

Draft West Sussex Joint Minerals Local Plan (April 2016)

Comments by Campaign to Protect Rural England, Sussex Branch CIO ("CPRESx")

B1.1 Do you support the Vision? Yes

B1.2 Do you support the Strategic Objectives? No

B1.3 Do you have any views about the Vision or the Strategic Objectives in Section 2 of the Draft Plan? Please explain below.

Paragraph ref	Comment
The Vision and Strategic Objectives	<p>CPRE Sussex (the Sussex branch of the Campaign to Protect Rural England – CPRESx) welcomes this opportunity to comment on your draft Joint Minerals Local Plan proposals. Our comments below are limited to those draft Plan paragraphs and policies on which we suggest amendments or additions.</p> <p>CPRESx works to promote the beauty, tranquillity and diversity of the Sussex countryside by encouraging the sustainable use of land and other natural resources in town and country. We encourage appropriate and sustainable land use, farming, woodland and biodiversity policies and practice to improve the well-being of rural communities.</p> <p>In our view, the emphasis of the Vision and Strategic Objectives need to be more inclusive of designations in addition to the National Park, particularly the two Areas of Outstanding Natural Beauty (AONB) as AONBs' statutory right to protection under Countryside & Rights of Way Act 2000 and NPPF paras 115/6 is substantially similar to National Parks.</p> <p>The Vision and Objectives should also not support hydraulic fracturing for shale oil/gas within West Sussex. It is a fundamental tenet of the NPPF that development should be only allowed if it is sustainable and under the NPPF, sustainability requires economic benefits to be balanced against the social and environmental implications of the development proposal. We believe that the adverse social and environmental impacts of hydraulic fracturing techniques are significant and would lead to unacceptable harm to the Sussex countryside (see later comments in respect of Policy M7b and M16) Furthermore, CPRESx strongly challenges the assertion that hydraulic fracturing for shale oil (apparently the more likely hydrocarbon mineral beneath West Sussex) is justified on energy security</p>

	grounds. The Government has never provided a public interest or sustainability case for shale oil extraction. The only case it has made has been in respect of shale gas, and the main argument deployed to justify its case for exploitation of shale gas, namely that the country will be dependent on gas powered electricity generation for the foreseeable future, simply doesn't apply to shale oil since there are no oil-fuelled power stations in the UK. Extraction of shale oil in the UK does nothing to protect the UK from price fluctuations, and would require huge, industrial scale, exploitation before it served to secure supplies to the UK market to a significant extent in the event of a long term oil supply crisis. Nor has the Government undertaken a sustainability appraisal to support its promotion of shale oil.
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B1.4 Based on your views, please set out below any changes you would like to see in Section 2 of the Plan. Please use additional paper if needed and refer to the relevant question number.

	Paragraph ref	Comment
	The Vision bullet point 1	CPRESx would like to see the addition of “and Areas of Outstanding Natural Beauty” after “South Downs National Park” in order to put the local AONBs on the same footing as the SDNP. AONBs’ statutory right to protection under Countryside & Rights of Way Act 2000 and NPPF paras 115/6 is substantially similar to National Parks and they are equally valued by local communities.
	The Vision bullet point 4	CPRESx suggests an amendment from “Will be a place that seeks to meet its own need for minerals while aspiring to source more and more minerals from alternatives to extraction of indigenous resources” to “Will be a place that seeks to meet its own need for minerals and encourages the sustainable use of natural resources, whilst aspiring to source minerals from alternatives to extraction of indigenous resources”
	The Vision bullet point 9	CPRESx would like to see the addition of “and Areas of Outstanding Natural Beauty” after “South Downs National Park” and “and the management plan of the AONBs” after ‘the purposes of the SDNP.
	Strategic Objective 12	Strategic objective 12 should be changed from:

		<p><i>“Strategic Objective 12: To protect the environment and local communities in West Sussex from unacceptable impacts of any proposal for oil and gas development, whilst recognising the national commitment to maintain and enhance energy security in the UK”</i></p> <p>to:</p> <p><i>“Strategic Objective 12: To protect the environment and local communities in West Sussex from unacceptable impacts of any proposal for oil and gas development, recognising the national commitment to UK carbon reduction targets”</i></p>
	Strategic Objective 14	<p>This Objective mainly relates to carbon emissions through the design and transportation of exploitation and does not recognise the carbon emissions associated with the extraction and use of oil and gas. We are disappointed that no connection is made here or in policy M7 between climate protection, the proposed hydrocarbon policy and Government policy to reduce the nation’s dependence on fossil fuels. This should be addressed.</p>

B2.1 Name of site (please see the list above or provide name of non-shortlisted site)

Ham Farm, Steyning (soft sand)

B2.2 Do you support the inclusion of this site within the draft Plan? No

B2.3 Please detail any comments you have about this site and the development principles: Please use additional paper if needed and refer to the relevant question and policy numbers.

