

To: Planning & Regulatory Committee

Date: 7 June 2023

By: Planning Development Manager

District(s) Mole Valley District Council

Electoral Division(s):
Dorking Rural
Mrs Clack

Case Officer:
Samantha Murphy

Purpose: For Decision

Grid Ref: 516987 138862

Title: Minerals/Waste MO/2017/0953/SCC

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.

INTRODUCTION

1. At their meeting on 26 October 2022 the Committee resolved to approve new modern planning conditions subject to the prior completion of a Section 106 Legal Agreement (S106 Agreement) (a copy of the 26 October 2022 report is attached and the Update sheet for that meeting at Annex 2 and 3 alongside a completed Section 106 Legal Agreement at Annex 1). The S106 Agreement required the submission of details of a Landscape and Ecological Management Plan (LEMP), a scheme of works for the management of geological conservation for the Auclaye geological Site of Special Scientific Interest (SSSI) and the establishment and running of a liaison committee. The S106 Agreement has been completed and is attached at Annex 1 to this report.
2. A period of six months has passed between the October Committee. In line with the Constitution of the Council (21 March 2023) Part 3- Section 3 Part 3A "Specific Delegations to Officers" EAI78, consideration was given by Officers as to whether the application should be referred back to the Planning and Regulatory Committee due to the time elapsed.
3. Due to the time elapsed, Officers undertook an assessment to check if new issues had arisen following the Committee's resolution to approve modern conditions, but before the decision notice has been issued. The Court of Appeal have given guidance on this in R. (on the application of Kides) v South Cambridgeshire DC [2003] 1 P. & C.R. 19 (at paragraph 124-6 of that judgement). The judgement says:

"125.where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, s.70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.

126 In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a “material consideration” for the purposes of s.70(2) , it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority *would reach* (not *might reach*) the same decision”.

4. Officers consider the following below is a material consideration warranting referring the application back to the Planning and Regulatory Committee for reconsideration.
5. Officers have carried out an assessment on all other matters that were reported in the October 2022 Officer report and are of the opinion that there are no other material changes.

PROPOSED CONDITION 3 AS SET OUT IN OFFICER REPORT OCTOBER 2022

6. Officers set out within the October 2022 report 51 conditions with regards to this planning application. One of which was Condition 3 which stated:

The development hereby permitted shall begin before the expiration of 3 years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 working days of the commencement of development.

7. Planning application MO/2017/0953 has been submitted under Schedule 13 of the Environment Act 1995 as an application for Review of Old Mining Consents (ROMP). Auclaye Brickworks was granted planning permission in 1976 and is classified as a dormant site as works at the site ceased in the mid-1980s. The Environment Act 1995 defines ‘dormant’ as

a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22nd February 1982 and ending with 6th June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site [...]

8. Paragraph 180 of the NPPG states that minerals development cannot lawfully commence at a dormant site until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority.
9. Once the modern conditions have been approved by the mineral planning authority however, there is nothing in the legislation that requires commencement/ recommencement within a specified period for dormant sites. Any conditions that are imposed as part of this application would be the subject of further periodic reviews in accordance with Schedule 14 of the Environment Act 1995 which are expected to occur every 15 years.
10. Consequently, the MPA consider that Condition 3 **as set out in the October 2022 Officer report** should not have been included and the MPA **wish to remove it**. All other conditions would remain and have been **re-numbered** to take account of this. These are set out below.
11. Removing Condition 3 would not impact on the method of working or restoration of the application site or other conditions as worded and proposed. Removing Condition 3 would not alter the start date of mining at the application site as this is not a requirement of the legislation or NPPG; and it would not affect the end date for working and restoring the site

as this is set out in Condition 3 (of the revised numbering) which are not proposed to be changed.

REPRESENTATIONS

12. Since October 2022, two letters of representation have been received. One is dated as received 15 December 2022 but the actual representation says 7 October 2022. This representation wishes to register their *ongoing* concerns about the A24 being dangerous and the additional heavy vehicle use with wet clay being deposited on the road presenting a hazard to vehicles. With regards to this representation's concerns, Condition 11 requires the submission of a Traffic Management Plan prior to any enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; is submitted and approved is to ensure that appropriate traffic management measures (including appropriate wheel washing facilities) are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road; and the Knoll Farm Road/A24 bellmouth junction. As such there would be wheel washing facilities present on site to prevent wet clay being deposited on the road.
13. The second wishes to oppose the proposal due to traffic the site would generate having an impact on the A24, the noise pollution, putting mud on the highway, safety concerns given the number of accidents on the highway and disruptive impact. These matters were all raised within other representations received and were covered within the officer report to the October committee. This representation does not raise any new issues that were not considered as part of the October report. Removing Condition 3 (as set out in the October committee report) would not affect these concerns.

CONCLUSION

14. Officers consider that previous Condition 3 and previous Reason 3 should be removed from the list of conditions for approval for the reasons set out above; and in doing so this does not materially change any of the other conditions, method of working or restoration of the site.

