

**Peter G Gates  
Brook Cottage  
Boxwood Road  
Tismans Common  
Horsham  
RH12 3BP**

**C Bartlett  
West Sussex County Council Planning  
County Hall  
Chichester**

17th August 2021

Dear Sirs

Planning Application 20/0155/01

As I am not sure whether my rather long letter of objection was received as an attachment I enclose a hard copy version.

Yours faithfully

Peter Gates

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Brook Cottage  
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West Sussex County Council Planning  
County Hall  
Chichester**

13th August 2021

Dear Sirs

### **Planning Application WSCC/030/21**

I wish to object to the Planning Application submitted by Loxwood Claypits Ltd for the extraction of clay and construction of a waste landfill and recycling site.

My objection is based on the fact that I am both a resident of Loxwood Road who will be heavily affected by this application and also a regular user of the woods.

#### Clay extraction and need

The Applicant has not established in any literature provided or Zoom meetings that there is a current demand for clay which could be met from this site.

The County Council indicate that there are sufficient resources to provide twenty five years of clay for brick making. The only local brickworks situated within West Sussex has recently closed down having established at that time that there was no demand for Weald clay for bricks. The brickworks local to the site situate within Surrey and Waverley Borough Council have indicated that they have a sufficient supply.

Brickworks should be sited near to the Claypits. The Applicant has stated that they would be looking to create a new brickworking facility somewhere but they have not indicated where or how far from the site this would be thus, in any event, increasing the amount of carbon emissions and travel usage from the clay site.

The applicant indicates that they are negotiating to supply clay so they do not have any specific demand

#### Waste Disposal

The Applicant states that allocated waste sites in the local waste plan have been granted Planning Permission for alternative developments or have not been developed by the owners and are not for sale. Furthermore none of these sites are suitable for a development. As these sites have permission what is to prevent them opening up and will this site still be needed?

The waste site is a most inappropriate use and could not be closer to the county boundary Does this mean they will be taking waste from Surrey whose nearest towns are probably closer than Horsham? What is the advantage to West Sussex and Chichester Councils?

A director of the Applicant Company is also the sole director of Loxwaste Limited an active skip hire firm stated to supply skips to South London and Surrey!

I believe that it is policy that waste sites should if possible be sited in built up areas or brown field sites and near to major towns not in the midst of an environmentally friendly wood. The closest town in West Sussex is Horsham which is more than 11 miles away and would mean utilising the already congested A281

To use the waste facility will entail large vehicles with diesel emissions utilising a C classified country road to the detriment of the air quality. The need for a large building in which the waste can be sorted will result in unacceptable noise to the locality regardless as to what the Applicant states as to their soundproofing.

#### Nuisance & environment

A large building in the woods which currently have none  
Need to divert or shut up an existing footpath which forms part of a circular route through the woods and danger to footpath 792  
Increase in carbon emissions by removing topsoil which stores it  
Heavy machinery with increased carbon emissions, noise of reversing beepers  
Upgrading of woodland access and building of new bridge  
Creation of traffic in the woodland which currently has none  
Effect on animals and wildlife  
Light pollution in an area of natural darkness  
Dust from all outside works  
Need for generators working the whole time  
Alteration and increase of a right of way

#### Employment

The applicant states that this will bring benefits and employment to the area

It appears that there will only be 12 employees This can be filled from local job seekers already spending and living within the area.

Nothing is made on the site or sold there and the general public are positively prevented from using the area

It is also extremely unlikely that any employee would be prepared to walk or cycle along the road to get to work in view of the nature and safety of the road and thus this will add to the road usage.

