SDNPA, AECOM, 2015, 2017 and 2018, *Local Plan Habitats Regulations Assessment*
SWT, May 2017, *A Vision for Nature and Wellbeing in Sussex, a place for wildlife and people to thrive, A summary report*
SxBRC c/o Sussex Wildlife Trust, 2020, Ecological data search for report for Pallinghurst Woods, Loxwood Parish; and with a 2km buffer
Sustainable Development, *Sustainability is a dynamic process which enables all people to realise their potential and to improve their quality of life in ways that simultaneously protect and enhance the Earth's life support system*.' Forum for the Future
Thomson Ecology, 2015: *Habitat Connectivity and Habitat Opportunity Mapping Report*
United Nations, UN: ***17 Sustainability goals***, The Sustainable Development Goals are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to poverty, inequality, climate change, environmental degradation, peace and justice. The 17 Goals are all interconnected, and in order to leave no one behind, it is important that we achieve them all by 2030
WSCC, updated June 2016 *Landscape Character Assessment*, *Central Low Weald*
WSCC landscape management guidelines, 2003

Minerals and Waste references

Application documentation by Protreat
Government publications: https://www.gov.uk/government/publications/circular -economy-package-policy-statement/circular-economy-package-policy-statement
Ibstock PLC, Planning & Estates Dept, 2021
Penfold Verrall, https://www.penfoldverrall.co.uk/recycling/
Weinerberger Ltd, Quarry Management, 2021
WSCC JLMP and WLP *Monitoring report* 2019/20; Appendix B, P 52; p 11; p 66; and pp 62-63
WSCC/SDNP *Joint Minerals and Waste Plan*, 2018, 54, Policy M5: clause (b)(iii); Appendix A. Key diagram p 123; Para 7.3.1, p 77; Para 2.3, pp 15-19; Para 4.15, p 15
WSCC *Waste Local Plan*, para 4.3.6 p28
WT Lamb & Sons Ltd, Sales, 2021

Ecological references

A Vascular Plant Red List for England, 2014

Bat Conservation Trust and Institute of Lighting Professionals, 2018, Guidance Note 08/18, Bats and artificial lighting available on line

BritIsh Bryological Society, 2010, *Mosses and Liverworts of Britain and Ireland*, Latimer Trend and Co Ltd, Plymouth

Chartered Institute of Ecology and Environmental management, 2017, *Guidelines for Preliminary Ecological Appraisal*, Technical Guidance Series, CIEEM

Clapham A R, Tutin T G, & Warburgh, E F, 1981, *Excursion Flora of the British Isles*, 3rd ed, Cambridge University Press, Cambridge

DEFRA 2019. *Biodiversity 2020, A strategy for England's wildlife*

Council of Europe, 2006, UK signed *European Landscape Convention*:

CPRE, *CPRE map of Tranquillity* (2006)

Convention on Biological Diversity (CBD) 1992 stemmed from the growing recognition that biological diversity is an asset of tremendous value to present and future generations across the world. The United Nations Environment Programme (UNEP) tasked experts to prepare an international legal instrument for the conservation and sustainable use of biological diversity. They were to take into account "the need to share costs and benefits between developed and developing countries" as well as "ways and means to support innovation by local people".

Dobson, F S 2000*, Lichens, An Illustrated Guide*, Richmond Publishing Co Ltd, Richmond

Eaton, M, Brown A, Noble D, Musgrove A, Herarn R, Aebisgher N, Gibbons D, Evans A and Gregory R, 2015, *Birds of Conservation Concern 4, The Population Status of Birds in the UK< Channel Island and the Ilse of Man, British Birds* 201, pp 296-341.

Environment Agency/Natural Resources Wales, July 2013, *Water stressed areas* – final Classification developed by the Environment Agency and Natural Resources Wales

Environment White Paper, (2011); Annual progress report 2019

European Union *Biodiversity Strategy*, by 2030, in the EU, at least 50% of species and habitats protected under the Birds and Habitats Directives will have a favourable conservation status, no species or habitat will have deteriorated compared to 2020, and status and trends will be known for all.

HM Government, *A Green Future: Our 25 Year Plan to Improve the Environment*, 2018 and 2019, A Green Future, in which it explicitly aspires to create a "nature recovery network" based on the "Lawton principles", including the creation and restoration of 5,000km^2 of wildlife-rich habitats.

HM Government, 2011, White Paper on the natural environment titled '*The Natural Choice: securing the value of nature*'

HM Government 1990, *Environmental Protection Act*

HM Government 2000, *Countryside and Rights of Way Act*, CROW, 2000

HM Government, 2005, ODPM Circular 06/05 Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

HM Government 2006, *Natural Environment and Rural Communities Act*. NERC 2006

HM Government 2017 *Conservation of Habitats and Species Regulations*, 2017
HM Government, 2019, *National Planning Policy Framework*, Dept for Communities and Local Government; and, revised and updated version July 2021.
IPBES, 2019, *The global assessment report on Biodiversity and Ecosystem Services Summary for Policymakers*
JNCC, 2010, *Handhook for Phase 1 Habitat survey*, Joint Nature Conservation Committee
Lawton, J.H., Brotherton, P.N.M, Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.A., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*. Report to Defra
Lawton, Sir John, 2019, *Proof of Evidenc*e of Professor Sir John Lawton CBE FRS, for the Yorkshire Wildlife Trust, 15th October 2019
Loxwood, *Parish Neighbourhood Plan* and Reg 16 submission, 2021
Natural England, NE, The Multi-Agency Geographical Information for the Countryside (www.magic.gov.uk) accessed
NE, 2014, *Landscape Character Assessment*, NE; No 121 Low Weald, 2014
Natural England *National Landscape Character*, The Low Weald, 121, Sept 2013
NERC, 2006, *Natural Environment and Rural Communities Act*. Public bodies, including local authorities now have a legal duty to have regard to conserving biodiversity in the exercise of their normal functions. In England, this obligation derives from the Natural Environment and Rural Communities (NERC) Act 2006.
Awareness of the presence of any principal species or principal habitat identified on these lists is of great importance within the local authority planning process when land is considered for development. Along with legally protected species, statutory and non-statutory sites, knowledge of their presence is required if the impact of future development is to be avoided or mitigated.
In England Section 41 habitats of principal importance (priority habitats) were published by Natural England in August 2010 whilst many of our rarest and most threatened species are listed under Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act. ... These experts considered all of the S41 species found in England and identified the actions they believe are needed for their recovery.
NPPF 2019, *National Planning Policy Framework*, NPPF 2018 guidance, paras **170, 174 and 175b.; and now in 2021 - Paras: 179, 180, and 185:**
Planning, Sustainability and Nature; Among other guidance, *Paragraph 170* and now numbered *Para 174* in the revised and updated NPPF (2021) states: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and

b) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

Protreat evidence supporting the application: Environment report, EiA report, PEIA
Rose, F 1991, *The habitats and vegetation of Sussex*, In Rose, F, Stern, R C, Matcham, H W and Coppins B H, 1991, Atlas of Sussex mosses, liverworts and lichens, Booth Museum of Natural History, Brighton
SDNP/NE, undated but referenced in the SDNP Local Plan, *Sussex Bat Special Area of Conservation, Planning and Landscape Scale Enhancement Protocol*
Stace, 2016, *New Flora of the British Isles*, third edition, Cambridge University Press, CambridgeThe Birds of Sussex Hardcover – 31 Jan. 2014
The State of Nature 2019 report is a collaboration between the conservation and research organisations listed on the report.
Sussex Biodiversity Records Centre, SxBRC report 2020k Pallinghurst Woods; and with a 2m buffer
The Birds of Sussex, 2014, edited by Adrian Thomas, pub Sussex Ornithological Society
Sussex Botanical Recording Society, 2018, *the Flora of Sussex*, Pisces publications
Watson, H C, 1981, *British mosses and liverworts*, 3rd ed, Cambridge University Press, Cambridge
West Sussex County Council, WSCC. June 2016, *Landscape Character Assessment*, *Central Low Weald*, updated June 2016
WSCC, Dec 2020, *Tree Plan*, Dec 2020
Wolley-Dod, A H, 1937, *Flora of Sussex*, Chatsford House Press, Bristol

APPENDIX 3

Technical Note

Loxwood Clay Pits, Loxwood, West Sussex

Highways and Transport Objection

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Our reference: 663204-TN01-Rev0.2

Author: Ian Wickett	Date: 06/08/2021	Reviewed: Jon Hassel	Date: 06/08/2021

This Technical Note has been prepared on behalf of 'Stop the Clay Pit' Action Group to represent their objections against the proposed development of clay extraction and associated facilities within Loxwood Woods, located to the east of Loxwood, West Sussex.

This has been prepared by Ian Wickett, who has 24 years' experience in transport planning and is a Fellow of the Chartered Institution of Highways and Transportation. He has considerable experience of managing and designing for the traffic aspects of development, including numerous waste-related facilities and clay/mineral extraction sites across the UK. He is familiar with the site and its surroundings having visited the site in March 2021 and driven along the local roads as well as gathering evidence such as photographs and measurements of the carriageway.

Proposed development

The proposals comprise the extraction of around 400,000 tonnes of clay at a rate of around 12,500 tonnes per annum. The remaining void will then be backfilled with suitable material to reinstate the landscape, as is the case with most clay extraction sites. Most sites of this type are backfilled using material that has already been sorted and full loads of suitable waste are transported to the site.

This site proposes to construct a waste processing facility alongside the clay extraction to receive all types of waste and filter out non-hazardous construction and demolition (C&D) waste to fill the void. All remaining waste would be transported off the site again for appropriate disposal, treatment or recycling elsewhere. The applicant has claimed that around 25,000 tonnes of waste would be incoming with 50% (12,500 tonnes) used as backfill and the remaining 50% to be recycled.

The proposals require the use of Loxwood Road for the movement of heavy goods vehicles (HGVs) to and from the site, delivering and removing waste along with removal of extracted clay. Use of the strategic road network should be used as much as possible, minimising use of local roads that may otherwise cause adverse effects on residents or other road users and their amenity. The proposed site access will utilise a redundant section of Loxwood Road that has been used as a layby for many years, mostly by walkers using the adjoining woods. The A281 is located 2 miles (3.2 km) to the east of the proposed site access while the village of Loxwood is around 1.1 miles (1.8 km) to the west.

The applicant proposes to route traffic along Loxwood Road to/from the east only, taking the shortest route to the A281. It is noteworthy that West Sussex County Council (WSCC) require such sites to be within 3km of the Lorry Route Network. While this site is within 3km 'as the crow flies' it requires HGVs to travel further than this to reach the site, which is clearly what the policy is trying to avoid and in breach thereof.

Grounds for objection

Having reviewed the information submitted by the applicant, which includes a technical note and a Road Safety Audit (RSA) of the site access arrangements, I believe there are a number of grounds for objection, primarily relating to the following aspects:

- The traffic generation information provided by the applicant is not realistic and significantly under-estimates the daily traffic flows
- The environmental impact upon amenity of road users along Loxwood Road has not been assessed
- The proposed site access arrangements are not 'safe and suitable' for the intended purpose
- Loxwood Road is not suitable to accommodate a significant increase in HGV traffic

Traffic generation

It is worth noting that the UK has a target associated with the EC Waste Framework Directive to recover at least 70% of non-hazardous C&D waste by 2020. According to Defra statistics, in the years leading up to 2020, the actual recovery rate was consistently above 90%. On this basis, an allowance of only 50% of the incoming waste to be recycled and transported back off site again is considered a significant under-estimate. This proportion has a considerable influence on the volume of waste being transported to and from the site.

Furthermore, the applicant claims that the site will be served by either a Type 1, 2 or 3 tipper truck. The smallest tipper (Type 1) is presented as a worst case in terms of traffic volumes with a payload of 6.25 tonnes with outgoing waste and clay extraction using a 20 tonne capacity. Unless waste is pre-sorted before coming to the site, it is unlikely to all arrive using tipper trucks. In addition, the payload capacity is often not a realistic value of actual weight unless the vehicle is carefully loaded to maximise capacity or the material is granular such that it contains no voids, thus resulting in a potential under-estimation of the likely number of loads travelling to and from the site.

RSK has worked closely with a number of waste facilities, including waste processing, to determine the traffic volumes and vehicle types in other locations within the UK. The waste processing facility within the proposed site will receive waste direct from the source, e.g. construction sites, as any other operation to consolidate waste before arriving at the site would not be cost-effective.

Data from another facility in the south east that processes similar waste types shows that the vast majority (over 75%) of waste arrives using a grab lorry or skip lorry. The data indicates that a grab lorry has an average payload of 11.5 tonnes while a skip lorry has an average payload of 3.0 tonnes. Considering just these vehicles, by tonnage, the data indicates that grab lorries currently transport around 27% of waste while skip lorries transport around 73%.

Using these proportions, and a more realistic but conservative recycling rate of 75%, the traffic estimates claimed by the applicant are severely under-estimated. The table below illustrates the calculations used to generate a more realistic traffic generation of the proposed facility.