RECOMMENDATION

The recommendation is that following the identification of a new material consideration, the removal of the previous Condition 3 and previous Reason 3 from the list of Conditions and the APPROVAL of new modern conditions as set out below and be subject to a Section 106 Legal Agreement as specified in Annex 1.

CONDITIONS

Copy of Decision Notice

1. From the date that any works commence in association with this decision notice until the cessation of the development/completion of the operations to which it refers, a copy of this notice including all documents hereby approved and any documents subsequently approved, shall be available to the site manager, and shall be made available to any person(s) given the responsibility for the management or control of operations.

Approved Plans

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. AB/90 rev. 1 Land Ownership dated March 2015
- Drawing Ref. 2015/25/6/004 rev A Land Ownership & Public Right of Way Plan dated October 2016
- Drawing Ref. AB/99 Existing Contours dated January 2017
- Drawing Ref. AB/102 rev. D Site Location Plan dated 27 February 2017
- Drawing Ref. AB/103 rev. G Excavation and Restoration Phasing Plan dated 21 December 2017
- Drawing Ref. AB/103 rev 00 Location Plan Slope Stability and Proposed GI dated 19 October 2017
- Drawing Ref. AB/104 rev. A Quarry Cross Sections dated 10 January 2017
- Drawing Ref. AB/105 rev. B Proposed Restoration Contours dated 24 April 2017
- Drawing Ref. AB-107 rev. C Location of 2m High Bund With 2m High Fence dated 3 October 2017
- Drawing Ref. rev. E AB-108 Site Compound and Stockpile Location dated 22 February 2018
- Drawing Ref. AB/201 Ecological Phasing Plan Rev 6 dated 7 November 2017
- Drawing Ref. DR-L-0001 rev. P03 Proposed Sections dated 18 December 2017
- Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015
- Drawing Ref. 3440_DR_002 rev. A Tree Survey Drawing Sheet 1 of 2 dated 29 October 2015
- Drawing Ref. 3440_DR_003 rev. A Tree Survey Drawing Sheet 2 of 2 dated 29 October 2015
- Drawing Ref. 3440_DR_004 Indicative Landscape Restoration Cross Sections dated 28 October 2015
- Drawing Ref. 3440_DR_005 rev. B Tree Protection Plan dated 20 October 2017
- Drawing Ref. 2016-D1153-SK301 Drainage Strategy Excavation Phasing Plan dated 2 December 2016
- Drawing Ref. 2016-D1153-SK302 rev. B Drainage Strategy Reinstatement Phasing Plan dated 2 December 2016
- UK16087-DRG-02 rev 0 Fig 8.1 Stability Cross Section Locations dated 28 November 2016
- Drawing Ref. 2015/2516/010 rev G Proposed Access Arrangement and Highway Works dated April 2019
- Drawing Ref. 2015/2516/012 rev D Swept Path Analysis dated April 2019.

Duration

3. Extraction of minerals and operations involving the deposit of waste hereby permitted shall cease and all buildings (with the exception of those shown on Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015), plant, machinery, sanitary/welfare/office facilities and their foundations and bases, together

with any internal haul roads and vehicle parking shall be removed and the site shall be restored in accordance with the plans and documents listed in Condition 2 above and subsequently approved pursuant to Condition 29 below by no later than 21 February 2042.

4. In the event of a cessation of winning and working of minerals prior to the achievement of restoration or part restoration, which in the opinion of the County Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, or subsequent versions or similar replacement legislation; or where the developer has written to the County Planning Authority giving written notice of their intention of cease operations; a scheme including details of restoration, landscaping and aftercare shall be submitted for approval to the County Planning Authority within 3 months of the County Planning Authority issuing an order of suspension of winning and working of minerals or the cessation of working. The approved scheme shall be fully implemented and maintained within 2 years of its written approval.
5. In the event that mineral working is temporarily suspended for a period exceeding 2 years, within 3 years from the date of suspension an interim reclamation scheme for the site and timetable for its completion shall be submitted to the County Planning Authority for approval in writing. The approved interim reclamation scheme shall be implemented and maintained within 2 years of its written approval.
6. If mineral working is suspended for a period of 6 months or more, within 7 months of the date of suspension of mineral working, the operator shall give written notification to the County Planning Authority of the date upon which mineral working was suspended.

