

TO: PLANNING &amp; REGULATORY COMMITTEE

DATE: 23 March 2022

BY: PLANNING DEVELOPMENT MANAGER

DISTRICT(S) WAVERLEY BOROUGH COUNCIL

ELECTORAL DIVISION(S):

MOLE VALLEY DISTRICT COUNCIL

Dorking Hills

Mrs Watson

Cranleigh &amp; Ewhurst

Ms Townsend

PURPOSE: FOR DECISION

GRID REF: 511032 137413

---

 TITLE: MINERALS/WASTE WA/2017/1466 MO/2017/1432
 

---

## SUMMARY REPORT

### Land at Ewhurst Brickworks, Horsham Road, Walliswood, Surrey RH5 5QH

**Extraction of clay from an area of 43.2 hectares (ha) with restoration to agricultural grassland, lakes, woodland and grassland; together with the construction of a tile factory with a chimney, and the permanent diversion of footpath 89; and on a site of 113ha.**

The Ewhurst Brickworks application site is situated 1 kilometre (km) south of the village of Walliswood, 3.3km south east of the village of Ewhurst, 4km south east from the village of Cranleigh; and 2km north of the county boundary with West Sussex. Ewhurst Brickworks is formed of two brickworks: Smokejack Brickworks and the former Ewhurst Brickworks. Smokejack Brickworks forms the eastern half of the brickworks site and includes the currently operational brickworks factory and the operational clay pit where clay is currently being won. The site known as the former Ewhurst Brickworks forms the western half of the brickworks site and includes a disused brickworks factory, a small area where land had historically been worked for clay; and other land containing clay mineral reserves which is mainly comprised of agricultural land, areas of woodland plantation and ancient woodland. Ewhurst Brickworks is bisected by the administrative boundaries of Waverley Borough Council to the west and Mole Valley District Council to the east.

Ewhurst Brickworks lies within the Surrey Hills Area of Great Landscape Value (AGLV) and much of Ewhurst Brickworks is designated a Site of Special Scientific Interest (SSSI) for geological interest. This does not prohibit the working of clay resources. Ewhurst Brickworks lies immediately to the south of the Seven Acres/ Twelve Acres (Somersbury Wood) Site of Nature Conservation Importance (SNCI) designated for its ancient semi-natural woodland (ASNW). Ewhurst Brickworks is predominantly surrounded by woodland forming Somersbury Wood much of this being ASNW with an area of Plantation on Ancient Woodland site (PAWS). Ewhurst

Brickworks has its own dedicated access from the Horsham Road with suitable visibility splays. Heavy Goods Vehicles (HGVs) accessing Ewhurst Brickworks predominantly travel to/ from the A29 and do so via Okewood Hill (D293 and C50), Honeywood Lane (C50), Horsham Road/Smokejack Hill (C48) and Walliswood Green Road (C49). A smaller number of HGVs travel to/ from Cranleigh and West Sussex. Bridleway 443 runs from Horsham Road through Somersbury Wood in a south then western manner before exiting onto Somersbury Lane, in the centre of the application site, north of the current clay extraction workings and brick making factory. Footpath 89 runs in a southerly manner along the eastern boundary of the application site from Exfold Farm before turning westwards towards Exfold Wood.

There is a long history of clay extraction and brickmaking at Ewhurst Brickworks which initially started as two separate sites: Smokejack Brickworks and Ewhurst Brickworks from circa 1948 onwards. Planning permissions granted for the extraction of clay from these two sites included large areas of ASNW, some of which has been worked but large areas which have not been. In 1998 under the requirements of the Environment Act 1995, the applicant submitted an application for Review of Old Mining Permissions (ROMP) to modernise the planning conditions imposed on the clay extraction areas. These new conditions were approved in 1998. This application retained areas of clay extraction from the ASNW. A new brick making factory was permitted in 1998 also to replace older brickmaking buildings and structures on the site.

