

FITTLEWORTH PARISH COUNCIL

Objection to the proposal to extract sand from Horncroft Common, Ref. WSCC/053/10/BY

1. Forward

Further to the application by the Barlavington Estate, ref. WSCC/053/10/BY, to extract sand from the site at Horncroft in Bury parish, West Sussex, grid reference 499886 117141, Fittleworth Parish Council sought the views of the residents of Fittleworth at a public meeting held on 16th April, and via a leaflet drop to approximately 440 homes throughout the parish. Only Fittleworth residents' views were taken into consideration, and they have resulted in an overwhelming demand by 212 to 5 that the parish council lodge an objection to the application. The following objection has therefore been compiled to reflect the democratic view of the parishioners of Fittleworth

2. Introduction

2.1 The Parish Council is aware that in the consultation document **West Sussex Draft Minerals & Waste Development Framework (MWDF)**, December 2009, the County Council has made public their most recent consideration of potential sand-extraction sites.¹ In so doing they have revised the list of potential sand sites, adjusting the provisional list as presented in their 2005 paper.² Of 22 sites specified in 2005, seven were labelled as 'acceptable in principle and 14 as 'not acceptable in principle'; in the 2009 consultation paper, 11 of those labelled 'not acceptable' have been rejected for one reason or another, and three have become 'acceptable in principle'; one of these three is the Horncroft site.

2.2 The period for consultation on this proposed change of status for the Horncroft site closed on 26th February, and the submissions of interested parties are now being considered and will continue to be reviewed until well into the summer 2010; the outcome of that consultation cannot be anticipated, and the status of the Horncroft site may not change from the current one of 'not acceptable in principle'. The present application by the Barlavington Estate to extract sand from Horncroft must therefore be judged under the site's current status of '**not acceptable in principle**' - a status which, as will be seen, has been applied since the 1990s. Consideration of the current planning application must be determined by 19th July 2010.

[**Note:** If WSCC were making a unilateral decision to change the status of Horncroft without consultation, then the situation would be extremely serious:

- WSCC decides to change the status of Horncroft, contrary to the Inspector's decision in 1998
- WSCC think they need sand, and advise Barlavington on the Application Process
- WSCC will decide whether the Planning Application is acceptable.

Such massing of power must be wrong. In view of the united opposition to the Application by the Parish Councils of Bury, Coldwaltham, Fittleworth, Bignor & Sutton, backed by Chichester District Council and the Fittleworth & District Association, it would surely be right and necessary for the Secretary of State to call the decision in, to be made at central government level.]

¹ West Sussex Minerals & Waste Development Framework, Background Paper 5, Strategic Mineral Sites Version 2, December 2009.

² West Sussex Minerals Development Plan Document, Issues & Options Consultation Paper, November 2005, pp 69-81.

2.3 It is difficult for the Parish Council to understand why the 2009 draft paper should propose to change the long-established status of ‘not acceptable in principle’. We trust that the Barlavington application, which has been developing over the past two years, has not occasioned this sudden change of heart on the part of West Sussex; that would surely be an unfounded, indeed cynical, reason for proposing such an important change of status. It would imply that an area ‘not acceptable in principle’ had become ‘acceptable in principal’ just because the landowner had offered to sell his sand. Our concerns are made no less potent by the quite extraordinary statement on page 7 (Section 3.1) of the Planning Assessment prepared on behalf of the Barlavington Estate by Washbourne Greenwood Development Planning Ltd (February 2010) that “The proposed application site and surrounding area has no relevant planning history”. (see below section 4, page 5)

2.4 The Parish Council accepts that West Sussex is currently required by the Secretary of State to show that they have a landbank of sand and gravel of approximately 1 million tonnes per annum for seven years.³ It is clear that the Folkstone Beds are the major resource for land-based sand in West Sussex, and that the Horncroft site is part of this resource. We are also aware that, should West Sussex fail to identify the required landbank of sand, ‘the Secretary of State could intervene and waive planning restrictions.’⁴ It must, however, be an important fact that more than half the Folkstone Beds lies outside the South Downs National Park.⁵ Defra insists that mineral extraction should not occur from within an Area of Outstanding Natural Beauty or a National Park:

‘Government planning policy towards the Parks is that major development should not take place within a Park except in exceptional circumstances. This is set out in Planning Policy Statement 7: Sustainable Development in Rural Areas and restated in Minerals Policy Statement 1: Planning and Minerals. Application for all major developments should be subject to the most rigorous examination and proposals should be demonstrated to be in the public interest before being allowed to proceed.’⁶

It follows that there should be no need to open a site at Horncroft, which is within the South Downs National Park, when sand and gravel can be extracted from areas beyond its boundary.