Thus there is no additional benefit for the area despite the applicant suggesting that the economy of the area will benefit by c 10 million over the 33 year lifespan of the project. This suggests each employee being paid £25,000 which does not bring with it major benefits

## Loxwood Road

This is a windy C class road which does not have any kerbs and thus the edge is sprawled, collapsed and potholed. The road has very sharp bends on it as well as two dips in the road both of which are prone to flooding, between the site and Bucks Green. It is proposed to use it in an easterly direction for 3.5 Km to join the A281 at Bucks Green. It is stated to be 5.5 metres wide apart from one section of 5.1 metres. Ideally this should be minimum of 6 metres in view of the deregulation of the majority of it

The estimated 42 lorry movements per day does not take into account the additional use of the highway by employees vehicles, delivery vehicles to the site, such as fuel tankers for the equipment, repair vehicles etc

The width of the road outside 1 and 2 Brook Cottages ranges from 5.046 metres to 5.15 metres. The deregulated section from our property westward to Loxwood should be 6 metres wide

Outside Brook Cottages the road suffers with deep pot holes which have been piece meal filled in. The road at this point is in a dip which regularly floods and is on a slight curve

Vehicles such as tractors and trailers animal transporters skip lorries and lorries of all sizes are unable to pass safely. In the dip between the Mucky Duck and Motts Cottage it is impossible to pass unless a lorry stops.

There are railings opposite our properties which have been replaced during our period of ownership and are currently leaning having been hit by lorries once again attempting to pass each other or to avoid other traffic users.

There are no pavements or lighting in either direction from our property until you reach Station Road Loxwood or until you reach Tismans Common by the chapel.

The speed limit to the East is 40 mph and increases from 40mph outside of our property to 60mph, being deregulated, heading west to the site. Vehicles, including lorries are mostly all doing the speed limit or above when approaching our property and we continually hear the application of air brakes and clanking of the lorry to rapidly halt to avoid other vehicles

On my understanding of the current Highway Code vehicles should give pedestrians, cyclists and horse riders a 2 metre space when passing on a deregulated road.

This is currently not possible as allowing for lorries of 2.5 metres in width (without Wing Mirrors) and allowing for the pedestrians, riders and cyclists to take up a space of 1.5 metres in width. This only leaves a clearance of 1.5 metres maximum when overtaking and utilising the entire width of the road. This however, in itself is not possible owing to the state and camber of the road, and I feel should be reduced by a further 0.7 metres to allow for this thus giving slightly less than 1 metre which is not safe.

This is due to be amended in the new Highway Code to be placed before parliament in the Autumn which will change road priorities, passing distances and speed which has not been taken into account by West Sussex Highways. I believe this will require 2 metres passing even in 30 mph. It is also envisaged cyclists will be able to cycle 2 abreast and in the centre of their carriageway (the Guardian Newspaper)

Without a pavement this is not possible on the Loxwood Road and thus it is totally unsafe. I am sure an HSE risk assessment would not permit it

There are three bridleways accessing the eastbound side of the Loxwood Road from the site and the road is regularly ridden by professional stables as well as leisure riders. These three bridleways all provide access to the local network of bridleways but entail some need to ride for a distance along the Loxwood Road including to the access at the Layby.

The congestion that would be caused at the Bucks Green junction between The Fox and the BMW garage. This is a parking space for buses and pedestrians are dismounting and mounting here. It is used to turn out onto the A281 as the angle with which the Loxwood Road approaches the A281 to the east of the BMW garage, makes it not possible to see to the left sufficiently safely. Even being higher up when in a lorry, one cannot see safely to the left to negotiate the egress from the Loxwood Road. The difficulty in accessing the A281 at this junction will lead to queuing vehicles which are a problem already with the customers of the BMW garages parking around that garage. One cannot turn into the cut through when there is a bus, a van or a lorry parked within that area.

The applicants proposed use could be said to make the road an industrial road, according to The HSE England a new industrial road should be currently 7.3 metres wide with long curving bends!

The road is also used by a school bus both in the mornings and evenings. This uses the road at least four times a day together with an intermittent bus once or twice a week. The school bus however does pose a problem in that the children currently have to get on/off into the hedgerow there being insufficient verge and absolutely no pavements. This is exceedingly #dangerous particularly to a driver/person who is not local to the area.