The proposal seeks planning permission for new areas of clay working in exchange for not working areas of ASNW. The application area extends to 112.9ha however the extent of the proposed clay extraction is 43.2ha. Almost 27ha of ASNW lie within the current permission which 6ha are PAWS. The proposed new areas of clay extraction would see protection of 21ha of ASNW and instead three agricultural fields would be worked instead. To maximise reserves the applicant proposes to work clay to a deeper level and the total volume of clay to be extracted would be 10 million tonnes to be worked until 2073. Clay extraction would be carried out in phases 1 – 5. The site is currently already within Phase 1 which had been covered in ASNW. The proposal is to then work in a north easterly manner for Phase 2 within the PAWS area followed by Phases 3 and 4 which are agricultural fields. Phase 5 is to the south east of the brickmaking factory, east of Exfold Wood. Soils and overburden would be used to construct noise/ visual screen mounds up to 3m high in Phase 4 otherwise it would be stored in bunds in two locations where they would be seeded. Extracted clay would be transported to the brickmaking factory by dumper truck as is currently the case. Extracted clay is then placed into stockpiles to weather before it is fed into the brickmaking factory. The application area is identified as Area of Search U in the Surrey Minerals Plan 2011 Core Strategy Development Plan Document to enable the industry to plan for the longer term should that be commercially appropriate whilst making local communities aware that brickmaking may continue.

In addition to new areas of clay extraction, the applicant proposes to construct a new tile factory south east of the brickmaking factory on the northern half of Phase 5. It would be 165m in length by 90m wide and a height of 15m, the same as the existing brickmaking factory, and have a chimney stack. It would be a steep portal frame unit with steel profile sheet cladding and would house a tile kiln and tile forming equipment. A tile stacking yard is proposed immediately adjacent to the tile factory where tiles would remain until taken from the site. To produce the tiles, approximately 50,000 tonnes per annum of sand would need to be imported. The applicant operates one other clay tile factory in the UK in Doncaster and those tiles are distributed throughout the country. The proposed tile factory at Ewhurst Brickworks would be to supply clay tiles to the south of the UK allowing the Doncaster factory to supply the north reducing vehicle emissions. The tile factory would be removed to allow for clay extraction from Phase 5b.

The tile kiln would operate 24 hours a day seven days a week as the brickmaking factory does as the firing process within the tunnel kilns requires a continuous process. HGVs arrival/ departure would be restricted to 0700 – 1800 hours Monday – Friday and 0700 – 1300 hours on Saturdays. The applicant states there may be a need for a forklift truck to take finished tiles from

the factory to the stockyard between 1800 -2200 hours. Hours of operation for clay extraction would be 0700-1800 hours Monday – Friday and 0730-1300 hours on Saturdays. Three HGVs are currently allowed to leave the site each day before 0700 hours Monday – Friday.

The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access, Rights of Way, landscape and visual Amenity including tile factory design and restoration (including airport safeguarding), ecology and biodiversity (species and designated areas), noise, air quality and dust, stability, surface water, hydrology and hydrogeology, lighting, geological SSSI, heritage assets, soil and agriculture; and contamination.

Okewood Hill Residents Association have objected on the grounds that the traffic assessment has not adequately assessed the impacts of the proposal on the local road network and the proposed increase in HGV movements to/ from the site alongside the continuing impact of HGVs on users of the road network including pedestrians, cyclists and equestrians; that the site is not suitable for industrial development, the site is within an Area Beyond the Green Belt and within the AGLV and neighbours Okewood Hill Conservation area. The Woodland Trust have objected due to the damage and loss that would occur because of clay extraction within areas located within ASNW and PAWS and that the site is designated SSSI and that the buffer zones should be larger than 15m. CPRE have objected on grounds the tile factory would fail to enhance the landscape character and impact negatively on the tranquillity of the rural area. The Ramblers Association have objected on the grounds of increasing the length of footpath 89 on the proposed permanent diversion route. Ewhurst Parish Council have raised concerns that the proposed tile factory would extend industrial activity and the number of HGV movements. No objections have been received from technical consultees, though some raise matters they recommend or consider should be addressed through the imposition of planning conditions.

Minerals can only be worked where they are found. Brick clay is essential to support sustainable economic growth and quality of life which includes producing bricks and tiles for house building of which there is a continual Government drive for. The National Planning Policy Framework (NPPF) states for brick clay there should be a landbank of at least 25 years and also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt with significant weight being placed on the need to support economic growth and productivity.