2.5 In dealing with the need for sand, Peer Spanner & Washbourne Greenwood Development Planning Ltd, for the Barlavington Estate, state that ‘allocations for West Sussex will have to be made in the National Park.’⁷ They argue this way because they maintain that more than 90% of the soft sand resources, as opposed to land-won sand in general, are within the South Downs National Park. Use of this distinction enables the Barlavington Estate to argue powerfully for the use of Horncroft as an essential site. This is a new distinction, between one type of sand and another; the Parish Council would argue that preservation of the National Park as an area of outstanding natural beauty and a source of recreation is more important than a new distinction in types of sand.

³ The South East Plan The Secretary of State’s Proposed Changes, Regional Spatial Strategy for the South East Policy M3 - Primary land-won aggregates and sub-regional apportionment, March 2010, p. 3

⁴ West Sussex Minerals and Waste Development Framework, June 2008, Background Paper 3 ‘Minerals’, pp 11-17

⁵ West Sussex Minerals & Waste Development Framework, Appendix B of Background Paper 5, Version 2, December 2009, p. 25

⁶ Defra, English National Parks and the Broads; UK Government Vision and Circular 2010, March 2010, section 31.

⁷ Environmental Statement, G, Appendix 1, p. 6, 2.5

3. General Arguments against extraction of sand from the Horncroft site.

3.1 The principles behind choice of sites for mineral extraction have changed little over the years; it is appropriate, therefore, to refer to the County Council's own statements and assurances.

In January 2007 we find:⁸

Policy CSM3: Sand and Gravel Allocations
Any additional sites for sand and gravel working necessary to meet regional apportionment figures up to 2021 will be allocated in the Mineral Site Allocations Development Plan Document (MSADPD). Such sites will be: a) acceptable in principle for mineral development acceptable in that there are no overriding constraints that cannot be satisfactorily overcome; b) where possible, extensions to existing sites rather than new sites; c) well-related to the Advisory Lorry Routes d) not located within Areas of Outstanding Natural Beauty, unless they are extensions to existing sites or it can be shown that no suitable alternative sites are available elsewhere; e) sites with a reasonable prospect of availability for sand and gravel extraction; and f) consistent with Policy CSG11 regarding cumulative impact.

3.2 It is the contention of the Parish Council that the Horncroft site is currently 'not acceptable'; not 'an extension to an existing site'; is poorly related to the Advisory Lorry Route (see below sections 6.6-6.9); and is located within an Area of Outstanding Natural Beauty, now the South Downs National Park. On four of the six criteria, therefore, Horncroft should **not be considered as available for sand extraction**.

3.3 From the point of view of the villagers of Fittleworth and its surrounding hamlets it is encouraging to see that the December 2009 consultative paper has not materially changed the position indicated in 2007, except by the attempt to remove the 'not acceptable in principle' status. Thus we find:

'Minerals development should not be permitted in National Parks or AONB because of the impact such developments may have on these areas and taking account of the recreational opportunities they provide.'⁹

and again

'The countryside is popular for leisure/recreational uses and minerals development can have a detrimental impact on people's quiet enjoyments of the countryside, therefore the location of minerals development in relation to Public Rights of Way will be a key consideration.'¹⁰

⁸ West Sussex Minerals and Waste Core Strategy Development Plan Document, Preferred Option, January 2007, p. 41, 5.2.18

⁹ West Sussex Minerals and Waste Development Framework, June 2008, Background Paper 5, Version 2, Appendix B, p. 25

¹⁰ ditto p. 29

and

‘The challenge is to avoid the use of unsustainable roads by locating mineral sites close to the Advisory Lorry Route and to minimise the environmental impact of the transportation of minerals. The preferred spatial strategy is to locate mineral sites close to the Advisory Lorry Route.’¹¹

3.4 It is the contention of the Parish Council that the Horncroft site is quite clearly very much within the South Downs National Park and the Area of Outstanding Natural Beauty. Intriguingly, at the time when it was proposed that the South Downs National Park be reduced in area to exclude the Valley of the Western Rother, as preferred by West Sussex County Council, and this proposal was put to consultation by the Inspector, Mr Parry, in 2007/8, the then draft boundary formed a re-entrant which excluded the Horncroft site from the National Park. The implications were clear to the Parish Council at that time: exclusion of Horncroft from the proposed South Downs National Park would facilitate extraction of sand from this site. In fact public pressure and common sense prevailed, and the whole of the Western Weald was included in the National Park. Despite this, the Barlavington estate has proceeded with an application which West Sussex would presumably like to see passed.

