



# LOXWOOD CLAY PITS LIMITED PLANNING APPLICATION

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*THIS NOTICE HAS BEEN ISSUED IN ACCORDANCE WITH PARAGRAPH 3.2 OF THE STATEMENT OF COMMUNITY CONSULTATION WHICH IS APPENDIX ES D OF THE ABOVE APPLICATION REFERENCE WSCC/030/21.*

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The planning application can be viewed online at

<https://westsussex.planning-register.co.uk/Planning/Display/WSCC/030/21>

**Comments** can be made via:

<https://westsussex.planning-register.co.uk/Planning/Comment/WSCC/030/21>

Or by email: [planning.applications@westsussex.gov.uk](mailto:planning.applications@westsussex.gov.uk)

Or by Post: County Planning, West Sussex County Council, County Hall, Chichester, PO19 1RH

The Planning Application Index is shown at the end of this notice.

**IT HAS BEEN BROUGHT TO OUR ATTENTION** that the StoptheClayPit protestors have issued a 4-page flyer which purportedly explains what our application is about. Our planning application consists of c. 70 documents and is 2,127 pages long. We **DO NOT** accept that the protestor's 4-page flyer accurately reflects our application and we would like you to be aware of their stated inaccuracies.

We accept that you may wish to object to our planning application but should you wish to do so, we believe you should first be aware of all of the facts.

<b>The protestors claim:</b>	<b>LCP's Response:</b>
"Loxwood Clay Pits who owns 300 acres of Pallinghurst Woods"	The owners of Loxwood Clay Pits Limited are not the same as the owners of Pallinghurst Woods. One of the 3 owners of the 300+ acres of Pallinghurst Woods owns part of Loxwood Clay Pits Ltd, which will operate in 20 acres of Pallinghurst Woods.
"42 HGV movements a day will impact residents of Loxwood, Tismans Common, Rudgwick, Alfold, Wisborough Green, Ilfold and Plaistow"	There will be a lorry routing agreement for HGVs to travel to/from the site at the layby on Loxwood Road to/from the east via the A281 junction at Bucks Green.
"The actual driving distance from layby site access point to the Lorry Route Network (on A281), is 3.25km. This exceeds the recommended distance. There is a further 1.3km to reach the site from the layby access..."	The Lorry Route Network (LRN) map is provided as Figure PS19 submitted with our Planning Statement. The relevant driving distance is the distance to the A281 LRN from the layby entrance to the public highway, i.e., 2 miles. The LRN forms part of the local minerals plan and the Waste Local Plan. These state that the use of road transport will be minimised and new sites will be located as <u>close as possible</u> to the LRN. To help to determine what this means, WSCC's spatial strategy states that, <i>as the crow flies</i> , new sites should be located "within the 1.86-mile corridor either side of the

The protestors claim:	LCP's Response:
	roads that form the LRN". On that basis, the proposed development site is less than 1 mile from the A281 and the layby access is less than 1.6 miles from the A281, i.e., well within the 1.86 mile corridor either side of the A281.
"The public parking in the layby will be affected"	Access to the layby will be widened, the layby will be surfaced and there will be no reduction in the number of public parking spaces. The final safe design will be to WSCC Highways satisfaction.
"HGVs will travel 1.3km into the woodland along a track which has a Public Right of Way application to WSCC"	There is no Public Right of Way along the access track in Pallinghurst Woods and the protestor's application will be defended.
"The HGVs will bring in skip waste from construction and demolition sites"	The HGVs will bring in construction, demolition and excavation wastes. The latter are already being received by local competitors, e.g., for the restoration of the clay pit at Rudgwick
"There is no demand for additional brick making clay"	<b>The protestors do not mention</b> that West Hoathley brick works recently closed, after operating for 100 years, because their clay reserve was only c. 6 years. <b>They do not mention</b> that Rudgwick brick works closed prematurely with 30 years clay reserve still left and the loss of more than 50 jobs. <b>They do not mention</b> that blended clays are commonly used for bricks (which is more environmentally friendly than importing bricks), <b>they do not mention</b> the national planning policy to also use brick clay for cement for producing concrete blocks or for flood defence purposes, and <b>they do not mention</b> LCP's owners' stated desire to produce handmade bricks at another location in West Sussex.
"There is currently sufficient capacity for construction and demolition waste in West Sussex"	The <b>protestors do not mention</b> that sites earmarked for development in the waste local plan have not been developed, that WSCC's 2019 review of their 2014 plan did not consider the long-term Brexit impact on waste exports / the waste market and that review did not consider the Government's Circular Economy policies and objectives to recycle and reuse more waste.
"The applicants plan is to recycle only 50% of the waste....well below industry standard"	All clay pits are traditionally restored to their original ground levels using suitable wastes, e.g. Rudgwick. This is a recovery not a disposal operation. In addition to recovering suitable wastes for restoration, the proposed facility will also recycle other waste materials, e.g. bricks and aggregates, therefore, reducing the use of virgin materials and benefiting the environment. The overall recovery and recycle rate will be in excess of 80%.
"An increase in the recycling rate would result in a further increase in HGV movements"	This is incorrect. There is sufficient headroom in the outbound movement of empty vehicles to operate all scenarios within the stated max. of 21 vehicles per day. See Planning Statement Figure PS14