If this application were to be permitted why is the route to Bucks Green being chosen as the way for access? The westerly route to Loxwood has a very much better, road surface is wider and straighter and does not flood.

Very few people walk the road as they do heading in an easterly direction here as there are no houses at the Loxwood end which are not served by a pavement whereas from Drungwick Lane to the corner of Tismans Common there are no pavements whatsoever and yet there are numerous houses and several listed buildings all of which will be affected.

The road running through Loxwood itself is a B road (B2133) and a more established route leading to Alfold and a much easier access to the A281 lorry network. It is also nearer to the site entrance

The Applicant relies upon a questionnaire in which he states that 20% of the Loxwood Community voted 4.1 in favour of larger vehicles, eastward access and egress, 42 movements and that the other 80% abstained. Perhaps a questionnaire should be answered by Rudgwick residents as it is Rudgwick and Horsham District Council which will bear the brunt of this application?

Whilst not actually part of the National Cycle network Loxwood Road does form a part of Horshams Route 2 cycle route for beginners consisting of a 10 mile ride starting and ending in Rudgwick and is utilised from the New House Lane Bridleway to the Fox Inn at the junction of the A281 which will be shared throughout its length by the traffic accessing and

egressing the site.

The road throughout its length has also formed part of the Velo South Road race (which was Cancelled) but is used weekly by cycling clubs particularly on a Saturday morning. There has also been a notable increase in midweek cyclists using the road both for leisure and club cycling, particularly an increase in the number of elderly cyclists

#### Accidents

Although to my knowledge there has only been 1 pedestrian fatality on the road some 30 years ago and 1 recent fatality unrelated to the road there have been numerous unreported minor accidents.

Within the last 5 years there has been a van go off the road heading westward at the Mucky Duck, a car collide with the hedge at the Mucky Duck going eastward, a car going into the woods by Hale heading eastward, and a car go into the back of another car outside my property when the first car had to stop as a lorry appeared in the centre of the road. I believe that there have been further accidents further towards Bucks Green

#### Applicants title

The applicant states that it has a lease of the site. No lease would appear to be registered at the land registry which is a requirement for all leases of 7 years. How will any planning obligations be capable of being enforced if they do not have an interest in the land

Does the freeholder have the right to grant to the applicant the right to extract minerals (Clay) and infill with waste?

#### Right of Way

The applicant states that it has a private right of way for all vehicles over the farmers field, this right of way is only permissible subject to the applicant contributing towards the costs of maintenance and upkeep. There is no right for the applicant to make up the right of way alter it or construct fencing or enforce the landlord to carry out such works. The right of way only needs to be such as is necessary to provide woodland access and it is of a sufficient quality to do so in its present state

The right has since grant been only used for forestry purposes. When granted it was not envisaged that the right would be needed to gain access to new buildings or a different usage (Claypits and waste disposal) which therefor leads to a new substantial and excessive use, and thus I consider that the applicant does not have a right of way for the intended use.

#### Public Nuisance

Increased usage of a private right of way upon a public footpath.  
There is a very substantial increase of use and creation of a new regular use by HGV's which will severely impact on the safety of pedestrians using the right of way, and horse riders using the bridleway crossing the applicants right of way plus existing footpath

The pedestrian right of way is over the whole width of the current right of way as is supported by the pedestrian gate at the western (woodland ) end of the right of way which faces inwards towards the right of way. Heavy sheeting is connected to the gate post preventing any egress anywhere else other than off the track at right angles. This has most obviously been in place many years

If the foot access was as suggested by the applicant the gate would face directly down the length of the right of way No objection has been made by anyone to the entire area between the 2 hedges being used by pedestrians

The use will increase in that the daily use would equate to more than a current years use by the applicant's landlord. This will, have an effect on pedestrians apart from safety, by noise and vehicle emissions and would severely impact on the general public's health and current use of the woods as a peaceful and tranquil area to be walked and enjoyed

There is a potential danger to users of footpath 792 in crossing the access track and a sin respect of visibility to the

Lay by access

The applicants use of this, even with the proposed use of widening it by using the Council's Highways land will be excessive and dangerous.