3.5 Public access land, and public rights of way (PRoWs)

A major Public Right of Way (public bridleway 762) skirts the whole of the east flank of the proposed extraction site, a section of which forms part of the Serpent Trail. Between 2003 and 2007 the Sussex Wealden Greensand Heaths Project, helped by a major injection of Heritage Lottery funds, began to develop this 60-mile-long walking route which links many special heathland sites.¹² Running from Haslemere in Surrey to Petersfield in Hampshire, it winds its way through some of the most outstanding heathland and woodland landscapes in the south east of England. Its most easterly section passes through Petworth, turns south through Fittleworth via Hesworth Common, and reaches Horncroft before turning west towards Midhurst. It comes to the northern border of the proposed sand extraction site before skirting it along Bridleway No 762 for several hundred yards, then striking west; the bridleway continues southwards. (see Appendix A, Response to Landscape Assessment)

3.6 What this means, for anyone following the nationally important Serpent Trail as part of their enjoyment of the peace and tranquillity of the heathland and the National Park, is that for 20 years they will come across and follow the line of a two-metre high chain-link fence designed to keep walkers and quarry-workers apart. They will have first-hand views of the quarrying process especially throughout Phase B1, B2 and B3. Before that time they will only hear it. In view of this scenario it is quite extraordinary that Peer Spanner & Westbourne Greenwood Development Planning Ltd, can state:

‘Whilst there is a bridleway that runs adjacent to the western site boundary and around the northern end of the site (No. 762), a new public footpath will be created through the new habitat once excavation is completed. The magnitude of the potential impact is assessed to be positive/neutral.’¹³

¹¹ ditto p. 29

¹² sponsored by DEFRA, the National Trust, WSCC, the then Sussex Downs Conservation Board and Tomorrow’s Heathlands Heritage.

¹³ Environmental Statement, G, appendix 1, p. 19 of 28, Section 5.7.

It is possibly worth mentioning at this point that Indigo Landscape Architects Ltd., for Barlavington, state ‘There are no rights of way across the site’.¹⁴ In fact there are paths marked on the current OS map, and they were there as early as the 1914 OS map (the main path through the woodland east of the stream with an offshoot towards Horncroft Farm); in the earliest OS map (1876) the woods are there but not the paths. Nevertheless it would seem to the unbiased eye that 100 years of use by local people should establish these as public footpaths even if they are not included on the Highway Authority’s Definitive Map and Statement.

4. Horncroft Site History

4.1 Finally it is important to establish the origin of the ‘not acceptable in principle’ verdict on the Horncroft site. The latest application is by no means the first attempt to provide for the extraction of sand from Horncroft. In 1994 West Sussex County Council put the Horncroft site out for consultation, indicating an area of 6.9 hectares to be worked for approximately 20 years to yield an estimated 1,500,000 tonnes of building sand.¹⁵ After the consultation period West Sussex County Council dropped Horncroft from inclusion among its proposed sites, but the Barlavington Estate objected and the decision went to appeal. In his report, the Inspector concluded:¹⁶

“5.330 On the landscape issue, the Council stated that the site is located in a very tranquil, rural part of the AONB. The objection claimed the extraction would be well hidden, being screened by existing woodland and the natural topography of the area, that the site is not overlooked by higher ground, nor is it close to inhabited property. However, in my opinion, mineral working at the site would be visible at least from public rights of way in its vicinity and also, in all likelihood, from heathland to which the public will enjoy permissive access. The presence of working would be emphasised by the creation of a new road access from the B2138 and the clearing of trees. An earth bank might screen the internal part of the site from view, but the sides of the bank would themselves be raw and, therefore, prominent.

5.331 However, not only are the surroundings rural, they are remote, which is part of the attraction of this part of the AONB. Consequently, I consider that the harm to the landscape if mineral working were to take place at the proposed site would be serious and, in addition, the commercial activity would damage the enjoyment of the area for people who come to appreciate the remote and tranquil character of the AONB. There may well be a need for the identification of more sand in the Plan, but the need would have to be far greater for me to recommend this site for inclusion under Policy 34.

Recommendation

5.332 I recommend that the Plan should not be modified.”

4.2 The sand-extraction site proposed in the 1990s covered 6.9 hectares (17.25 acres); the site currently being considered covers an area of 22.4 hectares (56 acres), making it some three times larger than that turned down by the inspector. If work on a 6.9 hectare site was

¹⁴ Environmental Statement, G, appendix 5.3 Landscape & Visual Impact Assessment, section 3.6, p. 24

¹⁵ West Sussex Minerals Local Plan: Consultation Draft November 1994

¹⁶ The Inspector’s Report on the First Inquiry into Objections, 21 Apr-11 Nov 1998, Chapter 5 part 2, pp. 151-2

rejected in 1998 on the grounds that **‘the harm to the landscape if mineral working were to take place at the proposed site would be serious and, in addition, the commercial activity would damage the enjoyment of the area for people who come to appreciate the remote and tranquil character of the AONB’** then quite clearly work on a site three times the original size must be far more harmful, possibly by a factor of three.

