

Application Number	WSCC/030/21
Location	Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW
Proposal	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
Applicant	Loxwood Clay Pits Ltd
Grid Reference	505077 132781

Recommend refusal

Significant impacts have been identified and proposals to mitigate harm and compensate for the expected loss have been proposed. However, there remains a significant question mark over whether full compensation has been offered and whether biodiversity net gain can reasonably be achieved given the extent of the habitat loss and the very long-term nature of the extraction and subsequent restoration (currently estimated at 33 years). The ES utilises the Defra Metric 2 (now in its third iteration) but suggests that it is unable to assess the quality of certain habitats and that this can be controlled through CEMP/LEMP to achieve net gain. However, primarily due to the loss of semi-natural broad-leaved woodland (a habitat of principle importance) a net habitat-loss score equivalent to -36.57% has been posted.

There is expected to be additional biodiversity mitigation and enhancement measures provided as part of the proposed development with the objective of maintaining or extending the availability of habitats suitable for species recorded within the Site, including breeding/wintering birds, invertebrates, roosting/ foraging/ commuting bats, and reptiles. But it is unclear what contribution this will make to the compensation for overall habitat loss at this time.

As the ES describes, the requirement for BNG is set out in national and local planning policy. The National Planning and Policy Framework (NPPF) advocates that planning policies and decisions should take opportunities to achieve net environmental and biodiversity gains such as developments that would enable habitat creation. It also advocates that, when making planning decisions, local planning authorities should encourage biodiversity enhancements, especially where this can secure measurable gains for biodiversity. BNG will be mandated through the enactment of the Environment Bill (expected to be Autumn 2021) requiring a minimum of 10% biodiversity net gain. Policy M17 of the Adopted West Sussex Joint Minerals Local Plan requires that minerals development proposals should, where possible, achieve net gains in biodiversity and that there are no unacceptable impacts on areas, sites or features of regional or local biodiversity [...] unless the benefits of the development clearly outweigh both the impact on the features of interest and on the wider network of such designated areas or sites. Further, the supporting text explains that significant weight in planning terms should be given to conserving biodiversity [...] assets.

The significant baseline extent of deciduous woodland in 'fairly good' condition allows limited headroom for improving habitat condition on site, despite the extent of enhancements proposed. Therefore, an ecological management plan is proposed to ensure that the habitats are maintained in target condition for the lifetime of the development and detailed method statements for implementing BNG measures are expected to be contained in a Landscape and Ecological Management Plan. With its current absence however, it isn't possible to judge whether the loss of the habitats on site particularly those of 'principal importance' could be compensated for let alone able to achieve 10% BNG.

Nonetheless, the proposed development would remove an area of biodiversity value. The loss of the habitats affected (including a habitat of principal importance as listed under S41 of the NERC Act 2006), would have a detrimental impact on the wider ecological unit. Whilst proposals for improved management of retained areas have been outlined, they do not compensate for the total loss of the existing resource (visible on the 1842 Tithe Map as “wood” and its future contribution and potential improvement) for potentially 2 or more generations. The loss of woodland and associated habitats to both extraction and the impacts associated with access improvements, would have detrimental knock affects to the adjacent ancient woodland. Notably, there are five active brickworks within West Sussex, with their own supplies of clay, which have a total permitted reserve of 18.7mt (JMLP 2018/21: 6.5.3). With particular reference to the allocated sites and the sheer size of the clay safeguarding area within the Joint Minerals Local Plan I cannot see how the need for this mineral overrides the nature conservation importance of the habitats (and species and carbon store therein) being affected here when less damaging areas can come forward. If needed to secure clay stocks in the long term, then alternative less ecologically damaging sites should be brought forward for the next JMLP review.

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