

Objections 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

These are my objections to the planning application – WSCC/030/21

Site and setting

- Site is in the countryside as defined by Chichester District Council's Local Plan
- The proposed access track to the site travels through designated Ancient Woodland and Ancient Replanted Woodland
- The site includes an area of Ancient Woodland
- There are 6 public rights of way (3240/795/792/801/792-1/797) that would be impacted by the development, including ones that would be crossed by the access route or are run alongside by the access route. One of which runs along the northern side of the site, which the application proposes to close for **33** years!
- The site is not at all well sited for transport. It is more than 3 km from the Lorry Route Network (LRN) route, and 13 km from the Strategic Road Network

Proposal

The proposal consists of a clay digging operation and a waste operation:

- The proposal is to extract 12,500 tons per annum of weald clay for 30 years
- There is no demand from any brick works for this clay
- The proposal mentions the possibility of the applicant setting up a hand made brick business, but there is no evidence to substantiate this
- The waste proposal is to import 25,000 tons per annum of construction, demolition and excavation waste (CDEW). Half of this is proposed to be recycled. Half will be used to fill the hole left after the clay is removed

Minerals operation

- Paragraph 214 of the 2021 National Planning Policy Framework (NPPF) in footnote 74 states that there should be supply of 25 years of brick clay
- West Sussex Mineral Planning Authority's strategy for clay, in paragraph 6.5.6 of the West Sussex Minerals Local Plan (2018/21) states that when considering applications for brick-making clay, new sites are only to be allowed if existing supplies are exhausted, or if a particular source of clay is required for blending purposes. The local plan and the Monitoring Report of 2019/21 confirms that three active brick works have excess of 25 years of supply.
- Therefore West Sussex is meeting the 25 years of supply
- The existent local brick works have stated that they would not use the kind of clay that the site would produce

- **Therefore there is no need for a new clay pit**
- Regarding the criteria within Policy M5. C(ii) says that extraction should be extensions of time, or physical extensions, or be sited as close as possible to where the clay will be used. This application does not fit any of those criteria
- Criteria c(iii) requires the site to be well related to the LRN. Vehicles would have to travel 1.6 km along a forest track and then 3.2 km along a small country road (not a B-road) to get to the LRN at Bucks Green, on the A281. This is an unsuitable route.
- **Therefore there is no justification for why the clay pit is required. It does not meet the criteria set out in Policy M5 and there is no NPPF requirement**

Waste operation

- West Sussex is responsible for delivering a Waste Local Plan. The adopted plan states there is no additional recycling of CDEW capacity required before 2031. In the annual monitoring report 2019/20 it is acknowledged that CD and E waste is increasing, but concludes that there is capacity to manage this within the existent plan
- The proposal states that the rate of recycling will be 50%. This is way below national averages – 70-90%. Could it be possible that the applicant is planning to do a poor job of recycling, because otherwise they would need to use far more than 42 vehicle movements per day (proposed movement) in order to remove more recycling and bring in more inert waste to fill the clay pit?
- Policy W1 (Need for Waste Management Policies) of the current West Sussex Waste Local Plan (WSWLP) states that for new waste sites there needs to be clear demonstration of quantitative market need for the proposed facility, and the site needs to comply with the net self-sufficiency principle. Information in the planning application needs to include:
 1. Nature and origin of waste to be managed
 2. Existing capacity in the plan or catchment area
 3. Potential shortfall in capacity compared to market need
- The applicant does not appear to have met criteria 1. Nor criteria 3
- The application fails Policy W3 (Location of Built Waste Management Facilities) of WSWLP, as it is not located in a built up area or on previously developed land. It is on a green field site in the countryside
- National Waste Policy states that priority should be given to previously developed land, sites identified for employment use, or redundant agricultural and forestry buildings. The site is none of these
- Policy W4 of WSWLP states recycling sites should be located at active landfill sites or mineral workings. The application does not comply with this
- **So, the proposal does not comply with Policies W1, W3, W4 and W8 of the West Sussex Waste Local Plan**