The NPPF indicates that planning decisions should protect and enhance valued landscapes, sites of biodiversity or geological value and soils and that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be reused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposed development would involve the loss of approximately 6ha of ASNW and PAWS, however the proposal would see the relinquishing of mineral rights for 21ha of ASNW and therefore its protection alongside the ability to impose conditions to provide for buffer zones and protection of the woodland. The proposal provides a restoration scheme which would see the application site restored to a series of lakes with woodland, species rich grassland, reed beds and Great Crested Newt habitat alongside the provision of new permissive rights of way. In this regard, Officers recognise that whilst this proposal would result in the irreplaceable loss of some ASNW, that the exchange proposed and thereby protection of 21ha of ASNW is a wholly exceptional reason and that a suitable compensation strategy is provided through the restoration scheme and conditions to protect both ASNW and other woodland.

Officers have assessed the visual, landscape character, noise, lighting and air quality implications of the proposed tile factory and consider that with suitable mitigation measures and conditions and when seen in the context of the other brickmaking factory buildings would not significantly adversely affect the landscape character of the immediate and wider environment or significantly adversely affect residential amenity.

Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the relinquishing of the mineral rights on areas of ASNW and a highway routing agreement for HGVs accessing the site, for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure a routing agreement for HGVs accessing and egressing the site and the relinquishing of mineral rights for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

## **APPLICATION DETAILS**

### ***Applicant***

Wienerberger Ltd

### ***Date application valid***

20 July 2017

### ***Period for Determination***

9 November 2017

### ***Amending Documents***

Email from R Stock (soils) dated 16 November 2017

WBM technical report (noise) dated 21 November 2017

Letter dated 8 December 2017 from C Leake to Steve Lamb re Hydrology

Email from S Lamb about ancient woodland dated 12 February 2018 and accompanying documents on ancient woodland and ecology

Letter from Quarry Design dated 17 January 2018 with attachments

Email from S Lamb dated 1 March 2018 on various matters with Stack Height Calculation

Email from S Lamb dated 26 March 2018 with accompanying documents on dust and air quality; Dust Survey Protocol dated April 2018

Letter from the Hurlstone Partnership dated 24 April 2018 and Automatic Traffic Count data

Air Quality Response document dated July 2018

Archaeological Written Scheme of Investigation dated July 2018 (superseded)

Email from S Lamb dated 30 July 2018 with accompanying documents and tile factory plans and additional viewpoint 12 photograph

Landscape and Visual Impact Assessment addendum dated September 2018

Drawing ADD1 "Revised viewpoint 7 and additional viewpoint 14" dated September 2018

Lighting Report version 4 dated 22 September 2018

Air Quality Technical Note dated 13 March 2019

WBM technical note on scrubber noise impact document dated 21 May 2019

Air Quality Assessment for the Tile Factory dated November 2019

Transport Statement dated March 2020

Email from S Lamb dated 8 June 2020 (geology)

Landscape and Visual Impact Statement dated June 2020

WBM technical report (noise) dated 10 June 2020

Letter dated 8 July 2020 and attached Environmental Statement and Non-Technical Summary Addendum (and Appendices covering the following matters: dust assessment for the tile factory; air quality assessments for the brickworks extension, clay extraction and tile factory; tile factory plant layout; tile factory lighting assessment and strategy, noise assessments (for clay extraction and brickworks scrubber) and accompany information on landscape and visual impact; archaeology; ancient woodland and transport); Ewhurst Area of Search plan, Air Quality Assessment for a Proposed Extension dated 1 July 2020; and revised plans: EWHOO3 rev C, EWHOO6 Rev B, EWHOO8 Rev C, EWHOO9 Rev B, EWH10 Rev B, EWH11 Rev B, EWH12 Rev B, EWH13 Rev B, EWH14 Rev B, EWH15 Rev B, EWH16 Rev B, EWH17 Rev B, EWH18 Rev B, EWH19 Rev C, EWH20 Rev C, EWH21 Rev B, EWH22 Rev A, EWH23 Rev A, EWH25 Rev B, EWH26, VO-01-160609; VO-01-160212

Email from S Lamb dated 26 October 2020 with regards to Mass Emission Rates and attached a Written Scheme of Investigation v2 dated March 2018, plan EWH025 rev C "Proposed Advance Woodland Planting Plan" and plan EWH019 rev D "Restoration Concept Scheme – South" both dated October 2020.

