

THE STEYNING QUARRY ACTION GROUP RESPONSE TO THE JOINT LOCAL MINERAL PLAN

Policy No. M11 West Sussex Joint Minerals Local Plan: Proposed Submission Draft (Regulation 19) January 2017

Introduction

This objection to the inclusion of the Ham Farm Site in the Draft Joint Mineral Plan has been prepared by the Steyning Action Quarry Group (SQAG) and is supported by a petition of more than 2000 written signatures to date (previously submitted to County Hall Chichester) and 1600 online signatures

Several Restrictive Covenants are binding on the land at Ham Farm and Wappingthorn Farm. West Sussex County Council were unaware of the existence of the Restrictive Covenants until the 2nd June 2016 (Official copy of Register Ham Farm Title Number WSX171768). Despite assurances to the contrary this undeniably demonstrates a total lack of thorough due diligence has been undertaken prior to the site being proposed.

Wappingthorn Manor's legal team has been in contact with West Sussex County Council several times and clearly state in their letter of the 10th June 2016 that it is their considered view that the use of the land at Ham Farm as a mineral quarry would breach the restrictive covenants and further that their client will not hesitate to issue proceedings to enforce the covenants.

Throughout this process WSCC has demonstrated a gross lack of public consultation and incompetence. Indeed WSCC failed to consult with Wiston Parish Council concerning the additional piece of land which has been included in the new site, and which lies within the Wiston parish.

We would submit in light of this information and further arguments within this report, that the Ham Farm site should be immediately withdrawn from the plan.

The following report sets out our response to the strategic objectives and associated 'Development management' policies (section 8) as follows:

STRATEGIC OBJECTIVES 3 and 4:

To make provision for soft sand to meet the needs of West Sussex from outside the South Downs National Park, where possible; and only make provision for a declining amount of extraction within the SDNP over the Plan period.

To protect the South Downs National Park by only providing for silica sand in exceptional circumstances and when in the public interest:

Unacceptable impact on landscape:



(View of the site from the South Downs)

Ham Farm is a pristine green field site that immediately adjoins the South Downs National Park (SDNP) from which it is highly visible (see photographic evidence). It is next to an area of Ancient Woodland (Alder Wood), a number of Grade II Listed Buildings and is opposite the historic parkscape of Wiston. Any mining operations on the site would be visible from the internationally known and much used Wiston House.

Allocation of Ham Farm would be contrary to national policy in the Framework¹ having regard to its location abutting the SDNP and the statutory requirement set out in the Countryside and Rights of Way Act 2000 that states:

“Local Authorities have a duty to have regard to the purposes of National Park designation in the consideration of development proposals that are situated outside National Park boundaries, but which might have an impact on the setting of and implementation of the statutory purposes of these protected areas, i.e. conservation of the landscape and scenic beauty of the National Park.”

The extraction of soft sand proposed would have an adverse impact upon the principal purposes of National Park designation – namely, the conservation of the landscape and scenic beauty of the Park (see paragraph 115 of the Framework). The proposed mineral extraction represents a major development, for which paragraph 116 requires that permission be refused. The extraction would also fail the objectives set out in the main bulk of the Draft Joint Minerals Local Plan (Policies M12 [Character] and M13 [Protected Landscape]).

Excavation of the Ham Farm site would have an unacceptable and cumulative impact on the landscape, as it would create a simultaneous view to include the Storrington and Washington quarries, which are highly visible from the South Downs and have not been restored. We believe that the report made below by the SDNPA Landscape Officer in relation to Buncton Manor Farm, a site not far from Ham Farm and rejected on the recommendation of the SDNPA report, should be excluded for the same reasons:

SDNPA Landscape Officer: *“This site has the potential for significant impacts on views from the SDNP from Chanctonbury Hill and the Open Access land along the Scarp slope of the chalk ridge to the north of Chanctonbury Hill....The site, a series of agricultural fields, is poorly screened with denuded and gappy hedgerows, particularly along its southern boundary. ...There are open and panoramic views from the chalk ridge, which overlook the existing Rock Common and Chantry Lane sandpits. These pits are sequentially and simultaneously visible from the PROW and access land on the chalk ridge to the south. This site would also be visible sequentially in some locations. Opening a further quarry in this location prior to restoration of Chantry Lane and Rock Common would lead to unacceptable*

As stated in our previous report, the above borehole sample, taken within the new boundary, contradicts claims made by the operator regarding sand deposits. The WSCC Planning Officer previously advised at a public meeting that 500000 tonnes of sand could be extracted from the original proposed site; this was then revised to 850000 tonnes. We therefore question the reliability of the revised forecast of 725000 tonnes of sand from a significantly smaller and elongated site.

