

Supplementary Agenda 1

Planning and Regulatory Committee

**Date & time**

Wednesday, 17
November 2021 at
10.30 am

Place

Pine and Plane Room,
Woodhatch Place, 11
Cockshot Hill, Reigate,
Surrey, RH2 8EF

Contact

Joss Butler
joss.butler@surreycc.gov.uk

Chief Executive

Joanna Killian

SUPPLEMENTARY AGENDA

- 7 MINERALS/WASTE MO/2017/0953/SCC - AUCLAYE BRICKWORKS,
HORSHAM ROAD, CAPEL, SURREY, RH5 5JH** (Pages 1
- 8)

This supplementary agenda include:

1. Update sheet
2. Updated Draft Heads of Agreement

**Joanna Killian
Chief Executive**

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Planning & Regulatory Committee 17 November 2021 Item No

UPDATE SHEET

MINERALS/WASTE MO/2017/0953/SCC

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH

Review of planning permission Ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

Southern Gas Networks : As the works will be some distance from the mains, satisfied that the works can proceed. Wish to be informed if there is an intention to extract/quarry within 100 metres of SGNs mains [**Officer comment – this is an Informative on the Officer report**].

UK Power Networks : Should the excavation affect the Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 231 KV) please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections. A plan is provided showing the extent of the power lines. None cross the extraction area [**Officer comment – this is an informative on the Officer report**].

Sutton and East Surrey Water : Now known as SES Water. Provided a plan showing the approximate position of water mains at the location. There are no water mains at the application site. [**Officer comment – this is an informative on the Officer report**].

Parish/Town Council and Amenity Groups

Greenhurst Park Residents Co. Ltd : Concerned about the volume of traffic the application would generate on the already dangerous A24 just south of Clarks Green roundabout. Whilst there is no indication in the application whether the volume of traffic movement is north or south on entry and exit from the site it is academic as the road in both directions at this point is not very good. Contamination with clay slurry and an increased volume of HGV is not viable and ask these factors are taken into account in the considerations [**these comments are covered within the Officer’s report**].

OFFICER REPORT

Paragraph 84, third sentence should read “*The matters raised in respect of (b) are discussed in the context of the Access and Highway Matters conditions proposed by the applicant at paragraphs 140 – 141 below*”.

Paragraph 173 is incorrect in its reference to members of the public wishing to examine the geological exposure. Viewing of the geological exposure and any fossils is to be limited to

Natural England and members of any geological associations by appointment in accordance with the condition requirements (condition 28) and dialogue that has taken place with Natural England. It is not meant for wider public access.

HEADS OF TERM

Please find attached a revised Heads of Term with amendments.

RECOMMENDATION

Amend the following conditions following further dialogue having taken place with Network Rail and the applicant:

Condition number	Condition wording in Officer report	Proposed amended condition wording
23(d)	(d) Details of surface water management proposals, including construction details, of the proposed drainage arrangements and water attenuation arrangements between the western flank of the quarry excavation and the railway boundary; such design to mitigate surface water from seeping into the underlying clay and does not pose a risk of flooding to the railway; OR such design to achieve as far as reasonably possible the minimum of seepage from the drainage ditch into the underlying ground so that the likelihood of instability or flooding to the railway is reduced to a level of risk acceptable to Network Rail	d) Details of surface water management proposals, including construction details of the proposed drainage arrangements and water attenuation arrangements between the western flank of the quarry excavation and the railway boundary; such design to ensure that (1) water does not flow on to NR property, including during flood events and (2) the minimum of seepage from the drainage ditch into the underlying ground so as not to present a ground stability risk to the adjacent railway line
46	Sufficient volumes of suitable materials shall be maintained within Phases 3 and 4 of quarry excavation as shown on drawing AB/103 rev G "Excavation and restoration phasing plan" dated 21 December 2017 at all times to form a buttress so that the toe of the western flank of the railway property boundary is suitably buttressed following three months of clay extraction.	Sufficient volumes of suitable materials shall be maintained within Phases 3 and 4 of quarry excavation as shown on drawing AB/103 rev G "Excavation and restoration phasing plan" dated 21 December 2017 at all times to form a buttress so that the toe of the western flank of the railway property boundary is suitably buttressed following three months of clay extraction.
	Officer comment: <i>To remain as drafted before. No changes are made by Network Rail and the applicant raises no comments on this condition now.</i>	
47	No overburden shall be tipped nor any buildings erected or haul roads constructed between the edge of the excavation of Phases 3 and 4 as shown on drawing AB/103 rev G "Excavation and restoration phasing plan" dated 21 December 2017 and the railway	No soils, restoration soils or overburden shall be tipped or stockpiled nor any buildings erected or haul roads constructed between the edge of the excavation of Phases 3 and 4 as shown on drawing AB/103 rev G "Excavation and restoration phasing plan" dated 21 December 2017 and the railway

	boundary.	boundary until such time as the excavation has been infilled to the final restoration levels.
50	Trees located along the western boundary of the application site as shown on Plan 01 "Site Location Plan" dated March 2015 shall be managed so that they shall not pose a threat to the railway line. Should any tree be identified as being a health and safety risk or diseased, it shall be removed in consultation with Network Rail. Trees planted in the vicinity of the western boundary of the site should be located at a distance in excess of their mature height from railway property and should not include deciduous trees and pines	Trees located along the western boundary of the application site as shown on Plan 01 "Site Location Plan" dated March 2015 shall be managed so that they shall not pose a threat to the railway line. Should any tree be identified as being a health and safety risk or diseased, it shall be removed in consultation with Network Rail. Trees planted in the vicinity of the western boundary of the site should be located at a distance in excess of their mature height from railway property.