Programme of Working

7. Prior to the commencement of clay winning and working and the restoration of any individual Phase (1, 2, 3 and 4) as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a scheme of working and restoration of that individual phase shall be submitted for approval in writing to the County Planning Authority for that individual phase. The scheme should include:
 - a. volumes of material to be extracted (clay and overburden);
 - b. volumes of infill material to be used and settlement rate with the detail of likely broad locations of any stockpiling delineated on a drawing to be provided as part of the submitted scheme;
 - c. Unless otherwise provided for under the provisions of the Environmental Permit, the Scheme of Working and Restoration shall include, for all areas outside the Environmental Permit boundary, a scheme using off site and onsite inspection, testing, and verification, that demonstrates all materials imported on to the site for any purpose including capping, cover, landscaping, drainage and growing media during restoration are suitable for their intended purpose in respect of their chemical characteristics and the site environmental conditions and proposed after-use, and also in consideration of the baseline condition of the ground and groundwater chemistry on or below the site;
 - d. method of working;
 - e. cross section profile drawings;
 - f. detailed plans showing final pre-settlement levels for that phase
 - g. methods of soil handling (movement, storage and replacement (including topsoil and subsoil depths and remedial treatments e.g. ripping and drainage));

- h. locations and heights of topsoil, subsoil, mineral waste and excavated clay stockpiles and imported waste materials as referred to in Condition 43 within the quarry associated with working and restoring of each individual phase;
- i. details of what overburden and subsoil ripping would take place within that phase and where within that phase;
- j. a plan showing the locations or positions of any screen bunding alongside any phasing and repositioning of the screening bunds during any individual phase, the shape and angles of the screen bunding, the grassing up of the screening bunds including seed mix and application rates, weed control and any other maintenance; and information on their duration; and
- k. a timeframe for implementation and completion of each individual phase.

The winning, working and restoration of each phase shall be carried out in accordance with the scheme as approved.

- 8. No operations hereby approved shall take place except in accordance with the details of working, filling, restoration, and aftercare comprised in the application and the conditions in this decision notice.

Hours of Operation

- 9. No lights shall be illuminated nor shall any other operation or activities authorised or required by this decision notice be carried out except between the following times:

0730 to 1800 hours Monday to Friday

0800 to 1300 hours on Saturday

No operations or activities shall be undertaken on a Sunday or Public, Bank or National Holiday.

Notwithstanding the above times, HGV access to and egress from the application site shall only be between the following times:

HGV access

0900 to 1600 hours Monday to Friday

0900 to 1300 hours on Saturday

HGV egress

0900 to 1630 hours Monday to Friday

0900 to 1300 hours on Saturday

This condition shall not prevent the emergency operations including (a) operation of pumps necessary for the control of water; (b) operation of electrical generating equipment in the event of mains supply interruption; and (c) emergency repairs to plant and machinery. Such emergency operations are to be notified to the County Planning Authority in writing within five (5) working days.

Highways, Traffic and Access

- 10. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily for a period of up to 12-months at any one time and shall submit these to the County Planning Authority on a quarterly basis in April, July, October and January each year.

11. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a Traffic Management Plan containing a package of measures for the safe management of vehicle movements to and from the site via Knoll Farm Road shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented and maintained for the duration of quarrying operations and until completion of restoration operations.
12. With the exception of vehicles associated with the construction of the A24 junction and visibility splays, and vehicles directly associated with the carrying out of surveys required for Conditions 26, 27 and 38; no vehicle associated with the development shall access Knoll Farm Road from the A24 unless and until the junction of Knoll Farm Road and the A24 has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained together with the visibility zones which shall be kept permanently clear of any obstruction over 0.6m high.

General Permitted Development Order

13. Notwithstanding any provision to the contrary under Schedule 2, Part 17, Class A and Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order:
 - No plant, building, machinery or structure whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics.

Noise

14. For normal day-to-day activities, the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed the existing background noise level by more than 10dB, up to a maximum noise level of 55dB(A) LAeq, 1 hour (free-field) during normal working hours as set out in Condition 10 above.
15. For temporary activities (bund construction, emergency operations etc.), the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed 70dB(A) LAeq, 1 hour (free-field), for period of up to 8 weeks in a year, during normal working hours as set out in Condition 10 above.
16. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations at all times. Any damage, breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the equipment affected should be taken out of service.
17. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation

works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities (likely temporary activities to be listed), proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received.

The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.

18. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, details of the noise attenuation and screening bund (2m high bund with 2m high acoustic fence on top located along the eastern boundary of the quarry as shown on plan AB-107 rev C Location of 2m bund with 2m high fence dated 3 October 2017) shall be submitted to and approved in writing by the County Planning Authority. Such details to include:

- (a) The location and dimensions of bund (including a gradual increase in total height of the bund [including fence] from 'Rosemead' to the south of 'Knoll Bungalow' from 4m to between 5/6.5m;
- (b) Timings and method of bund construction ;
- (c) Details of material used to construct bunds;
- (d) Details of bund seeding and planting including maintenance measures;
- (c) The specification (including colour) and height of acoustic fencing to be installed on top of bunds; and
- (b) Phased deconstruction programme during restoration operations.

The approved details shall be implemented and maintained for the duration of the development hereby permitted.

Environmental Protection

19. Clay excavation shall take place only within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes as shown on Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of BH A; 81.00m AOD for BH B; and 84.80m AOD for BH C; or as revealed by local geological variation in the depth of the top of the first siltstone layer.