	Paragraph ref	Comment
	Policy M11. Ham Farm, Steyning (soft sand)	<p>CPRESx strongly <u>disagrees</u> with Policy M11’s presumption that the allocation of this site for sand extraction “is acceptable, in principle, for that purpose”, and considers that its usage for soft sand extraction would be contrary to the ‘Vision’ of the ‘Joint Minerals Local Plan’, in particular:</p> <p><i>“By 2033, West Sussex : “Will be a place where minerals are produced in ways which conserve and enhance the beautiful outdoors of West Sussex, in particular the special qualities of the South Downs National Park, for the benefit of current and future generations” (page 15),</i></p> <p>for the following reasons:</p> <ol style="list-style-type: none"> 1. Although the site is located outside of the South Downs National Park, its southern boundary abuts the northern boundary of the National Park. Accordingly, usage of the site for soft-sand extraction would impact on the special qualities and landscape setting of the National Park, in particular two of the National Park’s special qualities - Tranquil and Unspoilt Places and Diverse Inspirational Landscapes. Note that <p><i>“Within the diversity of the English countryside, the Parks are recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. The National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) enabled the creation of the National Parks, and ensures that our most beautiful and unique landscapes have been, and will continue to be, protected in the future. It makes provision for everyone to enjoy them”. (‘English National Parks and the Broads, UK Government Vision and Circular 2010’. DEFRA, March 2010).</i></p> <p>A Sand pit would be visually intrusive.</p> 2. A sand pit at Ham Farm would be visually intrusive and visible from the South Downs Way National Trail as well as from other locations, as is acknowledged by the ‘West Sussex Minerals Landscape Sensitivity and Capacity Study for Potential Mineral and Waste Sites –

