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Further to my first response in 2021, all my previous objections remain. I can't see any material changes made by the applicant that would positively impact the previous application. The applicant and their agents have no regard for the impact of the site on the area and the nature within.

In my opinion, the applicant also misleads the public by suggesting that their trommel fines are the same material used to restore Rudgwick Brickworks which is not accurate. The applicants agents words were “ **Only the fine materials that cannot be recycled are used to infill the clay-pit void, as per the picture we showed of trommel fines. These materials - as described at the time - are commonly used for this purpose elsewhere (such as at Rudgwick clay pit) as they cannot be usefully recycled**”. Rudgwick Brickworks Restoration (import operations here are complete), is not permitted to accept trommel fines. Rudgwick has accepted inert material for filling operations and inert and non-hazardous soils for upper restoration purposes. The European Waste Code for Trommel Fines does not appear on the Rudgwick Environmental Permit, so their use in this location is prohibited. I brought the misinterpretation made to the attention of Protreat who later disclosed they had researched both mine and my brothers business interests (my brother is a Director of the Rudgwick business) that reached far outside anything to do with this application (including dividend payments received etc). I felt threatened by this intrusion and as a result have been less vocal in the defence of this application than I would have otherwise been. They should not have likened their material to that of Rudgwick Brickworks without clear evidence especially when presented by my statement. The Restoration of Rudgwick Brickworks has been a great success with the involvement of the community and has created a better place for Rudgwick and should never have been likened to the application by Loxwood Clay Pits.

I believe one of the many significant reasons to refuse the application is based around the need for at least 42 additional lorry movements a day along a rural road. I believe new legislation such as the hierarchy of road users Rule H1 that is now in force has become more relevant against the case for a 300% increase in HGV movements along the proposed route. H1 should “ensure that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to other road users”. The objective of the hierarchy is to ensure a more mutually respectful and considerate culture of safe and effective road use that benefits all users.” This proposal is in direct contrast to the new legislation. The RSK traffic report (submitted in the Stop the Claypit Campaign objection) highlights a number of severe safety issues which the applicant has ignored! The Junction with the A281 would literally be an accident waiting to happen.

It is great news the ridiculous proposal to reroute footpath 792-1 has been withdrawn but this brings with it new issues. The footpath immediately borders the proposed site and it would therefore have significant negative impacts on users of what is currently a tranquil footpath with the noise and emissions of the site which would be detrimental on the local woods as an amenity and discourage people to walk and enjoy the area.

This remains a wholly inappropriate application in its location for the proposal on grounds laid out in Local and National planning policy. More specifically, I believe the application should be refused for

the further points I raise below. The proposal is made without due consideration of the environment, the wildlife, the impact on the immediate tranquil site, surrounding woodlands, local roads and local people, many of whom live in the area purely for the beauty and enjoyment of its location.

### **Suitability**

The site is contrary to both the **Loxwood Neighbourhood Plan** and the **Chichester District Local Plan** for development in a rural area. There are far more suitable sites closer to the major road network that are brownfield which fit much better with a circular economy and local and national carbon reduction targets.

### **The Need**

There is no need for clay for brickmaking, there is evidence of 25 years supply in West Sussex; note The Monitoring Report for 2019/2021) in accordance with Policy M5 (Clay) of the West Sussex Joint Minerals Local Plan (2018/2021). Equally, clay to be used for flood banks should be used from locally sourced reserves – it would be logical in a county where clay is a predominant mineral to source it directly on the site it was to be used on and most flood banks are built in low-lying areas, where there is most risk, not the heavily contoured northern part of the county. Speaking to local brickmaking sites myself, LCP has clearly approached sites looking to enter agreements to take their clay but has bought no potential customers to this application which speaks volumes on there being no need for the clay!

There are a number of publically available minerals assessments (sterilisation etc) which demonstrate that West Sussex has substantial mineral reserves “in the ground” at existing, consented facilities. The existing facilities in Sussex have been appropriately consented where the brickworks themselves are located on the clay reserves, negating the need for inappropriate off-site transport. LCP’s development model relies on the need for offsite transport of the raw clay reserves, to remote brickworks, contrary to best practice guidance and planning policy guidance.

As we are driven towards future sustainability and a net zero-carbon society, modern materials, plant and technology is developing rapidly to allow sites to recycle materials at point of source which negates the need for the facility as described. It is probable that before its planned completion, this site would become outdated and need to be reused for some other activity. With great examples being set by DEFRA and The Environment Agency in particular, I cannot emphasise how quickly this transition is happening.