Vehicles			Traffic Movements (one-way)		
			Clay	Incoming waste	Outgoing waste
Vehicle type	Proportion	Payload (tonnes)	12,500 tonnes	50,000 tonnes	37,500 tonnes (75% of incoming)
Clay extraction					
Tipper truck	100%	18.0	694	-	-
Waste processing					
Grab lorry	27%	11.5	-	1,174	-
Skip lorry	73%	3.0	-	12,167	-
Container truck (consolidated)	100%	20.0	-	-	1,875
Total	-	-	694	13,341	1,875

The above table indicates that a total of 15,910 deliveries or collections of clay and waste will be required every year. This equates to 318 per week and 58 per day, assuming a 52 week operation and 5 days a week. This will lead to a two-way movement of 128 per day, compared to the applicant's claim of 42 per day (a 200% increase). If a higher rate of recycling were achieved then this would increase the number of vehicle movements signifcantly – for example, a 90% recycling rate would result in 318 daily HGV movements.

The impact of a more realistic traffic flow is that, on average, around six vehicles will enter and six vehicles will depart the site every hour for ten hours a day. In practical terms there will be fluctuations within a typical day as waste is less likely to be transported towards the end of the day when construction sites and end destinations are more likely to be closed. Therefore, it wouldn't be unreasonable to experience 10 vehicles an hour in each direction at peak times.

This volume of traffic will result in a high frequency of HGVs meeting in opposite directions along Loxwood Road, at the site access and along site access tracks within the woodland. No details of how traffic will be managed has been submitted, despite a clear need to manage two-way traffic in each of these locations.

Traffic distribution

The current proposals indicate that traffic associated with the clay extraction and waste processing facility will be distributed to/from the east along Loxwood Road only. This represents the shortest route to the A281 from the site to the east and there would be significant concern over routing HGV traffic through existing villages that currently experience negligible volumes of such traffic (21 two-way HGV movements a day according to the applicant's data).

Within the village of Loxwood footway widths are narrow, there are parked cars, school children from the village school and local facilities that all generate activity on or close to the carriageway that are highly sensitive to movement of HGVs passing them. The size and frequency of vehicle is likely to cause disruption to existing traffic movements and will have a detrimental effect on existing road users, including pedestrians and cyclists as well as vulnerable road users such as children and elderly persons. It is therefore considered that routing any HGVs through Loxwood village would have a **severe** impact on highway safety and residential amenity. Therefore, it is imperative that WSCC request that a suitable and enforceable

management plan is secured to avoid such impacts. Notably, the applicant has not provided such a plan at this stage of the planning process.

Environmental impact

Throughout the consultation stage, the applicant has claimed that the proportional increase in traffic flows along a road link are irrelevant. This is incorrect and the applicant is deemed to have misled the public as several aspects of the environmental impact of traffic relate specifically to the increase in relative terms of traffic levels on the highway impacted, particularly when in relation to HGV traffic.

To assess the likely effect of construction traffic on the local area, the Institute of Environmental Assessment's publication, *Guidelines for the Environmental Assessment of Roads Traffic (GEART, 1993)* is a standard reference for analysis. GEART recognises that day to day variation of traffic on a road is frequently plus or minus 10 percent. It should therefore be assumed that a projected change in traffic of less than 10 percent creates no detrimental environmental impact. A 30 percent change in traffic flow (or HGV flow) represents a reasonable threshold for assessing traffic flow impacts on highway links.

The projected increase in traffic flow along Loxwood Road, using the resulting two-way flow for both arrivals and departures, is summarised in the table below. This uses data from the applicant's ATC results, although some assumptions have been made around the vehicle classification as no guide has been provided. The application states that 12 workers would be employed on-site, resulting in up to 24 additional two-way daily movements.

Location	Total HGV Movements	Total All Vehicles	HGV % change	All Vehs. % Change
Loxwood Road existing (proposed)	21 (+128)	1,340 (+152)	+610%	+11%

The summary table above identifies that the percentage increase in traffic exceeds the 30% threshold for HGVs, meaning further assessment is required. GEART examines the potential environmental effects of road traffic on a number of aspects, including the following:

- Severance;
- Driver stress and delay;
- Pedestrian/cycle delay and amenity;
- Fear and intimidation;
- Road safety; and
- Heritage and conservation areas.

However, only 'pedestrian/cycle amenity' and 'fear and intimidation' are considered to be affected by the increase in HGVs, while the heritage aspect is influenced by a number of factors.

Pedestrian/cycle amenity is broadly defined as the relative pleasantness of a journey, and is considered to be affected by traffic flow, traffic composition and pavement width and separation from traffic. GEART suggests that a threshold of a doubling of either the total traffic flow or the HGV component may lead to a negative impact upon pedestrian/cycle amenity. In this case, a 610% increase could be considered to be a major increase along Loxwood Road. Although the pedestrian volume along Loxwood Road is low, it is a popular cycle route and these are equally affected by the environmental impact. Therefore, it is considered that the impact on pedestrian/cycle amenity would be significant.

Pedestrians and cyclists can experience fear and intimidation related to traffic, whereby the volume, speed, HGV composition and the proximity to people can increase the levels of fear and intimidation experienced. Whilst GEART recognises that there is an absence of commonly agreed thresholds it does suggest that average traffic flows over 18 hours of 600 – 1,200, 1,200 – 1,800 and 1,800+ could result in moderate, great and extreme impacts respectively, although noting other factors such as the proximity to traffic, speed and pavement width need to be considered. Given that the daily traffic flow is within the 1,200-1,800 category and that Loxwood Road has a lack of footways along the majority of its length, it is considered that the significant increase in HGV traffic volumes will lead to a 'great' (or major) impact. As above, although the pedestrian volumes are low along Loxwood Road, cyclists are observed to use the route and is therefore significant in environmental terms.

The potential effects on heritage are noted to be a possible collection of the other environmental effects with particular attention to any areas of heritage value. This can include noise, vibration and air quality, among other effects. Particular importance should be given to any noise intrusion on both the settings and the feature of any area. The increase in HGV volumes will inevitably increase noise levels given the current low level of HGV use of Loxwood Road, while there are potential effects from vibration where historic assets are positioned close to the carriageway. There are a number of listed buildings along Loxwood Road between the A281 and the site entrance, yet the applicant has made no reference to the traffic impacts on the setting of these assets, contrary to the requirements of NPPF.

No mitigation has been proposed to overcome these environmental effects and it would be difficult to do so without significant investment in carriageway widening and/or footway provision. On this basis, it is considered that the proposals would have a **significant** environmental impact on existing road users and a potential impact on heritage assets.

Site access arrangement

The proposed site access arrangements offer a widened carriageway between Loxwood Road and the entrance to the woodland area to accommodate two-way traffic. However, the applicant's drawings clearly demonstrate that it is not possible to accommodate two HGVs to pass each other at any point along the length of the improvement and it requires an HGV to use the full width of the road in order to enter or exit the site. Both of these issues are of concern for highway safety, although it is acknowledged that there is additional highway land available to accommodate further widening to overcome this. Otherwise, this will result in HGVs and any cars wishing to use the layby having to wait on Loxwood Road until the vehicle has emerged from the access, which would compromise highway safety. Alternatively, an HGV would have to cross into oncoming traffic to complete the exit from the site access.

The proposed widening and subsequent use of the layby for continuous use by HGVs will affect existing users of the layby and adjoining woods with HGVs frequently passing parked or manoeuvring vehicles. In addition, the amenity for these users in the vicinity of the woods will be affected by the passage of HGVs around the entrance and across Public Rights of Way.

The junction visibility at this location for drivers emerging from the access onto Loxwood Road is constrained by the hedgerow on the opposite side of the road as the junction is just west of a bend. Furthermore, the forward visibility to a vehicle waiting to turn right into the site is also restricted by the same hedgerow. The applicant has indicated that they will keep the hedgerow trimmed, although they rely on this being cut back to the fenceline, which could impact the vitality of the hedge and affects its biodiversity, neither of which have been considered.

The applicant has undertaken speed surveys to determine the design speed of Loxwood Road and, subsequently, the stopping sight distance requirements. The up-to-date Design Manual for Roads and Bridges (DMRB) document CA 185 'Vehicle speed measurement' outlines how speed surveys should be undertaken and subsequent calculations used. The design speed, also known as the 85th percentile speed, is calculated based on the dry weather speeds measured and it is no longer appropriate to calculate them based on wet weather speeds (as also advised by WSCC in their pre-application advice). Therefore, the 85th percentile recorded (and unadjusted) speed of 45.0 mph is the appropriate design speed to the east and 50.6 mph to the west. Based on the formula for calculating stopping sight distances, this equates to a desirable minimum distance of 125m to the east and 152m to the west. It is noted that no departures from standard have been applied for.

The applicant claims that the achievable visibility splay from the junction equates to 2.4 x 105m, which falls 20m short of the desirable minimum distance (or around 16%). In practical terms, the hedgerow will not afford as much visibility as it is unlikely that the hedgerow can be trimmed back as much as has been indicated by the applicant. The applicant indicates that visibility to the east is irrelevant as HGVs will be turning left out of the site access. However, given that they are proposing to widen the access, it provides an easier two-way route for car drivers who already park in the layby and would provide space for them to turn in order to exit onto Loxwood Road, turning left or right, at the site access.

Furthermore, the applicant has also illustrated the forward visibility incorrectly, between a vehicle emerging from the site access (turning left/east) and an oncoming vehicle, yet there would be no conflict between these vehicles based on the applicant's swept path analysis. The forward visibility should be measured from a westbound vehicle to a vehicle waiting to turn right into the site access, which measures just 74m, as highlighted on the drawing enclosed at Appendix 1. The forward visibility is significantly below the desirable minimum stopping sight distance of 125m, which would require a departure from standard, and is considered to be a **severe** highway safety issue, particularly given the intensification in use of the access and that slower moving HGVs will be entering and exiting the access.

Loxwood Road

Loxwood Road is a rural single carriageway road that is subject to the national speed limit (60 mph). The character of the road is typical of a rural location with no formal kerb edge, hedgerows either side and occasional access to properties (residential and agricultural). The majority of the road is around 5.5 m in width between the road edge markings or available width where such markings are omitted. There are sections where the horizontal road alignment sweeps left and right through a number of bends and the vertical alignment also fluctuates. These characteristics are prevalent through the section of Loxwood Road just east of the proposed site access where the available carriageway width also reduces to less than 5.0 m. Aside from other issues that the applicant has attempted to address through revisions to the site access arrangements, the RSA highlights to the applicant that there are tree trunks that lean across the carriageway and will force higher sided vehicles away from the side of the carriageway.

The applicant over-estimates the available carriageway width in many places given that drivers will tend to follow the road markings, especially where there is no edge restraint. Notwithstanding, the typical road width along the majority of Loxwood Road is approximately 5.5 m. The applicant suggests that this road width is adequate for two-way traffic, acknowledging that some caution would be required. Manual for Streets identifies that two goods vehicles can pass within a width of 5.5 m. However, this applies to urban areas where traffic speeds are typically around 30 mph or less and on a straight alignment.

The DMRB document CD 109, 'Highway Link Design' sets out recommendations for carriageway widths and, although Loxwood Road is not a trunk road, it provides a comparable example of geometry. The minimum carriageway width is set at 6.0m for a single carriageway road, excluding hard strips and verges at the side of the running lanes, while a new single carriageway would ideally be designed to provide 7.3 m in width plus 1.0 m hard strip either side.

The document also recognises the need to widen the carriageway on bends to accommodate the resulting wider swept path of vehicles. For a radius of greater than 90 metres but less than 150 metres, widening shall be 0.6 m per lane. Notably, it doesn't offer a value for radii less than 90 metres, given that the radii on the eastern approach to the site access are around 80 – 85 metres. Therefore, the required widening on these bends should be at least 0.6m per lane. This should give an overall minimum carriageway width of 7.2 m to accommodate the movement of HGVs.

Swept path analysis has been undertaken through the section east of the site access for a combination of vehicles, on the basis of the applicant's proposed vehicles and of those proposed in this technical note. The drawing at Appendix 2 clearly illustrates the difficulty in providing two-way movement of HGVs just east of the proposed site access. Furthermore, it highlights that it is not possible for them to pass each other within the existing carriageway width at a key pinchpoint while passing very close at all other times. This example is repeated along other sections of Loxwood Road. Given the calculated 85th percentile speed of this road being 45 mph in each direction, it is not considered safe for frequent two-way HGV movements along Loxwood Road, and will result in a potential **severe** impact on highway safety. Long sections of Loxwood Road would need to be widened to overcome such constraints.

Bucks Green A281 Junction

The junction between Loxwood Road and the A281 at Bucks Green is a priority junction meeting at an acute angle between the two roads. This results in vehicles travelling eastbound along Loxwood Road and turning right onto the A281 being oriented in a position that creates a blindspot for the driver. For car drivers, it may be possible to position at a better angle to look left out of the front passenger window or at least the rear passenger window. However, for HGV drivers, it is not possible to position the vehicle in such a way and there is no rear passenger window to look left out of. Therefore, the driver is not provided with a clear view of oncoming traffic travelling eastbound along the A281, as illustrated in the drawing provided at Appendix 3.