Highways

- The developer's proposal of 42 lorry movements per day for 30+ years has been calculated (using observations by the applicants consultant, and local observations) as being a 100% increase in lorry movements from the present, along the road from the access point to the woods, to the A281
- Access at the Pephurst lay-by is for one lane only. Leaving the potential for HGVs to be held on the road. A very dangerous situation, given the lay-by is on a bend in the road
- There is a danger of conflict between users in the lay-by area, as walkers park in this location. There is scope for accidents between HGVs, walkers and cars. A Public Right of Way (PROW) is accessed from the lay-by by walkers
- A wheel washing station is proposed for near the lay-by, in ancient woodland
- The forest access route to the site uses a PROW from the lay-by for some distance. The applicant is proposing to separate vehicles and walkers by a barrier. However the WSCC Access Ranger for Area 4, in his submission in response to the application, says that the PROW occupies the whole of the track, and that public access right has priority over private access right, and therefore the track cannot be divided by a barrier.
- HGVs need a road width of 6m to pass each other safely. Of 18 width measurements made by Loxwood Clay Pit's (the applicant) transport consultant along the road between the lay-by and the A281, 21 are less than 6 m, and one is only 5.1 m
- The access from Loxwood Road onto the A281 at Bucks Green is notorious. Vehicles have very poor views both left and right on the A281, where vehicles are travelling at considerable speed. I have great difficulty getting onto the A281 at this point, and my car accelerates far faster than an HGV
- The applicant claims they will be able to direct traffic to only use the road from the lay-by to Bucks Green, to get to the LRN as quickly as possible. However, in practice, there will be no way of stopping drivers from arriving and leaving the lay-by by any route they wish. It is very possible that drivers arriving from and leaving for the north will do so via Alfold, Alfold Bars and Loxwood. And to and from the south and west via Loxwood and the A272. If this is the case Loxwood and Alfold will have yet more traffic to add to their already overly-crowded roads
- **The overall evidence indicates that there will be an unacceptable impact on highway safety, and the impact on the road network will be severe. Therefore the proposal does not comply with NPPF paragraph 111, Policy M20 (Transport) of the Joint Minerals Local Plan, and Policy W18 (Transport) of the Waste Local Plan**

Noise

- The impact of noise sources will be high for Alfold, Alfold Bars, Loxwood, Tismans, Tisman's Common and Bucks Green
- Noise sources from the site will include:
 - Diesel generator, operating 24/7, for powering the site
 - Long reach excavator(s)
 - Tracked dumper truck(s) (which are far noisier than wheeled dumper trucks)

- JCB(s)
- Crusher
- Conveyer belt outside
- Fan(s)
- Compressor
- Belts to carry recycled materials through the recycling process in the recycling building
- Pumps to and from the waste water lagoon, operating 24/7
- Vehicles travelling along the 1.6 km route through the woods
- Employee vehicles
- All of these noise sources will be active between 8.00 and 18.00 M-F and 8.00 to 13.00 on Saturday. And at the very least generators and pumps will operate 24/7
- Because the surroundings to the site, are essentially silent, the noise from the site will stand out even more
- Noise levels during the build phase and wind up phase will be even higher than during the ongoing operation phase
- This will be a devastating change from what is now present. A tranquil peaceful environment. Many people will never want to go walking again in Pallinghurst Woods because it will have become a noisy industrial site