Email from S Lamb dated 26 November 2020 and accompanying letter from the Hurlstone Partnership dated 26 November 2020 and plan EWH027 "Circulation and Parking Plan" dated November 2020.

---

## SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Need	Yes	97-119
Highways and Access	Yes	120-152
Rights of Way	Yes	153-160
Landscape and Visual	Yes	172-217
Amenity including Tile Factory		
Design and Restoration		
Ecology and Biodiversity	Yes	218-264
Noise	Yes	265-288
Air Quality and Dust	Yes	289-326
Stability	Yes	327-338
Surface Water, Hydrology and Hydrogeology	Yes	339-358
Lighting	Yes	359-371
Geological SSSI	Yes	372-374
Heritage Assets	Yes	375-403
Soil and Agriculture	Yes	404-415
Contamination	Yes	416-419

---

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan

### Aerial Photographs

Aerial 1

Aerial 2

### Site Photographs

Figure 1: Entrance into Ewhurst Brickworks from Smokejack Hill

Figure 2: Looking south from Ewhurst Brickworks site entrance

Figure 3: Brick stockpiling yard

Figure 4: Existing stocking yard with existing exhaust in the background

Figure 5: Looking south to existing tile factory

Figure 6: Phase 1 looking north west

Figure 7: A closer view of Phase 1

Figure 8: Phase 1 looking west

Figure 9: Phase 2 the Plantation on Ancient Woodland Site (PAWS) woodland

Figure 10: Looking west to Phase 3

Figure 11: Looking north towards Phase 3

Figure 12: Existing track to Phase 3

Figure 13: Looking south into Phase 5

Figure 14: Looking south west into Phase 5

Figure 15: Looking north from Phase 5 to the box feeder and existing brick making factory

Figure 16: Building to be demolished to enable construction of tile factory

## BACKGROUND

### *Site Description*

1. Ewhurst Brickworks (formerly Smokejack Brickworks) is located approximately 1 kilometre (km) south of the village of Walliswood, 3.3km south east of the village of Ewhurst, 4km south east from the village of Cranleigh; and 2km north of the county boundary with West Sussex. Ewhurst Brickworks is formed of two brickworks: Smokejack Brickworks and the former Ewhurst Brickworks. Smokejack Brickworks forms the eastern half of the brickworks site and includes the currently operational brickworks factory and the operational clay pit where clay is currently being won. The site known as the former Ewhurst Brickworks forms the western half of the brickworks site and includes a disused brickworks factory, a small area where land had historically been worked for clay; and other land containing clay mineral reserves which is mainly comprised of agricultural land, areas of woodland plantation and ancient woodland. Ewhurst Brickworks is bisected by the administrative boundaries of Waverley Borough Council to the west and Mole Valley District Council to the east.
2. Ewhurst Brickworks lies within the Surrey Hills Area of Great Landscape Value (AGLV). Much of Ewhurst Brickworks is designated a Site of Special Scientific Interest (SSSI) (Smokejack Clay Pit SSSI) for geological interest due to the ability of the clay for holding fossils including those of insects, ostracods, molluscs, fish, reptiles and gastroliths including most notably a partial skeleton of an Iguanodon. However, this does not



prohibit the working of clay resources but seeks to ensure that where mineral extraction is carried out opportunities for scientific investigation of the newly exposed stratum are taken. Ewhurst Brickworks lies immediately adjacent (to the south) to the Seven Acres/ twelve Acres Site of Nature Conservation Importance (SNCI) designated for its ancient semi-natural woodland. In addition to this, much of Ewhurst Brickworks is covered in woodland which are identified as Semi-ancient natural woodland and listed on the Surrey Inventory of Ancient Woodland.

