

LETTER OF OBJECTION

Application No: WSCC/030/21

Loxwood Clay Pits Limited : "Clay quarry and construction materials recycling facility, Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW"

From: Mr T J Bennett, Holly Tree Lodge, 6 Oak Grove, Loxwood, West Sussex RH14 0DN

OBJECTION

Following the submission of additional information in respect of the above application, I register an additional and further objection in respect of the specific matter set out below. For the avoidance of doubt, my other points of objection still stand.

Ownership of Mineral Rights

Pivotal to this application is the development of a clay quarry, including 'extraction and exportation' of the minerals. Without this, the entirety of application is essentially and fundamentally flawed.

I refer the Planning Officer and Planning Committee to the original application, as submitted by the applicant 21st / 22nd July 2021, which included the Mineral Planning Application Form (noting also that no further information in this specific matter has since been provided by the applicant).

Per the "Mineral Planning Application Form" - Section 6 (ii), by implication in leaving this blank, the applicant appears to confirm their ownership of the mineral rights per:

6. Site Ownership (See guidance note 6)	
<i>Please note: You will be required to complete an ownership certificate and submit it with the application</i>	
* (i) Surface land owner(s):	Name: NIGEL DANHASH Address: 6 ORCHARD WAY, ESHER, SURREY, KT10 9DY
(ii) Mineral owner(s) if different from (i) above	Name: Address:
* (iii) Is the applicant the sole owner of the site?	Yes / No
* (iv) Does the applicant own/control any adjoining land? (If yes, outline in blue on the plan)	Yes / No

Note: An asterisk (*) denotes those parts of the form which MUST be completed

Page 2

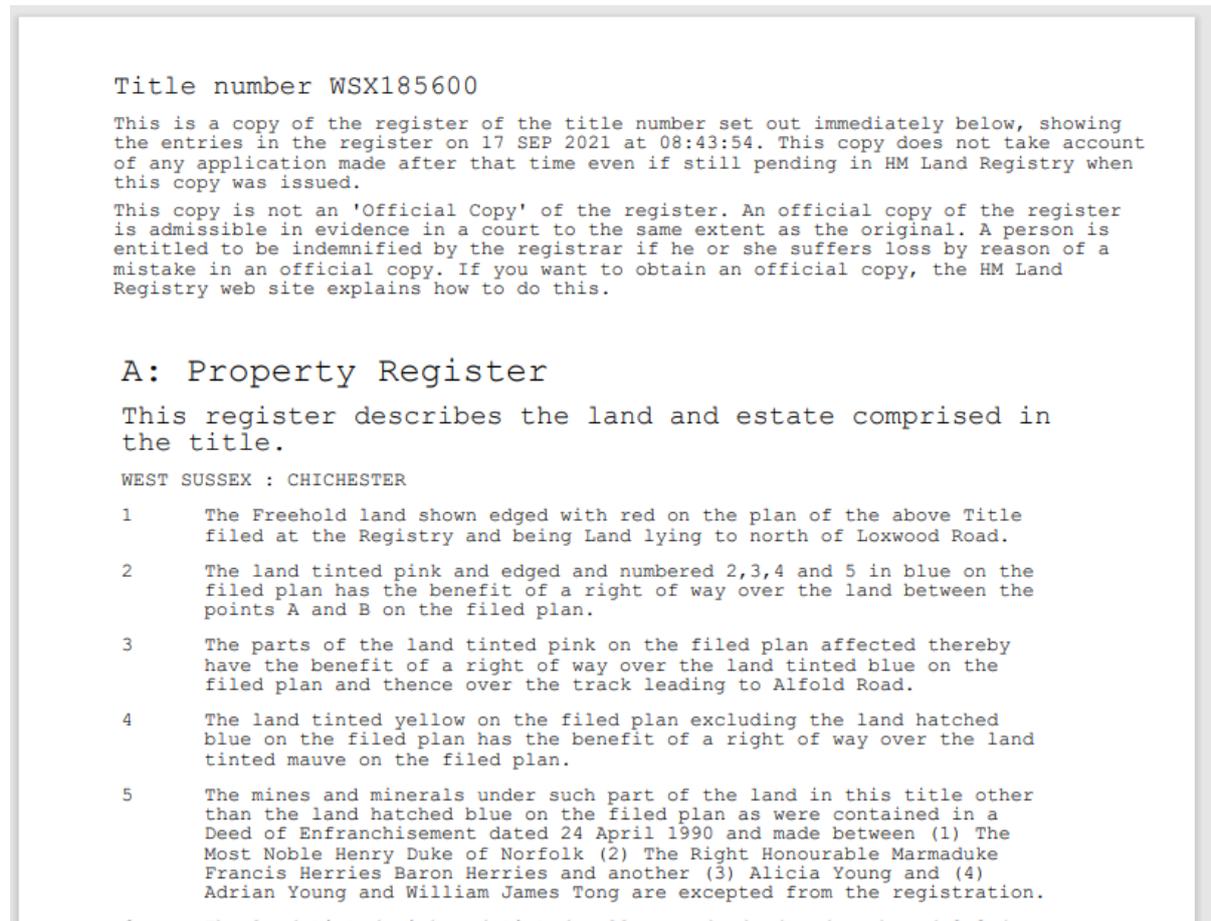
However, with reference to the top line of this section, ("You will be required to complete an ownership certificate and submit it with the application") **this does not appear to have been submitted** by the applicant, and hence / at best is a **serious omission** from their application.

Clearly the Ownership Certificate should have been submitted for scrutiny and authentication by WSCC as part of the application due diligence process.

Without this certificate of ownership, the application is incomplete.

However, and more importantly, I have reviewed a (publicly available) copy of the Land Registry in regard to the development site.

This is Title Number : WSX185600 as below:



I draw your attention to **Paragraph 5 (Page 2)** which states:

“The mines and minerals under such part of the land in this title other than the land hatched blue on the filed plan as were contained in a Deed of Enfranchisement dated 24 April 1990 and made between (1) The Most Noble Henry Duke of Norfolk (2) The Right Honourable Marmaduke Francis Herries Baron Herries and another (3) Alicia Young and (4) Adrian Young and William James Tong are excepted from the registration”

It therefore **appears that the applicant does not own the mineral rights** for the proposed development, and these are retained by the above noted individuals (I believe this to be the Duke of Norfolk Estate / Angmering Park Estate).

As a concerned local resident and taxpayer (notwithstanding the other multiple reasons as to why this application should be rejected) on this matter alone I cannot understand why West Sussex County Council continue to consider this application, doubtless at huge cost.

I urge that the above matter is investigated, and again confirm my strongest possible **OBJECTION to this application.**

Mr T J Bennett