

WSSC/030/21

An application for planning permission for a clay quarry and construction materials recycling facility (CMRF) for CD&E wastes including the use of an existing access from Loxwood Road, the extraction and exportation of clay and restoration using suitable recovered materials from the CMRF to nature conservation interest including woodland, waterbodies and wetland habitats.

Comments objecting to the above development on behalf of

Rudgwick Preservation Society.

The National Planning Framework is cautious about 'land-based rural businesses' setting up on greenfield sites such as this, citing sensitivity of surroundings and unacceptable pressure on local roads. Sites chosen, it states, should be *"ones with the least environmental and amenity value. Development resulting in the loss or deterioration of irreplaceable Ancient Woodland should be refused"*. This development, therefore, falls at the first fence.

We have examined the comments by WSSC in pre-application documents. These refer to the cumulative unacceptability of the site in planning terms, significant environmental effects, the need for clay not outweighing the impact on its rural location and its poor location in relation to the Lorry Route Network, among other things. You have put the onus on the applicant to prove these are not the case, including asking for an EIA. We believe that the documents submitted fall short of doing so.

The parish of Rudgwick lies immediately to the east of the Loxwood site. The proposal that all the traffic, mainly HGVs, to and from the site, will pass along Loxwood Road to the A281 in Bucks Green gives us a strong position in our objections. I will return to this later. Moreover, many Rudgwick residents use the PROWs in the woodland around the site for recreation and amenity, whether entering directly from Tisman's Common at Barnsfold or by car from the lay-by at Pephurst, which is also the proposed access point to the site. Indeed, my society organise a popular programme of evening walks all through the summer, including one from Tisman's Common and one from Pephurst lay-by every year, both into the woods which are the subject of this application. We have also been gathering historical information about Rudgwick and its surrounding farms and woods for many years. These woods were an integral part of the manor of Drungewick which straddled Loxwood and Tisman's Common and were later part of the sporting estate known as Pallinghurst, centred on Pallinghurst House in the north of our parish until 1959, and about which I have written an unpublished book freely available on our website. Hence, the applicant refers to the land they own as Pallinghurst Woods.

Do we need the clay? Policy M5 of The West Sussex Minerals Plan 2018-2033 states that there was enough clay for 25 years in 2018. We understand that two clay pits on Weald clay, the same geological strata as in Loxwood, at Laybrook and Warnham, both have sufficient clay. Other brickworks at Freshfields Lane and Pitsham are not making bricks from the same raw material so one questions whether they would want to blend using Loxwood clay. At

Rudgwick Brickworks, a distinctive finished product was made, purely from Weald clay. The pit at West Hoathly has closed permanently, despite the applicant at first citing it as their preferred market. The applicant now states that at some future time they could set up their own brickworks in another unspecified location, damaging yet more countryside in the process and creating HGV traffic to the site. This seems to us to be a panic decision to keep the project alive.

Re Policy M5 again, as anyone who has studied geography knows, the reason why brickworks are sited at the source of the raw material is because raw wet clay is heavy and bulky to transport as compared to the finished product. Their statement that their pit compensates for the loss of Rudgwick Brickworks in Lynwick Street is nonsense as its closure was a commercial decision, not “been given permission to close”. On what evidence do they argue it had 30 years of life left? At the end of its life, some clay was imported to the site.

Additionally, Policy M5 is also key because it states the alternative to the brickworks being located close to its raw material is that it must be well-related to the Lorry Route Network. The nearest access to a Strategic Route is the A24 at Broadbridge Heath, nearly 10 miles away, if one includes the track from the pit. Similarly, the local Lorry Route Network at Bucks Green (A281) is 3 miles distant.

The nearest brickworks to Loxwood is Wienerberger Ltd’s Ewhurst Works at Walliswood, Surrey. This pit is currently under scrutiny by Surrey CC, Wienerberger envisioning a large expansion of the pit and new tile works. With the expansion, there will be no requirement for imported clay, and a possible 61 years of clay in reserve (*Wienerberger Non-Technical Summary*). In any case, this location is also about 10 miles distant, mostly on inadequate roads, and through Rudgwick village, not via the Lorry Route Network.