Despite numerous FOI requests for copies of the mineral survey have so far been refused by WSCC, the report had arbitrarily been labelled 'commercially sensitive' by council officers. It is strongly contested that this information is commercially sensitive to a degree that it cannot be disclosed. The needs of the local community should be carefully weighed against the potential operator in this regard. In the interests of transparency, the Committee should insist that the report is made available.

STRATEGIC OBJECTIVE 7:

To protect, and where possible, enhance the health and amenity of residents, businesses and visitors:

Health and Amenity

A detailed technical assessment did not include amenity at stage 5 of the site identification process. There is no supporting evidence provided in the report to measure the impact on amenity, despite a Red/Amber warning on the West Sussex RAG scoring as to the suitability of Ham Farm M/HO/4A.

The Mineral Site Study (MSS), Stage 4 desk-based assessment RAG scoring for Ham Farm highlights:

'Amenity: RED/AMBER Scoring due to 'A number of residential properties in close proximity to the site and these residents who may be affected by high levels of harm from noise, dust and light'.

Extraction of sand and subsequent landfill at Ham Farm will have a significant negative impact on the natural environment (aquifers, ancient woodland, wildlife, landscape) causing inevitable visual, air, noise and light pollution over many years and unacceptable harm to residents and the local community over many years (contrary to Policy M18).

Visual Impact:

There will be a visual impact affecting the public amenity of users of the SDNP, as the proposed site is clearly visible from Chanctonbury Ring (see appendix 4). Runners and cyclists using the A283 in order to access to the South Downs Way and walkers on the Wiston public footpath FP2599 will be adversely affected by noise and dust, with a reduced level of visual enjoyment of the rural countryside when walking the path which lies within 150 m to the west and north of the site.

Air quality impact:

The West Sussex Landscape Sensitivity and Capacity Study October 2011, notes that key features of sand extraction include 'noise and visual intrusion of on-site processing' and 'Dust apparent within the vicinity of sand pits', effectively an admission of the impact on public amenity where minerals are extracted.

The Air Quality Expert Group Report on Fine Particulate Matter (PM 2.5) in the UK (prepared for the Department for Environment, Food and Rural Affairs DEFRA and published in 2012 states in the executive summary:

'A growing body of research has pointed towards the smaller particles, in Particular PM less than 2.5um in diameter as a metric more closely associated with adverse health effects' and that 'Black carbon is a major component of the PM 2.5 um associated with road traffic emissions' with 'main traffic sources of PM 2.5 are exhaust emissions from diesel vehicles'.

With regards to the health effects of PM2.5 the report states (section 1.3.1.10) 'There is clear evidence that particulate matter has a significant contributory role in human all-cause mortality and in particular in cardiopulmonary mortality' and that long term exposure to these particles 'is associated with increased levels of fatal cardiovascular and respiratory disease'.

Steyning Grammar school attended by some 2,000 pupils, lies within close proximity of the proposed site, as do many other residential dwellings and community facilities. The potential health impact on the local community from dust particulates should be subject to close scrutiny with evidence provided by an independent Air Quality Assessment to be reviewed in conjunction with any local authority/land owner appointed assessment report.

One of the new residents of Horsebrook Cottage, adjoining Ham Farm is an asthmatic 12-year old and his parents are concerned about dust and in particular silica dust, which has been known to cause non-occupational silicosis:

(<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3683189/>)

Visual Amenity:

The West Sussex Landscape Sensitivity and Capacity Study October 2011 Key Sensitivities, Forces for Change and Guidelines with reference to Ham Farm, state:

'West Sussex Land management guidelines (sheet WG7) recommend conserving the largely secluded, tranquil character, maintaining the historic character of the area...and conserving and enhancing rights of way network'.

The study mentions *'Grade 3 agricultural land' at this site and that the site has 'a rural character'*. The rural character of this land will be severely impacted should this proposal go ahead.

