

Objection to Planning Application WSCC/030/21 – An application for planning permission for a clay quarry and construction materials recycling facility in Pallinghurst Woods, Loxwood Road, Loxwood, West Sussex RH14 0RW

Response to further information submitted to WSCC by the applicant

From Mr Adrian Morris, 1 New Cottages, Spy Lane, Loxwood, West Sussex. RH14 0SQ
[REDACTED]

I have already submitted a strong objection to the original application in which I concluded that:

- There is no strategic need for the clay
- There is no need for additional C&D recycling capacity to justify the proposed location
- It doesn't comply with WSCC minerals or waste policy
- It would have a severe environmental impact and cause a considerable loss of amenity to local residents
- It introduces numerous safety concerns which increase the risk of injury to PROW and road users

Having reviewed the additional material recently submitted to WSCC by the applicant I see nothing that changes my original comments which still stand. The application appears to remain non-compliant with WSCC Waste and Minerals policies. The new material does however raise additional concerns and questions and provides a revealing insight into the modus operandi of the applicant.

In providing this further information the applicant has taken the opportunity to publicly question and criticise both the waste and minerals policies of WSCC and the performance of many of the Planning Department's personnel. **RED TEXT IN CAPITALS IS A SOMEWHAT AGGRESSIVE STYLE** to choose in providing this information.

This approach is consistent with the written legal threats that have been sent to members of the public whom the applicant suspected were part of the community Stop The Clay Pit campaign (whose contact details were sourced from the applicant's community webinar registration database).

Demand for Clay

Critical to this whole application is the justification for digging a new quarry in pristine woodland on a remote greenfield site.

The applicant has confirmed their clay is suitable for brickmaking and so WSCC can only consider extraction for this purpose (Minerals policy M5, (b)(ii)). Other uses, such as for flood defences, cannot be considered.

I don't believe it is credible to argue that this is an important source of clay for the county when it only represents 2% of the brick clay reserve as documented in the 2019/2020 monitoring report.

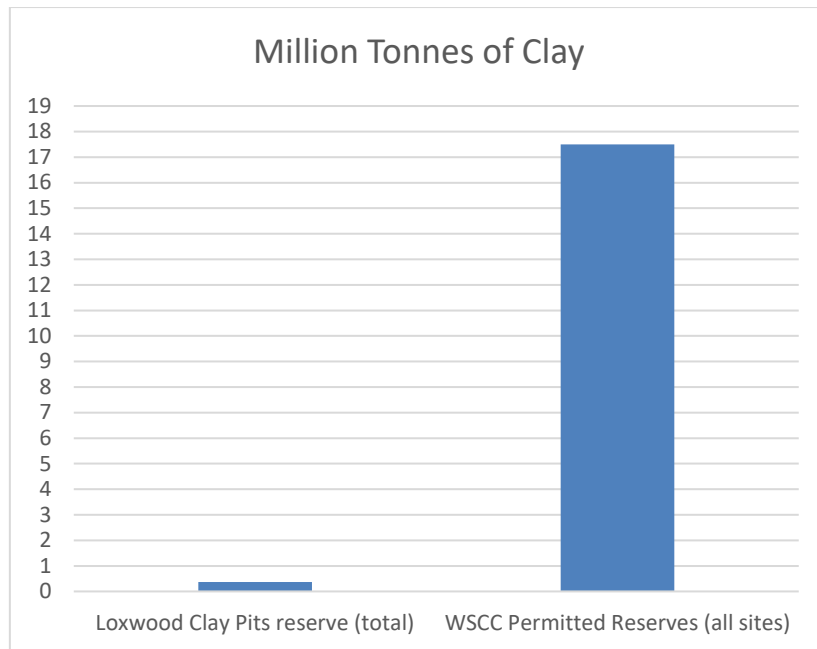


Chart - Loxwood Clay Pits proposed clay reserve vs WSCC total permitted brick clay reserve (data – application WSCC/030/21 and WSCC Annual Monitoring Report 2019/2020)

Clay is of low commercial value. The applicant makes this point themselves describing the “relative low unit value of brick clay on an ex works basis”. I consider it likely that given the costs involved (plant, labour, transport etc.) the extraction of the clay will not generate significant revenue or may in fact be carried out at a loss. The value of the extraction may be only in the void created in which to landfill waste.