3. Ewhurst Brickworks is accessed from the Horsham Road (C48) via a dedicated access with acceptable visibility splays. Heavy Goods Vehicles (HGVs) accessing Ewhurst Brickworks predominantly travel to/ from the A29 and do so via Okewood Hill (D293 and C50), Honeywood Lane (C50), Horsham Road/Smokejack Hill (C48) and Walliswood Green Road (C49). A smaller number of HGVs travel to/ from Cranleigh and West Sussex. The applicant runs a voluntary one way HGV routing system.
4. Bridleway 443 runs from Horsham Road through Somersbury Wood in a south then western manner before exiting onto Somersbury Lane, in the centre of the application site, north of the current clay extraction workings and brick making factory. Footpath 89 runs along the eastern boundary of Ewhurst Brickworks from Exfold Farm towards Exfold Furze Field woodland before running along the edge of Exfold Wood and running in a south westerly direction. The surrounding land uses consist of largely agricultural land and woodland.
5. The application site extends to 113 hectares (ha) and includes:
  - the extent of the existing permitted clay extraction and reserves area as approved by ref: MO98/0538 and WA98/0762
  - two new areas proposed for clay working;
  - areas within the applicants land ownership which would not be subject to any clay working
  - the existing brickworks factory which is located in the eastern part of the application site.
6. Of the two new areas proposed for clay working these are:
  - agricultural fields to the north west of the current extraction area (referred to as Phases 3 and 4 within the working programme) which extend approximately 300m northwards and 335m westwards from the permitted clay extraction limit. These agricultural fields are bordered by woodland on all boundaries.
  - an agricultural field to the south east of the current brickworks factory (referred to as Phase 5 within the working programme) which extends approximately 245m along the south eastern boundary however at one point it extends to 550m. This land is agricultural in nature with woodland bordering its western, southern and eastern boundaries. The northern boundary of this land abuts the southern extent of the brickworks building. Footpath 89 crosses the field in a north easterly/ south westerly manner. There is a pond at the eastern most extend of this area.
7. Residential properties border the application site at different points. To the east the closest residential property is Exfold Farm and Beecroft which lie approximately 45m from the application site and approximately 193m from Phase 5. Croft End lies also to the east approximately 210m from Phase 5. Hoopwick Farm lies approximately 253m south west of Phase 5.
8. Abrahams Farmhouse and the barn to the right (both Grade II listed buildings) lie to the north of the brickworks factory and is approximately 98m north of the application site in terms of the proposed soil storage mound on Abrahams Firstfield which is an agricultural

field proposed for soil stockpiling; and approximately 138m north west of the Phase 1 for clay extraction. A number of residential properties line Horsham Road none of which are in close proximity to the existing or proposed clay extraction areas until Hunters Lodge who's boundary abuts Phase 4 and dwelling house is approximately 68m north east of Phase 4. The following properties are to the north and north east of Phase 4: Oaklands approximately 91m, Kiln approximately 81m, Keepers Cottage approximately 113m; White Cottage Farm approximately 148; and Silverdale approximately 71m north and north east of Phase 4.

9. To the north west of Phase 4 lies Home Farm whose land abuts the northern boundary of the application site and is approximately 40m from the extraction boundary. Farm Cottage is approximately 96m north west of Phase 4; and Somersbury Manor House (a Grade II listed building) approximately 239m north. To the west of Phase 4 lies Oakwood approximately 70m, Green Shutters approximately 128m and Deepdene Kennels approximately 130m. To west of Phase 3 Little Timbers lies approximately 163m and By The Way lies approximately 200m. To the south west of Phase 3 lies Collendene approximately 330m.
10. The site is currently working Cretaceous age brick clays belonging to the Weald Clay formation. The British Geological Survey (BGS) data describes the Weald Clay as green, grey, blue, brown and red clays or mudstones with subordinate siltstones, sandstones, shelly limestone and clay ironstone. The existing active extraction area is around 300m from west to east and around 300m from north to south. The existing lowest base depth is around 50m AOD with the top of the face height varying between 70m and 77m AOD around the quarry (so 20m in height).