Community Liaison Group

The applicant has stated they are willing to enter into a Community Liaison Group as part of this proposal.

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Draft Heads of Agreement V.2 – OCTOBER 2021

These Draft Heads of Agreement relate to the following planning application which is being reported to the 17 November 2021 Planning and Regulatory Committee:

ROMP Application Ref. MO/2017/0953: review of planning permission Ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.

Site: Auclay Brickworks, Horsham Road, Capel, Surrey, RH5 5JH

Set out below are the broad heads of agreement, subject to the approval of modern conditions for working and restoration for the above application, to be included in an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- (i) a 25-year Landscape and Ecology Management Plan (LEMP) (5-year aftercare and 20-year management for ecological areas and 5-year aftercare for agricultural land) for land at Auclay Brickworks, Horsham Road, Capel, Surrey RH5 5JH; and
- (ii) 25-year management of the geological SSSI (including controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI) on land at Auclay Brickworks, Horsham Road, Capel, Surrey RH5 5JH.

Outline of Landscape and Ecology Management Plan Agreement

- (i) Within six months of the date of the conditions set out in decision MO/2017/0953 taking effect, a 25-year Landscape and Ecology Management Plan (LEMP) (5-year aftercare and 20-year management for ecological areas and 5-year aftercare for agricultural land) shall be submitted to the County Planning Authority for approval. The LEMP shall:

- (a) Set out aims and objectives (and the management options to achieve these aims and objectives) of the LEMP for the completion of all phases of restoration and the subsequent aftercare and management periods;
- (b) Include a detailed plan showing management compartments for each habitat or landscape type;
- (c) Describe and evaluate features including any new planting and hibernacula;
- (d) Identify any constraints which may influence aftercare and management;
- (e) Set out any specific measures aimed at enhancing habitat quality or specific species including details of management for undesirable species or alien invasive species for all management compartments;
- (f) Provide detailed prescriptions for management actions including mitigation, enhancement, and vegetation removal and replacement;
- (g) Demonstrate how new planting is to develop from newly planted to established habitat;
- (h) Set out how the landscape will be maintained including tree aftercare and replacement;
- (i) Include detailed work schedules for progressive restoration phasing including a matrix providing timings of annual operations;
- (j) Provide detail of and specifications for any fencing or gates;
- (k) Set out the resources to be used in and personnel responsible for implementation of the LEMP;
- (l) Specify steps to be taken and the period during which they are to be taken for an annual meeting between the operator, the County Planning Authority, and other interested parties;
- (m) Be in general accordance with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 and Drawing Ref. AB/103 Rev E Excavation and Restoration Phasing Plan dated September 2016.

The approved LEMP shall be implemented immediately following its approval and maintained as approved.

Outline of Scheme of Works for the Management of Geological Conservation Agreement

(ii) Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a scheme of works for the 25-year management of geological conservation at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:

- (a) An improvement plan for the geological SSSI present on site, defining the area and vertical extent of the exposure outcrop area to be conserved and justification thereof;
- (b) A detailed description of the measures that will be put in place to reverse the current decline and improve the condition of the SSSI (currently listed by Natural England as 'unfavourable declining');
- (c) A maintenance plan so that the 'improved' long-term condition of the SSSI is maintained for the duration of the Landscape and Ecology Management Plan period approved;
- (d) A procedure for recording (before filling takes place) the geological information from the area of the existing SSSI that will be filled;
- (e) An access statement in respect of the new clay excavations in the overall working extraction area subject of this planning consent, describing the controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI. For instance Natural England, British Geological Survey, Geological Society, or other geoconservation stakeholders and geological researchers;
- (f) A procedure for the segregation, recovery and long-term storage of nodules from the clay excavation extraction area to allow for their safe examination;
- (g) Measures for ensuring that no root or stump of any tree or shrub in the course of vegetation clearance associated with the SSSI is removed from the ground;
- (h) An access statement for the exposure outcrop area of the SSSI to be improved and conserved/maintained under (a) and (b) above, providing details as to how the site will be secured, how access for the general public will be maintained (gates and

footpaths etc.), and the education facilities such as interpretation/information boards etc. that will be put in place;

(i) An implementation timetable and a verification plan providing details of the monitoring and reporting that will be adopted to demonstrated compliance to the County Planning Authority.

The scheme of works for the 25-year management of geological conservation shall be implemented and maintained as approved.

DRAFT