Dust

20. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a Dust Management Plan (DMP), in general accordance with Section

10.6 of Regulation 22 Request Addendum to EIA Ref. 2017/0004 dated February 2018, shall be submitted to and approved in writing by the County Planning Authority. The approved DMP shall be implemented and maintained for the duration of the development hereby permitted.

Drainage

21. 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 management of surface water and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall cover the extraction, restoration and aftercare phases of the development and include but not be limited to:
- (a) A drainage design that satisfies the SuDS Hierarchy and follows the principles set out in the Flood Risk Assessment Ref. 2016/D1153/FRA1.3 dated October 2017;
 - (b) The current drainage arrangements including the point of discharge to any receiving watercourse;
 - (c) Drawings and details clearly showing the proposed phasing of the works and the proposed drainage strategy for each phase including details of the Land Drainage Consents granted;
 - (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 (1) water does not flow on to National Rail 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;
 - (e) Pumping rates and location of any proposed discharge points during the extraction and filling phases;
 - (f) Detailed drawing showing drainage layout, long or cross sections of each drainage element, pond sizes; details of flow control devices and invert levels;
 - (g) Appropriate drainage design calculations to support the sizes of the various elements and how the relevant local and national SuDS standards have been met;
 - (h) Details of the measures proposed to safeguard water quality, including suspended solids and spillages;
 - (i) Details of who will undertake the long-term inspection and maintenance of the surface water drainage system and the proposed maintenance regimes during the operational phases of the quarry, aftercare period, and for the restored site in the long-term;
 - (j) Proposals for verification and periodic reporting to the County Planning Authority as drainage systems for each interim phase of the works are put in place and decommissioned.
22. The drainage aspects of clay extraction and restoration operations at the site shall be carried out strictly in accordance with the scheme of works for the management of surface water and drainage approved pursuant to condition 21 above, and reports shall be submitted to the County Planning Authority for approval in writing as required by and approved pursuant to Condition 21(j) above.

23. Upon completion of the construction of the surface water drainage scheme for the final restored site a construction verification report shall be submitted to the County Planning Authority to demonstrate that the SuDS system has been constructed as per the details approved pursuant to Condition 21 above.

Archaeology

24. No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the County Planning Authority.
25. No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 shall take place until an Historic Building Record (Level 2 of Historic England's Guidance – Understanding Historic Buildings) of the existing architectural and historic features of the former brickwork buildings has been submitted to and approved in writing by the County Planning Authority.

Ecology

26. 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, details of habitat enhancement works as shown on plan 3440/DR/001 Sketch Landscape Masterplan rev B dated 28 October 2015 and AB/201 Ecological Phasing Plan rev 6 dated 7 November 2017 to be carried out for the whole application site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a) The timing of delivery of all habitat enhancement across the application site by phase and season and habitat;
 - b) The works to be carried out including the creation of hibernacula and refugia piles for reptiles, the grass cutting regime, installation of any reptile fencing along the perimeter of the area, waterbodies for newts and frogs, hedgerow planting, grassland and native shrub;
 - c) Identification of where reptiles would be trapped on the site and when;
 - d) Seed mixes and planting species;
 - e) A maintenance regime; and
 - f) A plan identifying the phasing of habitat enhancement with timescales and detail of what would take place within each phase.

The scheme shall be implemented and maintained in accordance with the approved details.

Phase 2 shall not commence until the habitat enhancement as detailed within the approved scheme has been implemented and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.

Phase 3 shall not commence until the habitat enhancement is established on Area A as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.

Geological Conservation

27. 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 demonstrate 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.

28. No root or stump of any tree/shrub shall be removed from the earth in the course of vegetation clearance associated with the SSSI.

Landscaping

29. Within six months of the date of these conditions taking effect, a landscape restoration scheme shall be submitted for approval in writing by the County Planning Authority. The scheme shall:
- a) Be in general conformity with Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015 and Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017;
 - b) Take account of the location of the site within the 'WW8: Cranleigh to Charlwood Wooded Low Weald' landscape character area (Surrey Landscape Character Assessment 2015);
 - c) Include a detailed plan showing exact make-up, extent and location of new planting, seeding, and habitat areas;
 - d) Include written specifications for cultivation, other operations associated with planting and grass establishment, implementation, and phasing;
 - e) Include full schedules of and timetables for planting and seeding detailing native species of local provenance (including beech and oak and excluding ash), sizes, numbers, and densities;
 - f) Include details of any fencing, gates and hard surfacing (where appropriate);
 - g) Detailed plans showing final pre-settlement levels;
 - h) Cross section profile drawings;
 - i) Volumes and depth of topsoil and subsoil to be used within the agricultural area and nature conservation areas and other landscape elements;
 - j) Provide for an appropriate maintenance regime and arrangements for implementation, monitoring, and remedial measures (where appropriate) during the course of the development.

The approved scheme shall be implemented in accordance with the phasing as shown on Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and maintained for the duration of the development hereby permitted.