The protestors claim:	LCP's Response:
"The application includes a 15,000 sq ft building.....would have a significant visual impact in the landscape"	A Landscape & Visual Impact Assessment was carried out by a landscape architect BA(Hons), MSc, CMLI, MIEEM from a firm that is an accredited Member of The Landscape Institute and Member of the Chartered Institute of Ecology and Environmental Management. Their environmental impact assessment does not concur with the protestor's statement.
"The proposed development would result in unacceptable conflicts/impacts with adjacent and established farming activity"	It is correct that a neighbouring farming activity also has a commercial involvement in the restoration of the former claypit at Rudgwick. Other than that, their 'conflicts' have not been explained.
"HGVs will run across established PROWs giving rise to severe safety and health concerns"	The application sets out how HGVs will be safely managed. For example, the reinstatement of Footpath 795 so that members of the public do not need to walk along the private right of way.
"closure of footpath 792_1 with a significant diversion"	In accordance with WSCC policy, the path will not be extinguished, only part of the footpath will be affected by the diversion. The protestors <b>do not mention</b> the new footpath through the woods and the provision of a fishing pond.
"Prevailing South Westerly Winds will carry noise, dust and pollutants towards Rikkyo School – 1km distant".	This is pure conjecture with no scientific basis to back that up. The dust management plan explains how the woodland screens the development to the south and west thereby acting as a wind break to the prevailing wind. The impact assessment, backed up by generic studies carried out by the Institute of Air Quality Management, and the use of best available technology – MistAir, explains how dust impacts will be prevented beyond the site boundary. Unlike our local competitors, dusty activities, such as crushing and screening, will be carried out inside a building. The noise impact assessment confirmed that the noise levels at all local receptors will be compliant.
The proposed operation does not conform with either the Loxwood Neighbourhood Plan, or the Chichester District Local Plan for development in a rural area.	A detailed analysis of compliance with all planning policies is set out on pages 21 to 78 of the Planning Statement. Whilst the Loxwood Local Plan seeks mainly to control the development of housing, within the economy and business section, there is a statement which broadly supports the development, in that it notes that there is " <i>clear broad support for a stronger local economy which will provide greater positivity, flexibility and responsiveness thus encouraging new business start-ups or expansion of those few local businesses within the parish. Consequently, their needs should be accommodated wherever possible and practicable and they should be encouraged to remain within the community and to grow. The Parish also needs to attract new enterprises to boost and diversify the local economy</i> ". The WSCC Joint Minerals Local Plan (JMLP) states (in para 4.2.5.) that "providing minerals to support