### ***Planning History***

11. There is a long history of clay extraction and brickmaking at Ewhurst Brickworks which initially started as two separate sites (Smokejack Brickworks and Ewhurst Brickworks). Planning permission for clay working at Smokejacks Brickworks was granted on 8 October 1948 (ref: DH/R14) and five conditions were attached to the consent. These simply specified a sequence of work, that a screen of trees be left around the site and that the surface be left at a uniform level. The extent of the mining permission includes the brickmaking factory and associated buildings, Exfold Wood, the existing clay pit and woodland immediately to the south of Twelve Acres woodland all of which would have been part of a larger Exfold Wood, designated as Ancient Semi Natural Woodland (ASNW).
12. With regards to the former Ewhurst Brickworks site<sup>1</sup> where buildings associated with it have become derelict and disused, two planning permissions were granted in relation to clay extraction being HMR 3934 dated 16 July 1952 and HMR 6716 dated 11 November 1963. These both had conditions specifying the means of access, sequence of working and removal of the buildings at the end of working. The extent of these mining permissions together covers Somersbury Wood which is designated as ASNW from the edge of the existing clay pit northwards up to the Horsham Road aside from two fingers of land connected with two residential properties. When the Mineral Planning Authority had to create a First List of sites in accordance with the Environment Act 1995, it states within that that Ewhurst Brickworks should be considered with Smokejack as the two sites are worked as one and processed through Smokejacks.
13. The most notable permissions since then relate to the new factory building and the determination for new modern conditions.

---

<sup>1</sup> Operated by the Ockley Brick Company



14. *Brickworks factory building* - planning permission was granted in August 1998 (ref: MO98/0539) for the demolition of some 15,700 square metres (m<sup>2</sup>) of the existing buildings and kilns and for the construction of new buildings of some 17,260m<sup>2</sup> with a flue to accommodate new brickmaking plant and equipment for the manufacture of special shaped bricks, clay roof tiles and fittings. The new factory was to be largely in the same location as the previous buildings. This permission imposed 12 conditions and allowed for the installation of two brick making kilns within the factory. The new factory has been constructed and is operational. When the factory was built, only one kiln was installed at that time. Condition 10 stated that no second kiln could be operated until the existing No.4 and No.5 kilns had been permanently decommissioned and demolished and no further dryers installed without prior approval in writing from the CPA. Both kilns No.4 and No.5 have been decommissioned and demolished. The applicant therefore can install the second kiln. Bespoke handmade roof tiles are made at the site.
15. *Clay extraction* - the Environment Act 1995 introduced a new requirement for an initial review and updating of old minerals planning permissions and the periodic review of all mineral permissions thereafter (also known as ROMP reviews). Schedule 13 of the 1995 Act required Minerals Planning Authorities to categorise all sites consented prior to 22 February 1982 according to the date of the predominant consent for each site and the status of each sites. Sites were categorised as 'Dormant', 'Active Phase 1', 'Active Phase 2' or they were excluded if they did not satisfy the criteria for categorisation. Both Ewhurst Brickworks and Smokejacks Brickworks were classified as Active Phase 1 sites where the whole or the greater part of the site is subject to a relevant planning permission granted after 30 June 1948 and before 1 April 1969. The Act required that new conditions be submitted by specified dates for Active Phase 1 sites to ensure that they operate under a full set of modern conditions. An application was submitted (application ref: MO98/0538 and WA98/0762) seeking the approval of a new set of conditions for both Smokejack and Ewhurst Brickworks consolidating the historic permissions DHR14, HMR3934 and HMR6716.
16. New modern conditions for that decision were approved in August 1998 and included a condition limiting the life of the site until April 2042, setting the parameters for the extraction of clay from the application area and the phasing of the working, hours of working, noise limits for the working of clay and restoration and aftercare. As should be noted from above, the areas for mineral extraction permitted by the historic mining consents and then brought forward in this ROMP application were areas of ASNW.
17. More recent applicaitons for the site has been:
  - A north west extension measuring 6m x 135m to the existing brickmaking factory approved in February 2006 (ref: MO05/1994)
  - Details of perimeter fencing submitted pursuant to condition 4 of MO98/0538 and WA98/0762 approved in March 2013 (ref: MO/2012/1381 and WA/2012/1606)
  - Details of a scrubber unit to the existing brickmaking factory chimney on the western façade pursuant to Condition 3 of planning permission ref: MO98/0539 dated 6 August 1998 approved in December 2016 (ref: MO/2016/1406).
  - Details of a second scrubber unit to the existing brickmaking factory chimney on the western façade pursuant to Condition 3 of planning permission ref: MO98/0539 dated 6 August 1998 approved in March 2019 (ref: MO/2021/2197).

