

WSSC/030/21

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.

Comments on additional information and rebuttal / response to Reg.25 dated December 2021

---

Section A5 It is not clear what is being asked or what point is being made in several of the statements, but I have responded where possible.

**THE OFFICER ERRED IN NOT CONSIDERING SECTION 4.6 OF THE ENVIRONMENTAL STATEMENT**

Section 4.6 refers to phasing and figures PS4 and PS6. Referring to this section is probably intended to highlight that not all the felling happens at once. However, this still means that all the woodland in this area will be lost, and it is a permanent loss of category A and B trees with all the associated ecological value.

**THE OFFICER ERRED IN NOT CONSIDERING SECTION 8 OF THE ENVIRONMENTAL STATEMENT, ESPECIALLY PARAGRAPH 8.9 AND FIGURE PS4.2**

Section 8 discusses alternatives. Figure PS4.2 is the phased felling drawing. With particular reference to paragraph 8.9, there are obligations to comply with, and fulfil the requirements of, the approved woodland management plan, including the conditional felling licence. The Environment Act 2021 strengthens the powers to control tree felling, including penalties.

The vision of the management plan states that the woodland is to be *'a model of a sustainably managed, resilient and diverse structure.'* *'The transformation of Planted Ancient Woodland through the careful removal of the remaining conifer elements....'* *'Harvesting operations will, where possible, generate income and help to make the property economically viable.'* The owner will be receiving grants through the Woodland Grant Scheme (WGS), England Woodland Grant Scheme (EWGS) and Countryside Stewardship. The second management objective is to *'provide steady economic return from harvesting operations and grant funding.'*

The first objective is to *'sustainably manage biodiversity in the woodlands to create a sustainable, balanced and dynamic forest ecosystem in line with UKWAS'* and the UK Forestry Standard. To do that, selective thinning and felling is necessary, and it is commendable that the woodland owner has entered into an agreement with the Forestry Commission to achieve these objectives.

**THE OFFICER MAY HAVE ERRED NOT DISCLOSING THE SCOPING REPORT PRODUCED 19 FEBRUARY 2020 TO ENQUIRIES MADE BY CHICHESTER DISTRICT COUNCIL IN CONNECTION WITH THE TREE PRESERVATION ORDER**

The only scoping report I am aware of is dated January 2020. I was not aware of any enquiries made by Chichester District Council in connection with the tree preservation order.

**THE OFFICER ERRED IN NOT UNDERSTANDING SECTION 8.3 AND 8.6 OF THE ENVIRONMENTAL STATEMENT**

I understand paragraphs 8.3 and 8.6 of the ES, but don't appreciate the point that is being made in the sentence above.

**THE OFFICER ERRED IN NOT UNDERSTANDING THE BIODIVERSITY NET GAIN OPPORTUNITIES FROM THE INCLUSION OF SECTION 106 AGREEMENTS BINDING THE LANDOWNER TO MITIGATIONS ON 300 ACRES OF WOODLAND TO OFFSET A DEVELOPMENT ON 15 ACRES, BENEFITS WHICH ARE NOT ACCOUNTED FOR BY THE DEFRA MODEL THAT ONLY CONSIDERS THE MITIGATION WITHIN THE PLANNING RED LINE BOUNDARY**

The proposal for a clay quarry and subsequent restoration with waste still entails the permanent loss of priority habitat. Paragraph 180 c) of the NPPF is clear: *'.....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.' As the whole woodland has an FC approved woodland management plan with clear objectives to diversify the age class, structure, and habitat, 'complementing the ASNW status of its core', it is not clear what additional BNG opportunities there would be.

#### THE OFFICER ERRED BY NOT REFERRING TO THE FRONT PAGE OF APPENDIX ES W OR SECTION 22.49 OF THE ENVIRONMENTAL STATEMENT

There is still a net loss of biodiversity according to section 22.49.

#### THE OFFICER'S CONCLUSIONS ABOUT THE ENVIRONMENTAL IMPACT FROM THE FELLING OF c.3ha OF TREES (THE MAJORITY 15 YEARS AFTER THE DEVELOPMENT HAS COMMENCED) ARE INCONSISTENT WITH THE CONSIDERATIONS TAKEN BY THE FORESTRY COMMISSION DURING THE RECENT ISSUE OF A 10 YEAR WOODLAND MANAGEMENT PLAN AND THE ISSUE OF A FELLING LICENCE FOR THE FELLING OF TREES IN MORE THAN 20 HECTARES OF WOODLAND DURING THE NEXT 10 YEARS. A PRACTICE THAT HAS BEEN FOLLOWED WITH CONSECUTIVE WOODLAND MANAGEMENT PLANS FOR THE LAST 6 DECADES

The woodland management plan is compliant with the UKFS, and is the reference standard for sustainable forest management, covering key elements: biodiversity, climate change, historic environment, landscape, people, soil, water. To achieve particular objectives, e.g., a diverse structure, and to return the woodland to a coppice with standards structure, it is recognised that thinning and felling at an agreed rate and amount is needed, whilst at the same time being fully aware of special considerations. It is not the same as complete removal, i.e., permanent loss, of a section of priority habitat together with all the underlying soils.

#### IF THE OFFICER IS CORRECT ABOUT THE IMPACTS OF THIS DEVELOPMENT, SHE SHOULD ALSO EXPLAIN WHY THE FORESTRY COMMISSION WERE WRONG TO ISSUE THE FELLING LICENCES FOR AN AREA OF WOODLAND THAT IS SEVERAL TIMES LARGER THAN LCP'S PROPOSED DEVELOPMENT AND CARRIED OUT OVER A MUCH SHORTER PERIOD

The response above is also applicable to this point.

THE FOLLOWING EXTRACT HAS BEEN TAKEN FROM CHICHESTER DISTRICT COUNCIL'S DECISION NOT TO CONFIRM THE PROVISIONAL TPO AND IT EXPLAINS THE LEGAL ISSUES THAT HAVE TO BE CONSIDERED. IT WOULD APPEAR THAT WSCC'S ARBORICULTURIST HAS NOT CONSIDERED THIS.

I was not aware of the document referred to ('the extract'), therefore could not consider it.

THE EXISTING WOODLAND MANAGEMENT PLAN AND THE FELLING LICENCE ISSUED BY THE FORESTRY COMMISSION IS SHOWN IN SECTION A6

Noted.

---

My previous comments dated 27<sup>th</sup> August 2021 still stand.

[Julie Bolton](#) | County Arboriculturist,  
Environment & Heritage Team, Planning Services,  
[West Sussex County Council](#)  
Ground Floor, Northleigh, County Hall, Chichester PO19 1RQ  
Internal: 26446 | External: 033022 26446 | E-mail: [julie.bolton@westsussex.gov.uk](mailto:julie.bolton@westsussex.gov.uk)