Do we need the CMRF? Similar arguments can be made regarding the Lorry Route Network for movement of waste and crushed product by HGVs. *“Being poorly located to the Lorry Route Network, it is the authority’s (WSCC) view that planning approval would be difficult to obtain” (pre-planning advice)*. Policy W1 of The Waste Plan, 2014-2031, also states that there is no need for new processing sites as there are five already, all near to the sources of building and demolition waste in urban areas, which this site is most definitely not. The so-called circular economy is one we support, but not at the expense of damage to unsuitable sites distant from both sources and markets.

One of the colossal ironies of this application is that the applicant wishes to dig a pit, only for it to be filled in again with inert building waste, unsuitable for recycling, and therefore mainly clay from foundations and underground works, from distant, but unspecified, sites. You could not make it up! Moreover, we understand this applicant, Loxwood Clay Pits Ltd, is associated with a company Loxwaste Ltd based in Kingston-upon-Thames, Surrey, and Orpington, Kent. WSCC needs to be alive to the possibility of some of the waste being imported from excessive distances.

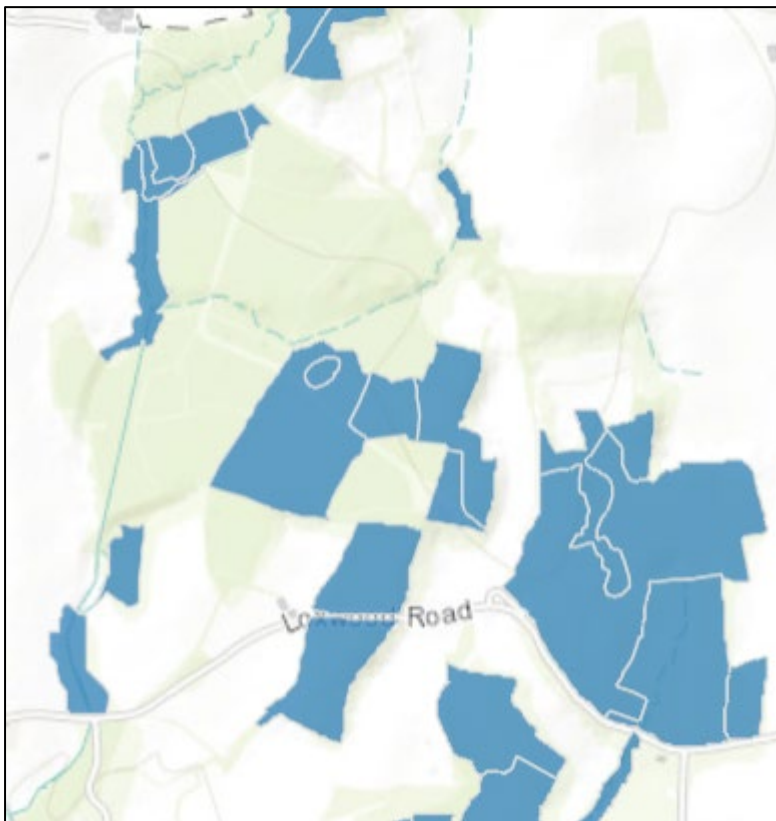
Is the location suitable? Policy W3 states that a CMRF in an existing pit might be acceptable. This is not an existing pit. The policy goes on to state a brownfield site, close to lorry routes, close to construction waste, close to markets, might be suitable. This greenfield site fails on

all counts. The applicant has not considered such locations, *“being a greenfield site, you will also need to demonstrate that no alternative sites are available... In line with part (b)(iv) of Policy W3 you will need to demonstrate that the site is well-located to the Strategic Lorry Route Network... It is not considered that this is the case”*. (WSCC pre-planning advice)

What are the environmental impacts? Described by WSCC as having significant environmental impacts, the applicant has been on the back foot from the start. RPS believe that reinstatement over 30+ years (plus further decades to stabilise and mature) does not make up for the loss now. We do not have the luxury of time.