For vehicles wishing to carry out this turn, it may be possible to turn left in advance of the junction along a short connector road, between the Fox Inn and car dealership properties, and then turn right onto the A281. However, the geometry of this road is not ideal, particularly for HGVs (also shown in Appendix 3), and this turn is not mandatory, leaving many HGV drivers to use the existing, more dangerous junction. It is therefore considered that an increase in HGVs turning out of this junction, averaging at 58 per day, would result in a **severe** highway safety issue.

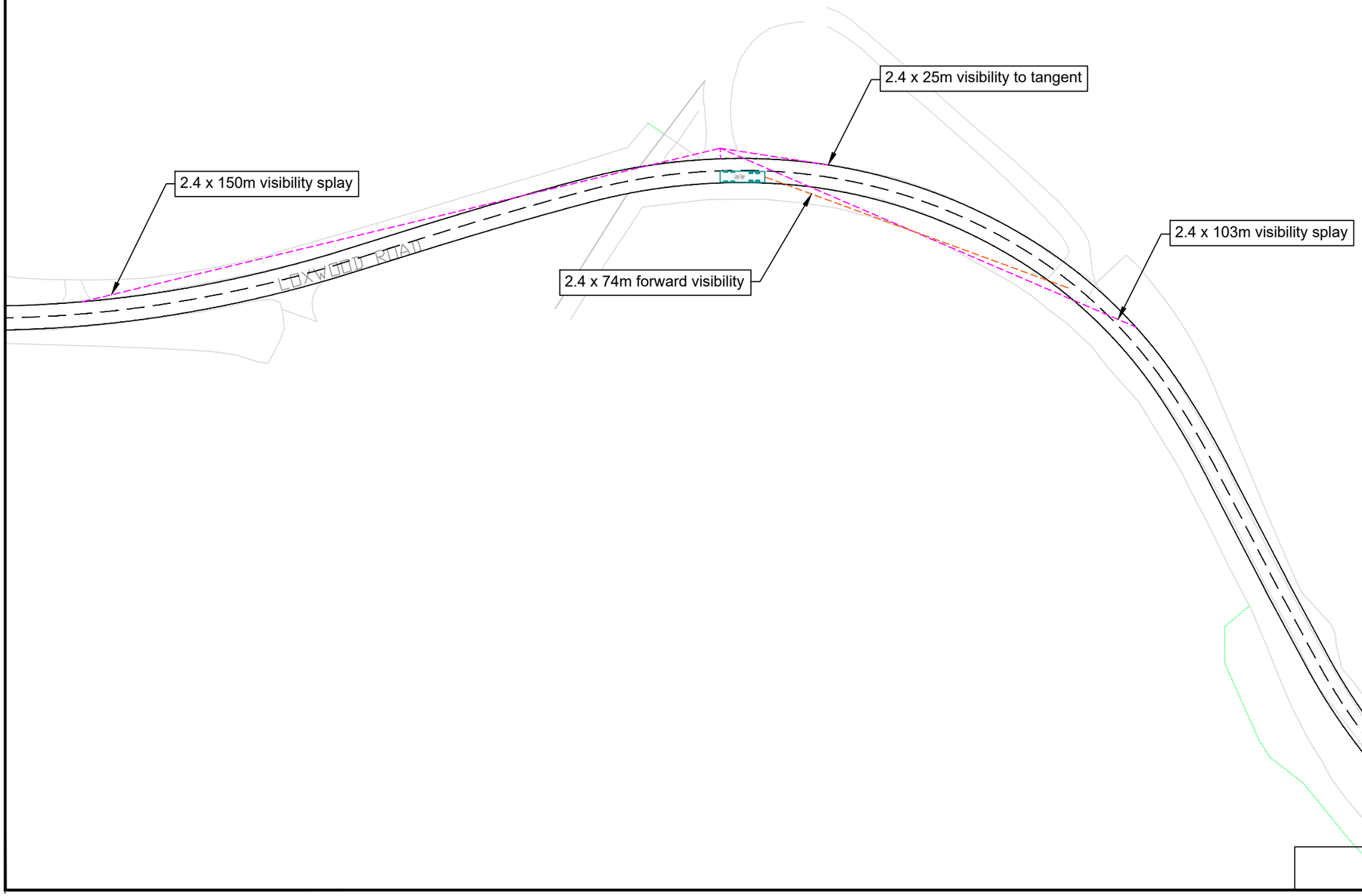
Summary and conclusions

I have reviewed the details of the proposed development and supporting documentation and have found that the traffic generation calculations significantly under-estimate the potential traffic movements. Not only are they based on unrealistic parameters of vehicle sizes, but they are also unrepresentative of waste operations and recycling targets. There are a number of aspects of the proposals, many of which are worsened by the predicted higher traffic volumes, that would lead to a **severe** impact in reference to the National Planning Policy Framework (NPPF). These comprise the following:

- Unless a routing agreement is secured, routing HGVs through Loxwood village would have a **severe** impact on highway safety and residential amenity.
- The increase in HGV traffic volumes would have a **severe** environmental impact on existing road users along Loxwood Road.
- The junction and forward visibility at the site access is significantly below the desirable minimum stopping sight distance and is considered to be a **severe** highway safety issue, particularly given the intensification in use of the access and that slower moving HGVs will be entering and exiting the access.
- Given the calculated 85th percentile vehicle speed of approximately 45 mph in each direction and restricted carriageway width, it is not considered safe for frequent two-way HGV movements along Loxwood Road, resulting in a potential **severe** impact on highway safety.
- An increase in HGVs turning out of the Loxwood Road / A281 junction, averaging at 58 per day, would result in a **severe** highway safety issue.

On the basis of the above, it is recommended that the planning application is refused on the grounds of the traffic impacts, particularly HGVs, on other road users and highway safety. It is also recommended that the severity of these impacts and the shortcomings of the proposals are highlighted to the applicant to indicate that these are not easily addressed by management plans or minor modifications to the highway layout.

APPENDIX 1
SITE ACCESS ARRANGEMENTS



Rev.	Date	Amendment	Drawn	Chkd.	Appd.
—	—	—	—	—	—

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Client

Project Title

Loxwood Clay Pits

West Sussex

Drawing Title

Visibility splays

Drawn	Date	Checked	Date	Approved	Date
MQ	10.05.2021	IW	10.05.2021	—	—

Scale	Orig Size	Dimensions
1:1000	A3	METRES

Project No.	Drawing File
663204	

Drawing No.	Rev.
663204-10-01	—

Scale

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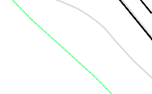
APPENDIX 2
SWEPT PATH ANALYSIS



Large Tipper

Overall Length	10.201m
Overall Width	2.495m
Overall Body Height	2.890m
Min Body Ground Clearance	0.341m
Track Width	2.471m
Lock to lock time	6.00s
Kerb to Kerb Turning Radius	11.550m

Small Skip Lorry

Overall Length	6.265m
Overall Width	2.390m
Overall Body Height	3.650m
Min Body Ground Clearance	0.396m
Max Track Width	2.435m
Lock to lock time	6.00s
Kerb to Kerb Turning Radius	6.340m

Rev.	Date	Amendment	Drawn	Chkd.	Appd.
—	—	—	—	—	—

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Project Title

Loxwood Clay Pits

West Sussex

Drawing Title

Swept Path Analysis

Drawn	Date	Checked	Date	Approved	Date
MQ	10.05.2021	IW	10.05.2021	—	—

Scale	Orig Size	Dimensions
1:1000	A3	METRES

Project No.	Drawing File
663204	

Drawing No.	Rev.
663204-10-03	—

Scale

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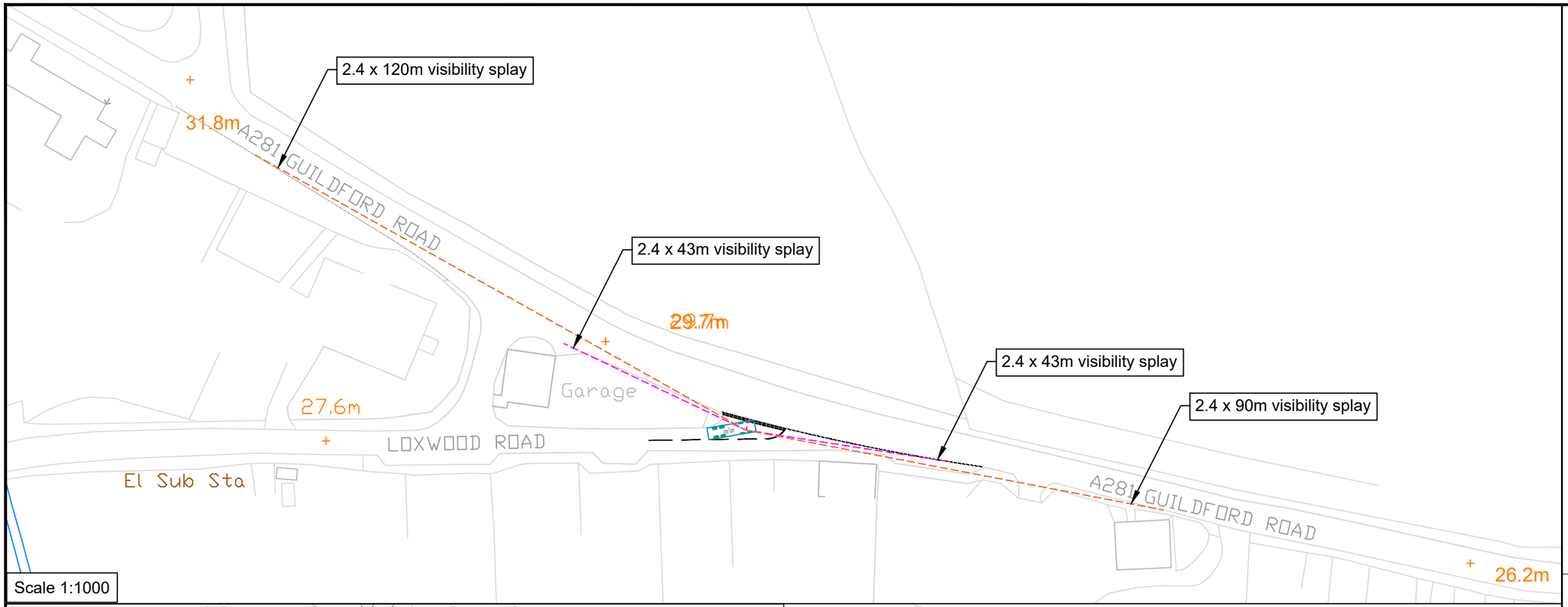
APPENDIX 3
LOXWOOD ROAD / A281 JUNCTION



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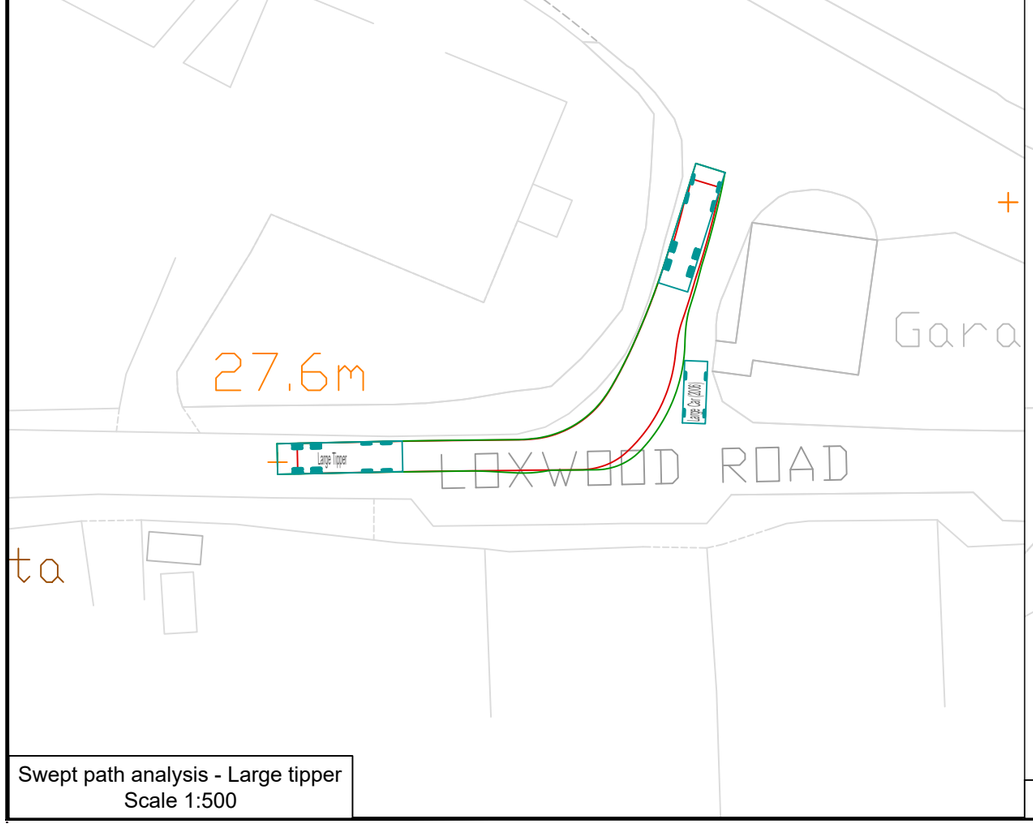