WSCC have failed to consider the inevitable impact of artificial light pollution, which will create an unacceptable impact on adjacent residents, visitors to the area and will further negatively impact on views from the South Downs.

Aural Amenity:

There will be a long-term increase in noise disturbance from the increased traffic on the A283 and the activity of HGV vehicles accessing and mining the site. This is forecast to continue potentially until 2033. It appears that WSCC is yet to assess any potential increase in noise disturbance. The repetitive noise from HGVs' sensors whilst reversing and tipping will be loud and continuous throughout the hours of operation at the site and such a long-term increase of noise from this activity will severely adversely impact the aural amenity of residents living within close proximity. Local wildlife will be disturbed by the noise and activity and will be potentially displaced from this area.

Mineral extraction considered within 'National Planning Practice Guidance: Minerals' documentation advises that a noise impact assessment should be conducted. The appointment of an independent officer to produce evidence for an aural assessment of the increase in noise disturbance to public amenity would provide a technical study and analysis and this could be analysed in conjunction with any noise disturbance assessments undertaken by an officer from WSCC, or officer appointed by the landowner.

Loss of amenity caused by Odour:

A landfill site is proposed following mineral extraction, which will result in landfill gas emissions.

The visual and aural amenity of the direct neighbours living at Hammes Farm, namely Horsebrook Cottage and Cow shed studio, which has operated a jewellery business for over 30 years, as well as art and yoga classes for local residents, will be severely impacted by this development should it go ahead. No amount of mitigation will be able to protect these residents from the effects of the proposed quarry and landfill on their health and wellbeing.

Local visitors to the area, walkers along the footpath, cyclists on the road, fishing clubs as well as the some 2,000 pupils at SGS and users of their playing fields will all have their enjoyment of the countryside and public amenity detrimentally affected should permission to excavate mineral sand and land fill be granted at Ham Farm.

Damage to the local economy:

The Visitor & Tourism Group of the Steyning and District Community Partnership is engaged in promoting the area as a tourist attraction in order to boost the local economy, together with making sure residents also enjoy their surroundings. They challenge the WSCC view set out in the FAQs on the Ham Farm Site which states that the development will not discourage visitors to the area and will not have an unacceptable impact on the landscape. The Group's views are contained within the Consultation Response Form sent directly to WSCC, which highlight the reasons why they feel the proposal will have an adverse impact on tourism, which is essential for the local economy (Contrary to policy M16).

The Steyning & District Business Chamber is also extremely anxious that the impact of this proposal will have an adverse effect on the economy of the High Street. They have entered an objection directly to the WSCC highlighting their concerns (Contrary to policy M16).

STRATEGIC OBJECTIVE 9:

To protect and where possible enhance the natural and historic environment and resources of West Sussex:

Historic Environment, biodiversity:

The site is adjacent to several Grade II Listed Buildings, whose setting would be compromised, contrary to Policy M14 of the Draft Joint Minerals Local Plan and Chapter 12 of the Framework.

No detailed ecology work has apparently been undertaken, but it is known that there are protected amphibians including toads, which cross the A283 from Wiston Pond on the opposite side of the road and for whose benefit toad crossing tunnels were constructed some years ago. Bats are also regularly seen in nearby Alder Wood. These concerns would also render the proposal contrary to Policy M17 of the Draft Joint Minerals Local Plan and Chapter 11 of the Framework.

The site is close to ancient woodland. There is a statutory requirement to consult with Natural England in such cases. We have seen no evidence to date that such consultation has taken place.

Alderwood Pond was designated a nature reserve and bird sanctuary in 1984.

Information from the curator of the Steyning Museum shows archaeological references to Wappingthorn and Wiston and links this site to the Domesday record, confirming the necessity for a thorough archaeological site investigation.

STRATEGIC OBJECTIVE 10:

To minimise the risk to people and property from flooding, safeguard water resources, including aquifers, from contamination, and ensure the quality and quantity of the water environment is conserved and enhanced:

Unacceptable risk to watercourses:

The site is crossed by important surface and underground streams, which factor is highlighted at paragraph 5.136 of the County Council's Sustainability Appraisal dated April 2016. It states that: *"The site has the potential for significant negative effects on water quality."* Accordingly, development would run counter to Policies M15 and M16 of the Draft Joint Minerals Local Plan and to national guidance in the Framework.