30. Within six months of the date of these conditions 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 in writing. 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) Specify steps for the submission of a pre-release report, 6 months prior to the end of the aftercare period, to demonstrate that the agricultural land has been restored to the required standard; and
- n) Be in general accordance with Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015 and Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017.

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

31. Prior to any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, details of the temporary 2m high hoarding fence to be installed from the north east corner of the site for some 120 metres along Knoll Farm Road and Public Footpath 178 as shown on plan AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018 and a permanent hedgerow in front of it, shall be submitted to and approved in writing by the County Planning Authority. The details shall include:
- a. Site layout drawing(s) (to a suitably detailed scale) showing the location of the hoarding fence and hedgerow;
 - b. Information on the construction, appearance and colour of the hoarding fence;
 - c. Information on the species composition for the hedgerow, planting numbers/densities and ongoing maintenance of the hedgerow;
 - d. Details of protection measures (including fencing) to retained trees, including groups G1C2 and G2C2 as shown on plan 3440_DR_005 rev B Tree Protection Plan dated 20 October 2017, from damage and harm including to tree roots and canopies.

Sufficient room shall be provided between Knoll Farm Road and the hoarding fence for the planting of the hedgerow. The hedgerow shall be a double staggered row configuration and shall be planted in the next available season following the approval of these details. In the event of the failure of any hedgerow planting in the first five years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species and size by not later than the end of the first available planting season following the failure, damage or removal of the planting. The fence shall be constructed and maintained in accordance with the details as approved.

32. No stockpile within the site shall exceed 4m in height nor shall any stockpile be located east of the noise attenuation and screening bund(s) (as shown on drawing AB-107 rev C Location of 2m High Bund With 2m High Fence dated 3 October 2017).

Tree Protection

33. Prior to the enabling/ access works commencing on site (including any plant or materials being delivered to the site, tree and hedgerow works including tree protection measures being undertaken and installed), an Arboricultural Method Statement shall be submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall be prepared pursuant to Chapters 4, 5 and 6 of the Arboricultural Impact Assessment Ref. 3440_RP_005 dated 21 November 2016 and Drawings Ref. 3440_DR-002 rev. A Tree Survey Drawing Sheet 1 of 2 dated 29 October 2015; 3440_DR-003 rev. A Tree Survey Drawing Sheet 2 of 2 dated 29 October 2015; and 3440_DR-005 rev. B Tree Protection Plan dated 20 October 2017; and shall include measures for a pre-commencement site meeting with the County Arboricultural Officer.

The tree protection measures and works within the construction exclusion zone shall be carried out strictly in accordance with the approved Arboricultural Method Statement.

Only the trees as identified in paragraphs 3.5 – 3.7 of the Arboricultural Impact Assessment shall be removed or pruned. No plant, machinery or materials should pass through or be placed on the root protection areas unless and until specialist ground protection methods such as those detailed in Section 4 of the Arboricultural Impact Assessment have been implemented. The line of protective barriers and ground protection boards within the site must be in place as shown on Drawing 3440_DR-005 rev. B Tree Protection Plan dated 20 October 2017.

34. Prior to the construction of the access road, vehicle turning area and visitor parking area and the installation of the site office in Phase 1 (Part 1) as shown on Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, details of how the visitor parking area shall be constructed so to protect tree group G2C2 as shown on Drawing 3440_DR_005 rev B Tree Protection Plan dated 20 October 2017 from damage and harm including to tree roots and canopy shall be submitted to and approved in writing by the County Planning Authority. The details shall include information on what tree protection fencing shall be used and measures employed for protection of the trees. The details of the visitor parking area shall be implemented and maintained as approved.
35. Prior to the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a method statement and phasing plan for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the County Planning Authority. The method statement shall be in general accordance with Chapter 5 (revised) paragraph 5.2.5.4 of 'Environmental Statement, Auclaye Clay Quarry dated January 2017' and paragraph 5.4.2 of the Phase I Geoenvironmental Desk Study (Document ref: 034145) by Burohappold Engineering dated 4 March 2016 and include post-treatment monitoring of the site to ensure continuous 12-month period of where no Japanese Knotweed is identified growing on the site. Following this first continuous 12 month period a written report shall be submitted to the County Planning Authority detailing the effectiveness of the treatment and whether the treatment should be extended in time and geographical area. In the event that any Japanese Knotweed is identified as growing during the 12-month monitoring period then treatment shall resume and continue until a 12-month period where no growth of Japanese Knotweed occurs. Following a period of 12-months in which no Japanese Knotweed is identified as being present in any area of

the site, a written report shall be submitted to the County Planning Authority that demonstrates that no growth of Japanese Knotweed is occurring at the application site.