Swept path analysis - Large tipper
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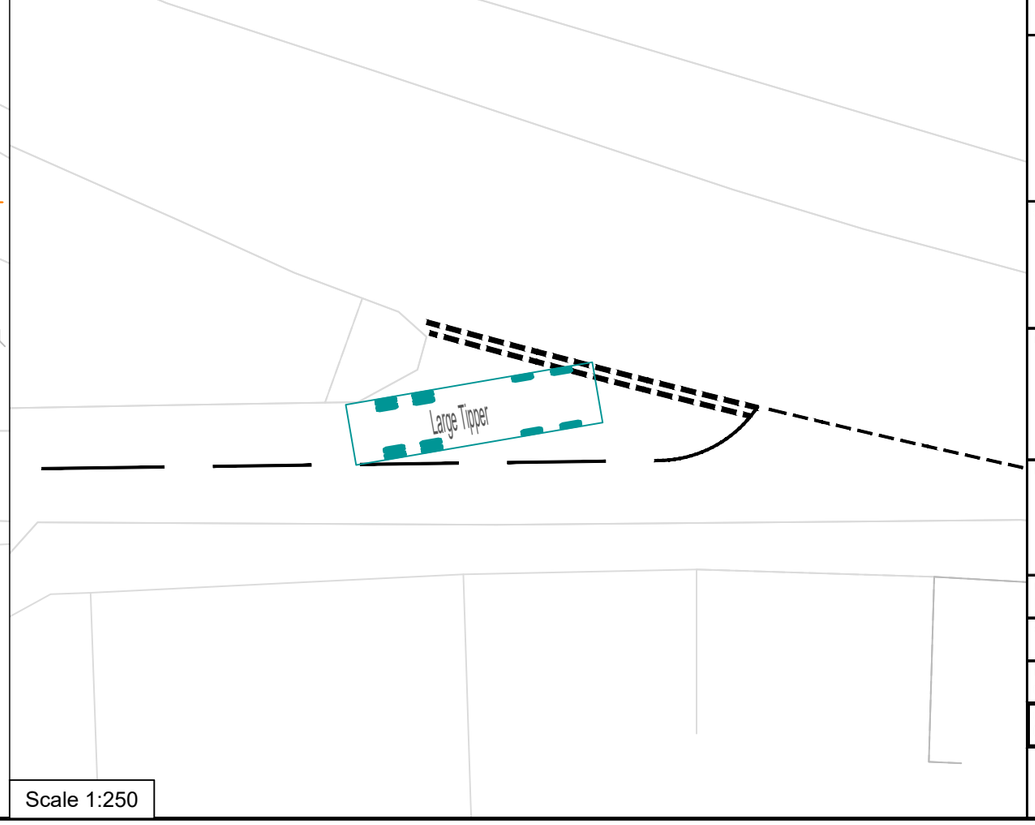

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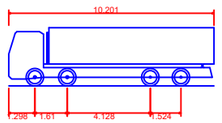

Large Tipper	
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Overall Body Height	2.890m
Min Body Ground Clearance	0.341m
Track Width	2.471m
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Kerb to Kerb Turning Radius	11.550m

Rev.	Date	Amendment	Drawn	Chkd.	Appd.
—	—	—	—	—	—

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Client

Project Title
Loxwood Clay Pits
West Sussex

Drawing Title
Visibility splays and Swept path analysis - Loxwood Rd/A281

Drawn	Date	Checked	Date	Approved	Date
MQ	10.05.2021	IW	10.05.2021	—	—

Scale	Orig Size	Dimensions
As shown	A3	METRES

Project No.	Drawing File
663204	

Drawing No.	Rev.
663204-10-02	—

APPENDIX 4

Loxwood Claypit
Loxwood

Environmental Noise Survey and Noise Impact Assessment Report

28648/ENS1

25 August 2021

For:
Stop The Claypit

Hann Tucker Associates
Consultants in Acoustics Noise & Vibration

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Hann Tucker Associates

Environmental Noise Survey and Noise Impact Assessment Report
28648/ENS1

Document Control

Rev	Date	Comment	Prepared by	Authorised by
2	25/08/2021	-		
			Alastair Grieves Assistant Consultant Meng (Hons), AMIOA, AMIMechE	Andrew Fermer Director BSc(Hons) MIOA
2	24/08/2021		Alastair Grieves Assistant Consultant Meng (Hons), AMIOA, AMIMechE	Andrew Fermer Director BSc(Hons) MIOA
1	20/08/2021	-	Alastair Grieves Assistant Consultant Meng (Hons), AMIOA, AMIMechE	Andrew Fermer Director BSc(Hons) MIOA
0	17/08/2021		Alastair Grieves Assistant Consultant Meng (Hons), AMIOA, AMIMechE	Andrew Fermer Director BSc(Hons) MIOA

Hann Tucker Associates

Environmental Noise Survey Report
28648/ENS1

Contents

Attachments

1.0 Introduction

It has been proposed for a clay extraction site to be located on Loxwood Road, Billinghurst, West Sussex, RH14 0RW.

Hann Tucker have therefore been commissioned to complete a noise impact assessment to demonstrate the potential noise impact of the planning application, including an assessment of noise levels with reference to NPPF, BS4142 and noise impact from commercial uses.

2.0 Objectives

To establish the existing noise levels at the site by means of fully automated noise monitoring over a period of approximately 72 hours at up to (4No.) secure and accessible positions.

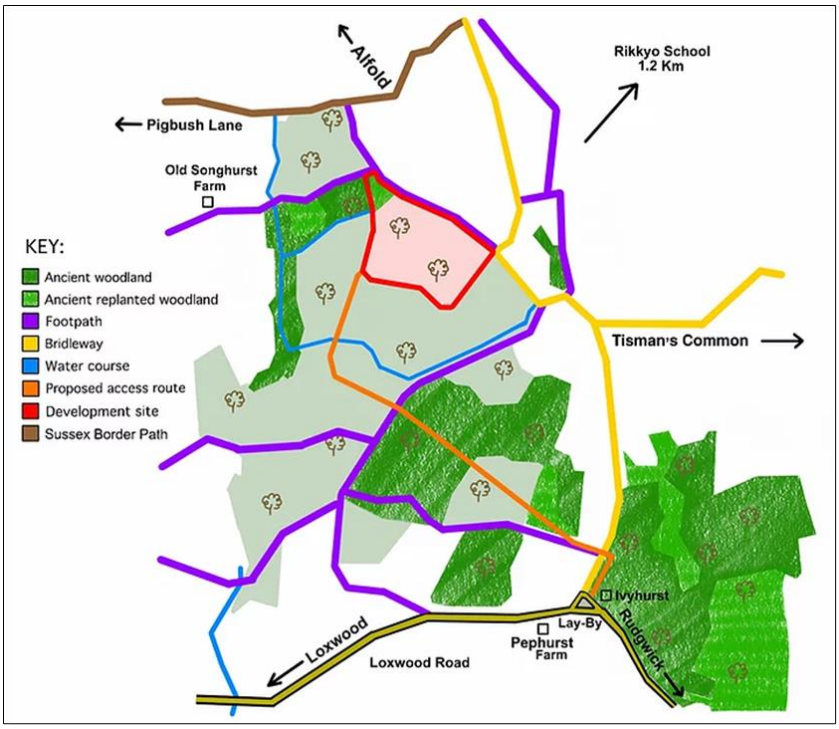
To undertake short period manned measurements at the site to gain a greater understanding of the existing local commercial noise climate.

To present our results in a report to demonstrate the potential noise impact of the planning application including assessment of noise levels with reference to NPPF, BS4142 and noise impact from commercial uses taking into any supplied comments of the Local Authority.

3.0 Site Description

3.1 Location

The site is located approximately 1.4km east of Loxwood, 1.5km west of Tisman's Common. The location is shown in the Location Map below.



Location Map (stoptheclaypit.org)

The site falls within the jurisdiction of Chichester District Council.

3.2 Description

The site consists of open woodland predominantly and is bounded by a footpath to the north. Surrounding land to the east, south and west is similar, including some ancient woodland and access paths on all sides. To the north of the site is a footpath and open field.

The site is shown in the Site Plan below.

Site Plan (Imagery © 2021 Bluesky, DigitalGlobe, Getmapping plc, Infoterra Ltd & Bluesky, Map Data © 2021 Google.)

4.0 Acoustic Terminology

For an explanation of the acoustic terminology used in this report please refer to Appendix A enclosed.

5.0 Planning Policies, Legislation and Guidance

5.1 Planning Policies

5.1.1 West Sussex County Council

The West Sussex Waste Local Plan, April 2014, provides the basis for making consistent land-use planning decisions about planning applications for minerals and waste management facilities.

The document includes Strategic Objective 13: To protect and, where possible, enhance the health and amenity of residents, businesses, and visitors, which states the following, in relation to noise under paragraph 5.3.14:

“Throughout the plan period, new facilities will be located so as to minimise any potential impacts on communities and the potential negative impacts of any new waste development on

the health and amenity of residents, businesses and visitors to West Sussex will be minimised, mitigated and, where possible, avoided. In addition, and where relevant, opportunities will be taken to maximise benefits for communities, and the environment."

The section on health and amenity states, in relation to noise under paragraph 8.10.4:

"Specific works can be undertaken to mitigate potential disturbance. Measures can include landscaping, sound attenuation, careful design of light sources (including avoidance of light pollution of the night sky) and restriction on working hours. The appropriate measures will depend on the characteristics of the proposal, the site, and the surrounding area."

The West Sussex High Quality Waste Facilities Supplementary Planning Document includes guidance or the design of waste facilities, including to manage and minimise adverse noise effects.

The West Sussex Joint Minerals Local Plan was adopted in July 2018. The plan contains Policy M18: Public Health and Amenity:

"Proposals for mineral development will be permitted provided that:

(a) lighting, noise, dust, odours, vibration and other emissions, including those arising from traffic, are controlled to the extent that there will not be an unacceptable impact on public health and amenity…."

5.1.2 Chichester District Council

Planning Advice Document: Sussex, 2015

The Planning Noise Advice Document for Sussex, which has been adopted by WSCC and CDC, contains the following paragraph in relation to commercial/industrial developments.

"The starting point for designing any industrial/ commercial development should be to minimise noise "as far as reasonably practicable". The rating level of the plant/process, when measured in accordance with BS4142:2014, should, where practicable, be no greater than the existing background levels when measured in accordance with BS4142:2014. There may be instances, for specific sites, where a rating level below background is deemed appropriate. This can be determined through prior discussion with the Local Planning Authority or Local Environmental Health Department. For example, a rating level of 10 dBA below background may be required in certain instances if there are specific concerns such as the potential for noise creep. It is

considered that meeting these criteria would avoid adverse noise impacts, in the interests of ensuring a good standard of amenity and protecting human health. Where these criteria are not attainable, the noise report should explain why, and how best practicable means will be implemented to control noise in order to satisfy the LPA that the development is acceptable."

5.2 Legislation and Guidance

5.2.1 Noise Policy Statement for England

The Noise Policy Statement for England (NPSE) was published in March 2010 (i.e. before the NPPF). The NPSE is the overarching statement of noise policy for England and applies to all forms of noise other than occupational noise, setting out the long term vision of Government noise policy which is to:

"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development."

"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life."

The Explanatory Note to the NPSE has three concepts for the assessment of noise in this country:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected and below which there is no detectable effect on health and quality of life due to noise.

LOAEL – Lowest Observable Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

None of these three levels are defined numerically and for the SOAEL the NPSE makes it clear that the noise level is likely to vary depending upon the noise source, the receptor and the time of day/day of the week, etc. The need for more research to investigate what may represent an SOAEL for noise is acknowledged in the NPSE and the NPSE asserts that not stating specific SOAEL levels provides policy flexibility in the period until there is further evidence and guidance.

The NPSE concludes by explaining in a little more detail how the LOAEL and SOAEL relate to the three NPSE noise policy aims listed above. It starts with the aim of avoiding significant adverse effects on health and quality of life, then addresses the situation where the noise impact falls between the LOAEL and the SOAEL when "all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development." The final aim envisages pro-active management of noise to improve health and quality of life, again taking into account the guiding principles of sustainable development which include the need to minimise travel distance between housing and employment uses in an area.

5.2.2 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was first published in March 2012. This document replaced the existing Planning Policy Guidance Note 24 (PPG24) "Planning and Noise". A new edition of NPPF was published in July 2021 and comes into effect immediately.

The following paragraphs are from the NPPF (published July 2021):

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Paragraph 185 also references the Noise Policy Statement for England (NPSE). This document does not refer to specific noise levels but instead sets out three aims:

"Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development."

The NPPF document does not refer to any other documents or British Standards regarding nose other than the NPSE.

Paragraph 2 of the NPPF states that "planning law required that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."

Paragraph 12 of the NPPF states that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

5.2.3 Planning Practice Guidance – Minerals (PPG-M)

The Government has published 'planning practice guidance' (PPG) on a range of subjects including Minerals (PPG-M) [https://www.gov.uk/guidance/minerals].