WSCC should consider why there are no other remote clay pits in the county and why the existing ones are all located directly adjacent to brickworks. A review of the annual reports of the major UK brickmakers shows that they are all conscious of the need to reduce their environmental impact and all have active projects to improve their sustainability through improved methods, brick design and lower energy use. Additional embedded CO₂ in the form of imported clay would not be desirable.

The applicant has stated that if permission is granted they would look to establish a new small scale brickworks elsewhere. Does this indicate that they have not been able to find a customer among existing brickmakers for their clay? This would be subject to its own planning process where its merits versus the impact of such an energy intensive development would need to be assessed. As such I don’t see how this can form part of WSCC’s decision.

Despite the clearly observable trend in West Sussex brickmaking towards consolidation into larger more efficient brickworks, the applicant seeks to stand up this concept by citing the example of the Ibstock Swanage works. I fail to see how this is relevant to the application given that:

- They are owned by and supported by the much larger Ibstock group, the UK’s leading brickmaker
- They have an onsite clay quarry (in common with other brickworks)

Perhaps in recognition that the clay is not required for bulk brickmaking, a tortured argument is presented of the need for blending clays. The applicant references the NPPF 2021, which states that the provision of brick clay from different sources for blending should be taken into account. Policy M5 adequately caters for this potential requirement where such clay is no longer available at adjacent quarries. No direct evidence is presented to support any demand from local brickmakers so this cannot be a factor in this application and is just conjecture. The need for 'blending clays' is disputed by at least one of the major local brickmakers with whom I am in contact. I'm told that differing brick styles can be achieved in production using different firing techniques and the use of additives.

WSSC are asked to consider this new quarry without any clarity about the end use of the clay. Such a relatively small quantity is unlikely to serve both existing brickmakers and the applicant's own new brickworks. The need for this clay is only speculative.

The applicant continues to refer to Ibstock West Hoathly brickworks and suggests that the closure is a failure of WSSC policy. Surely it was a purely commercial decision by Ibstock. If smaller scale brickworks were viable, Ibstock could have scaled down operations to continue manufacture on that basis. Again, this seems to be irrelevant to the application along with the commercial decision of Weinerberger to close Rudgwick brickworks.

They also reference Pitsham Brickworks again. Pitsham do not use Weald clay and so this is also irrelevant. They have told me they would have no interest in this Weald clay.

Given the above, and the non-compliance with policy detailed in my original objection, there seems to be no compelling case for the extraction of clay from this site.

Construction & Demolition (C&D) Recycling

I note that the applicant has made no attempt to further justify their argument for C&D recycling at this inappropriate site. WSSC policy clearly states that brownfield sites are preferred.

The applicant wishes to be part of a 'circular economy' approach but they seem to fundamentally misunderstand what this means. A circular economy keeps materials in use, rather than allowing large quantities of them to be landfilled in an unwanted new quarry. Even trommel fines (what the applicant has proposed to landfill) can be further processed into useful material and many companies advertise services and equipment for this purpose.

I make no apology for using the term landfill. Whilst C&D waste deposited into old and disused quarries is conventionally classified as 'recovery' as part of a 'restoration' project, it still represents underground waste disposal and is **landfill** by another name.

A recycling operation on a site without its own quarry to restore, would be incentivised to process as much material as possible into re-use, as any residual material may be subject to the additional cost of landfill tax (the UK's only significant incentive for reducing landfill). Quarry restoration is conveniently exempt from landfill tax.

The previously presented figures for clay export, waste import, 50% waste landfilled and 50% waste processed, implied an unrealistic recycling and recovery rate of 100%. The applicant has now revealed

that this rate will be 80%. This implies that 20% of the incoming waste stream will need to re-exported as non-processible waste. Hence they will need more waste imported and more lorry movements to achieve their project objective of filling the whole quarry in the quoted timescale. This casts considerable doubt on their projections of vehicle movements, which they have not amended, and also whether the applicant can operate commercially within those constraints.

