

**From:** Stephen Harris <[Sharris@chichester.gov.uk](mailto:Sharris@chichester.gov.uk)>

**Sent:** 02 September 2021 08:26

**To:** Chris Bartlett <[chris.bartlett@westsussex.gov.uk](mailto:chris.bartlett@westsussex.gov.uk)>

**Subject:** Consultation response for planning application WSCC/030/21 - Clay quarry and construction materials recycling facility @ Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex Our ref: 21/02269/ADJ

Dear Chris

I am writing further to your consultation letter of 16 July 2021 in connection with the above planning application.

The District Council asks that the following comments are taken into account prior to determination of the application.

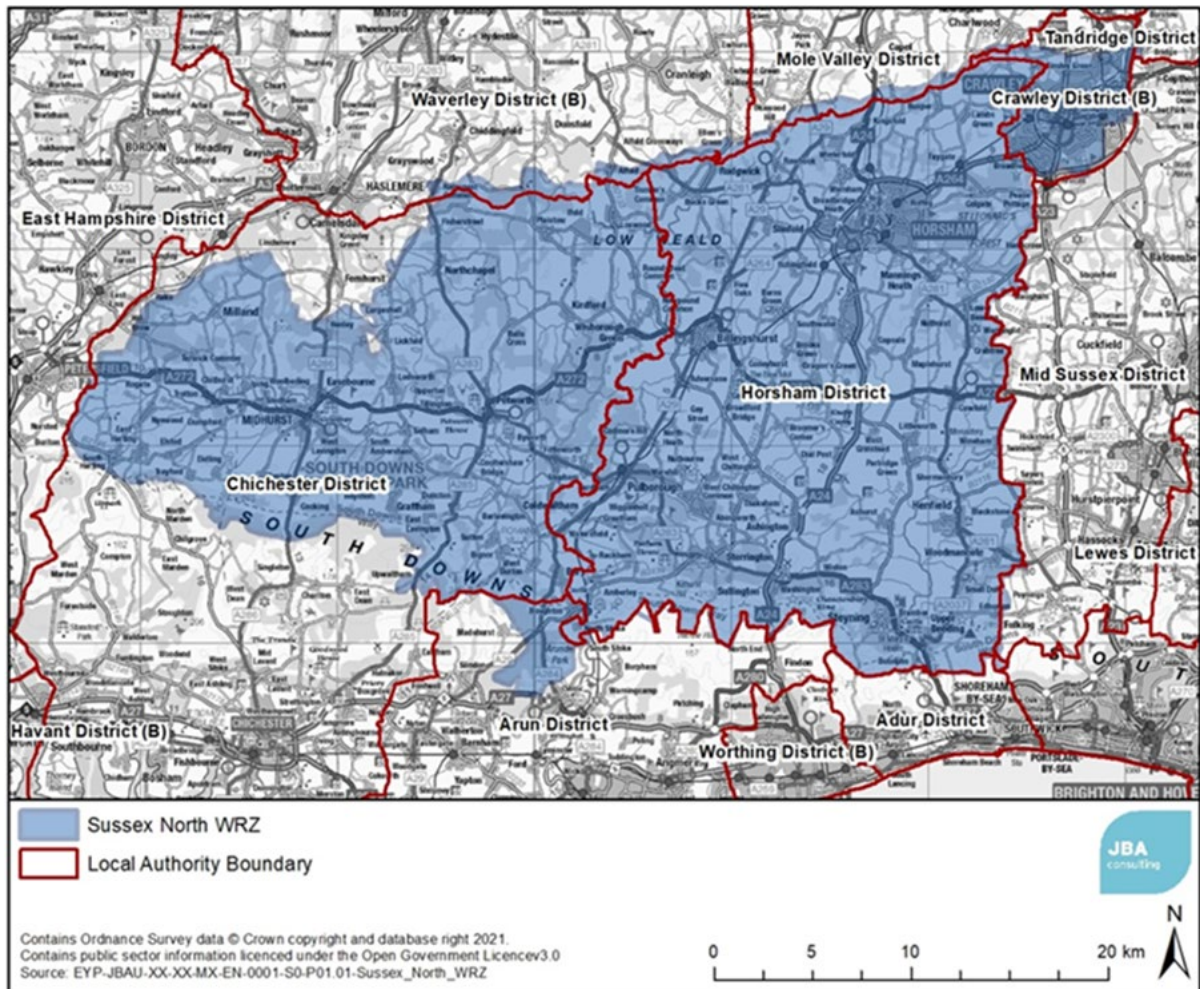
As requested, I have attached the comments of the Council's Environmental Health Section in respect of noise issues and I trust these are self-explanatory.