This forms technical guidance to the National Planning Policy Framework (NPPF) and provides advice on how to deliver its policies. The PPG-M provides specific guidance on noise emissions from mineral extraction sites stating:

"Proposals for the control or mitigation of noise emissions should:

- consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;
- assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- identify proposals to minimise, mitigate or remove noise emissions at source;
- monitor the resulting noise to check compliance with any proposed or imposed conditions."

The guidance notes that restoration falls within its minerals guidance, even where the site has been used for landfill:

"Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use." [Paragraph: 045 Reference ID: 27-045-20140306 Revision date: 06 03 2014]

The guidance directs that:

"Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation."

The PPG-M suggests the following basis for noise limits from surface mineral working activities:

"Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10 dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10 dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55 dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10 dB(A) and should not exceed 55 dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42 dB(A) LAeq,1h (free field) at a noise sensitive property.

Furthermore, Paragraph: 022 Reference ID: 27-022-20140306 of the PPG-M advises that for activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms:

"Increased temporary daytime noise limits of up to 70 dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum."

Although not explicit in the guidance, it is considered that exceedance of the noise level and temporal criteria above would be an indication of exceedance of the Significant Observed Adverse Effect Level (SOAEL), subject to the context of the exceedance.

5.2.4 BS 4142:2014

Guidance on the rating of noise from fixed installations and sources of an industrial/commercial nature is provided in BS 4142:2014+A1:2019. This Standard provides a procedure for the measurement and rating of noise levels outside dwellings. A methodology for predicting the likelihood of adverse impact is also provided in this document. The assessment of nuisance explicitly falls outside the scope of this British Standard, and which is down to the Local Authority to determine where the need arises.

The rating level ($L_{Ar,Tr}$) as defined in BS 4142 is used to rate the industrial source (known as the specific sound source) outside residential dwellings. This level is obtained by adding a correction to the specific sound level ($L_{Aeq,Tr}$) of between 0 and 6 dB for tonal noises and between 0 and 9 dB for impulsive sources. Additionally, corrections of 3 dB can be made for other sound characteristics and intermittency of noise source.

Reference time intervals, Tr, of 1 hour and 15 minutes are specified for the determination of rating levels during day and night respectively.

The method for determining the potential for adverse impact is based initially on the differences between the rating level and the background ($L_{A90,T}$) sound level. In addition to which, context needs to be taken into account. The Standard states that:

(a) “a) Typically, the greater this difference, the greater the magnitude of impact.

(b) b) A difference of around +10 dB or more is likely to be an indication of significant adverse impact, depending on the context.

(c) c) A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.

(d) d) The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact depending on the context.”

5.2.5 BS 5228-1:2009+A1:2014

BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise (BS 5228-1) sets out techniques to predict the likely noise effects from open sites, based on detailed information on the type and number of plant being used, their location and the length of time they are in operation.

The noise prediction methods can be used to establish likely noise levels in terms of the $L_{Aeq,T}$ over the core working hours. This Standard also documents a database of information, including previously measured sound pressure level data for a variety of different construction plant undertaking various common activities.

Section E.3 of Annex E in BS 5228-1 advises that for projects that involve large-scale and long-term earth moving activities, akin to mineral extraction (i.e. over 6 months in duration), the guidance contained with the "Technical Guidance to the National Planning Policy Framework" should be taken into account when setting the assessment criteria (i.e. the PPG-M detailed above).

5.2.6 BS8233:2014

BS 8233:2014 Guidance on sound insulation and noise reduction for buildings provides guideline values for internal ambient noise levels in spaces when they are unoccupied. A summary of the levels recommended in paragraph 7.7.1 of subclause 7.7 and Table 4 of BS 8233:2014 for rooms used for resting, dining and sleeping is provided in the table below.

Activity	Location	Daytime (07:00-23:00)	Night-time (23:00-07:00)
Resting	Living Room	35 dB $L_{Aeq, 16h}$	-
Dining	Dining Room / Area	40 dB $L_{Aeq, 16h}$	-
Sleeping	Bedroom	35 dB $L_{Aeq, 16h}$	30 dB $L_{Aeq, 8h}$

5.2.7 Ministry of Housing, Communities & Local Government

The following guidance is outlined on the ministry of Housing, Communities & Local Government website (www.gov.uk/guidance/minerals dated 13 April 2021).

"How should minerals operators seek to control noise emissions?

Those making mineral development proposals, including those for related similar processes such as aggregates recycling and disposal of construction waste, should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.

Proposals for the control or mitigation of noise emissions should:

- consider the main characteristics of the production process and its environs,

including the location of noise-sensitive properties and sensitive environmental sites;

- assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- identify proposals to minimise, mitigate or remove noise emissions at source;
- monitor the resulting noise to check compliance with any proposed or imposed conditions.

Paragraph: 019 Reference ID: 27-019-20140306

Revision date: 06 03 2014

How should mineral planning authorities determine the impact of noise?

Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Paragraph: 020 Reference ID: 27-020-20140306

Revision date: 0603 2014

What are the appropriate noise standards for mineral operators for normal operations?

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing bleepers, may also require separate limits that are independent of background noise (eg Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

Paragraph: 021 Reference ID: 27-021-20140306

Revision date: 06 03 2014

What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?

Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.

An explanation of the technical terms used in this section can be found at the end of this guidance.

Paragraph: 022 Reference ID: 27-022-20140306

Revision date: 06 03 2014

5.2.8 Building Bulletin 93

The Department of Education and Skills has produced Building Bulletin 93 Acoustic Design of Schools: A Design Guide (BB93). BB93 provides guidance on the acoustic design for schools and is supported by the Building Regulations. Whilst it relates to the design of new school buildings, the objectives of "providing suitable internal ambient noise levels for clear communication between students and teachers, between students themselves and for quiet study" also apply to situations where a new noise is introduced to an existing school.

BB93 states that all spaces within a school building should meet the performance standards defined within the document for ambient noise, reverberation time and airborne sound insulation for each of the areas defined. Table 1.1 of the document contains recommended performance standards for indoor rooms, measured as the maximum internal ambient noise level, $L_{Aeq,30mins}$. For general classrooms an upper limit for the indoor ambient noise level of 35 – 40 dB $L_{Aeq,30min}$ is prescribed.

Supporting guidance also provides limits for outdoor teaching space noise levels: "Playgrounds, outdoor recreation areas and playing fields are generally considered to be of relatively low sensitivity to noise. Indeed, playing fields may be used as buffer zones to separate school buildings from busy roads where necessary. However, where used for teaching, for example sports lessons, outdoor ambient noise levels have a significant impact on communication in an environment which is already acoustically less favourable than most classrooms. […] Noise levels in unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55 dB $L_{Aeq,30min}$ and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50 dB $L_{Aeq,30min}$. If this is not possible due to a lack of suitably quiet sites, acoustic screening should be used to reduce noise levels in these areas as much as practicable,

and an assessment of predicted noise levels and of options for reducing these should be carried out."

In general, where the prevailing external level of a school achieves the 50 dB L_{Aeq} criteria or below, the internal noise criteria will also be readily achieved without specific mitigation measures.

6.0 Project Criteria

The following table presents a summary of the noise criteria as stated in the aforementioned standards:

Standard	Noise Criteria
Planning Practice Guidance – Minerals (PPG-M)	• Background $L_{A90, 1h}$ not to be exceeded by more than 10dBA during daytime hours. • 55 dBA ($L_{Aeq, 1h}$) not to be exceeded between hours 19:00 – 22:00. • 42 dBA ($L_{Aeq, 1h}$) not to be exceeded at noise sensitive receptor.
BS 4142:2014	• Increase in background level by 10dBA or more is likely to be an indication of significant adverse impact. • Increase in background noise level by 5dBA or more is likely to be an indication of adverse impact. • Bs 4142 Rating corrections to be applied to $L_{Aeq, Tr}$: ○ Tonal noise sources, 0 to 6dB correction; ○ Impulsive noise sources, 0 to 9dB correction; ○ Intermittent Noise Sources, 3dB correction.
BS 8233:2014	• Internal Ambient Noise Levels: ○ Resting – 35dB ($L_{Aeq, 16h}$) - Daytime ○ Dining – 40 dB ($L_{Aeq, 16h}$) - Daytime ○ Sleeping – 35 dB ($L_{Aeq, 16h}$) - Daytime ○ Sleeping – 30 dB ($L_{Aeq, 8h}$) – Night-time
Building Bulletin 93 (BB93)	• Internal Ambient Noise Levels - Classrooms 35-40 dB $L_{Aeq, 30 mins}$ • Outdoor Areas 55 dB $L_{Aeq, 30 mins}$

7.0 Methodology

The survey was undertaken by Luke Wetton.

7.1 Procedure

Fully automated environmental noise monitoring was undertaken from approximately 16:30 hours on 8 April 2021 to 09:00 hours on 12 April 2021.

During the periods we were on site the wind conditions were calm. The sky was generally clear. We understand that generally throughout the survey period the weather conditions were similar. These conditions are considered suitable for obtaining representative measurement results.

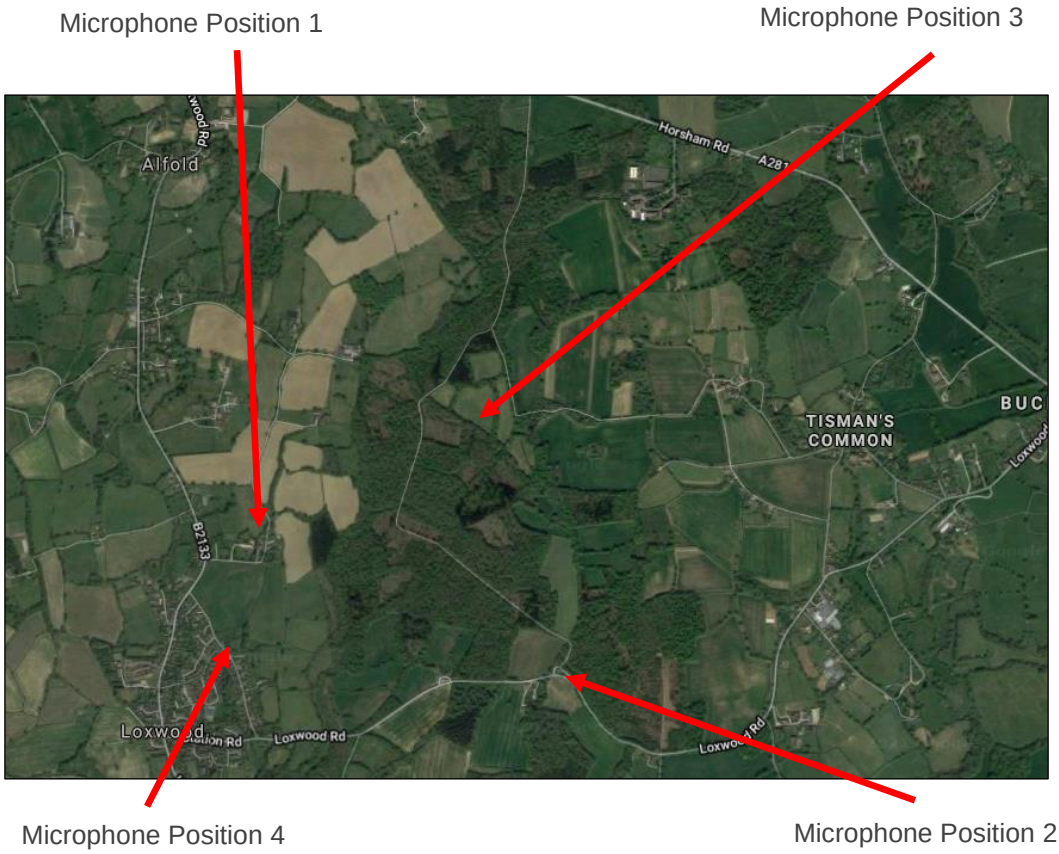
Measurements were taken continuously of the A-weighted (dBA) L_{90}, L_{eq} and L_{max} sound pressure levels over 15 minute periods.

7.2 Measurement Positions

The noise level measurements were undertaken at 4No positions as described in the table below.

Position No	Description
1	The sound level meter was positioned at Old Songhurst Cottage to the west of the proposed claypit site. The microphone was placed on a pole approximately 2m from ground level. The position was surrounded by open fields.
2	The sound level meter was positioned at Ivyhurst Cottage to the south clay pit site close to the proposed access road. The microphone was placed on a pole approximately 2m from ground level. The measurement position was bounded to the south by Loxwood Road.
3	The sound level meter was placed approximately 20m from the footpath which is next to the claypit site. The microphone was placed on a pole approximately 2m above ground level. The measurement potion was surrounded by open fields, farmland and woodland.
4	The sound level meter was placed in a field to the rear of the properties on Spy Lane. The microphone was placed on a pole approximately 2m above ground level. With exception of Spy Lane to the south of the site the rest of the site was surrounded by open fields.

The positions are shown on the plan below.