<b>The protestors claim:</b>	<b>LCP's Response:</b>
	<p>economic growth in West Sussex is an important priority".</p> <p>Further, (in para 4.2.6) it is recognised that "mineral extraction is a temporary activity and, once sites are restored, they can enhance the local environment and landscape"</p> <p>The WSCC JMLP also identifies (in para 3.3.5) that the recycled and secondary aggregates which will be produced by the construction waste recycling plant has an important role to play in West Sussex as they can reduce the demand for primary aggregates.</p>
<p>"The proposed operation does not bring any demonstrable benefits to the local community".</p>	<p>The "Socio Economic Impact" section of the Environmental Statement refers as follows:</p> <p>"The construction and set up costs during the first 2-3 years of the project will be more than £1 million".</p> <p>"During the first 1 to 3 years the proposed development will create 12 full time jobs based at the site, with a further 4 to 6 full time driving jobs based offsite. The site based jobs will be a mixture of management, admin, excavator operator, maintenance fitter and CMRF machinery operators. The travel to work employer support initiatives should favour those who live within 5 miles of the site. Favourable consideration will be given to employing unskilled workers for some of the roles and to providing training where required. During the lifetime of the project, on a net present value basis, this could provide c. £10 million of income to the local economy".</p>
<p>"Light pollution will be created in an area where there is currently none".</p>	<p>"There will not be an unacceptable impact on amenity as a result of the lighting proposed for the development. The lighting will only be used when the site is operational and will be directed downwards to minimise the visibility of the light. Dusk / dark site operations will be completed by 1800hrs Monday to Friday, hence the hours during which lighting will be necessary during the winter months is limited".</p>
<p>"This is a highly stressed area for water, and the development would further exacerbate this"</p>	<p>There is no scientific basis for this spurious claim. "The assessment has been undertaken in compliance with Groundwater Protection: Principles and practice GP3 (April 2013). The Proposed Development is not expected to pose a risk to groundwater or surface water at the Site. No significant adverse effects are predicted which could pose a constraint to development. The Site is not located in a hydrologically sensitive area and local watercourses or controlled waters are unlikely to be significantly adversely affected by proposals in relation to quality or flows. It is not considered that there are any hydrological constraints to development".</p>
<p>"Mature trees on the development site have been identified as having potential roost features"</p>	<p>"Prior to the felling of any trees the trees will be reassessed and where necessary bat surveys will</p>

<b>The protestors claim:</b>	<b>LCP's Response:</b>
for bats. Some of these will be amongst the first to be felled".	be undertaken to check for any new roosts. If bats are identified mitigation under licence from Natural England will be carried out". It should also be noted that the owners of Pallinghurst Woods have been professionally felling and replanting trees for the last 30 years under license from the Forestry Commission. The tree felling proposed for this development is no different to what has always taken place and will continue to take place if the development does not go ahead.
Threat to priority habitats	"The Ecological Impact Assessment (EcIA) concludes that the proposed development will result in short-term negative effects to a range of Important Ecological Features, particularly during the construction and operational phases of development. However, the mitigation hierarchy has been applied in full by: avoiding impacts to significant features at the Site's boundaries including Ancient Woodland and historic boundaries with mature trees and diverse ground flora; mitigating the loss of deciduous woodland Habitat of Principal Importance through translocation of ground flora and replacement woodland planting; mitigating negative effects on protected fauna through translocation and creation of suitable replacement habitats; and compensating for residual negative effects by creating new areas of biodiverse habitat through conversion of conifer woodland outside of the Site to deciduous woodland. Furthermore, an extensive range of management interventions outside of the Site is proposed for the benefit of protected species which will enhance the extent, structure and condition of habitats which support notable species including in particular nightingale, wood white butterfly and foraging and commuting bats. Following decommissioning and site restoration, the EcIA has shown that positive effects are expected overall".
"The lay-by parking area where the wheel wash is proposed to be sited (Pephurst Wood) is in irreplaceable designated Ancient Woodland".	This is in the area of an existing concrete pad where the former brickworks was located. It is in a clearing outside of the tree root protection zone.
"There is the potential for damage to Listed Buildings which will be affected by increased HGV traffic along the proposed route".	As concluded by an independent expert, the impact on all the Listed buildings is considered to be less than significant.

**Notes:**

1. The details provided in the right-hand column of the table above, have been taken from our planning application.
2. Appendix ES C to our Environmental Statement, is an 11-page Statement of Competence about all the consultants involved with our planning application. The protestors flyer refers to their consultants but does not reveal who they are and their expertise and which of their flyer statements came from their consultants.

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