# LETTER OF OBJECTION

#### 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: Mr T J Bennett, Holly Tree Lodge, 6 Oak Grove, Loxwood, West Sussex RH14 0DN

## **OBJECTION**

Following the submission of additional information in respect of the above application, I register an additional and further objection in respect of the specific matter set out below. For the avoidance of doubt, my other points of objection still stand.

## **Ownership of Mineral Rights**

Pivotal to this application is the development of a clay quarry, including 'extraction and exportation' of the minerals. Without this, the entirety of application is essentially and fundamentally flawed.

I refer the Planning Officer and Planning Committee to the original application, as submitted by the applicant 21<sup>st</sup> / 22<sup>nd</sup> July 2021, which included the Mineral Planning Application Form (noting also that no further information in this specific matter has since been provided by the applicant).

Per the "Mineral Planning Application Form" - Section 6 (ii), by implication in leaving this blank, the applicant appears to confirm their ownership of the mineral rights per:

6. Site Ownership (See guidance note 6)		
Please note: You will be required to complete an ownership certificate and submit it with the application		
* (i)	Surface land owner(s): Name: NIGEL DANHASH	
	Address: 6 ORCHARD WAY, ESHER, SURREY, KT10 9DY	
(ii)	Mineral owner(s) if Name: different from (i) above Address:	
* (iii)	Is the applicant the sole owner of the site?	Yes / No
* (iv)	Does the applicant own/control any adjoining land? (If yes, outline in blue on the plan)	Yes No
Note: An asterisk ( * ) denotes those parts of the form which MUST be completed Page 2		

However, with reference to the top line of this section, (*"You will be required to complete an ownership certificate and submit it with the application"*) this does not appear to have been submitted by the applicant, and hence / at best is a <u>serious omission</u> from their application.

Clearly the Ownership Certificate should have been submitted for scrutiny and authentication by WSCC as part of the application due diligence process.

Without this certificate of ownership, the application is incomplete.

However, and <u>more importantly</u>, I have reviewed a (publicly available) copy of the Land Registry in regard to the development site.

This is Title Number : WSX185600 as below:

Title number WSX185600 This is a copy of the register of the title number set out immediately below, showing the entries in the register on 17 SEP 2021 at 08:43:54. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued. This copy is not an 'Official Copy' of the register. An official copy of the register This copy is not an 'Official copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this. A: Property Register This register describes the land and estate comprised in the title. WEST SUSSEX : CHICHESTER The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land lying to north of Loxwood Road. The land tinted pink and edged and numbered 2,3,4 and 5 in blue on the filed plan has the benefit of a right of way over the land between the 2 points A and B on the filed plan. 3 The parts of the land tinted pink on the filed plan affected thereby have the benefit of a right of way over the land tinted blue on the filed plan and thence over the track leading to Alfold Road. The land tinted yellow on the filed plan excluding the land hatched blue on the filed plan has the benefit of a right of way over the land 4 tinted mauve on the filed plan. The mines and minerals under such part of the land in this title other than the land hatched blue on the filed plan as were contained in a Deed of Enfranchisement dated 24 April 1990 and made between (1) The Most Noble Henry Duke of Norfolk (2) The Right Honourable Marmaduke Francis Herries Baron Herries and another (3) Alicia Young and (4) 5 Adrian Young and William James Tong are excepted from the registration. The land tinted pink and tinted wellow and added and numbered 2.2 A

I draw your attention to Paragraph 5 (Page 2) which states:

"**The mines and minerals under such part of the land in this title** other than the land hatched blue on the filed plan as were contained in a Deed of Enfranchisement dated 24 April 1990 and made between (1) The Most Noble Henry Duke of Norfolk (2) The Right Honourable Marmaduke Francis Herries Baron Herries and another (3) Alicia Young and (4) Adrian Young and William James Tong <u>are excepted from the registration</u>"

It therefore **appears that the applicant does not own the mineral rights** for the proposed development, and these are retained by the above noted individuals (I believe this to be the Duke of Norfolk Estate / Angmering Park Estate).

As a concerned local resident and taxpayer (notwithstanding the other multiple reasons as to why this application should be rejected) on this matter alone I cannot understand why West Sussex County Council continue to consider this application, doubtless at huge cost.

I urge that the above matter is investigated, and again confirm my strongest possible **OBJECTION to this application**.

Mr T J Bennett