Plan Showing Unmanned Measurement Positions (Imagery © 2021 Bluesky, DigitalGlobe, Getmapping plc, Infoterra Ltd & Bluesky, Map Data © 2021 Google.)

7.3 Instrumentation

The instrumentation used during the survey is presented in the table below:

Description	Manufacturer	Type	Serial Number	Calibration
Position 1 Type 1 ½" Condenser Microphone	PCB	377B02	107842	Calibration on 28/07/2020
Position 1 Preamp	Larson Davis	PRM902	4199	Calibration on 28/07/2020
Position 1 Type 1 Data Logging Sound Level Meter	Larson Davis	824	3541	Calibration on 28/07/2020

Description	Manufacturer	Type	Serial Number	Calibration
Position 2 Type 1 ½" Condenser Microphone	PCB	377B02	106753	Calibration on 13/09/2019
Position 2 Preamp	Larson Davis	PRM902	880	Calibration on 13/09/2019
Position 2 Type 1 Data Logging Sound Level Meter	Larson Davis	824	3839	Calibration on 13/09/2019
Position 3 Type 1 ½" Condenser Microphone	PCB	377B02	107427	Calibration on 28/07/2020
Position 3 Preamp	Larson Davis	PRM902	4154	Calibration on 28/07/2020
Position 3 Type 1 Data Logging Sound Level Meter	Larson Davis	824	3155	Calibration on 28/07/2020
Position 4 Type 1 ½" Condenser Microphone	PCB	377B02	122885	Calibration on 19/01/2021
Position 4 Preamp	Larson Davis	PRM902	3692	Calibration on 19/01/2021
Position 4 Type 1 Data Logging Sound Level Meter	Larson Davis	824	3444	Calibration on 19/01/2021

Each sound level meter, including the extension cable, was calibrated prior to and on completion of the survey***s***. No significant changes were found to have occurred (no more than 0.1 dB).

Each sound level meter was located in an environmental case with the microphone connected to the sound level meter via an extension cable. Each microphone was fitted with a windshield.

8.0 Results

The results have been plotted on Time History Graphs 28648/TH1 to 28648/TH4 enclosed presenting the 15 minute A-weighted (dBA) L_{90}, L_{eq} and L_{max} levels at each measurement position throughout the duration of the survey.

The following table presents the lowest measured L_{A90} background noise levels during the survey:

Position	Lowest Measured L_{A90} Background Noise Level (dB re 2 x 10^{-5} Pa)	
	Daytime (07:00 – 23:00) Hours	Night-Time (23:00 – 07:00) Hours
1	23*	23*
2	19	17*
3	25	17*
4	31	17*

*these measurements are noted to be at the influenced by the noise floor of the sound level meters

Since the daytime measurements for Position 1 are impacted by the noise floor (lowest noise level able to be recorded by the unit), the actual lowest L_{A90} noise levels were lower than the results in the table above.

The following table presents the modal average of the measured L_{A90} background noise levels during the survey:

Position	Modal Average Measured L_{A90} Background Noise Level (dB re 2 x 10^{-5} Pa)	
	Daytime (07:00 – 23:00) Hours	Night-Time (23:00 – 07:00) Hours
1	35	24*
2	21	19*
3	33	17*
4	34	19*

*these measurements are noted to be at the influenced by the noise floor of the sound level meters

The following table presents the measured $L_{Aeq,T}$ noise levels during the survey:

Position	Measured $L_{Aeq,T}$ Noise Level (dB re 2 x 10^{-5} Pa)	
	Daytime (07:00 – 23:00) Hours, $L_{Aeq,16hr}$	Night-Time (23:00 – 07:00) Hours, $L_{Aeq,8hr}$
1	44	43
2	51	44
3	64	57
4	49	44

8.1 Discussion Of Noise Climate

During the periods we were on site the dominant noise sources were noted to be nature and birdsong.

9.0 Noise Assessment

9.1 Assumptions

- The following assumptions have been made due to the absence of some information.

- All machinery noise summed together to quantify an approximate cumulative noise on site as no site plan available to show where each operation will take place.
- L_{A90} data approximated by definition.
- 'Noise sensitive receptors' to include land owned by resident.
- Background noise levels measured in 15 min intervals, lowest 15 minute working day interval used for background LA90 comparison.
- All machinery assumed to be outside for worst case noise emission scenario (ie when outside temperature is too hot to work within a metal building).

9.2 Machinery and Plant Items

We understand, according to Andersons Acoustics, the scheme plant selections to be the following items:

Plant / Machinery Item	Description	Quantity	Location	On-time (%)
Excavator	Face shovel loading dump trucks. Tracked hydraulic excavator. 45 t	1	Extraction zone	100
Dump Truck	Dump trucks on haul roads, Articulated dump truck, 23 t	1	Extraction zone, stockpile/mounds	50
JCB (backhoe)	Clearing site. Wheeled backhoe loader. 8 t	1	Whole site	100
Crusher	Crushing concrete/rubble. Tracked crusher. 47 t	1	Inside CMRF	100
Fan	Korfman 1 m vent fan exhaust - 500RPM (LOW)	1	East side of CMRFbuilding	100
Compressor	General site works. Atlas Copco GA90	1	East side of CMRFbuilding	100
Generator	Site diesel generator	1	East side of CMRFbuilding	100
Conveyor Motor	Field conveyor system. Conveyor drive unit. 37 kW	1	Extraction zone to stockpiles	100
Conveyor Belt	Field conveyor system. Field conveyor (rollers)	1	Extraction zone to stockpiles	100
Wheel Washer	Cleaning vehicles. Wheel wash	1	Access point	20
HDV	Waste delivery vehicles.	1	Access route to CMRF building	100
Waste Tipping	HV tipping waste	1	Inside CMRF	1.25

Trommel	Trommel (Kiverco KL830)	1	Inside CMRF	100
JCB grab/front-loader	Clearing site. Wheeled backhoe loader. 8 t	1	Inside CMRF	100
Conveyor Motor	Field conveyor system. Conveyor drive unit. 37 kW	1	Inside CMRF	100
Conveyor Belt	Field conveyor system. Field conveyor (rollers)	1	Inside CMRF	100

Without knowing the exact model, manufacturer and quantity of each plant item, it is difficult to accurately assess the noise from the proposed development.

The assumption has been made that the Noise Impact Assessment from Andersons Acoustics contains the correct quantity of plant items and machinery. If the quantity of each plant item and noise data differs from the above, especially the loudest plant items, this will impact the predicted noise at each noise sensitive receptor.

9.3 Machinery and Plant Noise Data

Due to the exact machinery proposed is known, the table below presents the maximum and minimum sound pressure levels at 1m per machinery type as stated in BS 5228-1:2009+A1:2014. It should be noted that some of the data in BS 5228 is for old machinery and could be out of date, however in the absence of accurate plant data, this assessment includes the minimum and maximum noise levels.

Plant / Machinery Item	Sound Pressure Level, dBA at 10m	
	Minimum	Maximum
Excavator	52	92
Dump Truck	78	92
JCB (backhoe)	55	92
Crusher	82	96
Fan	74	74
Compressor	65	92
Generator	56	75
Conveyor Motor	76	77
Conveyor Belt	53	53
Wheel Washer	77	83
HDV	77	83
Waste Tipping	80	85
Trommel	72	72
JCB grab/front-loader	55	92
Conveyor Motor	76	77
Conveyor Belt	53	53

Note - The actual noise levels for each plant item may vary.

9.4 Noise Sensitive Receptors

The image below presents the nearest noise sensitive receptors to the proposed claypit site.

9.5 Noise Impact Assessment

We understand the operating hours of the site to be 08:00-18:00 Monday to Saturday.

The following table presents the calculated $L_{Aeq, (1hour)}$ values for each plant item from the tables in Sections 9.1 and 9.2.

Plant / Machinery Item	Sound Pressure Level, dBA at 10m	
	Minimum LAeq, (1 hour)	Maximum LAeq, (1 hour)
Excavator	52	92
Dump Truck	75	89
JCB (backhoe)	55	92
Crusher	82	96
Fan	74	74
Compressor	65	92
Generator	56	75
Conveyor Motor	76	77
Conveyor Belt	53	53
Wheel Washer	70	76
HDV	77	83

Waste Tipping	61	66
Trommel	72	72
JCB grab/front-loader	55	92
Conveyor Motor	76	77
Conveyor Belt	53	53

The following table presents the calculated cumulative $L_{Aeq,\ (1\ hour)}$ values for combined Extraction and CMRF operations. Since the locations of proposed plant is unknown, we have assumed worst case by adding all plant items together. The data provided does not detail durations in which the proposed plant is operational throughout the working day.

Planning Practice Guidance – Minerals (PPG-M) presents criteria for noise on site to '*in any event, the total noise from the operations should not exceed 55 dB(A) LAeq, 1h (free field).*' The table below displays the calculated cumulative on-site $L_{Aeq,\ (1\ hour)}$ with the assumptions stated in Section 9.1.

Calculated Cumulative On-Site $L_{Aeq,\ (1hour)}$	
Minimum (approx.)	**Maximum (approx.)**
86	101

We believe the proposed claypit works will be operational for more than 8 weeks per year, meaning the 70 $L_{Aeq,\ (1\ hour)}$ stated in Planning Practice Guidance – Minerals (PPG-M) is not applicable for this site.

Since the exact layout of the site is unknown, the following tables present our calculations to predict noise levels due to claypit operations for each noise sensitive receptor.

Noise Sensitive Receptor 1		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 300m)	-30	-30
Cumulative L_{Aeq} at Receptor	56	71
Planning Practice Guidance – Minerals (PPG-M) max $L_{Aeq,\ (1hour)}$	42	42
Estimated Exceedance	14	29

Noise Sensitive Receptor 2		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 670m)	-37	-37
Cumulative L_{Aeq} at Receptor	49	64
Planning Practice Guidance – Minerals (PPG-M) max $L_{Aeq,\ (1hour)}$	42	42
Estimated Exceedance	7	22

Noise Sensitive Receptor 3		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 275m)	-28	-28
Cumulative L_{Aeq} at Receptor	58	73
Planning Practice Guidance – Minerals (PPG-M) max $L_{Aeq,\ (1hour)}$	42	42
Estimated Exceedance	16	31

Noise Sensitive Receptor 4		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 1000m)	-40	-40
Cumulative L_{Aeq} at Receptor	46	61
Planning Practice Guidance – Minerals (PPG-M) max. $L_{Aeq,\ (1hour)}$	42	42
Estimated Exceedance	4	19

Noise Sensitive Receptor 5		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 1100m)	-40	-40
Cumulative L_{Aeq} at Receptor	46	61
Building Bulletin 93 max. $L_{Aeq,\ (1\ hour)}$	55	55
Estimated Exceedance	0	6

Noise Sensitive Receptor 6		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{Aeq\ (1\ hour)}$	86	101
Distance Correction (10m to 900m)	-39	-39
Cumulative L_{Aeq} at Receptor	47	60
Planning Practice Guidance – Minerals (PPG-M) max. $L_{Aeq,\ (1hour)}$	42	42
Estimated Exceedance	5	18

BS 4142:2014 and Planning Practice Guidance – Minerals (PPG-M) compares results to $L_{A90,\ T}$ background measurements. By definition, a L_{90} is a statistical descriptor of the sound level exceeded 90% of the time of the measurement period. On this basis, the following table presents the approximate on-site L_{A90} sound pressure levels at 10m.

Plant / Machinery Item	Description	Quantity	Location	On-time (%)
Excavator	Face shovel loading dump trucks. Tracked hydraulic excavator. 45 t	1	Extraction zone	100
JCB (backhoe)	Clearing site. Wheeled backhoe loader. 8 t	1	Whole site	100
Crusher	Crushing concrete/rubble. Tracked crusher. 47 t	1	Inside CMRF	100
Fan	Korfman 1 m vent fan exhaust - 500RPM (LOW)	1	East side of CMRFbuilding	100

Compressor	General site works. Atlas Copco GA90	1	East side of CMRFbuilding	100
Generator	Site diesel generator	1	East side of CMRFbuilding	100
Conveyor Motor	Field conveyor system. Conveyor drive unit. 37 kW	1	Extraction zone to stockpiles	100
Conveyor Belt	Field conveyor system. Field conveyor (rollers)	1	Extraction zone to stockpiles	100
HDV	Waste delivery vehicles.	1	Access route to CMRF building	100
Trommel	Trommel (Kiverco KL830)	1	Inside CMRF	100
JCB grab/front-loader	Clearing site. Wheeled backhoe loader. 8 t	1	Inside CMRF	100
Conveyor Motor	Field conveyor system. Conveyor drive unit. 37 kW	1	Inside CMRF	100
Conveyor Belt	Field conveyor system. Field conveyor (rollers)	1	Inside CMRF	100

The table below presents the approximate $L_{A90,\ (1\ hour)}$ values for the proposed combined extraction and CMRF operations.