		<p>Minerals Addendum May 2015' (March 2016): 'Site Characterisation' (page 82), which advises that:</p> <p><i>"visibility of this site from the surrounding area will be available from the east, with some long distance visibility from the northeast around Partridge Green, from the east along the A281 and from the southeast around Upper Beeding and Shoreham-by-Sea (along the A283 and A2037). There is also some visibility from the south up to the South Downs Way National Trail which lies 2.3km to the south at its closest proximity, although this is likely to be limited by woodland and tree cover across the surrounding area. The site is visually sensitive in views from the top of the scarp slope in sections where woodland does not block wider views".</i></p> <p>Impact on tranquility.</p> <p>3. NPPF paragraph 123 stipulates that <i>'Planning policies and decisions should aim to</i></p> <ul style="list-style-type: none"> <i>identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.</i> (Fourth bullet) <p>3.1. According to the 'Site Characterisation' (page 82) <i>"CPRE data indicates that the site lies within an area defined as 'disturbed by noise' and of medium tranquillity, with the northern parts being of a higher tranquillity"</i>. However, this statement seems to be a misinterpretation of the CPRE 'data' and assessment.</p> <p>3.2. CPRE's tranquillity map at http://maps.cpre.org.uk/tranquillity_map.html shows that on CPRE's tranquillity scale, in which areas shown in red have the lowest tranquillity scores, yellow/khaki mid-range tranquillity and green the highest tranquillity, the site lies at the lower end of the green spectrum, therefore part way between medium tranquillity and the highest tranquillity.</p>
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		<p>3.3. As is acknowledged by the ‘Site Characterisation’ the noise is caused by road traffic on the A283, which the site abuts at its southern boundary.</p> <p>3.4. However, the impact that the extraction of sand, including noise emitted by on-site plant and generated by the ingress and egress of lorries, employed to transport sand away from the site, would have on the tranquillity of the National Park is of vital importance.</p> <p>3.5. Disturbingly, the potential of the proposed sand-extraction operation at Ham Farm to cause significant harm to tranquillity seems not to have been assessed.</p> <p>Impact on the setting of listed buildings.</p> <p>4. As is explained in the ‘West Sussex Minerals Landscape Sensitivity and Capacity Study for Potential Mineral and Waste Sites – Minerals Addendum May 2015’, page 83:</p> <p><i>“There are numerous listed buildings within proximity to the site. The Grade II listed Horsebrook Cottage is directly adjacent to the site to the west (some visibility, although predominantly restricted by vegetation); Grade II listed Old Rectory and Roundhouse 300m to the west of the site (although currently screened by trees and hedgerow); Grade II listed Water Tower and Sun Room at Wappingthorn, to the northeast of the site (restricted visibility due to screening by trees); and numerous listed buildings to the southwest in the grounds of the Grade I listed Wiston House (visibility from house and buildings to the site is restricted by woodland at the northern boundary of Wiston Park, but partial views are possible from the Park itself onto the site from the Park’s northern boundary”.</i></p> <p>4.1. This summary omits to mention that the Grade 1 listed Wiston House and the ‘numerous listed buildings’ within the house’s grounds are located inside the National Park.</p> <p>4.2. Whether the sand pit and its impact on the setting of these listed buildings would accord with the National Park’s purpose of conserving and enhancing cultural heritage- and the</p>
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		<p>requirement stipulated by paragraph 115 of the NPPF that the conservation of cultural heritage “<i>should be given great weight in National Parks</i>”, have to be important considerations for decision takers.</p> <p>4.3. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:</p> <p><i>“General duty as respects listed buildings in exercise of planning functions. (1) In considering whether to grant planning permission for development which affects a listed building or <u>its setting</u>, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or <u>its setting</u> or any features of special architectural or historic interest which it possesses”.</i></p> <p>4.4. The correct approach to Heritage Assets was dealt with by the Court of Appeal in <i>Barnwell Wind Energy Ltd v East Northamptonshire District Council, English Heritage, National Trust & Secretary of State for Communities & Local Government</i> [2014] EWCA Civ 137 and by the High Court in <i>R. (Forge Field Society, . Martin Barraud & Robert Rees) v Sevenoaks DC and West Kent Housing Association</i> [2014] EWHC 1895 (Admin) and reaffirmed more recently by the High Court in the case of <i>Forest of Dean DC v Secretary of State for Communities and Local Government and Gladman Developments Ltd</i> [2016] EWHC 421 (Admin).</p> <p>4.4.1. These judgments stress the importance of planning authorities genuinely, not merely by way of lip service, paying “special regard” to the General duty as respects listed buildings’, including setting, ‘in exercise of planning functions’ placed upon them by Section 66, and also section 72, of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>4.4.2. In the case of <i>R.(Forge Field Society, Martin Barraud & Robert Rees) v Sevenoaks DC</i> [2014] EWHC 1895 (Admin) the Judge said (at paragraph 48 of the latter) that:</p>
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		<p><i>“As the Court of Appeal has made absolutely clear in its recent decision in <u>Barnwell</u>, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in <u>Barnwell</u> it has now been firmly dispelled”.</i></p> <p>4.5. Note that Historic England’s ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning:3’ (March 2015), includes “lighting effects and light spill” and “noise” in its ‘check-list of the potential attributes of development affecting setting that may help to elucidate its implications for the significance of the heritage asset’.</p> <p>4.6. Note, too, the NPPG (Paragraph: 013 Reference ID: 18a-013-20140306) stipulation that</p> <p><i>“Setting is the surroundings in which an asset is experienced, and may therefore be more than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.”</i> And that</p> <p><i>“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, <u>the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places</u>”.</i> And that:</p> <p><i>“The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance”.</i></p>
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		<p>4.7. Unfortunately, the potential impact on the setting of the listed buildings of light, dust and noise pollution that would result from sand extraction at Ham Farm has not been considered and taken into account.</p> <p>The Ham Farm site has been allocated for soft-sand extraction without first determining whether its usage for that purpose is truly ‘acceptable in principle’.</p> <p>5. Of major concern, too, is the weasel wording of the concluding paragraph (paragraph 1.89) of the ‘Draft West Sussex and South Downs National Park Joint Minerals Local Plan (JMLP) (Regulation 18): Sustainability Appraisal (SA) including Strategic Environmental Assessment Non-Technical Summary’ (April 2016), where it advises that <i>“In general, the Draft JMLP has been found to have a wide range of positive effects on the SA objectives”</i>, before explaining that:</p> <p><i><u>“significant negative and a number of minor negative effects have also been identified (mainly in relation to the potential for one or both of the two allocated sites (Policy M11) to affect landscape, biodiversity, water resources and flooding”</u></i>, the <i>“severity of these impacts will depend very much on the nature and scale of the proposed development at the allocated sites, which cannot be known until the planning application stage, and how well proposals adhere to the development principles contained in the supporting text to Policy M11, as well as other relevant development management policies in the Draft JMLP.</i></p> <p>5.1. These ‘negatives’ and the ‘severity of these impacts’ are fundamental issues of the utmost importance that should have been assessed in the detail at the site-selection stage and before the consultation, and presented for consultees to examine and comment on; not deferred until after the Plan has been adopted for consideration at the ‘planning consultation stage’.</p> <p>5.2. Crucially, the Sustainability Appraisal shows that it has <u>not been determined</u> <i>“how well proposals adhere to the development principles contained in the supporting text to Policy M11, as well as other relevant development management policies in the Draft JMLP”</i>. This makes</p>
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		<p>nonsense of the statement in JMLP Policy M11 that the allocation of Ham Farm for sand extraction “is acceptable, in principle”,</p> <p>5.3. Clearly, the allocation of the Ham Farm site for soft-sand extraction has been made without first determining whether its usage for that purpose is truly ‘acceptable in principle’.</p> <p>5.4. This is unacceptable – and the omission undermines the credibility of both Policy M11 and the Plan.</p>
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B2.4 What changes, if any, would you like to see to the Plan based on your comments above? Please use additional paper if needed and refer to the relevant question number.