---

## THE PROPOSAL

18. The applicant has submitted a planning application covering the following items:

- i. New replacement areas of clay extraction to the north and south of the existing permitted extraction areas
  - ii. An extension of the end date for clay extraction and brickmaking
  - iii. A new tile factory
  - iv. A restoration scheme for the application site
19. The planning application was accompanied by an Environmental Statement, a Planning Statement, a Design and Access Statement (for the tile factory); and a Non-Technical Summary. Since the original application was submitted in 2017, the applicant has chosen to install a second brick making kiln within the existing brick factory building. Permission for the installation of two brick making kilns was granted as part of planning permission MO98/0539 however only one kiln has been installed. The applicant does not require additional planning permission to install the second kiln but does require separate approval for the installation of any further scrubber units to clean gases emitted from the flue. As a result of the applicant proposing to install the second kiln, the applicant states this would increase brick production with similar increases in clay extraction. The Environmental Statement, Non-Technical Summary and relevant chapters within the Environmental Statement have been reviewed and considered in terms of potential environmental impacts. This includes air quality, noise, highways, landscape and visibility.
20. The installation of the second kiln would increase clay extraction from 150,000tpa (as set out in the original planning application) to 182,000tpa.

*New replacement areas of clay extraction to the north and south of the existing permitted extraction areas*

21. This part of the planning application is for the extraction of around 10.12 Million tonnes of clay from land at Ewhurst Brickworks until 2073 at a rate of 182,000 tonnes per year (tpa). The applicant proposes to extract the clay over five phases in the following working programme:
22. **Proposed Phases 1a and 1b** – this includes the current operational area to the north west of the brickworks factory. This area extends some 24.5ha. This area was identified as Phase 2 and the southern part of Phase 3 in ref: MO98/0538 and WA98/0762. Access to this phase would be gained via the existing access into the operational clay pit. The applicant states it would take 10 years to complete clay extraction from this phase.
23. **Proposed Phases 2a and 2b** – this is immediately to the west of Phase 1 and extends to some 8.8ha. The land identified for Phase 2 is designated as plantation on ancient woodland land (PAWS) and was included as Phase 4 in ref: MO98/0538 and WA98/0762. Access into this phase would be gained from Phase 1. The applicant states that this area would take 17 years to work this phase. The applicant proposes to stockpile soils from Phase 2 on Abrahams Firstfield which is immediately to the north of the brickworks factory.
24. **Proposed Phases 3a and 3b** – this is approximately 100m north west of Phase 2 and extends to some 8.6ha. Phase 3 is currently in agricultural use. To gain access to Phase 3 (and proposed Phase 4), access would need to be gained by a strip of land connecting Phases 3 and 4 to Phase 2. This strip of land would have to cross an area of ASNW and bridleway 443. Phase 3 is a wholly new area for working and was not included in ref: MO98/0538 and WA98/0762. The applicant states it would take 7 years to work this phase. The applicant proposes to stockpile soils on a field immediately west of Phase 3 (1.57ha) which is known to be an area of High Archaeological Importance due to a

glassworks historically being located on the field. The applicant does not propose to strip soils from this field and thereby would leave any items of archaeological interest in situ.