Soils

36. Prior to any further disturbance or stripping of soils on the site (including those currently placed with the bund adjacent to Knoll Farm Road) or the creation of any further bunds in association with the proposal as shown on Drawings AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, Drawing Ref: AB/107 rev C Location of 2m High Bund With 2m High Fence dated 3 October 2017 and Drawing Ref: AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a written scheme of works for the management and conservation of soil resources 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 assessment of the topsoil and subsoil resources present on site by a suitably qualified and experienced soil scientist or agronomist;
 - b) A soil resources management plan describing the procedures that will be adopted to excavate, identify, transport, store (stockpile), maintain (quality), and re-use the topsoil and subsoil resources present on site;
 - c) A detailed description of the measures that will be put in place to conserve topsoil and subsoil resources when handling, re-using and, if necessary, treating (mechanical treatment and/or fertilising) the soils present during restoration to agricultural use in accordance with the details approved pursuant to Condition 29 above;
 - d) Verification and reporting procedures to demonstrate compliance to the County Planning Authority.

The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works and verification/ reporting procedures.

37. No topsoil or subsoil shall be removed from the application site or used for any purpose other than site restoration

Contamination

38. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a programme of land contamination investigation works, assessment and, if necessary, remediation and/or mitigation shall be undertaken at the site. The programme of works shall incorporate the recommendations of the Phase I Geoenvironmental Desk Study (Document ref. 034145) by Burohappold Engineering dated 4 March 2016 and include:
- (a) The submission of a written scheme (Method Statement) of intrusive ground investigation, testing, monitoring and risk assessment for the written approval of the County Planning Authority before commencement of the programme of land contamination investigation works.
 - (b) The investigation shall be completed, and the results of the risk assessment, and if necessary, a remediation and/or mitigation strategy, a programme of works, and Implementation and Verification Plan shall be submitted to the County Planning Authority for approval in writing.

The enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay shall be carried out strictly in accordance with the approved remediation and/or mitigation strategy, programme of works and verification plan.

39. In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, details of the unexpected contamination shall be submitted to and approved in writing by the County Planning Authority including:

- (a) A survey of the extent, scale and nature of the contamination;
- (b) An assessment of the potential risks to previously identified receptors, and;
- (c) If necessary, an appraisal of remedial and mitigation options, and the submission of the proposed remediation strategy and an Implementation and Verification Plan to the County Planning Authority for approval in writing.

The remediation or mitigation works shall be completed in accordance with the approved remediation strategy and the Implementation and Verification Plan.

40. Within three months from the date of these conditions taking effect, details of any facilities for the storage and usage of oils, fuels, lubricants or chemicals associated with the development shall be submitted for approval in writing by the County Planning Authority. The details shall include:

- (a) secondary containment that is impermeable to both the oil, fuel or chemical and waste, with no opening used to drain the system;
- (b) a minimum volume of secondary containment of at least equivalent to the capacity of the tank plus 10% and if there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of total tank capacity, whichever is the greatest;
- (c) all fill points, vents, gauges and sight gauges to be located within the secondary containment;
- (d) the allocation of a dedicated hard surfaced compound area outside the area of extraction for the fuelling and maintenance of all plant and vehicles with a suitable containment and drainage system incorporating fuel/ oil interceptors etc and a programme of regular inspection and maintenance;
- (e) associated above ground pipework protected from accidental damage;
- (f) below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks;
- (g) all fill points and tank vent pipe outlets designed to discharge downwards into the containment;
- (h) a written scheme of contingency action for dealing with any hydrocarbon or chemical spillage.

The approved details shall be implemented prior to any storage of oils, fuels on site, and thereafter maintained in accordance with the manufacturer and installer recommendations.

Limitations

41. No form of material screening or crushing shall take place on site under any circumstances.

42. No material other than:
- a. imported waste to infill/ restore the site to top of landfill cap; and
 - b. site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap.

shall be used at the application site to deliver the restoration scheme as shown on Drawings AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and AB/105 rev B Proposed Restoration Contours dated 24 April 2017.

Stability

43. 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 written scheme of works for the management of land stability at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall incorporate the recommendations of the Buro Happold Slope Stability Design Review rev P02 dated 30 October 2018 (Design Note 0042556-BHE-XX-XX-DN-CG-001) and shall include but not be limited to:
- (a) The submission of a slope buttress stability design report and volumetric assessment of the buttress fill needed and its required geotechnical properties;
 - (b) An excavation and filling operational plan for the slope buttressing work, compacting specifications for engineering the buttress fill and a programme of works;
 - (c) An evidence base that the applicant/operator has access to the required buttress fill and a programme of works;
 - (d) The submission of a scheme of slope stability and groundwater inspection and observation (Stability Monitoring Plan) including early warning stability decision trigger criteria and a Contingency Action Plan with mitigation and/or remedial measures as appropriate, together with a periodic review and reporting procedure such that the buttress design and the Stability Monitoring Plan can be amended as necessary based on the actual stability conditions observed;
 - (e) Implementation and Verification Plan.

The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works, programme and Verification Plan.