	Paragraph ref	Comment
	Policy M11. Ham Farm, Steyning (soft sand)	CPRESx would like to see the removal of this allocated site from the Plan. We believe that the methodology used in the Sustainability Appraisal should be revised and sites reappraised as set out in our response to consultation question B2.3 above.
	Policy M11 (Strategic Minerals Site Allocations) – General points	CPRESx would like to see amendments to this Policy to ensure consistency the requirement in NPPF para 144 (bullet 2) that the maintenance of non-energy minerals landbanks should avoid World Heritage Sites, Scheduled Monuments and Conservation Areas as well as National Parks and AONBs.
	Policy M11 (Strategic Minerals Site Allocations) and paras 7.2.5 – 7.2.6 – West Hoathly Brickworks	<p>CPRESx considers that the proposed allocation of the West Hoathly Brickworks extension site is justified by the evidence and that, subject to appropriate development management and planning conditions, could constitute sustainable development for brick clay extraction.</p> <p>Monitoring of this policy by WSCC should be extended annually to ensure that events have not occurred that would make continued safeguarding of the West Hoathly site for brick clay extraction unnecessary.</p>

B3.1 Do you support the ‘mineral specific’ policies set out in Section 6 of the Plan? No

B3.2 Do you support the ‘development management’ policies set out in Section 8 of the Plan? No

B3.3 Please detail any comments you have about the ‘mineral specific’ (Section 6) and ‘development management’ policies (Section 8) of the plan, clearly labelling which policies you are commenting on. If you have answered ‘no’ to questions 3.1 and or 3.2 above, please explain why and set out any changes you would like to see to the Plan in the space below. Please use additional paper if needed and refer to the relevant question and policy numbers in the left hand column.

	Paragraph ref	Comment
	6.1	It would be helpful to include a statement recording the extent (if any) to which any decision to build a second runway at Gatwick Airport, with related infrastructure and housing requirements, would be likely to impact on the view expressed in section 6 that the two selected sites are the only new sites requiring allocation.
	Policy M2 (soft sand)	CPRESx would like to see the removal of <i>“(a) it can be demonstrated that extraction cannot take place on the site allocated within Policy M11 of this plan;”</i> for the reasons outlined in our response to Policy M11
	Policy M5 (Clay)	CPRESx supports the principle of this policy, but considers that para (a) (i) should be amended to delete “at least” so as to preclude excessive site development.
	6.7.3	The proposed restrictions on hydrocarbon development only within the SDNP and two AONBs fails to take account of the statutory obligation imposed on planning authorities to have regard to development outside a designated area that would adversely affect the natural beauty of the