If a higher rate of recycling is achieved, or necessitated by commercial pressures or policy change, then that would result in a further increase in vehicle movements to increase the amount of waste imported and to generate the quantity required to landfill the quarry. These additional HGV movements would further increase highway safety issues on the narrow and twisty Loxwood Road and at the A281 junction, and increase the general environmental impact on all existing road users.

There is a repeated reference to the impact of Brexit on waste exports. The applicant provides no figures for the amount of C&D waste that is exported to substantiate this and so I believe this remark should be disregarded. This is not surprising as I have been in touch with 2 industry experts (RDF Industry Group and Eunomia Consulting) who have confirmed that no figures for the quantity of C&D waste included in waste exports from the UK are published (with one quoting that “the data on waste sources is particularly bad”).

Biodiversity Loss

The application documents a biodiversity loss on the proposed site.

The applicant reminds us in the additional information that the development site and the other 300 acres of woodland are in different ownership. They then seek to rely on the other 300 acres of woodland to mitigate the biodiversity losses on the development site. They cannot have it both ways. The site and the surrounding woodland are in the control of different legal entities and so no such co-operation can be relied upon for the whole duration of the project.

I question the scope for such mitigation in any case. During the community webinars the applicant boasted of the work carried out in the wider woodland over the last 27 years, to “develop the biodiversity of the whole woodland to create a sustainable, balanced and dynamic forest ecosystem’. After 27 years of such sterling work there surely cannot be much scope left for further biodiversity improvement. And why blight all of that good work now by industrialising part of it?

In any event I presume that WSCC can only make a decision based on the boundary of the application i.e. the proposed site, entrance and the access route.

In reality, should this go ahead, I fear there will be considerable negative impacts on the remaining woodland outside of this scope which have not been sufficiently considered.

This area of much loved and pristine woodland habitat should be protected from desecration through industrialisation.

Footpath 795

The applicant has chosen to highlight the issue with their access to the site which crosses a third party's land and will see dozens of HGV movements over it daily. In reviewing the relevant material it appears to confirm that despite the applicant's protestations, the public right of way constitutes the entire width of the access/footpath. They appear to have no means to segregate legitimate public right of way users from HGV traffic on land which they do not own. The landowner also routinely grazes cattle across this access which is a further impediment. There appears to be no way to mitigate the safety issues with this compromised access.

Footpath 792_1

The applicant no longer wishes to request the closure of this heavily used footpath, which borders the northern edge of the site, and which was originally requested for security and safety reasons. The application states that security fencing around the site is not required as there is no public proximity. This change appears to materially impact that reasoning and the applicant should now detail the design of a suitable fencing barrier to secure a site that will have deep flooded pits and heavy machinery operating. This is now an omission from the application. Such fencing, necessary for safety, would add to the negative visual impact of the site and this needs to be taken into consideration.

All footpath and bridleway crossings

The applicant has introduced the concept of automatic barriers at crossing points.

- How will these be powered? Will cables need to be laid through ancient woodland areas?
- Only one side of bridleway 3240 is protected from westward HGVs. HGVs exiting the site will be able to drive straight onto bridleway 3240, to wait at the single barrier on its eastern side. Sight of children and dogs running along the bridleway will be obscured to drivers by hedges and trees on either side. This crossing point would remain unsafe.
- If incoming waste is transported by third party contractors, how will they be trained and/or have the equipment in their vehicles to operate the barriers?

Highway Safety

Re (Addendum to Appendix ES E, Additional Info page 120 - 126)

This report shows that the visibility splay at the entrance is less than the 'desirable' minimum. This is obviously a safety concern.

Furthermore this visibility splay at the access is directly impeded looking east by trees and hedges on the south side of Loxwood road. These are clearly shown on the applicant's own transport consultant's report (page 123) and are not on land controlled by the applicant. When in full leaf, visibility for drivers travelling west on Loxwood Road will be halved to around 50 metres, where they may meet the rear of an HGV waiting to turn right into the entrance. This is a severe highway safety issue.