44. No clay extraction shall take place within 50 metres of the western boundary of the site as shown on Drawing ref: AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 until a geotechnical appraisal of slope stability of the western quarry flank (Phases 3 and 4) has been submitted to and approved in writing by the County Planning Authority. The geotechnical appraisal shall include the ground investigation factual report, ground investigation interpretative report, the characteristic values selected for design, the ground model, the proposed design in section and plan and outputs of the slope stability showing compliance to relevant standards. The appraisal needs to have regard to the type of material to be used for the infill slope buttress and the compaction specification.
45. 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.

46. No soils, restoration soils or overburden shall be placed 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 until such time as the excavation has been infilled to the final restoration levels.
47. In all circumstances where the Quarry Regulations 1999, subsequent versions, or similar replacement legislation does not apply, Geotechnical Stability Assessments shall be undertaken initially (within 3 months of the date of identification that the Quarry Regulations do not apply to any part of the development site), and thereafter at intervals not exceeding 2 years for a period to be agreed in writing with the County Planning Authority. The initial and periodic assessment reports shall be submitted to the County Planning Authority for approval in writing.

For the avoidance of doubt such 'circumstances' shall include any spatial areas or zones of the permitted development subject of this consent that may be outside the operational quarry working area defined for the purposes of the Quarry Regulations, and any areas or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.

The general scope and content of the Geotechnical Stability Assessments required under this condition shall be as set out and defined in the Quarry Regulations 1999 and its Schedules, subsequent versions or similar replacement legislation, and HSE Document L118 (second edition) 2013, Quarry Regulations 1999 Approved Code of Practice.

The Geotechnical Stability Assessments so defined shall include all waste, soil or rock slopes within the permitted development site boundary, whether temporary faces, slopes under restoration, restored final slopes, or temporary stockpile or spoil heap slopes, and whether inward or outward facing.

48. The final stability and settlement review report for the whole restored site shall be undertaken and submitted to the County Planning Authority for approval in writing within 6 months before the end of the agricultural aftercare period as approved pursuant to Condition 30 above.
49. 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.

Rights of Way

50. Prior to the commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a Public Rights of Way Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include but not be limited to:

- (a) Details of the temporary constriction of Footpath No. 178 including the proposed width of the remaining footpath (minimum of 2m to be made available for use by members of the public);
- (b) Details of surface treatment (e.g., rough metalled with road plainings or type 1);
- (c) Details of how the potential for conflict between users of the footpath and HGVs are to be managed including protection measures to prevent vehicles moving off the track and across the footpath;
- (d) Details of suitable signage to warn users of the footpath and HGV drivers of hazards associated with the mineral working.

The approved details shall be implemented before any material is imported to or exported from the site in HGVs and maintained for the duration of the development hereby permitted.

REASONS FOR IMPOSING CONDITIONS:

1. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
2. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
3. To enable the County Planning Authority to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.
4. In order to secure the proper restoration of the site in the event of premature cessation of the quarrying activities to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
5. In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
6. In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
7. To comply with the terms of the application, to secure restoration to the required standard and assist in absorbing the site back into the local landscape and enable the County Planning Authority to exercise control over the development in accordance with Policies MC2, MC3, MC14 and MC17 of the Surrey Minerals Plan 2011 Core Strategy and Policy 14 of the Surrey Waste Plan 2020.
8. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Policy 14 of the Surrey Waste Plan 2020.
9. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to

safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

10. To ensure that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
11. To ensure that appropriate traffic management measures are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
12. To ensure that the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
13. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC14 and Surrey Waste Local Plan 2020 Policy 14.
14. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
15. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
16. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
17. So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
18. So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the visual amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
19. To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
20. To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

21. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
22. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
23. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
24. To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
25. To accord with paragraph 205 of the National Planning Policy Framework 2021 to ensure that a record is made of the heritage asset before it is demolished and in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
26. To ensure protected species identified on the site are protected and suitable replacement habitat is provided in a timely manner, in the interests of amenity and wildlife conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Plan 2020 Policy 14.
27. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 001 Reference ID: 8-001-20190721 and 002 Reference ID: 8-002-20190721, revision date 21 July 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Policy 14 of the Surrey Waste Local Plan 2020.
28. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 009 Reference ID: 8-009-20190721, 010 Reference ID: 8-010-20190721, 011 Reference ID: 8-011-20190721, 013 Reference ID: 8-013-20190721, 014 Reference ID: 8-014-20190721 revision date 21 07 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
29. To comply with the terms of the application and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

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30. In the interests of amenity and nature conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
 31. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
 32. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
 33. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
 34. To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity to retain tree cover and screening in accordance with the NPPF paragraph 109 and Surrey Minerals Plan Core Strategy 2011 Policy MC14.
 35. To control the spread of invasive plant species and comply with the terms of the application, and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
 36. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing soils in accordance with paragraph 174 of the National Planning Policy Framework 2021; MHCLG Planning Practice Guidance on the Natural Environment: Paragraph 025 Reference ID: 8-025-20140306, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.
 37. To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC17.
 38. To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.
 39. To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.
 40. To ensure that the proposed activities do not harm ground or surface water resources in line with paragraph 170 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.