		<p>designated area: see e.g. CROW Act 2000 s.85. This paragraph and policies M7a and M7b need to reflect that statutory protective responsibility of the Authorities.</p> <p>CPRESx also considers that this paragraph should make reference to NPPF paras 118 and 119 and the protective regimes mentioned there in respect of other types of environmental and/or scientific designation.</p> <p>Note 30 contains incomplete text.</p>
	Policy M7a, Conventional hydrocarbons	<p>CPRESx is concerned that, as it stands Policies 7a and 7b do not sufficiently reflect the NPPF sustainability principle of balancing economic, social and environmental impacts of a development plan or proposal in circumstances where adverse environmental and social impacts (especially, but not only, in relation to unconventional exploitation of hydrocarbons) are widely discussed and create much public disquiet. We also suggest that the role of NPPF chapter 11, and particularly paras 117 - 119, need more visible recognition in the content of policies M7a and M7b.</p> <p>For these reasons please consider adding at the end of para M7 (a) (iii) language to the effect of: “whereby the risk of social and environmental harm does not outweigh the benefits of the proposal, and having regard to (A) Chapter 11 of the National Planning Policy Framework (Conserving and enhancing the natural environment), (B) the purposes of any special designation of any land or heritage asset that would be affected by the proposal and (C) cumulative impact in accordance with Policy M23”.</p> <p>Paras (a) (iv) and (b) (iii) should both be amended so as to include the following words at the beginning “satisfactory financial arrangements exist to ensure that ...”. (Those financial arrangements need not necessarily be in the form of a bond or guarantee where this is frowned on by the NPPF, but should take account of both the operator’s and the landowners’ shared responsibility for restoration).</p> <p>Paragraphs (a) (iv) and (b) (iii) should also include a requirement as to the time frame within which restoration must be completed after earlier of drilling ceasing or licence expiring.</p>

		<p>In both policies M7a and M7b, we think that para (c) is confusing because it overlaps with paras (a) and (b) and that it imposes an additional condition over and above those in (a) and (b) where exploitation within or proximate to a designated area is involved. If para (c) is to be retained it needs to be made clear that para (a) (ii) – (iv) apply equally to development permitted by virtue of para (c). The requirement in para (c) that it must be demonstrated that <i>“special care will be taken to avoid harming the setting and/or special qualities and/or value of these designated areas”</i> must not be capable of being read as displacing the exceptional circumstances/public interest tests in NPPF para 116. We would suggest that any proposals which may affect the setting of designated areas should be refused unless there are exceptional circumstances/public interest as per NPPF para 116. The reference in para (c) to water “Source Protection Zone 1” is nonsensical in the context of the paragraph and should be a separate criteria. We are also puzzled as to why, if para (c) is considered necessary, it does not also make reference to other types of designated area referenced in the NPPF, particularly at paras 118 and 119, or to heritage assets.</p>
	Policy M7b (Non-conventional hydrocarbons)	<p>CPRESx cannot support this policy. In our view, proof of sustainability is so unlikely that the policy should document the Authorities’ presumption against allowing non-conventional hydrocarbon extraction to occur anywhere within the Plan area. We do not see on what criteria the LPA is going to determine whether the adverse impacts can be “minimised, and/or mitigated, to an acceptable level”.</p> <p>If the Policy is retained, consideration should be giving to adding at the end of para (a) (iii) language to the effect of: “whereby the risk of social and environmental harm does not outweigh the benefits of the proposal, and having regard to (A) Chapter 11 of the National Planning Policy Framework (Conserving and enhancing the natural environment), (B) the purposes of any special designation of any land or heritage asset that would be affected by the proposal and (C) cumulative impact in accordance with policy M23”.</p> <p>Paras (a) (iv) and (b) (iii) should be amended so as to include the following words at the beginning “satisfactory financial and other arrangements exist to ensure that ...”</p>