4.3 The inspector observed that the site ‘would be visible at least from public rights of way in its vicinity and also, in all likelihood, from heathland to which the public will enjoy permissive access.’ The right to roam legislation, passed since 1998, has made that observation far more telling; Fittleworth residents, and visitors from further afield, regularly enjoy the present tranquillity of the area. Moreover, the expansion of the site right up to the long-established Public Right of Way which forms the eastern boundary of the site makes any attempt to extract sand vastly more intrusive than the circumstance deployed by the Inspector in 1998. (see Appendix A, Response to Landscape Assessment)

4.4 If the Planning History of the Horncroft site, briefly summarised above and capped by the report of the Inspector in 1998 which rejected its acceptability, can be referred to in the present Planning Application (WSCC/053/10/BY) as ‘not relevant’, when quite clearly it is relevant, one has every right to question how much trust can be placed in the reports which have been specifically commissioned to back the present Planning Application.

5.0 Interim Conclusion to the General Points

Thus far it is clear that the application to extract sand from the Horncroft Site must be rejected because the proposed site

- is currently ‘not acceptable in principle’, and
- involves an area three times the size of that rejected by the Inspector in 1998.

In addition, work on the site would run counter to the declared Government policy that:

- major development should not take place within a Park except in exceptional circumstances

and run counter to the declared policy of WSCC that:

- extensions to existing sites should be preferred over new sites;
- sites should not be located in AONBs;
- minerals development should not be permitted in National Parks;
- relation to Public Rights of Way will be a key consideration.

Should these general points be considered inadequately persuasive, there follow points made with respect to some of the ten more detailed criteria which must be addressed by the planning decision-making body before accepting or rejecting sites for mineral extraction. They fall under the headings Access / Highways, and Pollution control. Reports on the crucial areas of Landscape and Ecology are dealt with as Appendix A and Appendix B as they so clearly stand by themselves, but their conclusions are summarised in the main text. Other parish councils have chosen to concentrate on other areas.

6. Access / Highways

6.1 Traffic / HGVs The Planning Application anticipates an average of 40 movements per day of 20-tonne lorries, half of them full, half empty, on weekdays Monday to

Friday with a half day on Saturday, and this to last for 20 years. This involves an increased use of the B2138 by HGVs. Bellamy Roberts have been employed by Peer Spanner on behalf of the Barlavington Estate to provide a Transport Assessment which is referred to in their Planning Assessment.¹⁷ Here, under the heading Access & Highways, they conclude that there will be slight/negligible adverse effect. This does not accord with the Bellamy Roberts findings, though it does follow on from their anodyne conclusions.

6.2 The figure of a 1.0% increase in traffic, produced by Bellamy Roberts and used to justify their verdict of slight/negligible adverse effect, is provided by calculating HGV movements against the entire traffic flow of 4135 vehicles per day between the hours of 07.00 and 19.00.¹⁸ Bellamy Roberts found a daily average of 24 HGVs travelling north along the B2138 between the hours of 07.00 and 19.00 out of a total for all vehicles of 1728, and a daily average of 83 HGVs travelling south between the same hours out of a total for all vehicles of 2407.¹⁹ In fact, HGVs serving the proposed sand quarry would travel both north and south along the B2138, providing an average increase of 40 daily HGV movements to be added to the 107 total of the Bellamy Roberts figures per day between the hours of 07.00 and 19.00; in reality, therefore, **an increase of 37%, or more than one third, over current HGV usage.** It is the HGV usage of the B2138 which worries people; the figure of a 1.0% increase as provided by Bellamy Roberts is therefore misleading. What is more, their Transport Assessment makes it clear that the developers seek the right to increase the number of sand lorry movements to 60 per day provided the average of 40 per day is not exceeded.

6.3 The applicants are aware of the real concern with which an increased flow of HGVs through the village would be greeted in Fittleworth itself. As a consequence, they are insisting that measures will be taken to ensure, as far as possible (and they know an absolute guarantee cannot be provided), that none of their vehicles will pass northwards through Fittleworth. As a token of that endeavour they plan to align the new concrete road between the site and the B2138 so as to force lorries to exit in a southerly direction, and similarly enter from the south, and they say they will monitor departure and arrival of their sand lorries.