There will be inevitable loss of biodiversity, well beyond the site. Biodiversity arises from the mosaic of semi-natural woodland habitats at all stages of maturity, from newly planted hardwoods to Ancient Woodland, criss-crossed by open sunnier rides and PROWs, important for wildlife - including butterflies, for example, the very rare wood white, and also small heath, brown hairstreak, white admiral, pearl-bordered fritillary, and purple emperor. The widespread flora of Ancient Woodland species is a particular feature, not just bluebell and primrose, but other Ancient Woodland indicators, and rare species for this area, long-stalked yellow sedge and common cow wheat (*source Sussex Biodiversity Record Centre*). The applicant’s environmental surveys by teams from independent consultancies also have many findings which add to our concerns. Bats flying in from The Mens near Wisborough Green are well-researched and include the rare barbastelle. Additionally, 38 arboreal bat roosts were discovered in the woods.

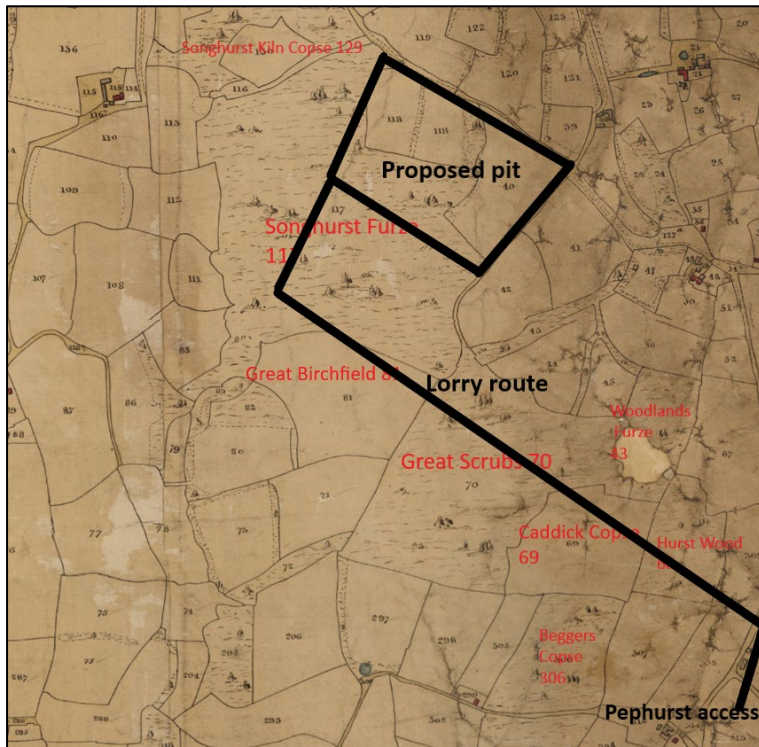
Ancient Woodland, other woodland, and (faintly in white) the access track, are shown on the map below. Tree loss is a particular concern on many levels. Although the applicant



argues the site is not in Ancient Woodland and that ¼ of the area is recently planted woodland, it remains true that five Category A pedunculate oaks (T80 is 24m high) and further four groups of unspecified oaks will need to be felled during the 30 years life of the site, and a dozen or so Category A oaks, theoretically not at risk, are to be found alongside the access road. Mention was made of sessile oaks in this woodland, also noted by Sussex Wildlife Trust, but I could find no mention of them in the detailed tables. Sessile oak is not commonly found in

lowland southern England clay soils, so should be protected. A large population of slow worms was found, common lizard and grass snakes also present. Birds are impressively varied, with 28 species of wintering birds, 8 on the amber or red list, 2 on Schedule A of the Wildlife and Countryside Act, and another 28 species of nesting birds, including 6 on the amber or red list, and four of these of principal importance. 268 species of invertebrate, of which 28 are of national importance, are also recorded, include 3 butterfly species mentioned above.