41. To comply with the terms of the application and in the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Mineral Plan 2011 Core Strategy and Surrey Waste Local Plan 2020 Policy 14.
42. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
43. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
44. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
45. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
46. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
47. For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
48. For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
49. For the management of potential hazards to the railway line from the application site in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
50. To protect the users of Footpath No. 178 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

INFORMATIVES:

1. Subject to the agreed traffic management plan measures (see Condition 11) and any resulting works being required within highway limits at the applicant's expense (see Condition 12), the decision hereby issued shall not be construed as authority to carry

out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

2. In respect of Condition 11 above, the Traffic Management Plan measures should include the following: parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management); provision of boundary hoarding behind any visibility zones; HGV deliveries and hours of operation; vehicle routing; measures to prevent the deposit of materials on the highway and monitoring of damage along highway verge; within 100 metres of the site in either direction; before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; no HGV movements to or from the site shall take place between the hours of 0900-1630 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in or along the A24 during these times; and on-site turning for construction vehicles; and a list of what vehicles would be associated with the construction of the visibility splays and access works.
3. Details of the highway requirements necessary for inclusion in any application seeking approval of details required by planning condition may be obtained from the Transport Development Planning Team of Surrey County Council contactable by email on tdpmolevalley@surreycc.gov.uk.
4. The applicant is advised that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
5. The rate of excavation of the external clay faces and the length of the open face excavated partially or completely at any one time shall be commensurate with the supply of incoming inert buttress quality fill such that the slope buttress can be placed against the face within a 3 month period or otherwise agreed in writing by the County Planning Authority. Any section or part of a clay face shall not stand unsupported by a buttress for more than 3 months or otherwise agreed in writing by the County Planning Authority. Buttress quality fill is defined as fill achieving the geotechnical strength and density parameters required to support the faces (Condition 43(a) above) and having suitable properties to meet the compaction specification (Condition 43(b) above).

6. In respect of Condition 43 above, the supply availability of incoming inert buttress quality fill shall be under constant review and clay excavation shall cease if the anticipated supply of incoming inert buttress quality fill is insufficient to buttress and support the slope within a 3 month period.
7. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on SuDS@surreycc.gov.uk. Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
8. The applicant's attention is drawn to the need to enter into discussions with the Environment Agency in respect of an Environmental Permit which is required for the development and prior to the commencement of any works. Information on Environmental Permits can be obtained from the Environment Agency's website.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders (Highways Act 1980 Section 131, 148, 149).
10. All vehicle drivers visiting the site should be made aware of the Site Rules.
11. The definition of 'cessation' as referred to in proposed Condition 4 is as per the definition in the Town and Country Planning Act 1990 Schedule 9 Section 3(2).
12. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
13. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: providing pre-application advice including identification of material considerations; resolving validation issues pertaining to the application; assessing the proposal against the National Planning Policy Framework 2021 including its associated planning practice guidance and European Regulations; liaising and facilitating meetings with the County Highway Authority and other statutory consultees on behalf of the applicant in order to resolve identified issues; providing timely and constructive feedback to the applicant in respect of consultation responses received; providing the applicant with early and ongoing sight of amended and new planning conditions; and providing the applicant with a draft schedule of conditions and heads of terms for the s106 legal agreement for consideration and comment. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
14. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of

this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.

15. Condition 45 shall not preclude access to the gap between the edge of the excavation and the railway line for minor landscaping and placement of shallow restoration soils, ditch construction or surface water management in accordance with approved design details and planting.
16. The applicant's attention is drawn to SES Water's letter dated 2 November 2021 with regards to safe digging practices near their water main, the attached plan; and Avoiding danger from underground services publication by the Health and Safety Executive (2014), copies of which have been provided to the applicant or may be obtained from the County Planning Authority.
17. The applicant's attention is drawn to the requirement to inform Southern Gas Network should any extraction/ quarrying take place within 100 metres of their mains pipeline; and to the Southern Gas Network Safety Advice – Valves document and the need to contact the Safety Admin Team on 08009121711 for further information, the Southern Gas Network 'Dig Safely: Measures to avoid injury and damage to gas pipes" document; and the Southern Gas Network "Know what's below: Protection you and your family" document.
18. The applicant's attention is drawn to UK Power Networks letter dated 2 November 2021 and its attachments and the advice contained within it with regards to safe working practices in the vicinity of their electrical lines/ plant, copies of which have been provided to the applicant or may be obtained from the County Planning Authority.

Contact Samantha Murphy

Tel. no. 07815 490405

Background papers

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Mole Valley District Council planning register for this application can be found under application reference MO/2017/0953/SCC.

Other documents

The following were also referred to in the preparation of this report:

Legislation

[Environment Act 1995](#)

Government Guidance

[Planning Practice Guidance](#)

Other Documents

[Minutes of the October 2022 meeting](#)

ANNEX 1 – Section 106 Legal Agreement

ANNEX 2 – Officer October 2022 Committee report

ANNEX 3 – Officer October Update Sheet

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