

Comment for planning application WSCC/030/21

Application number	<input type="text" value="WSCC/030/21"/>
Name	<input type="text" value="Peter Gates"/>
Address	<input type="text" value="1 BROOK COTTAGES, LOXWOOD ROAD, LOXWOOD ROAD, HORSHAM, RH12 3BP"/>
Type of Comment	<input type="text" value="Objection"/>

I wish to comment further on the Planning Application submitted by Loxwood Claypits, I think a lot of the new information provided does not assist but are more desktop studies than site specific comments.

Since the date of my initial objection the Highway Code has of course been amended. This has a major impact upon all new Planning Applications. The current use by the Applicant which is forestry and woodland has very little impact on the road.

However, the change of use to commercial/industrial for the claypit/waste site is a very different matter allowing 42 daily movement of 16 to 32 ton lorries along the road.. That is not all, as there will of course be all service vehicles, employees' vehicles and fuel vehicles attending the site. All traffic from the site is be directed to Bucks Green. This road is not wide enough for large vehicles to comply with the new requirements of the Highway Code in passing horses giving them a two metre clearance, or cyclists who are now permitted to cycle two abreast, one and half to two metres clearance. This therefore only leaves sufficient width for a car to pass safely certainly not lorries. Similarly, even a pedestrian, owing to the lack of pavements and street lighting for its length to the site from Bucks Green, and lack of refuge points along the roadway, cannot be provided with the safety envisaged by the Highways code and be overtaken by a lorry - there is quite simply insufficient room,

The road is part of a designated cycle route for beginners and provides the only link for horse riders between the bridleways that access it and the surrounding roads.

With regard to the right of way that the applicant has over footpath 795-3 the right, that has so far been exercised by the applicant quite clearly has only been for a forestry purpose .The use to which it is now proposed to put it to is very substantially different to that originally granted. Even with the major tree felling scheme currently being undertaken by the applicant I would consider that the vehicular use would amount to only one days intended future use and would be interested if the applicant could produce figures to prove otherwise.

Despite the applicants assertion that the pedestrian right of way is restricted to the southern portion of the right of way I totally disagree with this

As a family we have used the Right Of Way since 1984 and my wife was secretary for the Pony Club Show that used the southern field abutting the Right Of Way since c 1988, during which times we accessed the woods for foliage for the jumps. The boundary to the field was the hedgerow running along the southern side of the Right Of Way. At no time has there been a distinction between the vehicular and pedestrian right of way as this has been unnecessary owing to the very infrequent use of the right with vehicles.

The pedestrian right has been acquired as of right over very many years, and before the specific grant of the vehicular right to the applicants predecessor in 1994, when the Right Of Way was referred to as a " track" thus evidencing that it must have been walked prior to that time.

The pedestrian gate at the western end of the footpath runs parallel to the Right Of Way and sends pedestrians through the corrugated iron barriers that the farmer erected and down the centre of the Right Of Way. This is consistent with the pedestrian right of way not being located along the southern portion of the Right Of Way, but being over the entire width of the Right Of Way - the gate has been in that position many years.

The application CA16 submitted by Tilhill Estates on behalf of Mr Nigel Danish, who is incorrectly stated as being the sole freeholder, clearly shows footpath 795-3 as running down the centre between the hedgerows and to the north of the pond on the western end of the Right Of Way.

Lorries passing over the Right of Way also still have to comply with the provisions of the Highway Code, and even were it accepted (which it is not) that the pedestrian right of way was restricted to the southern side of footpath 795-3, lorries would still have to provide a 2 metre clearance, which again, as with the highway is not possible.

It is not possible to fence off an area to the south on the Right Of Way as seems to be suggested, for the pedestrians to walk and the vehicles to pass to the north side. In any event can the farmer be made to improve the Right Of Way to take the number of commercial and other vehicles envisaged, and to fence the Right Of Way to facilitate the applicant's intent to exploit their woodland?

Were this application to be granted the introduction of so much vehicular traffic is also extremely bad for health with lorries passing by at low speed or stationary continually emitting diesel fumes, particularly at the pinch point on the western end of the Right Of Way where pedestrians will have to wait, whilst any lorries that are already between the barriers, negotiate these and the applicants gate/barrier as the gap is only large enough for one lorry

The excessive increase in vehicles as well as the fumes and noise will constitute a statutory nuisance to those persons wishing to use the Right Of Way which are not limited to just a few persons. The noise from the current tree felling and clanking of machinery is very evident at present from our property and noise and clanking of machinery is likely to continue if the application is granted. The distance that the site is from a major lorry network, and, the means of access, both onto the A281, along the Loxwood Road and the right of way, is totally inadequate and thus for these safety reasons alone, without considering the unproven need for clay, desecration of the woods, loss of habitat, effect on wildlife and loss of a peaceful and tranquil area should hopefully be sufficient to refuse this Application.

Received

02/02/2022 12:03:06

Attachments