The parking area is used not only by the general public walking the woods with their families children and dogs but also by people wishing to use the footpath to the Wey Arun Canal which is a visitor attraction in the area.

No consideration would appear to have been given to the fact that if the application were permitted more horse boxes/trailers will need to park there to gain access to the bridleway network.

The layby is also used for turning and vans lorries and drivers pulling up for a rest or to answer phones

The applicants access from the layby is also very close to Badger Setts which are clearly visible which should not be interfered with. Also their wheel washing area will be noisy and visible both from the pedestrian footpath and bridleway giving the impression of an industrialised area in what is otherwise a countryside of ancient woodland.

Footpath 792-1

The Applicant states that they propose to temporarily divert Footpath 792-1 along the northern boundary or relocate this.

It is a necessary footpath to gain access to the County border path. Is the footpath entirely upon the applicants land giving them the right to apply to move it? This footpath is important, although currently badly maintained, as it forms a circular route for a walk round the woodlands up to footpath 797 and thence to footpath 792.1 leading back to join into the bridleway. Being retired with an arthritic ankle it is an easy walk for me to keep fit rather than using the other badly maintained paths crossing the woodland

## Footpath 792

Footpath 792 crosses the access track to the site. This is potentially dangerous as there is a passing bay on the access track slightly to the west of the footpath and this will restrict visibility.

From a personal viewpoint,

We have dogs and currently, and for the last thirty eight years have walked the Loxwood Road and the lay-by and thence onto the footpath network with our dogs and children. We have 4 horses although nowadays we only take our grandchildren out on a pony. We walk with post to the post box which is at The Muck Duck pub I still do this walk. On numerous occasions, I have had to jump into a hedge there being no safety point to enter into once I have passed Farriers and regularly are passed by vehicles at speed and less than a metre from us.

We have young grandchildren who live next door to us and 2 other young grandchildren living locally. We take them out on the road with the dogs and their tricycles to walk to Newhouse Lane or in the opposite direction to The Mucky Duck and then round Tismans as well as up to the lay-by and then through the woods. We will be unable to do this and will need to drive our car to the lay-by and then walk with the children and dogs through the woods.

You cannot control young children or dogs wholly when they are off the leads and it is part of a walk to be able to let them enjoy their freedom.

We have always walked the road to the woods and bridleways with a young child being led on a pony, and as our children got older with 2 children on ponies. This is now looking quite unacceptable to do with our grandchildren in view of the additional number and style of vehicles that are now being suggested for the roadway.

This means that there will be no option other than to load up the animals and place them in the trailer and drive to the lay-by thus potentially blocking the access to the clay pits in order that we can unload the horses and then use the bridleway network.

There is no other place that we can do this other than drive further afield, again increasing the effect of emissions.

The granting of this Application will thus have a very severe impact on our way of life. Both my wife and I have regularly walked the woods. I walk mostly up the middle track now owing to my arthritis and then round pass the proposed site and then either back the same way or continue on using the proposed diverted footpath 792.1. to the bridle way and back to the layby

The middle track has been applied for as a public right of way which I fully support as it is the easiest route for me to be able to go out and enjoy walking the woodlands.

The increased traffic is a major concern both on the grounds of noise , nuisance and safety

I feel that this Application does nothing to assist with climate control or carbon emissions and has no benefit either for the Council or local area and is detrimental in all respects to the Government policies of fighting obesity and encouraging walking, cycling, tree planting etc



when in the Applicant's own admission it would appear that they have no current end product user for the clay that they propose extracting.

It also does not take into account that there may well be a fall off in demand for clay products owing to the nature in which they are made and indeed even in the manner of house construction in the future

Is it intended to transfer the entire woodlands after extraction and making their millions to the Parish Council or will it still benefit by leasing the lakes to a fishing club - at least I won't be here!

Peter Gates

