

**Objection to Planning Application WSCC/030/21 – An application for planning permission for a clay quarry and construction materials recycling facility in Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW**

From Mr Adrian Morris, 1 New Cottages, Spy Lane, Loxwood, West Sussex. RH14 0SQ

I am writing to strongly object to the above planning application which if approved would set an unfortunate precedent for the siting of waste and minerals sites in West Sussex, i.e. on a greenfield site which is either pristine woodland (some of it ancient) or woodland plantation. This application represents a significant change in use from periodic woodland management, to an industrial site with daily operations, HGV movements and constant noise and disturbance. It comes at a time when there is more urgency than ever to protect our woodlands and habitats.

I have been a resident of Loxwood since 2004 and have enjoyed walking the many public rights of way through Pallinghurst wood which this application would despoil. The sound of nightingales and willow warblers would be replaced with the constant background noise of industrial machinery, generators, tracked excavators and HGVs manoeuvring. The sense of place and the benefits to well-being it delivers would be destroyed for a generation.

This application would create a clay quarry which is remote from the point of use, making it unique in West Sussex (As evidenced in the WSCC JMLP and WLP Monitoring Report 2019/20). All other clay quarries are adjacent to brickworks. All other Construction & Demolition (C&D) recycling facilities are either adjacent to, or located within a few hundred metres, of the lorry route network or strategic route network.

My other specific grounds for objection are as follows:

**Minerals Policy**

**Joint Minerals Local Plan 2018 (JMLP) Policy M5**

The key West Sussex strategic minerals supply policy for clay is set out in Policy M5 and it is against this that proposals for non-allocated sites are assessed. My analysis of this policy is as follows:

- The applicant has demonstrated that their clay is suitable for brick making (Planning Application, appendix ES N). Thus clause (b)(ii) of policy M5 dictates that only extraction for brick making can be permitted. Other suggested purposes for the clay cannot be considered.
- Clause (a)(i) does not apply as this proposal does not help maintain a 25 year reserve for individual brickworks. The only West Sussex brickmaker without a 25 year reserve, the very small specialist brickmaker, Lambs (Pitsham), does not use the Wealden clay type and so this application is irrelevant to their supply needs.
- The applicant has not demonstrated any evidence that blending clay is “no longer available adjacent to the brick making factory” (in relation to the local brickworks) so clause (a)(ii) should also be disregarded.

- Even if clauses (a) or (b) were satisfied, then clauses (c) (ii) and (iii) are not met, relating to site being as close as possible to the point of use (undefined in the application) and well-related to the Lorry Route Network (LRN). The proposed site is 3 miles from the LRN (2 miles on an unclassified road, and a further 1 mile across the applicant's land on a woodland track).
- The WSCC monitoring target for planning policy M5 is that "100% of decisions made on planning applications for clay excavation are consistent with Policy M5"
- **In my opinion the provisions of policy M5 are not met by this application.**

### **Demand for Clay**

- The WSCC Monitoring Report 2019/20 shows that no additional clay is needed in West Sussex. The county has a 56 year clay reserve at the current sales rate. West Sussex brickworks appear to have plenty of clay for their current needs.
- The brickmaking industry is driven to reduce their carbon impact. Clay is typically excavated adjacent to production facilities (as in the rest of West Sussex). Clay's low commercial value per tonne makes it uneconomic to transport plus it would add embedded carbon emissions to the end product.
- Local brickmakers are consolidating rather than new small brickworks opening up.
- Without a need for clay extraction then the choice of this site for waste recycling is undermined.

### **Construction and Demolition (C&D) recycling**

The WSCC Monitoring Report 2018/19 states that no additional C&D recycling capacity is needed. Since then the 2019/20 report shows that an additional 45,000 tonnes per annum (tpa) has already been added. In addition both reports seem to omit a further 75,000 tpa capacity available to Penfold Verrall, Dial Post (<https://www.penfoldverrall.co.uk/recycling/>).

The application contravenes a number of the policies in the WSCC Waste Local Plan 2014 (WLP), including as follows:

- W1 – the need for demonstration of market need
- W3 – the proposed site is neither in a built up area, a brownfield site or well related to the LRN
- W4 / W18 – the site is not well related to the LRN and does not make minimal use of local roads
- W8 – the depositing of inert waste to land does not result in clear benefits to the site. At the proposed recycling rate of 50% it is unlikely that all the residual waste could not be further recycled.
- W11 & W12 - the scheme will create an industrial site on what is currently tranquil woodland, completely altering its character.
- The proposed site is close to the Surrey border so it seems likely that a proportion of the recycling capacity offered by the application would in fact serve the needs of Surrey.
- The proposed site is 3km from the LRN along an unclassified road and a further 1.6km along the woodland access track. There must be many more suitable locations for such a facility,

closer to both need and the LRN. There doesn't appear to be a compelling local need that would prompt the selection of this sub-optimal location.