6.4 While the Fittleworth Parish Council appreciates the consideration implied by these provisions, it is not persuaded by them. Lorry drivers are a law unto themselves, and they will make every effort to maximise efficiency both in time taken and distance covered. The people of Fittleworth have very grave doubts that the managers of the sand extraction process can ensure that lorries will not pass north through Fittleworth village if that is the direction the drivers wish to go; long experience of the smaller stone lorries from the Little Bognor Quarry shows how easily they can reverse their direction of travel soon after exiting the site.

6.5 If lorry drivers wishing to travel north or west can be persuaded to exit the site in a southerly direction and continue down to the A29 (part of the Advisory Lorry Route) they will then drive northwards to Pulborough and eastwards to pass through Fittleworth village along The Fleet and Upper Street and round the very dangerous Hallelujah Corner. In our opinion, assurances that sand lorries from the proposed site at Horncroft would not pass through Fittleworth village may be well-intentioned but they are valueless.

6.6 Highways: While travel through Fittleworth village is a major concern it is far from the only concern. The Parish Council has a close relationship with West Sussex Highways, and is well aware that the substructure of the B2138 is breaking up; the natural soil

¹⁷ Planning Assessment, p. 43 of 51, March 2010.

¹⁸ Environmental Statement, Part G, Appendix 4, p. 7, Sec 5.7.

¹⁹ Fittleworth Parish Council has West Sussex Highways figures for Tripp Hill for July 2008 which accord almost exactly with these Bellamy Roberts figures. We do not contest the figures, but we do contest the conclusions drawn from those figures.

varies between clay and sand, and this has the effect of allowing the road surface to contract in some places more than others, presenting the driver with a switchback effect sufficiently alarming to cause West Sussex Highways, at our prompting, to install warning notices last winter. Over many years now the carriageway has exhibited a network of cracks, and this now applies to the resurfacing which is only two or three years old; this is due to the weight of traffic and resultant break-up of the road's foundations and the effects of weather. Any increased use of the B2138 by HGVs is to be deplored; West Sussex Highways openly admit that they do not have the funds to repair it properly. In the Road Safety Audit which is appended to the Bellamy Roberts Transport Assessment this situation is highlighted: 'The surface of the southbound lane of Tripp Hill is failing in places.'²⁰ This failure is clearly illustrated in two of the accompanying photographs, captioned 'Failing surface of southbound lane of Tripp Hill to the north of the access', and 'Failing surface of southbound lane of Tripp Hill to the south of the access'. Their recommendation is that sections of the southbound Tripp Hill carriageway should be resurfaced. In fact West Sussex Highways will confirm that resurfacing is merely a palliative measure because sections of the substructure of the road need replacing. This is the roadway that Bellamy Roberts conclude is 'of reasonable condition'.²¹

6.7 In 2003, following requests from the Parish Council, West Sussex Highways recognised that the B2138 was not suitable for Heavy Goods Vehicles. As a result, at the junction of the B2138 with the A29 in the south, and at the junction of the B2138 with the A283 in the north, there is a sign which clearly states that the road is unsuitable for HGVs. While these notices do not have the force of law, and cannot therefore be enforced by the police, they clearly question the viability of increasing yet further the pressure on this road by adding another 40 (average) HGV movements per day for 20 years.

6.8 It is appropriate to point out here that Policy 47 of The West Sussex Minerals Local Plan (July 2003 and September 2007) states:

'Where planning applications for mineral development are considered, account will be taken of the numbers, type and routeing of vehicles likely to be generated. Permission will [be] refused if the highway network is inadequate and any significant harm which would be caused by the inadequacy cannot be overcome.'²²

It is the contention of Fittleworth Parish Council that the B2138 is inadequate (hence the 'not suitable for HGVs notices), and that the road itself would be significantly harmed by the proposed use for heavy sand lorries. These points alone should cause WSCC to reject this application.

6.9 The major concern of the people of Fittleworth is the potential increase in the volume of HGV traffic passing through the village, whether by the B2138 (Tripp Hill and Lower Street) or by A283 (The Fleet, Upper Street and Hallelujah Corner). No doubt the parishes of Bury, Coldwaltham and Bignor, will have views on the pressure which would be created on the A29 and on other possible rat-runs by HGVs.

7a Pollution - Noise & Vibration

²⁰ Environmental Statement, Part G, Appendix 4, Road Safety Audit report by SafeTauditS, p. 4

²¹ Environmental Statement, Part G, Appendix 4, p. 7, Sec 5.7.