Plant / Machinery Item	**Sound Pressure Level, dBA at 10m**	
	Minimum approximate $L_{A90,\ (1\ hour)}$, dB	**Maximum approximate $L_{A90,\ (1\ hour)}$, dB**
Excavator	52	92
JCB (backhoe)	55	92
Crusher	82	96
Fan	74	74
Compressor	65	92
Generator	56	75
Conveyor Motor	76	77
Conveyor Belt	53	53
HDV	77	83
Trommel	72	72
JCB grab/front-loader	55	92
Conveyor Motor	76	77
Conveyor Belt	53	53

The following table is the sum of the activities stated above.

Approximate Cumulative On-Site $L_{A90, (1hour)}$, dB	
Minimum (approx.)	**Maximum (approx.)**
85	100

Noise Sensitive Receptor 1		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{A90\ (1\ hour)}$	85	100
Distance Correction (10m to 300m)	-30	-30
Cumulative L_{A90} at Receptor	55	70
Lowest Background $L_{A90, (15\ mins)}$ – Working day	32	32
Estimated Exceedance	23	38

Noise Sensitive Receptor 2		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{A90\ (1\ hour)}$	85	100
Distance Correction (10m to 670m)	-37	-37
Cumulative L_{A90} at Receptor	48	63
Background L_{A90}	28	28
Estimated Exceedance	20	35

Noise Sensitive Receptor 3		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{A90\ (1\ hour)}$	85	100
Distance Correction (10m to 275m)	-28	-28
Cumulative L_{A90} at Receptor	57	72
Background L_{A90}	32	32
Estimated Exceedance	25	40

Noise Sensitive Receptor 4		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{A90\ (1\ hour)}$	85	100
Distance Correction (10m to 1000m)	-40	-40
Cumulative L_{A90} at Receptor	45	60
Background L_{A90}	32	32
Estimated Exceedance	13	28

Noise Sensitive Receptor 6		
	Approx. Minimum Sound Pressure Level, dBA	**Approx. Maximum Sound Pressure Level, dBA**
Cumulative on-site $L_{A90\ (1\ hour)}$	85	100
Distance Correction (10m to 900m)	-39	-39
Cumulative L_{A90} at Receptor	46	61
Background L_{A90}	32	32
Estimated Exceedance	14	29

Impulsive or intermittent characteristics are unknown and may need to be reviewed in-line with BS 4142 correction ratings applied. This will further increase the estimated exceedances. Peak or impulsive noise, which may include some reversing bleepers, may also require separate limits that are independent of background noise (eg Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

The footpath surrounding the site will be affected massively by the proposed claypit site. Although this footpath is public land and not deemed to be a noise sensitive receptor, it will mean local residents will be less inclined to use the footpath due to high background noise levels.

9.6 Limiting Noise Levels

The following table presents the limiting noise levels at the northern boundary of the site in order to comply with the aforementioned standards:

	Sound Pressure Level, dBA
Background Noise Levels to be Achieved at Receptor (Planning Practice Guidance – Minerals (PPG-M)) $L_{Aeq, (1\ hour)}$	42
Distance Correction (1m to 300m) – Noise Sensitive Receptor 1	+30
Limiting Noise Levels at Boundary	72

The following table presents the limiting noise levels at the eastern boundary of the site in order to comply with the aforementioned standards:

	Sound Pressure Level, dBA
Background Noise Levels to be Achieved at Receptor (Planning Practice Guidance – Minerals (PPG-M)) $L_{Aeq, (1\ hour)}$	42
Distance Correction (1m to 670m) – Noise Sensitive Receptor 2	+37
Limiting Noise Levels at Boundary	79

The following table presents the limiting noise levels at the southern boundary of the site in order to comply with the aforementioned standards:

	Sound Pressure Level, dBA
Background Noise Levels to be Achieved at Receptor (Planning Practice Guidance – Minerals (PPG-M)) $L_{Aeq, (1\ hour)}$)	42
Distance Correction (1m to 670m) – Noise Sensitive Receptor 6	+37
Limiting Noise Levels at Boundary	79

The following table presents the limiting noise levels at the western boundary of the site in order to comply with the aforementioned standards:

	Sound Pressure Level, dBA
Background Noise Levels to be Achieved at Receptor (Planning Practice Guidance – Minerals (PPG-M)) $L_{Aeq, (1\ hour)}$)	42
Distance Correction (1m to 275m) – Noise Sensitive Receptor 3	+28
Limiting Noise Levels at Boundary	50

10.0 Comparison to Anderson's Acoustics Report

Anderson Acoustics (the acoustic consultant for Protreat) have completed the assessment with some items of plant within a sealed building with doors closed, whereas we have assumed all plant is outside. From experience, we would expect a steel shed to have a weak sound insulation performance (weighted level difference of anywhere upwards of 13dB, D_w), however this would depend on junction details, workmanship, material, mass per unit area, maintenance and other factors. On this basis, Anderson Acoustics may need to reconsider the sound insulation performance of the building. When doors are open (ie when material is being processed) sound levels emitted from the building are likely to be higher than predicted by Anderson Acoustics. Since machinery will be operating within the building, ventilation will be required which is likely to increase the noise emissions outside the structure. On hot days, it is likely that the doors may be left open, or work completed outside and therefore increasing the cumulative sound on site and at neighbouring noise sensitive receptors.

Both Anderson Acoustics and Hann Tucker's noise survey L_{A90} measurements were impacted by the noise floor of the sound level meters. This means the actual lowest L_{A90} measurements may have been lower than the sound level meterscould record.

Hann Tucker have assumed the quantity of each type of machinery is correctly stated by Anderson Acoustics and have based their calculations on the data provided. If the quantity differs from the data provided, especially the loudest units, the results of the assessment may be different.

Neither Anderson Acoustics or Hann Tucker Associates have included noise data for loading of trucks or lorries with materials at this stage. This will further increase the cumulative sound levels on site.

For the access road to site, there doesn't seem to be enough information to draw a conclusion for the noise impact on Ivyhurst Cottage. Other factors such as vehicle speeds and rights of way may impact the future $L_{Aeq\ (1\ hour)}$ and $L_{A90\ (1\ hour)}$ results which should be addressed.

Since actual plant selections are unknown, quantifying the noise impact on surrounding noise sensitive properties is challenging. For our assessment, we have completed the noise assessment using both the quietest plant selections and noisiest plant selections as a comparison.

Anderson Acoustics have completed their noise impact assessment to the noise sensitive window as opposed to the boundary of the property. Although the current land use is farm land,

this could change in the future and therefore should be considered as it is classed as an external amenity area.

The conclusion section of Anderson Acoustics Noise Impact Assessment report states '*At Longhurst, the predicted rating level exceeds the target criteria by 1 dB but is still below the limit at which any significant impact might occur.'* Considering the assumptions made and in comparison to our own assessment, this 1dB exceedance could be too low and the noise emission levels may fall within the adverse or significant adverse impact range of the criteria stated within BS 4142:2014.

11.0 Conclusions

An environmental noise survey has been undertaken in order to establish the currently prevailing noise levels.

An assessment has been carried out to determine the plant noise emissions at the nearest noise sensitive properties in conjunction with BS 4142:2014, BS 5228:2009, Planning Practice Guidance – Minerals (PPG-M) and BB93.

The assessment indicates that the proposed claypit operations is likely to have a significant adverse impact (>10dB above background noise levels) on the noise sensitive receptors, stated in Section 9.4, neighbouring the proposed site, in contradiction to the findings of Anderson Acoustics' report.

The assessment indicates that the proposed claypit exceeds the 42 dB L_{Aeq} noise limit at all noise sensitive receptors surrounding the site (as mentioned in Section 9.5).

The assessment indicates that the proposed claypit site may exceed the noise emission requirements of BB93 (55dBA) for the local school if the proposed plant selections are the loudest from BS 5228.

The assessment indicates that the cumulative noise on site not only exceeds the temporary 8-week noise emission limit by between 16-31 dBA, but exceeds the limit of 55dBA stated in BS 5228 by between 31 and 46dBA.

Although the footpath surrounding the site is not classed as an external amenity area by the standards stated in this report, there will be considerable amounts of noise on this footpath if the proposed development goes ahead which should be addressed.

Limiting noise levels have been set at the boundary of the site which if exceeded will cause the proposed site to be non-compliant with the standards mentioned in Section 5.0. With the proposed plant to be used on site, it is unlikely these levels will be achieved due to the estimated on site L_{Aeq} being between 86 and 101 dBA.

As outlined above it is possible assumptions made by Anderson Acoustics could lead to an underestimated noise impact assessment on the noise sensitive receptors surrounding the proposed claypit site in comparison to our assessment. These assumptions include the placement of some plant items within a sealed building with no doors, the completing of the assessment to the window of the noise sensitive receptors as opposed to external amenity areas and the lack of information regarding the trucks and access road to the proposed site.

Appendix A

The acoustic terms used in this report are defined as follows:

dB — Decibel - Used as a measurement of sound level. Decibels are not an absolute unit of measurement but an expression of ratio between two quantities expressed in logarithmic form. The relationships between Decibel levels do not work in the same way that non-logarithmic (linear) numbers work (e.g. 30dB + 30dB = 33dB, not 60dB).

dBA — The human ear is more susceptible to mid-frequency noise than the high and low frequencies. The 'A'-weighting scale approximates this response and allows sound levels to be expressed as an overall single figure value in dBA. The $_A$ subscript is applied to an acoustical parameter to indicate the stated noise level is A-weighted

It should be noted that levels in dBA do not have a linear relationship to each other; for similar noises, a change in noise level of 10dBA represents a doubling or halving of subjective loudness. A change of 3dBA is just perceptible.

$L_{90,T}$ — L_{90} is the noise level exceeded for 90% of the period *T* (i.e. the quietest 10% of the measurement) and is often used to describe the background noise level.

$L_{eq,T}$ — $L_{eq,T}$ is the equivalent continuous sound pressure level. It is an average of the total sound energy measured over a specified time period, *T*.

L_{max} — L_{max} is the maximum sound pressure level recorded over the period stated. L_{max} is sometimes used in assessing environmental noise where occasional loud noises occur, which may have little effect on the L_{eq} noise level.

L_p — Sound Pressure Level (SPL) is the sound pressure relative to a standard reference pressure of 2×10^{-5} Pa. This level varies for a given source according to a number of factors (including but not limited to: distance from the source; positioning; screening and meteorological effects).

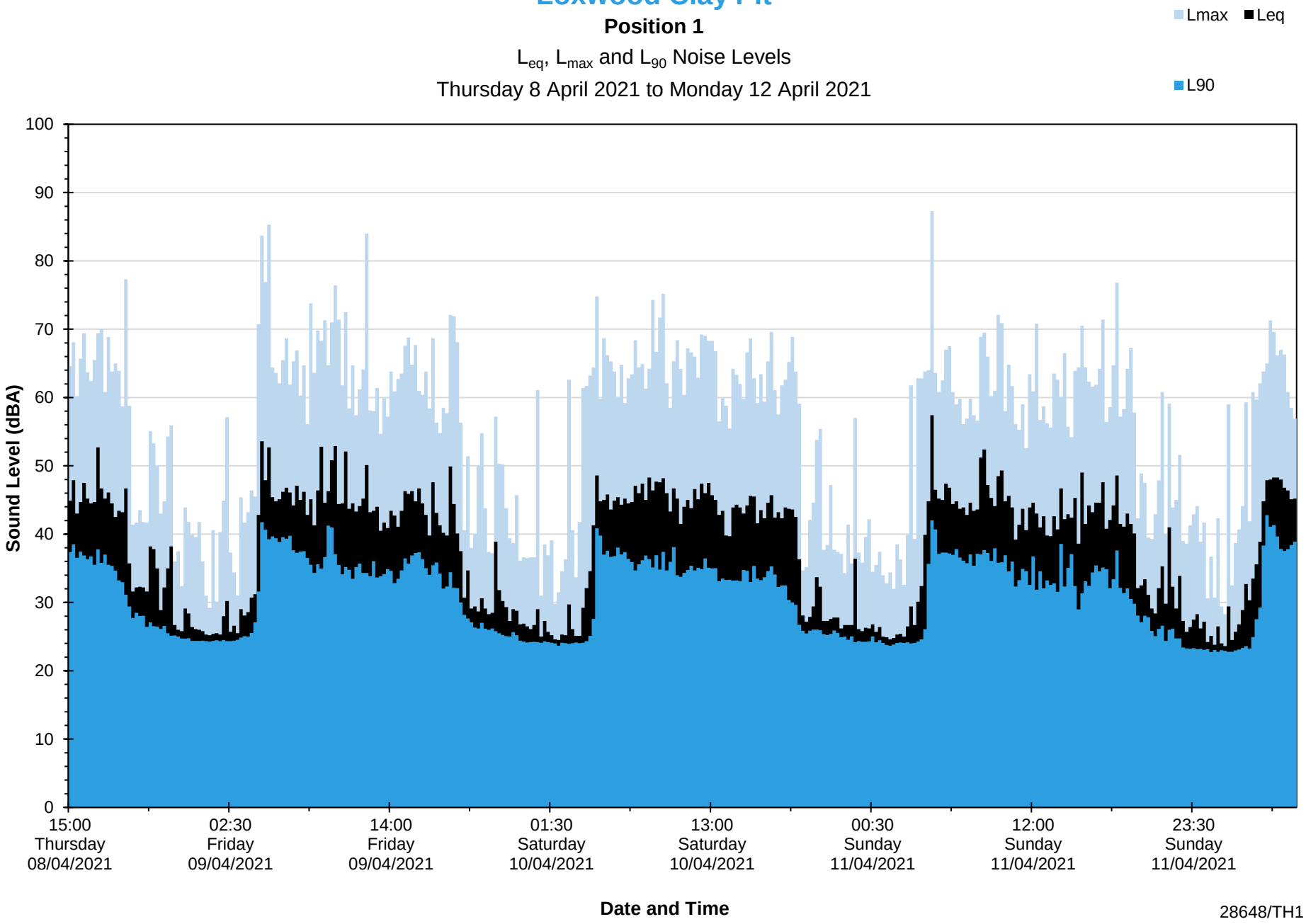
L_w — Sound Power Level (SWL) is the total amount of sound energy inherent in a particular sound source, independent of its environment. It is a logarithmic measure of the sound power in comparison to a specified reference level (usually 10^{-12} W).