Colleagues in the Council's Planning Policy Section have also provided some comments which are reproduced immediately below (in italicised text) for your information.

*The existing Loxwood Neighbourhood Plan was made in July 2015 and work on the Revised Loxwood Neighbourhood Plan 2019 to 2037 is progressing. The Parish Council undertook the formal regulation 14 public consultation on the draft neighbourhood plan in late September 2020. Progress has been delayed on the basis of the new issue raised by Natural England relating to the Sussex North water supply area which is supplied by a water extraction at Hardham. Natural England's position is that they cannot, with certainty, conclude that new development is not having an adverse impact on the integrity of the Arun Valley SPA, SAC and Ramsar. Consequently, this issue requires further consideration before the draft revised neighbourhood plan can move forward and therefore the policies in the draft revised plan do not yet have weight.*

*In relation to the issue at the Hardham water extraction site identified above, Natural England (NE) has advised that any developments in Chichester District which fall within the Sussex North water resource supply zone will need to be tested through a Habitats Regulations Assessment. CDC is currently undertaking some joint work with Crawley and Horsham LPAs in relation to the in-combination effect of development in the water supply zone*

*In addition, consideration is currently being given to wastewater capacity and water quality issues to inform the Local Plan Review and this work has highlighted potential treatment capacity issues in the Loxwood catchment. Specific advice on wastewater treatment will need to be sought from Southern Water.*



With regard to ecological issues, it is a matter of concern that the proposals will result in the loss of a significant area of woodland, and that there will also be impacts in respect of invertebrates and bats. With regard to bats it is recommended that the need for HRAs in respect of the designated species of interest at The Mens and Ebernoe Common SACs is considered. Your own ecologists will be able to advise in respect of the extent to which any ecological impacts can be mitigated.

As the Minerals and Waste Planning Authority it is a matter for WSCC to weigh the various policy-related and other material considerations that are relevant to this application. However, the District Council is concerned to note that the site is not allocated in either the Minerals or Waste Local Plans for the uses proposed in the application and, consequently, it is apparent that, in this case, the weighing exercise will need to be carried out particularly carefully.

A number of third party comments have been received by the District Council during the course of the consultation period and I have attached the representations that have been received as of the date of this email. You may wish to monitor the application file on the Council's website (using the above reference number) for any comments received after this date.

Please do come back to me if you would like any further clarification in respect of the above comments.

Regards



**Stephen Harris**

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Planning Application WSCC/030/21  
Loxwood Clay Extraction and CMRF

Thank you for consulting the EP team on the above application. Our comments on the noise impact assessment submitted as part of the ES (Appendix J) are as follows.

#### Noise

A noise impact assessment (Anderson Acoustics, Noise Impact Assessment (ref 4569\_001R\_3-0\_AG, Version 3, 28.6.21) has been submitted produced by Anderson Acoustics. The report has been undertaken in accordance with relevant guidance and policies on noise. A baseline noise assessment has been undertaken and acceptable source noise levels have been used in order to predict the noise level at the nearest sensitive noise receptors. The report lists appropriate plant for the clay extraction activities and the operation of the Constructive Material Recycling Facility (CMRF) and vehicle movements are considered separately where appropriate. Noise assessment criteria have been drawn up based on appropriate guideline levels (see section 4.3.5). The predicted noise levels from each type of activity have been listed in Table 5.1 for all receptors.