I believe the applicant has heavily underestimated the volume that can be recycled when most current sites aim at around 90% of C&D Waste being recovered. If 90% is achievable (and this rate is progressively rising due to new equipment and materials), there would be significantly higher lorry movements than the 42 a day as the application due to the need for more waste to be recycled to fill the void. The applicant seems to suggest skip lorries could take recycled materials off site which is possible but wholly impracticable and I am unaware of this ever being done elsewhere.

### **Traffic Considerations**

As planning policy, the site should not be considered for development when other more suitable sites exist that are much closer to the Local Lorry Network and not in pristine ecological condition in rural areas and on rural roads.

I note that the applicants traffic consultant made no significant reference to the Loxwood Road being a rural road, with no mention of considerations for horses, agricultural activities, cyclists and only briefly mentioning pedestrians but importantly, not referenced to either **safety or risk**. The

same report found the impact of the proposal “not to cause any demonstrable harm to highway safety”. I strongly disagree. In my opinion, the site is wholly unacceptable for the risk of traffic on the rural Loxwood road with (as mentioned earlier) regular horses, farm traffic, cyclists, runners and even pedestrians who are forced to use it between connections with footpaths and bridleways. This country road has 14 HGV movements a day. This proposal suggests HGV movements increase by 300% (to 56 movements in total). This simply cannot happen without a **significant increase in both safety and risk**. I have driven a horse lorry along this route a number of times and can speak from experience. Passing HGV’s on this road is not easy and there are a number of overhanging trees where HGVs are forced onto the opposite carriageway. Contrary to the applicants report an HGV driver cannot see clearly (West) at the junction with the A281 to turn East. Equally an HGV cannot turn West (Left) from the eastern junction without being positioned on the wrong side of the road, this is tricky even in a large car. At the alternative junction with the A281 (closer to The Fox PH) there is a bus stop. If a bus is on station, it will prevent HGV’s passing. I may have missed it in the myriad of documents submitted but could find no evidence of the local bus company (who have a bus stop at the A281 junction) being consulted by the applicants.

Many of these danger points seem to have been either missed by the applicants traffic assessment or referred to as “the visibility is in accordance with Manual for Streets” and the junction geometry “can accommodate the turning requirements of the vehicles likely to be associated with this operation” neither assessment appears to understand the actual site.

I am confident all measures would take place to ensure drivers to the potential site keep to the agreed route and to ensure all behave in a respectable manor but I urge readers of this letter to view how dangerous a badly driven HGV is when driving along the Loxwood Road see link – please remind yourselves, this is a rural road <https://youtu.be/8zXetV0oggo>

It is not clear if the visibility splays at the access to the site need to be maintained by the landowners and if so, has the applicant secured a binding agreement to undertake the maintenance works? Stephen Gee WSCC - Highways Authority’s report found - should a HGV not utilise the whole site access, visibility splays were not adequate (just 74m instead of required 111m). I note also that the WSCC Public Rights of Way report mentions **Local Prow Network and reliance on Loxwood Road for connectivity** with a diagram showing how 4 footpaths converge near (or on) the Loxwood Road layby site access and with no footway this means pedestrians walk in the road. The report mentions this as an important consideration for both Highways and Safety Audits – I can find no evidence of these in the application.

### **Access to Site Disruption**

The disruption of the access track will have a significant impact on the crossing footpaths. The access track will need **significant** improvements to withstand the expected traffic including drainage ditches, dirty water storage etc. 1.3km of 3m wide track (stoned and not surfaced) will generate significant run-off in storm events, I cannot see any additional infrastructure proposed that will manage or reduce the surge-loading on the local drainage and watercourse network during storm events, and I cannot identify any treatment/settling ponds that may mitigate against turbidity and debris being emitted from the site and the access track infrastructure. The impact on the PROW application along the access track although now slightly better planned seems to lack a safe system of work to allow for a responsible approach to the risks of the people / HGV interface on a live access track.

I am aware that the applicant has had no meaningful dialogue with the owners of the adjacent fields (and 50m of their access track) to discuss how an existing dairy business would be able to interact a herd of young cattle with 42 lorry movements a day and allow the public access across the same

land at the same time. I also note WSCC – Public Rights of Way Objection that highlights the **Public Rights of Way exist across the entirety of the farmers track** across the field and that **“the applicant is advised that a public access right has the precedence over private access rights.”** I understand this still stands and is yet another factor for refusing this application.