²² West Sussex Minerals Local Plan, July 2003 revised September 2007, p. 56, Section 6.23

7a 1 RPS Planning & Development Ltd have been employed by Peer Spanner to report in support of the application to extract sand from the Horncroft site.²³ Their approach to this task is instructive. The Parish Council accepts that it is reasonable for these assessors to ‘address the issue as a requirement of EC legislation adopted as UK Regulations’, but will argue that it is quite unreasonable to apply industrial provisions to what the Inspector has rightly called ‘a very tranquil, rural part of the AONB.’

7a 2 The assessors are using British Standard 4142 ‘Method for Rating industrial noise *affecting mixed residential and industrial areas*’ (our highlight) to apply to the site. This is the site which the Inspector in 1998 called the ‘very tranquil, rural part of the AONB ... ‘which is part of the attraction of this part of the AONB’. He went on to say that ‘in addition, the commercial activity would damage the enjoyment of the area for people who come to appreciate the remote and tranquil character of the AONB.’ It is quite clear from the outset, therefore, that PRPS Planning & Development Ltd are applying the criteria of residential and industrial areas to our remote and rural backwater. As a consequence their conclusions must be challenged on the grounds that the criteria on which they are based are wholly inappropriate to the site.

7a 3 The Planning Assessment sums up the situation in the usual anodyne way as follows:

7.14 Negligible adverse of impact from noise on local people and the existing levels of tranquillity enjoyed by them whilst using local paths or whilst being in their properties.²⁴

7a 4 The Environment Statement Appendix 3 quotes the principles to be followed in considering the environmental effects of mineral working as provided by Minerals Policy Statement 2, the criteria which were apparently agreed with West Sussex Waste (sic) Authority officers in July 2009. MPS2 requires the operators ‘to aim at a noise limit which does not exceed the background level by more than 10 decibels.’ MPS2 then recognises that this might be difficult to achieve, and permits up to 55 decibels during working hours and suggests night-time levels should not exceed 42 decibels. We are told that the West Sussex Waste Authority officers indicated that in exceptional circumstances the decibel limit could be allowed to rise to 65 decibels.²⁵

7a 5 The dog-walker or stroller or seeker after solitude who currently enjoys the tranquillity of the Horncroft site knows full well that the loudest noise is bird-song, possibly rivalled by the occasional snort of pigs when they are in occupation. RPS Planning & Development Ltd claim that at Mansby they recorded a background level of noise (LA90) of 38 decibels (maximum recorded in the hour was 68 decibels) on a normal afternoon, and at Horncroft Farm they recorded a background level of noise (LA90) of 37 decibels (maximum recorded in the hour was 65 decibels) on a normal afternoon, quoting distant road traffic, occasional aircraft, birds and rustling trees as the causes of these levels. They go on to predict that, according to which phase of excavation is considered, when a 25 tonne hydraulic excavator, a loading shovel (in effect a bulldozer), a 15 or 20 tonne HGV lorry and a vibrating sand screen are operating, the noise level at Mansby (150 metres from the site boundary) and at Horncroft Farm (294 metres from the site boundary), will be as follows:²⁶

²³ Environmental Statement, Part G, Appendix 3, Summary (before p. 1)

²⁴ Planning Assessment p. 43 of 51

²⁵ Environmental Statement, Part G, Appendix 3, pp. 3-4 esp. sections 2.8 & 2.9

²⁶ for illustrations see the Planning Assessment pp. 13 & 14 of 51

phase	A1	A2	A3	A4	A5	A6	B1	B2	B3
Mansby	34	38	40	42	37	35	37	38	43
Horncroft Farm	32	33	34	35	33	33	34	34	36

(highlighted figures are at or lower than the lowest background figure)

7a 6 We are being asked to believe that most of the time at Mansby and all the time at Horncroft Farm, the noise from the vibrater, excavator, HGVs and bulldozer when working will be less than the background noise when they are not working. The Parish Council finds it difficult to accept the estimates suggesting such low volume from powerful machinery. It is perhaps worth noting that the ‘distant road traffic’ quoted above as contributing to the normal background noise is some 750 metres distant through the trees from Mansby, and some 300 metres distant from Horncroft Farm, whereas the site equipment will be operating at far greater proximity. One concludes that those accustomed to assessing industrial sites cannot distinguish between the quality of sound made by heavy machinery and that made by birds calling and trees rustling. Those who live in this area, and enjoy it for recreation, certainly can.