The location of Ancient Woodland in relation to this project is interesting, as shown on the previous page. The NW corner of the designated site abuts and includes a corner of Songhurstkiln Copse, where nightingales are heard singing. The access track passes through woodland 90% of its length, of which about 40% is protected Ancient Woodland, named Great Scrubbs, Hurst Wood and Pephurst Wood. The situation is complex as the whole woodland area has long been exploited for timber, sporting activities, and in specific locations for brick clay, also for agriculture in other specific areas. Plantations have been added to the mix so that today this area is more wooded than it ever was in its history. As stated above the mosaic of types of woodland, the ages and species mix provides the best



environment for biodiversity. Any change to one area has a knock-on effect. Consider also that the route traverses the large expanse of Songhurst Furze, Great Birchfield and Caddick Copse planted in the early 19th century, now mature secondary woodland. Songhurst Furze and the others are shown on the Wisborough Green Tithe Map, illustrated left, as tracts of woodland, now possibly 200 years old. We accept that much of the site itself is former agricultural land (numbered fields shown on the adjacent map), but we also assert that

Ancient Woodland indicator plants, of which 40 were found, “in the upper range for such areas”, are present in the recently re-planted areas, probably because of their open nature. These areas had been planted with early 20th century conifers, harvested for timber, and re-planted with native hardwoods, by observation mainly oak, some 20 and some 5 years ago.

We see little chance of a net gain in biodiversity after 33 years work here. Moreover, the need for tree and other cover is now, for the battle against climate change. Not only is the vegetation a carbon sink, but the soils are also an even greater carbon sink. We do not have 33 years to make changes; leave our woodland alone!

The Low Weald Hills Landscape Character Area of which this is part is traditionally made up of fields cut from the woodland, Ancient Woodland, green lane footpaths, an area sensitive to change, and, certainly in this locality, devoid of population. Objective 10 in the Waste Plan argues for the retention of such character, and its sense of place. Policy W11 also protects the character of places, where development might threaten perceived travel between settlements, a visual break, an absence of activity, avoiding noise and pollution: a strong relevant policy for these woods. In addition, the Minerals Plan champions tranquillity. It is important that it is understood that even if most of the noise and dust from the CMRF is contained within the building, the HGV movement, diggers, and other machinery used to extract clay are in the open air, allowing pollution to spill out across the countryside, particularly in an arc from Rikkyo School to Tisman's Common on prevailing westerlies and south westerlies. In such a tranquil setting any noise or dust will appear amplified and will also affect wildlife. The application states a noisy generator will be used until an electricity connection is made to the mains. If allowed, this development should have a condition to provide electricity before any work commences both on site and at the wheel-washing station. As a boy, I lived in Loxwood. When the annual point-to-point races were on at Tisman's Farm (the other side of these woods), I could hear the muffled commentary in my garden, a distinct memory.

We are concerned at the effect of the development on soils, as stated above, a carbon sink, but also in danger of compaction, contamination, poor management of greater runoff (highlighted in the WSCC Drainage and Flooding Consultation), and long-term deterioration of biodiversity, not to mention release of CO₂ stored in the soil for millennia. Soils stored for any length of time will surely lose any life they may once have contained. The proposal to move soil with its micro-organisms, invertebrates, and wildflowers to new sites in the woods may seem positive, but it leaves the soil depleted for re-instatement.

Finally, it is important to point out that this project is in defiance of the Loxwood Neighbourhood Plan, and of the countryside policies of The Chichester District Council Local Plan. In Loxwood's revised Plan, 2020, para 7.4 refers specifically to priority habitats including those at this site, 7.6 specifically protects Ancient Woodland whilst 7.8 encourages sympathetic management of the countryside. These counter the developer's suggestion (sent by email to local residents) that the parish needs more employment or business activity, which might be appropriate and sustainable in the village itself, or on farms. "They [business activities] should be sensitive to the local setting and not have a detrimental impact on the surrounding environment" (Policy 18).

