

**WSSC CONSULTATION RESPONSE:
County Planning – Minerals & Waste Planning Authority**

TO:	Case Officer: Joanne Fisher
DATE:	23/05/2025
LOCATION:	Land At Foxhole Farm Foxhole Lane Bolney West Sussex
SUBJECT:	DM/25/1129 Outline application (appearance, landscaping, layout and scale reserved), for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.
RECOMMENDATION:	<input type="checkbox"/> Advice <input type="checkbox"/> More Information <input type="checkbox"/> Objection <input type="checkbox"/> Consulted in Error <input type="checkbox"/> No Objection <input checked="" type="checkbox"/> No Objection Subject to:

The application relates to the delivery up to 200 dwellings to the land to the east of Foxhole Lane, to the south of Bolney. The northern part of the application site is located within the identified Mineral Safeguarding Area (MSA) for Brick Clay (Weald Clay), with the southern side of the site being located within the Brick Clay consultation area. Accordingly, it is necessary to assess the proposal against Policy M9 (b) of the JMLP, which reads as follows:

WSSC Joint Minerals Local Plan (Partial Review March 2021)

Policy M9 (b)

(b) Soft sand (including potential silica sand), sharp sand and gravel, brick making clay, building stone resources, and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the MSAs (as shown on maps in Appendix E) will not be permitted unless:

- (i) mineral sterilisation will not occur; or*
- (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or*
- (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.*

The applicant has provided a Mineral Safeguarding Assessment (MSA) which considers the potential for the prior extraction of the safeguarded mineral resource. The MSA identifies



a lack of BGS borehole data within the site and does not include its own preliminary field investigations. Instead, it uses publicly available borehole logs to demonstrate that the application site is located proximal to a known area of Brick Clay, thereby implying that the site may also be underlain by the resource.

Following this, the report concludes that the mineral resource would not be economically practicable to extract, owing to environmental constraints that exist around the site (namely proximal residential dwellings, to which the MSA applies a 250m buffer) and the costs associated with backfilling the site should prior extraction be undertaken. In addition, the report identifies the current excess of supply of the mineral within the county and concludes that there is relatively low demand for the resource.

While the MWPA would agree that the nearby residential properties would act as a constraint to the development, the application of a 250m buffer to these properties may constitute an overly-precautious approach with little evidence provided to support its implementation (noting the MSA refers to the consultation buffer zone, which is applied in this case to ensure that nearby development does not sterilise access to the known mineral resource). In addition, the extent and quality of the resource underlying the site remains unclear at this stage, and so the full weight to afford the safeguarded resource is currently unknown.

That said, the MWPA is minded to broadly agree with the conclusions of the MSA given the low priority of the Brick Clay and the irregular site layout, proximal environmental constraints that would likely heavily restrict any meaningful prior extraction of the mineral resource, and the location of the southern part of the site within the Brick Clay consultation area i.e. not within an area underlain by a known deposit of the safeguarded resource.

As a result, the MWPA would offer No Objection to the proposed development, subject to the LPA being satisfied that there is an overriding need for the development that outweighs the safeguarding of the mineral resource, and that it has been demonstrated that prior extraction is not practicable or environmentally feasible.

Kind regards,

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