7a 7 A report has been commissioned by Henry Bourne, resident at Horncroft Farm, from Acoustic Associates; a copy has been lodged with West Sussex County Council.²⁷ They surveyed from Horncroft Farm itself from 7.00 to 17.00 each day, 20th to 25th April 2010, as contrasted with the one-hour periods on three different sites used by RPS. It becomes clear from Acoustic Associates’ work that, while they found that the background noise level was not dissimilar, they found serious fault with the way in which the anticipated noise from the excavation equipment was calculated. By averaging the period of use of any of the machines to only 9 continuous minutes of any hour during the day, RPS could arrive at levels well within those permitted. Acoustic Associates, on the other hand, calculated that the Rating Level of noise when machinery was in operation was likely to be up to 26dB above the background noise level for nearby properties. They point out that BS4142 1997 maintains that a difference of around +10dB or more indicates that complaints are likely.

7a 8 It is noticeable that when they come to look at the potential for dust affecting local properties the assessors (RPS) quite properly include those using the Public Rights of Way in their consideration. They do not do this for noise, despite the fact that the main PRoW actually borders the western boundary of the site. The effect on those walking their dogs or just strolling along nearby paths and the main PRoW will surely be destructive of the peace and tranquillity they seek, especially in the phases B1, B2 and B3 of the sand extraction, because they will in effect be right on top of the extraction process. Where, one wonders, does this leave the declared aim of the National Park to allow people to enjoy the peace and tranquillity of their surroundings?²⁸

7b Pollution - Dust

7b 1 The Planning Application states ‘Negligible adverse of local significance from wind blown dust and air quality.’²⁹ This conclusion is based on more work done by RPS Planning & Development Ltd, who point out that ‘the proposed works have the potential to release

²⁷ April 2010 Horncroft Farm Background Noise Survey.

²⁸ Environmental Statement, Appendix 2, Figure 2, shows location of PRoWs and public access land

²⁹ Planning Application p. 43 of 51

nuisance dust ... into the air. At surface mineral sites, it is accepted that the most significant dust emission sources are mechanical handling operations and haulage of material on unsurfaced site roads. However, wind blow across disturbed site surfaces can also generate significant levels of dust.³⁰

7b 2 RPS Planning & Development Ltd identify 33 properties within 1000 metres of the site boundary (their Table 6.1) and predict the numbers of days when any of those properties might suffer adverse nuisance dust effects. They conclude that some, like Horncroft Farm, Old School House, Tripp Hill Farm and its Cottages and Tripp Hill House will probably suffer no more than seven days of dust nuisance per year, referred to as minor dust intensity, largely because of the prevailing winds. Other properties within the proximity zone would suffer less often, some not at all. What this fails to appreciate is that at the moment the residents in these properties suffer no dust nuisance, and that what the industrial assessors regard as a minor irritant will, for those affected, be a major irritant compared with their current freedom from such adverse effects.

7b 3 RPS Planning & Development Ltd also comment on the effect of dust nuisance on those using the Public Right of Way which borders the site. Again they come up with a range from 7 days (on three sites) to zero days (on two sites) of dust nuisance per year. One has to make the same observation - that what appears as a minor dust intensity to those making the assessment will be a major source of irritation for those regularly using those paths because before there was simply peace and tranquillity.³¹

7c Pollution - Light

7c 1 The site proposed for sand extraction is rural and remote - that is its charm - and working at the site will be during the day between 7.00 and 19.00 hours. For the most part, therefore, the Parish Council accepts that light pollution should not be an issue. The point needs to be made, however, that the surrounding area is very dark at night; Bury, Bignor, Coates and Fittleworth do not have street lighting - indeed Fittleworth has fought hard to maintain its natural state at night time - enabling the night sky to be a wonder to behold. Any light pollution must therefore be abhorred.

7c 2 On page 17 of 51 of the Planning Application we find:

4.18 Proposed lighting (none proposed). Pre-application discussions with WSCC have raised repeatedly the question of whether lights will be used to illuminate any part of the proposal. No lights are proposed and the applicant is inviting a planning condition to specifically prohibit the introduction of external lighting, without prior approval from the Authority.

7c 3 The Parish Council recognises the good will implied by this statement, while noting the provision that the commitment could be reversed. We are therefore concerned to read 'There are not likely to be any unacceptable impacts on public amenity or residential amenity due to lighting, and reasonable planning conditions will allow the Authority to control any perceived or actual nuisance from light pollution.'³² From this statement it sounds very much

³⁰ Environmental Statement, Appendix 2, p. 20, section 5.9

³¹ Environmental Statement, Appendix 2, Figure 2, shows location of PRowS and public access land, and Figure 4 shows the site in relation to Mansby and Horncroft Farm among other properties.

³² Planning Assessment, p. 48 of 51, Section 8.8 c

as if the declaration on page 17 that no lighting is proposed has been forgotten by page 48. Certainly we wonder how work can proceed on site from 7.00 to 9.00 and from 16.00 to 19.00 in the winter months without lighting.