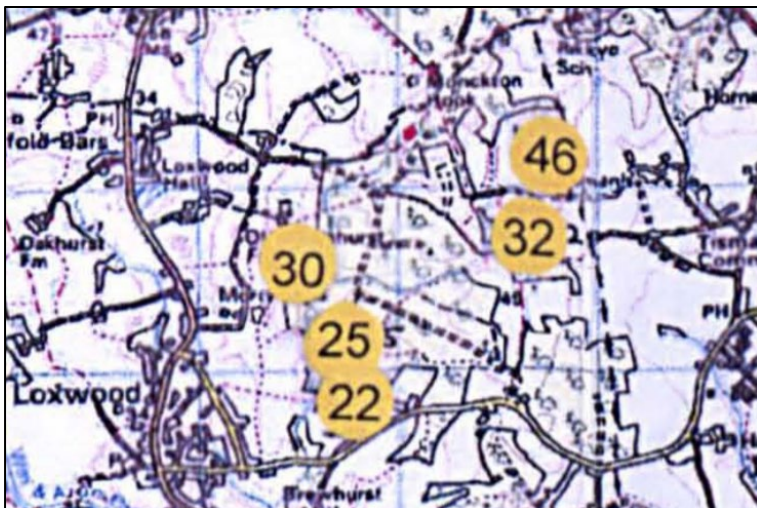
The Chichester District Council Plan is of necessity very detailed, and we anticipate they will take a view on this application. It seems to us that Policy 39 Transport, etc, Policy 45 Development in the Countryside, Policy 48 Natural Environment, among other policies are relevant. However, it is recognised that District Councils do not plan for minerals or waste sites as such.

What are the effects on heritage and landscape? These woods are far from a blank canvas. The most notable features are the green lanes, most of which are PROWs. With their banks and ditches, of varying width, often seemingly idiosyncratic direction, they date from an era before turnpikes, when they will have been drove roads, links between settlements, and often connected places in the south of the county to grazing and pannage in the north.



Linked with these is a feature identified as V-plan banks, but of unknown origin or purpose, within the northeast part of the proposed site, which deserves further investigation. In more recent times the lanes have been used for access to forestry, sport (shooting) and for recreation, keeping them open, and as sunny wildlife areas. Other geometric patterns of rides were added to these, again creating open habitat, including along the proposed access route, a haven for wildlife including butterflies.

In addition to the PROW FP792.1, which forms the northern boundary of the site (seen heading NW on the tithe map, above), it is less well known that a second green lane abuts the eastern boundary as indicated on the tithe map by a red line. Whilst not used today, it was once linked to other routes by a crossing of ways in the NE corner of the site, clearly apparent from the map. An adjacent field was even known as Crossways Field in the 1840s! This feature is at risk from the working of the site.



At the site of Pephurst Brick and Tile Works, closed since the Great War, there is industrial archaeology, including a waste dump which should be investigated by archaeologists. Of considerable interest locally are the Wealden glass industry sites dating back to the 16th century when local sand, fuel and Huguenot skills made the area a manufacturing area of note. Sites are shown on the

map, left. This is taken from a Ph.D. thesis by CJ Clark of Sheffield University, 2006, *The Glass Industry in the Woodland Economy of The Weald*, which may be found at

<https://etheses.whiterose.ac.uk/15153/1/485886.pdf>. It is evident the applicant's

consultants had not read this. More sites are written about in this thesis than were known to early 20th century writers such as GH Kenyon and SE Winbolt. It should be explained that there is more to discover of this industry. We feel the consultant was too dismissive of this heritage industry. We do not know of any sites within the woodland because the tree cover

masks the surface and the subsoil where glass may be waiting to be found (and which would not show up on the LIDAR maps provided). The map shows clearly how known sites ring these woodlands.

