

**OBJECTION LETTER in respect of 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:** David Wright of Barnsfold Cottage, Barnsfold Lane, Tismans Common, West Sussex  
RH12 3BN

**Dated:** 7 February 2022

Generally, I couldn't really see anything new in the 278 pages of "additional information and rebuttal" submitted by the applicant (LCP) which either substantiated the applicant's previous claims, or which impacted on my and so many others' previous objections.

As such I write to reconfirm my previous objection to this application and to take this opportunity to add to my objection in one or two respects.

I could see that someone called Cleo had been responsible for the various highlighting and extra red text which features in the applicant's 278 pages, but it is very hard to understand the significance and relevance of much of that highlighting and text. I assume the applicant and its team understand what they are doing; perhaps they are trying to collate information for a subsequent appeal, or to mask points they themselves consider to be insurmountable weaknesses in the application? Either way, so much of it reads like a stream of consciousness, and documents being added for the sake of it, that I must admit I found it hard to follow and understand.

I do appreciate that an applicant's behaviour is not normally considered relevant for planning law purposes, but I would encourage WSCC to take into account of the fact that this applicant and its team of "hired guns" seem to show such disdain and distaste for the local community and various other stakeholders, and that this might be seen to taint the credibility of the application in certain respects, or as a whole.

Even the fact that the additional information submitted by the applicant is headed "additional information and rebuttal", is more suggestive of a one-sided litigation approach than a balanced attempt to engage with WSCC, other stakeholders and the local community.

In addition to my concerns about the behaviour of the applicant and its team, a few points jump out at me from the 278 pages which suggest to me that the application is little more than a paper tiger with no substance or merit (using the applicant's page numbering):

- Pages 12-22: WSCC say that the applicant's photo misrepresents footpath 795; bizarrely, the applicant's solicitors Lidders suggest that the adjoining landowner (query whether LCP actually owns or controls any of the land in question?) has committed a crime in putting an easy-open and close wire fence across a path, presumably to safeguard path users and cattle; WSCC's Ranger is criticised for not mentioning CA16, even though CA16 would appear to be irrelevant to the issues in

question; and WSCC's Ranger is also criticised for not meeting with the applicant's team on site (during a global pandemic).

- Page 16: WSCC's Ranger concludes "In summary I find no evidence that this section of Footpath795... is not as per its legal definitive line and this concludes my investigation into the matter". Ladders debate the issue further on the applicant's behalf but I cannot see anything that should call into question the Ranger's conclusion.
- Page 23: The applicant's team complain to WSCC that many objections from the local community appear similar to the guidance document prepared by the local community action group STCP and that that document, and by association the objections from the local community, are "disingenuous". The applicant's disdain for the local community and its honest, heartfelt views on the application is palpable.
- Pages 24-28: The applicant goes on to try to rubbish some of the points made in a STCP flyer, including suggesting that saying the area is water-stressed is "spurious". I wonder, is the applicant ignorant of or just ignoring the well-publicised concerns from Natural England and others regarding local water-stress in the area of the application and the crucial need for water neutrality in any proposed developments?
- Page 33: The applicant complains about the local community action group STCP challenging its application. The applicant seems to be asking WSCC to divulge the addresses of certain objectors, a move reminiscent of the applicant's previous use of personal data to target local individuals and to threaten them with legal action (see section on the applicant's legal threats against the local community below).
- Page 34: The applicant argues that WSCC have "thwarted" the applicant's efforts to avoid an appeal to the Secretary of State, apparently through WSCC's reluctance to accept additional material piecemeal. Curiously, here and elsewhere in its material the applicant criticises a local councillor (with no decision making influence or authority as regards the application) in different ways, apparently for "wearing two hats" and knowing when a particular council meeting might be likely to take place. The local councillor appears in fact to have done nothing other than to represent his local community, without fear or favour, in just the way we would all wish them to.
- Page 37: The applicant blames the closure of West Hoathly brickworks on failing policies; presumably WSCC policies? This allegation appears unsubstantiated and irrelevant.
- Pages 125-126: The applicant's swept path analysis purports to show the likely tipper truck route. I am no expert but this looks dangerous to me. Walkers and horses are not shown, but even the car/s shown in the diagram appear to be at risk, and sighting distances look tight.
- Page 129: This time, the applicant accuses Chichester District Council of being "disingenuous" and "acting in bad faith" when it issued a Tree Preservation Order to

protect the woods in 2020. I have never heard of such a thing as a disingenuous Tree Preservation Order before.

- Page 132: The Forestry Commission says that ancient woodland is irreplaceable and any loss or deterioration of ancient or veteran trees should be refused, unless there are wholly exceptional reasons. I am yet to see even any half-decent reasons put forward as part of this application, let alone any wholly exceptional ones.
- Finally, I turn to the applicant's previous legal threats against members of the local community:
  - At the start of 2021, I believe the applicant's solicitors Ladders threatened several members of the local community who had challenged LCP over its proposal. In a 22-page "letter before claim" it was said that legal proceedings could be brought for defamation and malicious falsehood. It seems the personal data these local individuals had provided to the applicant's team to access LCP's "public" webinars might subsequently have been used to pursue and threaten them in this way. Among the claims Ladders made against the individuals included that they were responsible for issuing material on the internet or elsewhere which suggested that:
    - There was no real need for clay in the county
    - Badgers lived in the nearby woodland
    - The proposal would create noise disturbance
    - The pit digging and waste operation might possibly expand or develop in the future
    - There would be damage to woodland, wildlife habitats or ecology
    - HGV access route/s would run over PROWs
    - HGVs could cause a safety issue
  - These suggestions were hardly the stuff of defamation, let alone malicious falsehood. In fact I believe they were all true at the time, and they remain true.
  - The fact that the applicant and its team chose to threaten those in the community whom it thought had had the temerity to challenge its proposed development on such honestly held, reasonable, and common sense grounds speaks volumes.

For all these reasons and more I fiercely object once again to this awful application.

David Wright

7 February 2022