		<p>Please add new paras (a) (v) to (vii) using language to the effect of:</p> <p>“(v) No significant adverse impacts would arise from the on-site storage or treatment of hazardous chemicals and contaminated fluids above or below ground or their transportation from (or in the case of hazardous chemicals to) the site”;</p> <p>(vi) The proposed operations do not entail injection of fluids under pressure into geological strata at any location where there is evidence of faulting or fracturing, or where pressure injection could induce migration of contaminants to the detriment of surface or groundwater resources. Full independently procured geological and hydrogeological surveys have determined that no material risks would arise from any of the activities which the proposer would be authorised to carry out at or from the site.”(see CPRESx comments in relation to policy M16 and para 4.7.5)</p> <p>(vii) Appropriate and assured community benefits will be made available by the applicant to affected local communities”[Despite what is said at para 8.1.12 there is no policy re assuring community benefits in your draft Plan.]</p> <p>A consequential amendment would be required to para (b) (i) of M7b so as to cross reference paras (a) (i) – (vii).</p> <p>Please also refer to our comments above re para (c) of policy M7a, which apply equally to M7b.</p> <p>We also suggest that fracking permission requirements listed in M7b should make reference to the various minimum drilling depth requirements inserted last year into the Petroleum Act 1998.</p>
	6.17.4	<p>This paragraph should be amended to recognise that light pollution is as significant an issue for the Plan area’s two AONBs as it is for the SDNP.</p>
	Policy M13 (Protected Landscapes)	<p>Paras (a) (ii) and (b) of this policy should be setting an objective of ensuring that any development within or outside a designated area should seek to achieve a positive enhancement of landscape character– see relevant designating statutes and NPPF paras 9 and 114.</p>

		<p>The text of para (c) misguidedly implies that the 3 tests of acceptability (lifted from NPPF para 116 are tests that will answer both the “exceptional circumstances” requirement in para 116 and the separate “public interest” test. In fact the three tests are designed to inform (but not decide) only the “exceptional circumstances” requirement. They shed no light on the public interest test. We suggest that para (c) should simply read: “Proposals for mineral development within protected landscapes will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest in accordance with paragraphs 116 and 144 of the National Planning Policy Framework”.</p> <p>And</p> <p>“All minerals development within or affecting protected landscapes should take account of the purposes of the SDNP and the objectives of the AONB Management Plans”</p> <p>Where Policies (such as M7a and M7b) state that proposals “will be permitted provided that....” It should also be stated clearly that proposals must not only conform with this specific Policy but also all the Policies within the Plan as a whole.</p>
	M15 (Air and Soil)	<p>We would like to see added an additional paragraph on the lines of “(d) adequate on-site controls can be effected to minimise the spread of particles and dust from extraction operations onto surrounding land”. This addition would be consistent with the fourth bullet of NPPF para 144.</p>
	Policy M16 (Water Resources)	<p>Please add “and wetlands” at the end of para (c).</p> <p>The geology of the Weald is such that the Jurassic Clays are overlain by a succession of permeable water bearing strata serving most of the County’s domestic, industrial and agricultural requirements, and sustaining the baseflow of the region’s rivers and wetlands. Full development of any shale gas or oil reserves would normally involve high volume and high pressure injection of a water and sand mixture with a cocktail of hazardous and in some cases toxic chemicals; the purpose being to disaggregate the shales and release the constituent fluid hydrocarbons. However, the Weald is a</p>

	<p>geologically unstable region; and in some cases, this process can also result in the fracturing of the adjacent rocks and the re-activation of ancient geological faults; thereby opening passage ways for the migration of 'return' fracking fluids into any over-lying aquifers. This makes for a very high risk operation, threatening the quality of our rivers and groundwater reserves; and this, in a region identified by the Environment Agency as one in which the balance of public supply has been assessed as "seriously stressed".</p> <p>The House of Commons Environmental Audit Committee report of 21st January 2015 entitled "Environmental Risks of Fracking" makes reference to the risk to groundwater quality, emphasising the Precautionary Principle, which so far appears not to have been applied, pointing to the need for more robust enforcement of protection measures. This has implications for the WSCC policy and the recommendation is made that M7a and M7b should provide for the total prohibition of all fracking operations within and beneath groundwater protection zones 1, 2 and 3; where the latter in effect defines the entire catchment area. Such provisions of course, only apply to strategic groundwater sources, but the Precautionary Principle must also be invoked wherever there is a perceived threat to our increasingly fragile water environment.</p> <p>We question how the Authorities will be in a position to satisfy themselves that this long-term risk is "acceptable" for the purpose of policy M16 para (a) in reaching a determination that an application to permit unconventional drilling for hydrocarbons should be allowed.</p>
Policy M17 (Biodiversity and Geodiversity)	<p>In para (d), please</p> <ul style="list-style-type: none"> (i) delete" where appropriate," and substitute "maximise the opportunity for..."and (ii) (ii) add ", Nature Improvement Areas identified in Local Plans" (a phrase lifted from NPPF para 117) after "Biodiversity Opportunity Areas" <p>Please consider adding a new para (f) on the lines of "development will be compatible with paragraphs 117 – 119 of the National Planning Policy Framework" since these paragraphs identify biodiversity and geodiversity protection criteria for various types of protected areas, and are not otherwise referenced anywhere in relation to this policy M17.</p>