What are the effects on health and amenity? These woods, and the lay-by at Pephurst, are locally remote, tranquil and a well-used amenity for walkers, cyclists, and horse riders. Three villages, Rudgwick, Loxwood and Alfold, triangulate the woodland. Each has its access points, but Pephurst lay-by, in the ownership of WSCC, is the most popular as it has useful parking. There are also four nearby Public Footpaths (FPs 792, 3242, 3241 and 3244) converging on Loxwood Road to the south and west (three of which bring walkers from the popular Wey and Arun towpath), which are likely to feed walkers into the lay-by and Bridleway B 3240, with attendant safety risks. The layout plans for changes to this lay-by are vague, as has already been stated by WSCC Highways in their consultation response. How will commercial and amenity traffic and parking be separated safely and unobtrusively? Consider too the noise, and light pollution at dusk, of the wheel-washing station in between the lay-by and the crossing mentioned in the next paragraph. Moreover, there is a solitary house 'Ivyhurst' here, whose occupants will suffer the noise intermittently all day, and whose son's health and wellbeing is seriously affected by such noise, we understand, which is why his parents chose to live in this isolated spot in the first place.

The bridleway B 3240 commences here and almost immediately is crossed by the access track, a hazard, and an inconvenience. We note that the British Horse Society, an objector, is concerned by the impact on managing horses in the lay-by, on the bridleway, and on Loxwood Road. How will separation be achieved? We agree with WSCC PROW Consultation that this is glossed over in the application and requires a management plan which is designed to mitigate risks to not just safeguard pedestrians but also cyclists and in particular horse riders. The access track then crosses between two fields not owned by LCP Ltd, which is also FP 725. In practice the two use the same path. LCP, we understand, wish to fence off a narrow path. This has been rejected by WSCC PROW Consultation which asserts not only that the public have rights over the entire width of the track, but that public access rights take precedence over private rights. The normal movement of cattle between these two fields will be problematic, and the risk of their escaping increased.

In addition, FP 792 also crosses the track deep in the woods on the boundary of Great Scrubbs and Great Birchfield, with some of the same safety issues as with the bridleway. However, the worst situation is that of FP 792.1. We would expect a loss of tranquillity and visual disturbance affecting the amenity of walkers if the applicant gains permission, which is bad enough. This green lane northern boundary of the site is apparently, needlessly, and shamefully, proposed for closure, for 30 or more years! Why? Why the long deviation? The Sussex Border Path has not been closed for the infilling of Rudgwick Brickworks, just a barrier fence. This is totally unacceptable, and unprecedented for a route in use for many centuries. The view we take is supported by the WSCC PROW Consultation, in which a legal test for extinguishment of a PROW should be a lack of use. Yet, the applicant's camera evidence shows a great deal of use! There is an outstanding application for a DMMO on the

public use of the entire access track, which we have supported in writing. If granted, this would have important ramifications for the plans of the applicant.

Furthermore, has anyone established sightlines to the site from the surrounding high ground, for example from the ridgetop Sussex Border Path FP 793 and the ridgetop FP 796 from Merry Hills to the Surrey border?

This is all happening at a time when use of the woodland for recreation is growing hugely with lockdowns, awareness of outdoor recreation for mental health issues, even the increase in ownership of dogs. Waste Plan Objective 13 promotes health and amenity in the countryside.