8 Conclusion

8.1 Fittleworth and the Horncroft site both fall under the aegis of Chichester District Council. It is a comfort, therefore, to read that in March 2009 CDC confirmed their opposition to extraction of sand from the Horncroft site.³³ They saw the site as unacceptable in principle, part of the Sussex AONB and close to a number of streams. They expressed concern about access and the potential impact on nearby residents, and were generally concerned that development could damage the aesthetic value and character of the area.

8.2 It is the understanding of Fittleworth Parish Council that the Horncroft Site remains 'not acceptable in principle' until the completion of the consultation process on the WSCC paper **West Sussex Draft Minerals & Waste Development Framework (MWDF), December 2009**. Under the circumstances the current application by Barlavington must be rejected.

8.3 It is the conviction of Fittleworth Parish Council that, if WSCC has unilaterally decided to label the Horncroft Site 'acceptable in principle', the decision on whether to ratify the current application must be taken out of their hands, either to the Secretary of State or to the South Downs National Park Authority when it assumes office in April 2011.

8.4 We would remind WSCC and/or the Secretary of State that the application runs counter to the considered opinion of the Inspector in 1998, to the most recent statements of the District Council policy, to the most recent statements of County Council policy, and to the most recent statements of Government policy. On all these grounds the application must be rejected.

8.5 Much of the work done by consultants to support the Barlavington application is highly questionable: the B2138 is unfit for HGVs; the protestations about avoiding Fittleworth are valueless; and the calculations about weight of traffic, noise from the excavations and dust are patently slanted and untrustworthy.

8.6 The statement of the applicants that the landscape and visual impacts of the development will be minor or moderately adverse during quarrying and neutral or beneficial following restoration, is similarly unacceptable (see our Appendix A, Landscape). The planting proposals which are aimed at screening the impact of the development will simply not rise to the challenge, and the restored landscape will retain the character of a disused quarry with fencing, scrubby areas and unstable slopes. The loss of mature oaks and the creation of new habitats is not likely to provide a higher quality of landscape or amenity. The presence of the quarry and its traffic will have an impact on nearby houses and historic features, and the disruption to the enjoyment of this landscape by locals and visitors using the rights of way adjacent to the site and those enjoying the panoramas from popular viewpoints may be significant.

³³ Environmental Statement, Baseline Studies, Appendix 6

8.7 It is our judgement that in many cases the landscape impacts will be significantly adverse during quarrying and generally moderately adverse after restoration, and the visual impacts will be substantially or severely adverse from key views on and off site.

8.8 We have shown that the applicants have understated the ecological impacts of the development, and over-stated the predicted ecological benefits (see our Appendix B, Ecology). We question whether removing most of the established habitats, relocating dormice and reptiles to adjacent areas, planting the worked-out areas of the quarry and the arable field on Horncroft Common, inter-planting boundary areas, and setting up nest boxes will not only mitigate adverse impacts but establish a site that has a higher ecological value. We expect that new planting within the harsh environment of the worked out quarry will have a low establishment rate and low growth rate, and we note that the ecological value of new planting like-for-like is much lower than that for established trees and shrubs, particularly mature habitats.

8.9 The applicant's report describes the site as having low ecological diversity, and this is not unusual for habitats in sandy locations. The report attributes this depressed ecological value to the coniferous plantations and the use of Mansby field by free range pigs, yet these are land use choices made by the applicant, and the conifers only cover about one sixth of the site, with a significant amount of native Scots pine, many of which are mature and likely to support a good diversity of fauna. Most importantly the report under-emphasises the high ecological value of the 'veteran oaks' and other broadleaves which cover about one third of the site, although it does recognise their importance for bats. It is well known that such mature pedunculate oaks have very high ecological value, and that the ecological value of birch and other native broadleaves on site is also good. It is interesting to note that many of the broadleaved tree species currently occurring on site are proposed for the new planting, and that Scots pine is also proposed within the new woodland area on Horncroft Common.

8.10 The applicant's report discusses its assessment of impacts according to 'short term' 'medium term' and 'long term' time scales, yet does not define these in actual years. It does, however, link 'short term' to the 20 year period of quarrying (which is also referred to as 'temporary'), so we have to deduce that 'medium term' is possibly 30 to 40 years and 'long term' may well mean 50+ years. We might therefore understand that this development may at best, according to the report, result in some moderate beneficial improvement ecological value in 50+ years, although even in the 'long term', bats and the water course will still be adversely affected. (see further Appendix B)

8.11 On behalf of the residents of the parish, therefore, and for the reasons stated above, Fittleworth Parish Council wishes to object most strongly to the proposal to extract sand from Horncroft Common (Ref. WSCC/053/10/BY).