Rights of Way

- The proposed access track will in places run right next to established PROWs, and cross PROWS. A potential source of accidents
- The applicant proposes closing the PROW (792-1) that runs along the northern side of the site, temporarily, for **33 years**. The diversion is 1.3 km long
- One of the PROWS that will be impacted is a national long distance footpath. The Sussex Border Path
- There would be massive impact on the users of the PROWs. Currently tranquil walking routes that gladden the heart and bring both physical and mental health benefits to walkers (highlighted during COVID lockdowns), would be negatively affected by HGV movements, noise, dust, lights in the early mornings and evenings, and by change in the character of the area
- The NPPF says that planning decisions should protect and enhance public rights of way and access. This proposal will not do this. Quite the contrary
- **The proposal is contrary Policy M18 (Public Health and Amenity) of the Joint Minerals Local Plan and of the Waste Plan**

Ancient Woodland and Biodiversity

- The proposal would result in much greater use of the current forestry tracks which run through Ancient Woodland and Ancient Semi-Natural Woodland, which would compact the soils alongside the tracks and damage the natural infrastructure/ecology that supports the Ancient Woodland
- There are a large number of high-grade Category A and B, and I believe some veteran trees, that would be felled if the proposal were to be approved

- An area of Ancient Woodland is included in the site, and would be adjacent to the huge Recycling Building, and as a complex and ancient habitat, would in all probability be irreplaceably harmed
- **Government advice is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are exceptional reasons. Paragraph 180 of NPPF, 2021). As it has already been demonstrated that there is no need for the mineral or waste operation, there is no public benefit that would outweigh the harm to ancient woodland or surrounding woodland. Therefore the proposal does not comply with Policy M18 (Biodiversity and Geodiversity) of the Joint Minerals Local Plan, W19 (Public Health and Amenity) of the Waste Local Plan, or NPPF**
- In addition to the felling of ancient and very large trees, there would be the removing of vegetation cover and soils through the stripping back of small trees and natural scrub growth. Barbastelle bats, protected by European legislation are understood to be present on the site or adjacent woodland, and there are a number of plants, mammals, reptiles and insects present that are also protected under the Wildlife and Countryside Act. Including nightingales.
- **The site is very sensitive from a biodiversity point of view, and it would only be right to approve the application, if there were exceptional reasons. As it has already been demonstrated that there is no need for the mineral or waste operation there is no public benefit that would outweigh the harm to biodiversity. The proposal fails to comply with Policy M17 (Biodiversity and Geodiversity) of the Joint Minerals Local Plan and W14 (Biodiversity and Geodiversity) of the Waste Local Plan**

Landscape

- The site is currently extremely tranquil, especially as there are no roads that cross the area of approximately 15 square kms. It is bounded by the B2133, A281 and Loxwood Road. Pallinghurst Wood is right in the centre of this. Within this whole area there are only isolated houses and a few farms. There are no light sources except for a few house lights, as the roads are all unlit. A dark policy is strenuously protected by the local parish councils. So the area feels very rural and there are magnificent starscapes on clear nights
- The landscape comprises unspoilt woodland and countryside, and is viewable from Merry Hills Lane, Loxwood, looking east. A view that is referred to as protected in the Loxwood Neighbourhood Plan
- The proposal would introduce an industrial site right into the middle of this area, comprising a mineral extraction operation, a recycling operation, a very large waste processing building, of 1,400 sq m footprint, welfare facilities, and an office building. In addition throughout each day HGVs and cars will be travelling the 1.6 km access track.
- This would bring a negative visual change to the character and appearance of the area, but also noise and dust, and lighting during the day and night
- **This will all impact the former users of the area, and would likely put them off from wanting access this jewel of the countryside for at least 33 years. The proposal fails to align with Policies M12 (Character) and M18 (Public Health and Amenity) of the joint Minerals Plan, and Policies W11 (Character) and W19 (Public Health and Amenity) of the Waste Local Plan**

In Conclusion

- **There is no need for the proposed mineral operation**
- **There is no need for a waste operation at this point in time**
- **An isolated rural location would not be suitable for a waste operation**
- **There are multiple site specific issues relating to landscape, biodiversity, noise, rights of way and ancient woodland**

I urge WSCC officers and Planning Committee members to refuse the planning application

Martin Loxton