WSSC stated in a pre-planning document, *"The site is in a wooded area, adjacent to public footpaths. Any proposals in such an area would have the potential to have an adverse impact upon public amenity and on the surrounding landscape."*

What are the effects on transport and traffic in Rudgwick and at Pephurst? There are potentially severe impacts on Loxwood Road, its residents (including four houses in Loxwood near the Pephurst lay-by). Chief of these is road safety for vehicles joining the road from other public roads, of which there are three, two in Tisman's Common rated hazardous, likewise from several private roads and entrances to multi-residential locations, and from numerous driveways. There are hidden dips and several blind bends at awkward locations. HGVs negotiating these bends will surely use the crown of the road to allow for the tracking of rear wheels, worse if two meet in such a location, a potential collision or use of verge or pavement could occur. Moreover, the road is narrow, as documented in the applicant's submission. The stretch west of Exfold Farm is agreed by all parties as the narrowest stretch, only 5.1m. If two HGVs meet anywhere on this road passing will need to be done with extreme care, but here the road is too narrow, yet potentially fast because it is straight. If HGVs require 3m each then the road will not suffice for most of its length. Damage to verges, and road surfaces, is almost guaranteed, as was seen in the case of Crouchlands Farm digester plant, near Plaistow. It is the West Sussex Highways Department's responsibility to maintain verges, and if not done, is a potential cause of an accident. The two access lanes (one a bus stop and waiting area) to the A281 in Bucks Green are also hazardous, with reduced visibility in both directions, and a constant flow of ever-increasing traffic.

We are concerned also that some drivers heading to/from the Guildford direction on the A281 will, with the use of a satnav, take a short cut, via Hornshill Lane, at the Mucky Duck pub. I live on this road; some HGVs already do this. Moreover, some may choose to go via Loxwood village. No one is likely to check this once a driver is outside the woods. We understand that on the narrow roads in the vicinity of Ewhurst Brickworks, referred to above, numerous infringements of the agreed transport route occur.

We do not have confidence in LCP to control this, unless only one highly reputable designated carrier is under contract, as was the case at Rudgwick Brickworks. Even there, occasional rogue drivers or drivers of other companies occasionally involved, broke the rules imposed. We know this because we have been represented on the Community Liaison

Group. Given the much longer term of this project, sound future traffic management cannot be guaranteed.

With regard to non-motorised traffic, the new 2021 Highway Code makes a presumption in favour of pedestrians, cyclists, and riders over all vehicular traffic. This includes not only those on the Loxwood Road, but also those using the lay-by to access the bridleway at Pephurst. WSCC Highways in their consultation submission state, *“The presence of HGVs has the potential to decrease the perception of safety for non-motorised traffic”*.

There is a 30mph speed limit in Bucks Green and part of Tisman’s Common, the next stretch being 40mph, but further west it is 60 mph. It is suggested that if this application is given permission, the advisory condition should be that all LCP traffic keeps to 30mph for its entire journey to Bucks Green, and drives courteously, as is the case on Lynwick Street for HGVs to/from the former brick pit (where a mandatory speed limit of 30mph for its entire length is only recent).

The distance to the Lorry Route Network (A281 at Bucks Green) by road is about 3 miles (with the distance travelled on the access track increasing this to 4 miles). The distance to the Strategic Lorry Route Network (A24 at Broadbridge Heath) is 10 miles. LCP claim the distance is shorter as the crow flies – of course it is, but not in the real world of HGV drivers. The site is not close to these routes, confirmed by WSCC in a pre-planning document with the words *“poorly located”*. We also note that if vehicles wrongly use a route through Loxwood, that the B2133 is not part of the LRN.

We have reservations about the future layout of the lay-by itself, as referred to above, under Health and Amenity. In addition, we question (as do WSCC Highways) whether the splay to be provided is adequate (the drawings being unfathomable). Will lorries turning left into Loxwood Road be able to do so safely on a narrow road where they will likely cross the crown of the road? Visibility from the west is poor, only about 75m. Moreover, the potential risk for pedestrians, cyclists, and horse riders from HGV movement across their path is a serious safety risk (as already referred to), particularly as the bridleway and HGV access track leading from the lay-by are so close. Such risks, as with those on PROWs mentioned above, are impossible to mitigate fully, and have not been addressed by the applicant.

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Sent by email to Chris Bartlett on 24th August 2021