Impact on these watercourses and pollution as a result of quarrying and landfill at Ham Farm would cause unacceptable harm to the Alderwood Pond Fishing site. Alderwood Pond is registered with DEFRA EW033-X-017F. The existing ponds are fed from stream and Ditch-line watercourses. Pollution or interference to these watercourses would severely impact on the migrating trout, bat species and crested newts that exist. Furthermore, Alderwood Pond has a licence to extract water from the South Stream that is vital to refill the ponds when water levels are low. Alderwood Pond is surrounded by ancient woodland, including

an ancient Lime tree. Furthermore Alderwood Pond was put forward as a nature reserve and bird sanctuary in 1984 due to its bio diversity.

These watercourses all ultimately drain into the River Adur. Therefore, associated polluted water will need to be drained, captured, pumped and removed by lorry with care not to contaminate the land and water.

Alderwood Pond is a local fishing business, which provides an excellent recreational facility for the local community and other visitors. In particular, this is the only fishing pond in the area with disabled access and provides a valuable service for:

- St Dunstons Charity for the blind use this site
- Chailey Heritage for disabled
- Simon York Johnstone members, people with learning difficulties
- St Johns
- Soldiers for rehabilitation

Impact on the watercourses and pollution as a result of quarrying at Ham Farm proposal would cause unacceptable harm to the Alderwood Pond Fishing site and a loss of amenity for users of this facility (contrary to Policy M18, M18).

STRATEGIC OBJECTIVE 11:

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:

Transport

Access to the site is proposed from the busy A283 at a point where the road is subject only to the national speed limit of 60mph. If, as suggested by the County, no right-turn facility is provided to serve the development, vehicles travelling from Steyning towards Storrington would be faced by stationary heavy goods vehicles in the left hand lane. This would create a substantial highway hazard.

Since the Shoreham air disaster, which resulted in closure of the A27, there has been a marked increase in traffic on the A283 at peak times. The original traffic created by this proposal compromises the safety of all users and especially the school coaches and parents cars.

If, as any self-respecting Highway Engineer will tell you, it is imperative to provide a right-turn facility to serve such a quarrying operation. In order to meet the requirements of Design Bulletin 32 the access would require sight lines of 9m x 215m and would need a hard surfaced area to accommodate HGVs entering and leaving the site. These works would entail the removal of considerable frontage planting, which would further damage the visual quality of the SDNP.

It should be noted that this stretch of the A283 has been described by the County Highway Engineers as one of the most **dangerous** sections of the County network.

The meeting with WSCC planners on the 1st June revealed that the adjacent quarries at Storrington and Washington have not been restored satisfactorily, or in a reasonable timescale. An extract from the West Sussex Minerals and Waste Development Framework (May 2011) demonstrates the lack of inert landfill available and the consequence that the Ham Farm site will not be restored in a reasonable timescale of 10 years as assured by Daryl Hemming, WSCC:

“Most inert waste in the County is now recycled or re-used, for example, within engineering projects, and the requirement for inert landfill capacity is therefore vastly reduced. Overprovision of inert landfill would not encourage waste up the waste hierarchy, away from disposal to land, and would therefore not fit with the preferred strategy. There is not enough inert landfill available within this County, subsequently out of county landfill will be imported in order to meet the assured time frame of 10 years.”

The cumulative impact of having to simultaneously restore the Rock Common and Chantry sites from landfill out of county has not been considered by WSCC (contrary to policy M20).

CONCLUSION

To conclude we ask that the inclusion of the Ham Farm site within the Local Mineral Plan be immediately removed on the following grounds:

- An unacceptable loss of amenity to local residents.
- The huge adverse and dangerous impact on the users of the A283.
- This proposal is still in direct conflict with the restrictive covenant, held by Wappingthorn Manor and will lead to a legal challenging.
- The reduction and elongation of the site, along with the borehole evidence that we have submitted showing no sand to a depth of 100 feet, will inevitably lead to a

reduction in the amount of sand available, contrary to the operator's (Dudman) prediction.

- WSCC is unable to safeguard the streams and springs in the area of the proposed site, which form part of the tributary network of the River Adur and feed Alderwood Ponds.
- **This proposal has been comprehensively considered by the Environmental and Community Select committee and overwhelmingly rejected!**