	Para 8.12.6	We are unclear what para (vi)'s call for a working programme that covers "a mitigation/compensation scheme for any other environmental impacts and enhancements" actually means.
	Policy M25 (Community Engagement)	<p>If real community engagement and transparency are to be encouraged we would invite you to consider the following amendments to draft policy M25:</p> <ul style="list-style-type: none"> (i) deleting "where necessary" and substitute "(a) if requested by the local town or parish council," (ii) adding "the establishment and" before "operation"; and (iii) adding a new sentence at the end the lines of: "and (b) the operator undertakes to publish annually a report, independently verified, on (i) compliance with planning conditions, (ii) progress on implementation of any biodiversity or other enhancement arrangements agreed with the Authorities in connection with the grant of any development permission, (iii) the measures referred to in paragraph (c) of Policy M23 and (iv) in respect of hydrocarbon minerals development, water and air quality, and peak activity noise levels, at times and locations reasonably requested by the local council." <p>The public environmental reporting used by the operators of Wytch Farm, Dorset serves as a useful model and precedent to support the type of report we are suggesting through this amendment.</p>
	Policy M26 (Maximising the use of Secondary and Recycled Aggregates)	CPRESx applauds the principle of this policy, which is consistent with the NPPF paras 143 (bullet 2) and 163. However we fail to see how this policy will, in practice, deliver increased usage of recycled and secondary aggregates; or how it integrates with other proposed Plan policies or with Local Plans of other planning authorities in West Sussex. A more practical, interventionist policy is required if significant changes are to be achieved in the practices of developers and others.

If you have comments on what the Plan should contain, please provide details using this space

4.4.8	<p>The description of the High Weald AONB in West Sussex as <i>“Extensive woodlands combine with the terrain and restricted views out to the surrounding plains and downland to create a secret and secluded character”</i> is not true of large open swathes of the High Weald including much of Ashdown Forest with its extensive vistas. The plan should reflect this.</p>
4.7.5/4.7.6	<p><i>‘A Strategic Flood Risk Assessment (SFRA) will be prepared to bring together all available information on this topic and help inform work on the Joint Minerals Local Plan. The principal component of the SFRA is to assess the potential flood risk within the County and inform the Sustainability Appraisal of the Plan.’</i></p> <p>It is unfortunate that specific sites are proposed for allocation without any flood risk or hydrogeology assessments as to their suitability. These assessments should be undertaken now.</p>
4.10.2	<p><i>“National energy policy supports the use of energy minerals as part of the energy mix. Balancing the possible local impacts of exploration and extraction with the use of fossil fuels as supported by national policy is the responsibility of many organisations/agencies. The Joint Minerals Local Plan must be prepared in line with national policy and take account of local evidence as it comes forward.”</i></p> <p>This section is somewhat vague and needs greater clarity. As explained in relation to Strategic Objective 12, there is NO published national policy regarding the exploitation of Wealden shale for oil.</p>
5.3.8	<p>This section should also recognise the obligation of planning authorities to have regard to the purpose of conserving and enhancing the natural beauty of the Plan area’s two Areas of Outstanding Natural Beauty under part IV of the Countryside & Rights of Way Act 2000.</p>
Other points	<p>We have not identified any policy proposal that would address the provision within the NPPF para 117 (bullet 1) and 146 (bullet 1) re cross border co-operation with neighbouring Minerals and Local Plan Authorities.</p>

