

## Draft Heads of Agreement V.2 – OCTOBER 2022

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:** Auclaye 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 Auclaye 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 Auclaye Brickworks, Horsham Road, Capel, Surrey RH5 5JH; and
- (iii) a Community Liaison Group

### Outline of Landscape and Ecology Management Plan Agreement

To include:

- (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**

To include:

(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.

### **Community Liaison Group**

No later than 4 (four) calendar months from the Commencement Date, the Owner (Owner in this clause may also be taken to be a Representative of the Owner) shall arrange and hold the first Local Liaison Group Meeting. Each Local Liaison Group Meeting shall be attended by at least one representative of the Owner.

The owner shall invite the following to attend each Local Liaison Group Meeting:

1. A representative of the Council
2. A minimum of 3 representatives of local residents (including community groups or similar organisations) (and to seek nominations for such 3 representatives from the Council); and
3. Any other relevant statutory stakeholders and relevant contractors

In respect of (1), that invitation shall be sent to [local council member] and [mwcd@surreycc.gov.uk](mailto:mwcd@surreycc.gov.uk) unless and until the Council notifies the Owner in writing of alternative addresses.

The Owner shall arrange and hold a Local Liaison Group Meeting a minimum of three times in each calendar year unless otherwise agreed by the attendees of the Local Liaison Group Meeting.

The Owner shall give at least 4 weeks notice of the date and venue and proposed agenda of each Local Liaison Group Meeting to all of the parties referred to in 1 - 3 herein together with the minutes of the last such meeting.

The Council acknowledge and agree that the non attendance at any Local Liaison Meeting of one or more of those parties referred to in clause [ ] above shall not invalidate that particular Local Liaison Meeting.

The Owner shall continue to hold the Local Liaison Group Meetings until such date as is agreed between the Owner and the Council (acting reasonably) that they may cease and in any case the Local Liaison Group Meetings shall not be required to continue beyond one (1) year after Completion of the Project .

The Owner shall submit minutes taken of each of the Local Liaison Group Meetings to the Council no later than twenty (20) working days following the date of each meeting.

The Owner shall publish a summary of the minutes of each Local Liaison Group Meeting on the website of the Owner relating to the Property and shall keep copies of the minutes with the Complaints Log relating to the Property.

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