Loxwood Clay Pit

Position 1

L_{eq}, L_{max} and L_{90} Noise Levels

Thursday 8 April 2021 to Monday 12 April 2021



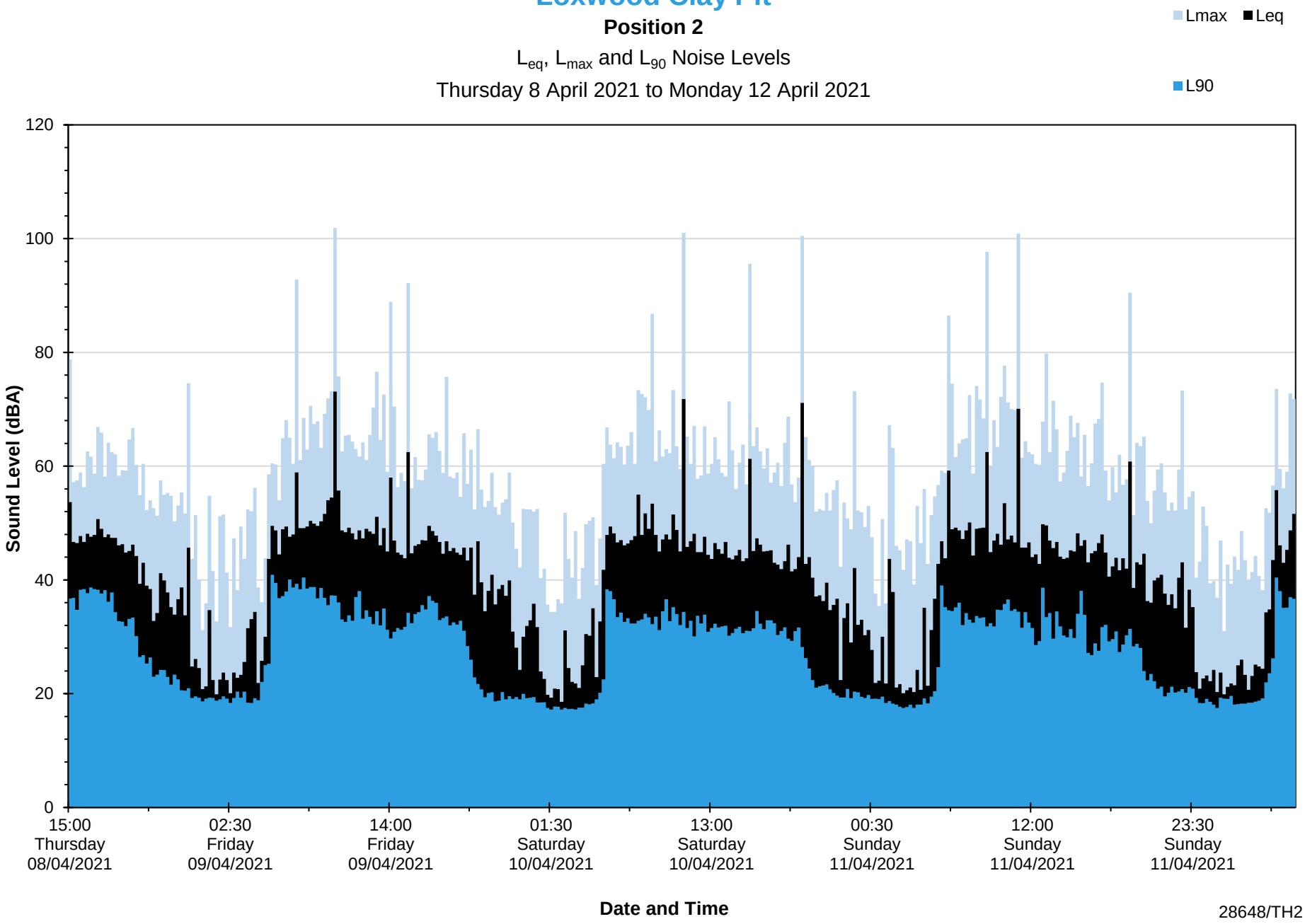
28648/TH1

Loxwood Clay Pit

Position 2

L_{eq}, L_{max} and L_{90} Noise Levels

Thursday 8 April 2021 to Monday 12 April 2021



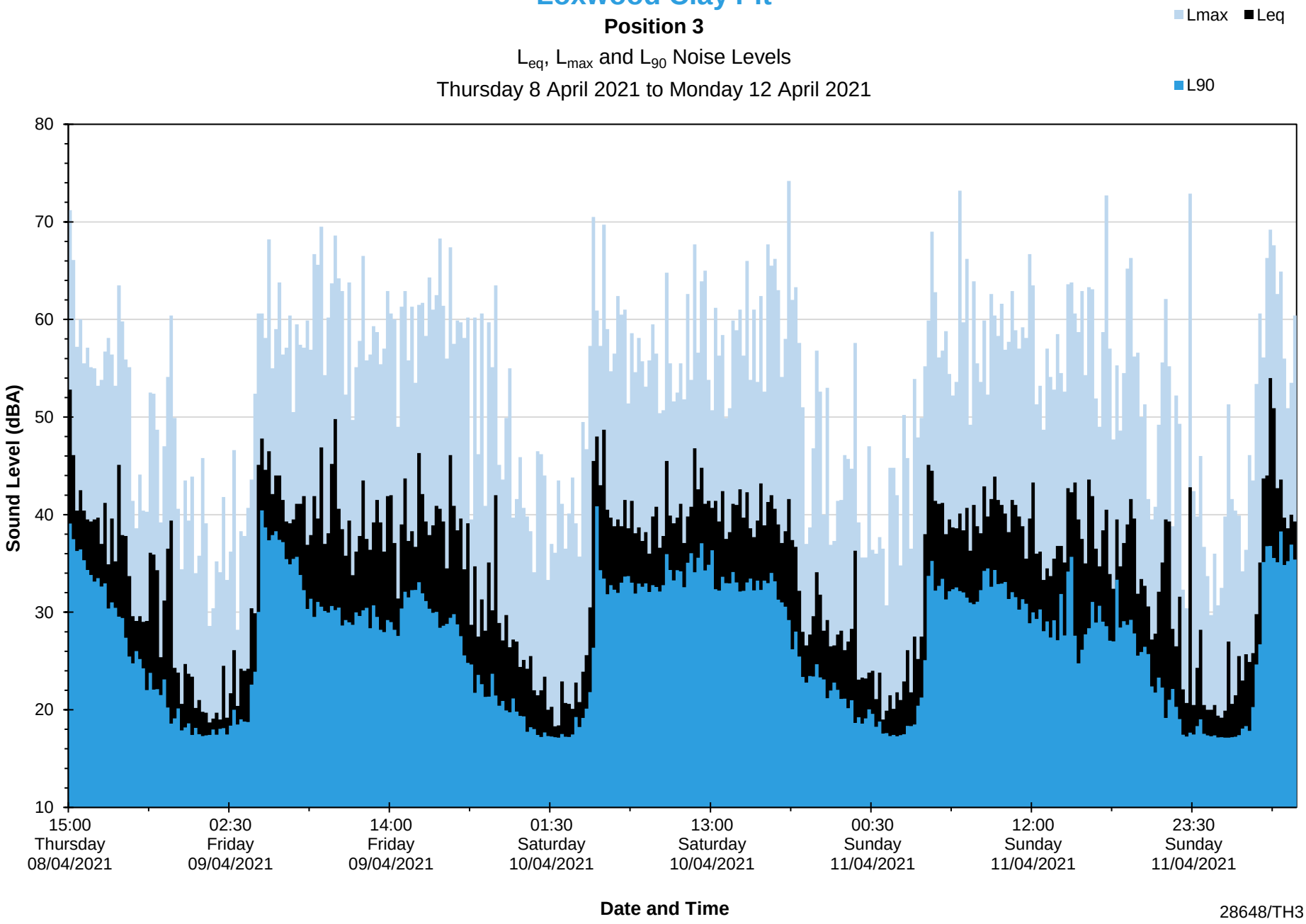
28648/TH2

Loxwood Clay Pit

Position 3

L_{eq}, L_{max} and L_{90} Noise Levels

Thursday 8 April 2021 to Monday 12 April 2021



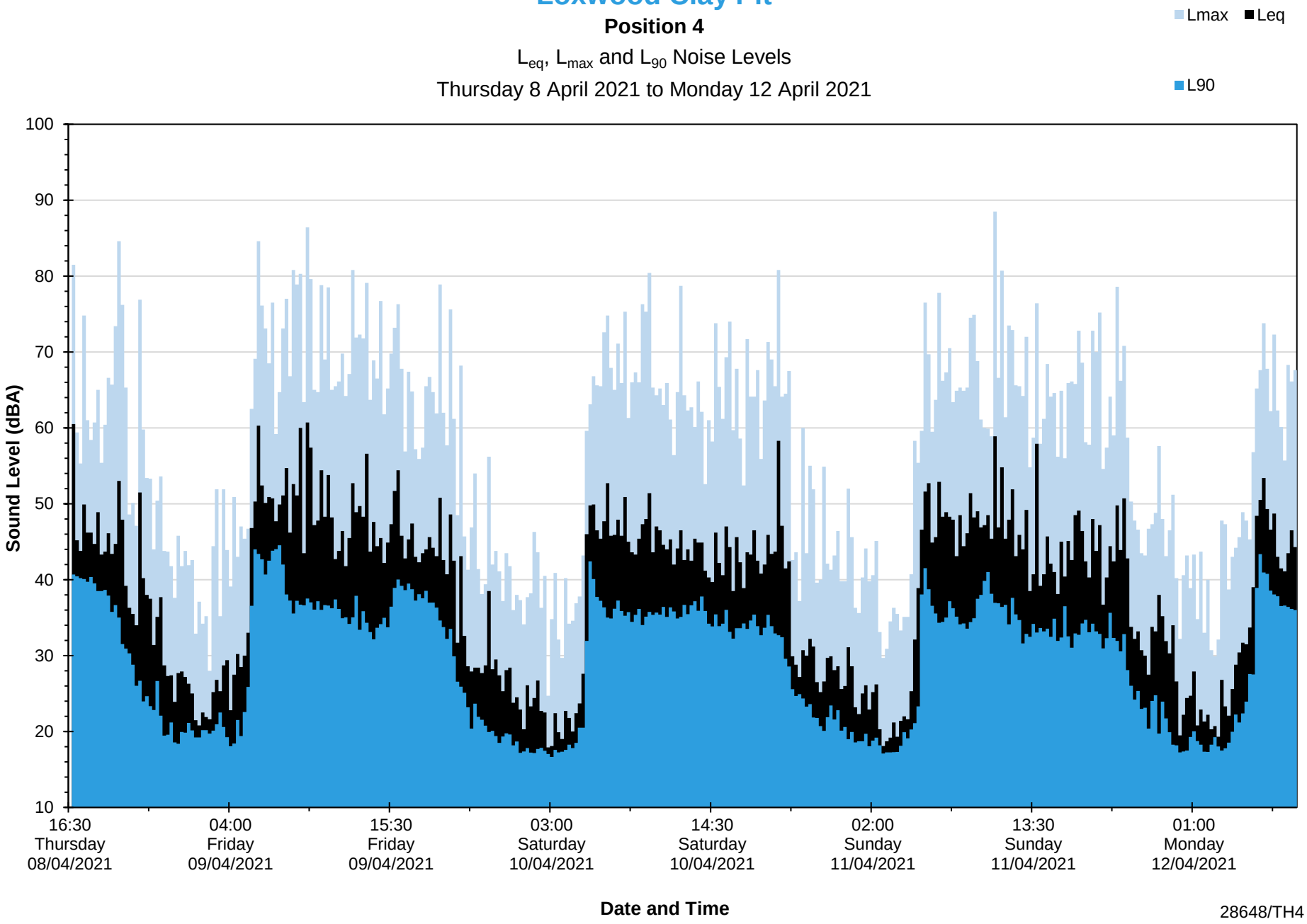
28648/TH3

Loxwood Clay Pit

Position 4

L_{eq}, L_{max} and L_{90} Noise Levels

Thursday 8 April 2021 to Monday 12 April 2021



28648/TH4