Section 5.2 of the report details the predicted impacts at each receptor from each activity. In summary at all but two receptors, the noise assessment criteria have been met for each on-site activity. The exception is the noise predicted at Ivyhurst (near the access road entrance) during clay extraction (where the noise level is predicted to be 44dB LAeq (which is marginally above the lower criteria of 43dB LAeq for this activity). In order to mitigate this noise the following mitigation measures are proposed:

- **As the primary source is noise from HDVs on the access road, the road should be regularly inspected (at least weekly) to check the surface is kept in good condition. Any defects should be quickly rectified.**
- **HDVs should only use the western arm of the triangle access road to avoid passing immediately next to Ivyhurst.**

At Longhurst (to the NW of the CMRF building) the rating noise level from CMRF activities is 1dB above the representative background level (ie 34dB compared to 33dB). In order to mitigate the noise impact the following is suggested:

- **The door to the CMRF building should be kept closed whenever possible, particularly when the noisier plant is operation (ie crushers and waste tipping vehicles).**

**In the interests of bringing the predicted Rating Level below the established background sound level, it is suggested that the sound insulation of the proposed CMRF building is increased. It is noted that a single skinned structure offering 25dB Rw sound insulation is proposed. It is suggested this is replaced with a double skin structure offering heightened insulation.**

Off-site HDV movements are considered in section 5.2.4 and there is a predicted worst case increase of 2dB at any property that fronts Loxwood Road and which vehicles using the site will pass by. This increase is listed as a minor impact and will be confined to the hours that vehicles access the site ie 0800 – 1800 hours (Monday to Friday). **A condition should be applied to restrict vehicle movements to the site to the hours (0800 – 1800 Monday to Friday)\* in order to mitigate this noise impact.** In addition it is recommended that vehicles used are kept well maintained and regularly serviced in order to limit noise levels emitted (see noise management plan, Appendix I)

(\*where possible working on Saturdays should be avoided to reduce noise impact from the development.)

The noise impact assessment separates out background sound levels for Saturday working and it is demonstrated that noise levels are in keeping with those Monday to Friday. However in recognition of the impact of HDVs at Ivyhurst, it is recommended any Saturday works are kept to a minimum, reasonably limited in number by way of Condition.

A noise management plan has been appended to the report (Appendix I). **It is recommended that adoption of the NMP is secured by condition and the mitigation measures specified in the plan are put in place.** It is noted that the following mitigation measures have been specified in the NMP – these should be strictly adhered to:

- Use of super silencer generator
- Use of non tonal reversing alarms on mobile plant
- Non tonal or beeping reversing alarms on HDVs
- Noise insulation to CMRF building
- Steps to be taken to avoid vehicles waiting to access the site
- Contact details to be available at site entrance for community liaison representative.

The report has assessed worst case noise impacts which is considered to give a more realistic assessment of impact from the proposals (eg it is assumed that clay extraction is occurring at ground level or above whereas for significant periods of time plant will be located at depth, thus being more shielded from receptors). Providing the mitigation measures specified above (and in the report Appendix I) are put into place and adhered to, we agree with the outcomes of the report, see section 7.

**It is recommended that conditions are applied in order to ensure the mitigation measures highlighted above are put in place.**

**A condition should be applied related to monitoring noise levels. Should there be any complaint or misgiving from the LPA it will be for the developer to**

**instigate a noise monitoring investigation as detailed in the Noise Impact Assessment.**

It is noted that for temporary activities of less than 8 weeks, higher noise criteria would apply. It is recommended that notice is given whenever such activities are to occur in order to warn nearby residents and to indicate how long the activities will last.

Our department considers that dust, lighting, air quality should be considered in line with Planning Practice Guidance – Minerals. Controls through condition should be applied to safeguard against unacceptable loss of amenity from these considerations. It is noted that dust control measures have been proposed – these should be secured by condition.

It is noted that a Permit from the EA will be required with respect to the operation of the CMRF. The EA should be consulted on the application for comments on appropriate conditions.

Kate Simons  
Senior Environmental Protection Officer