- The applicant plans to only recycle 50% of the incoming waste stream, with the residual being landfilled for restoration of the quarry. This is not consistent with the concept of a circular economy which aims to keep valuable resources in use and replace the need for landfill. When WSCC consider new recycling facilities they should strive for significantly higher recycling rates. If a higher rate of recycling is achieved then this would increase the amount of waste that would have to be processed to fill the quarry void, and proportionally increasing HGV movements and all other impacts.

## **Environment**

### **The site**

- The NW corner of the proposed site, is described in the application as 'scrub' and 'recently planted'. This area was replanted with broad leaf species several years ago. It is already providing ideal habitat for a rich variety of species.
- A large part of the south west corner of the site, at least one third of the whole area, is woodland that has been undisturbed for much longer and is continuously shown as deciduous woodland on OS mapping dating back to 1870. This area contains dozens of notable oak trees, many with trunks of approximately 3m girth (some of which will be amongst the first to be felled for the lagoon) and supports the growth of many ancient woodland indicator species. Some of the mature trees in this area are identified in application appendix ES O as having roosting potential for bats. Plants such as Common Spotted Orchid and Bluebells thrive within the proposed development site in large clusters.
- The applicant's own Flora and Fauna survey (application appendix ES U) describes the huge variety of species present in the woodland which are threatened by the development, including:
  - rare Barbastelle Bats (WCA protected and IUCN red list)
  - Nightingales (UK conservation status Red)
  - Wood White butterflies (WCA protected)
- Application appendix ES U could stand alongside an application for a statutory protected site rather than an industrial development.

### **Impacts**

- Paragraph 3.5.4 of the WLP states that "ancient woodlands are a nationally important and threatened habitat, and their existence over hundreds of years has preserved irreplaceable ecological and historical features".
- The application would have a negative impact on specific areas of ancient woodland. The development required adjacent to the layby, car parking, lighting, wheel washing is within an area of designated ancient woodland. The HGV access track passes through approximately 250 metres of ancient woodland, within the root protection zone of trees on either side. The track will inevitably become widened in this section (and along its whole route) affecting the existing verges, ditches and animal transit routes. The NW corner of the site is also directly

adjacent to an area of designated 'Ancient Replanted' woodland and there is a further area of ancient woodland nearby to the west of the site.

- The badger survey carried out (application appendix ES U) doesn't appear to have included the layby parking/wheel wash area. There is a badger set a few metres to the north of this area.
- In general the development site, access track and adjacent woodland will be impacted by loss of habitat, dust, pollution and disturbance from HGV traffic and quarrying.
- The large 8m tall, 1400 sq m building will cause significant visual intrusion in a landscape with few buildings.

## **Biodiversity**

- The application (Environment Statement) contains many references to 'net gain' in biodiversity. However the applicant's own biodiversity assessment (application appendix W, page ii) appears to show that there will be an overall net loss in biodiversity as a result of the scheme.
- Felling trees on the proposed site for the recycling plant, lagoon and the start of quarrying operations would cause an immediate and obvious loss in biodiversity.
- There can be limited scope for mitigation through increased biodiversity in the rest of the woodland. As was presented in the applicant's Public Consultation, Webinar 3 (application appendix ES D), the landowner has been following a woodland management scheme for 27 years with the aim of developing "the biodiversity of the whole woodland to create a sustainable, balanced, and dynamic forest ecosystem in line with the UK Woodland Assurance Standard".

## **Safety**

This application raises a number of safety concerns:

- The application puts HGVs and public right of way users together in the same space. The proposed HGV route crosses bridlepath 3240, shares footpath 795 for 90m and crosses footpath 792. The application suggests the shared footpath 795 can be fenced off but as the WSCC PROW department has confirmed in their Consultation Response, this right of way is in fact across the whole width of the track. Nor does the applicant own the land to erect a fence on.
- The proposed site entrance is on a blind bend on a road with a 60mph speed limit. The visibility splay is less than the stopping sight distance (application appendix E/F). The visibility of the entrance is also impeded by trees and hedges on the southern side of Loxwood road which are not in the control of the applicant to maintain. There will frequently be scenarios where HGV's are waiting to make a right turn into the site and will be invisible to oncoming (west bound) traffic.
- The application makes reference to HGV wheel washing facilities, but doesn't appear to include the installation of a centrifugal wheel spinner which was required at the Rudgwick brickworks restoration to minimise the clay dragged out onto Lynwick Street. Mud and debris will add to the hazard on a part of the road which frequently freezes with black ice.

- The application specifically states that the perimeter of the quarry and recycling facility will not be fenced, despite the proximity of PROWs

### **Other**

I strongly object to the closure of footpath 792\_1 along the northern boundary of the proposed development site. This appears to be unjustified and only serves to avoid the need for perimeter fencing and to mitigate the visual impact of the development to PROW users.

### **Summary**

I strongly object to this application and I urge the WSCC Planning Officers and planning committee to reject it.

- There is no strategic need for the clay
- There is no need for additional C&D recycling capacity to justify the proposed location
- It doesn't comply with WSCC minerals or waste policy
- It would have a severe environmental impact and cause a considerable loss of amenity to local residents
- It introduces numerous safety concerns which increase the risk of injury to PROW and road users