In another clear disregard for locals to be impacted by the site, when I read the other letters of objection, I was particularly saddened to read a letter from the closest neighbour of the site who’s disabled son will be significantly impacted by the proposed wheel wash, vehicle movements and site access changes and to read of the possible disruption to the course used for the Riding for the Disabled Team. With the exception of confrontational one sided webinars, the applicant seems to have made no attempt to directly consult the local community, clubs and societies to discuss the proposals. The applicant has no regard for the local area, its amenity and the local people.

I have not seen a safe system proposed to allow the use of the layby for current levels of parking with HGVs crossing the site and interacting with walkers, runners, dogs / cyclists and horse riders.

### **Environmental Damage**

The proposed access track bridge over the ditch, has the potential to impact the diurnal (seasonal) behaviours of the wealden ditch that abounds the site. I cannot identify any flood risk modelling which corroborates the size and shape of this new control structure?

The proposed method of working includes tracked dumpers which are among the loudest pieces of equipment that can be used for this work. I have only summarised a small part of the equipment (just what digs and hauls the clay and places the fill) but my calculations are that the excavator and tracked dumper will emit around 20 tonnes of CO2 a month between them (assuming an 8 hour working day), add to that the rest of the plant and equipment and 42 lorry movements a day as well as the staff cars and support for the site and Loxwoods Carbon footprint will soar at a time it should be in significant decline.

I was amused that the applicant thinks the jobs will be taken by local people. With a whole career in a similar industry, I think it extremely unlikely many of the workforce will be local. Hand sorters and plant operatives can come from any corner of the globe, especially in the current climate. I simply don’t see the local workforce wanting to work minimum wage (or very close to it) hand picking rubbish from conveyors in a dusty, noisy shed and working on such a controversial site that is disliked by the entire community. Has there been a single letter of support for the application from any person in the community against over 1,500 objections!

The sound and dust emissions will ruin the tranquillity of the area where Nightingale song can be heard over hundreds of meters and will definitely impact people and wild animals closest to the site.

The control of rain water on the site appears to be ignored – the proposed lagoon lacks detail so it is impossible to understand where rain water will be retained and how the site will meet its obligations under the Water Framework Directive. As weather patterns become more extreme, wetter winters will mean a significant amount of water will need to be pumped into the storage lagoon to settle out before being released back into the water courses. If the flow of water is too great, silty water could contaminate the local ditches damaging the ecology and in direct contravention to the Water Framework Directive. This is all enforceable by the Environment Agency and it should in my opinion be planned for and detailed in any application (most likely with much larger lagoon capacity and therefor larger working areas than in the current application).

The removal of trees and disruption to the forest floor will cause significant harm to the site which will take many years to recover. The forest floor is a precious commodity which takes decades to develop and digging it up, storing it and relaying it will damage it severely. I could find no specification to capping the fill material in the documents but note recent research that trees planted on landfill often fall over due to poor soil strength or fail from lack of nutrients. I understand as much as 2m of capping may be necessary but the only reference I could find was 0.5m.

I also understand that buffer zones around ancient woodlands help to protect them and much of what would be cleared would destroy these buffer zones.

The substantial building at 1,400m<sup>2</sup> footprint and at 8.5m high will be a visible scar on the landscape, along with the dust suppression and noise generated within it. The proposed (and favoured by the applicant) electric connection for the site will include 900m of overhead 11Kv cables along the current footpaths ruining the tranquillity and rural feel of the paths and this will require tree canopy management throughout the life of the operation. This could have a massive environmental impact and seems to have been ignored and glossed over in the application.

### **Summary**

The footpaths around this site are a superb public amenity. It is a quiet and tranquil site that literally refreshes hearts and minds. It is a haven for flora and fauna. People come from miles around to enjoy these woods and the locals respect and appreciate the beauty and benefit of the site. This proposal would ruin these woods for at least 30 years and for many, that's a lifetime.

The most visible aspect for many will be the impact on risk and safety for the road users and those who live around the Loxwood road.

There are many more suitable sites and many grounds on which the proposal falls short of both Local and National Policy. I am yet to see a meaningful argument for the site. I cannot see a demonstrable need for the development at this location when there are suitable reserves on sites which do not require the minerals to be exported for processing.

This application is outdated. In a drive for carbon neutrality and sustainable working practices, the way we work and use materials will mean virtually everything we consume will be able to be recycled. Technology and legislation will render the need to dispose of trommel fines obsolete comfortably within the planned lifetime of this proposal.

I strongly urge that this application is refused outright and further appeals dismissed too.

Richard Maclean

Loxwood Resident