The bend in the road at the entrance is prone to flooding and freezing and despite the operation of a wheelwash it will no doubt have additional mud dragged onto it. (As is the case on Lynwick Street at the entrance of the Rudgwick brickworks restoration despite the operation of both a wheel spinner and a wheelwash. The applicant has only referred to using wheelwash). The national speed limit applies on this road but even at the recorded average speeds of approximately 45 mph the stopping sight distance is inadequate and I fear a fatal accident will be inevitable.

Appendix 2, GG119 Compliant Designers Response is referred to but seems to be missing from the information provided (there is only a blank page).

Staff Parking and Wheelwash in Ancient Woodland

The applicant plans to establish this in an area of designated ancient woodland adjacent to the entrance. They refer to an existing concrete pad. This is partly broken up and was presumably an artefact from before that area of woodland was awarded ancient woodland status. I don't believe this area alone is large enough for the parking of 12 staff and an HGV wheel wash with room for HGVs to wait and drive on and off. Further development of this area would clearly be needed. Development work within ancient woodland should be unacceptable.

Bats and Badgers

The applicant's aerial bat survey confirms that there are several trees that may provide roosting potential, notably in the SW corner of the site. This part of the site, approx. 1/3 of the area is shown on mapping as wooded for over 150 years and appears to have been undisturbed for decades. It contains many of the more mature trees hence the roosting potential. There is reference to further survey work before felling but because this part of the site is earmarked for the lagoon, which will need to be dug early on to control surface water, there will be pressure for rapid felling.

It is well documented that the site is a foraging area for bats, and functionally linked with the MENS and Ebernoe Common nature reserves. The previous survey work presented identified the European protected species Barbastelle bat on site. I am in no doubt that there would be a severe impact on bat populations using Pallinghurst Woods.

North of the wheelwash area, very close to where HGVs will cross bridleway 3240, the additional information reveals an active badger sett (page 112 CA16 Map). Regular HGV movements just a few metres away will surely impact the sett. The documentation of this badger sett was omitted from the original application material although its existence has been pointed out in many of the previous objections to this application.

The impact on bats, some of them endangered and protected species, and badgers are just two examples of the appalling ecological impacts of this application through habitat damage and loss.

Stop The Claypit Campaign

The applicant makes several criticisms of the campaign, however the establishment of such a community group is inevitable in the face of such a horrendous proposition. They are to be applauded for raising awareness of the issue amongst the local community and helping them to understand what is a very complex application.

Geographical location of objectors

WSCC should note that for their pre-application community webinars the applicant chose to only accept registrations from certain post codes of their own choosing, no doubt shutting many interested citizens out of the process. This was an ethically questionable approach in my opinion.

The applicant seems to argue that the geographical location of objections should be taken into account. I'm not even sure it would be in their best interests to do so given that the vast majority will be from the local community in any case. This is clearly nonsense as any UK citizen, regardless of their address, has a democratic right to make a comment on this application.

Precedent

I urge the planning committee to consider the precedent they would be setting should they approve this application. One third of the county is underlain with Weald clay, much of it under other greenfield sites. If there is genuine value and demand for Weald clay from remote quarries then WSCC may find themselves under pressure to approve further applications in equally unsuitable locations.

Similarly, to date WSCC appear to have only chosen to permit C&D recycling facilities, directly adjacent to, or within a couple of hundred metres of, the Lorry Route Network. These appear to all have been brownfield sites or in already industrialised areas. Approving this application would seem to lower the standard for sensible siting of such facilities.

Summary

In spite of the additional information provided I continue to strongly object to this application.

- There is no clear and pressing need for the clay from this site.
- The proposed quarry seems to be merely a contrivance to allow a sub-optimal recycling operation, where residual material can be cheaply landfilled without incurring landfill taxation.
- The proposed site is wholly unsuitable and unsafe, hence the tortured arguments required to attempt to make a case for it. The amenity value of this much loved woodland would be blighted for more than a generation.

I trust that the WSCC Planning Committee will diligently consider this application against their Minerals and Waste policies and choose to reject it.