25. **Proposed Phases 4a and 4b** – this is immediately to the north of Phase 3 and is also agricultural land not previously identified in ref: MO98/0538 and WA98/0762. This area extends to some 13.7ha but the extraction area would be 7.3ha. Access into this phase would be gained from Phase 3. The applicant states that it would take 9 years to work this phase.
26. **Proposed Phases 5a and 5b** – this is to the south of the existing brickwork factory area and extends some 7.5ha. The land is currently in agricultural use and was not identified in ref: MO98/0538 and WA98/0762. Footpath 89 cuts across proposed Phase 5 in a north east/ south western manner. Access into the proposed phase 5 would be from the north from the brickwork factory area. The applicant states it would take 11 years to work this phase.
27. Clay would continue to be worked on a campaign basis over a period of 8 weeks in any one calendar year. Clay would be extracted using a hydraulic excavator and then loaded into a dumper truck where it is transported to the clay stockpile area where it would be stockpiled for to allow for weathering. The applicant expects Phases 1 and 2 to remain largely open whilst working in Phases 3 and 4 are undertaken however some restoration works are expected to take place. Prior to the extraction of clay, soils would be stripped and placed either in bunds on the edge of the phases or directly onto worked areas to progress restoration.
28. The applicant is proposing as part of this planning application to **relinquish** areas that were previously identified for clay extraction in ref: MO98/0538 and WA98/0762. These areas are on areas of ASNW and includes Exfold Wood and part of Somersbury Wood to the north of bridleway 443. The replacement extraction areas would reduce the level of permitted clay reserves by 1 million tonnes from 11 million tonnes (Mt) to 10Mt. The applicant has subsequently removed a field to the south of Phase 5A from the proposed clay extraction area, following identification of a protected habitat of Dyers Greenweed, a locally scarce plant. As the site has been consuming approximately 100,000tpa instead of the permitted 400,000tpa, the applicant is seeking a longer date to complete clay extraction at the site of 2073.

#### *A new tile factory*

29. The applicant is proposing to construct a new tile factory to the south east of the existing brickworks factory. The tile factory would consist of a single storey steel portal frame unit with steel profile sheet cladding. The factory would be 15m in height with a length of 165m and a width of 90m at its widest point. A kiln exhaust stack up to 30m in height would be located adjacent to the building. The proposed tile factory would be a new factory to produce a new product at Ewhurst Brickworks therefore it would not be replacing any of the existing brickwork factory's operations. The applicant is also seeking a stockyard for the product tiles immediately adjacent to the north west of the proposed tile factory extending to 1.24ha in area, which would be fully surfaced. The new total area would be 2.55ha.
30. The applicant states the construction work would take some 6 months and would involve soil stripping, delivery of construction materials by lorry, movement into and around the tile factory site area of mobile plant including cranes, excavators and other mechanical vehicles; construction of the tile factory building and stockpiling area.

31. The applicant currently operates a clay tile factory in Doncaster and tiles are distributed nationwide from that site. The applicant states that the proposed new tile factory at Ewhurst Brickworks would complement the Doncaster factory and would supply clay tiles to the south allowing the Doncaster factory to supply the north. The tile factory would provide 35 additional jobs on site and associated delivery drivers.
32. The proposed tile factory would operate 24 hours per day/ 7 days a week (as the current brickworks factory does) due to the process needing to be continuous. The tile factory would require the delivery of up to 6,000 tonnes of sand a year. The applicant states that the intention would be to demolish the tile factory in approximately 50 years time in order to extract clay from Phase 5b land beneath the tile factory footprint. The output of the tile factory would be around 50,000tpa once fully operational.
33. To provide additional visual screening for the tile factory, the applicant is proposing to plant over 5,000 trees and shrubs in the vicinity of the tile factory to the east of the factory and along an existing footpath.

### *Restoration Scheme*

34. There is currently no restoration scheme for the permitted clay extraction areas or for the brickworks area. The applicant has provided as part of this application a restoration scheme which consists of a series of landscaped lakes with surrounding grassland and woodland in the clay extraction areas; and agricultural grassland, woodland and hedgerows in the brickworks area. These would be as follows:
  - Landscaped lakes (naturally filled with groundwater and rainfall):
    - Phase 1 and Phase 2 lake – 16.9ha
    - Phase 3 lake – 2.7ha
    - Phase 4 lake – 4.1ha
    - Phase 5 lake 6.5ha
  - New woodland planting – 15ha including around the lakes
  - Grassland 24ha
35. An area of approximately 3ha to the east of Phase 5b has been included to provide compensatory Great Crested Newt habitat. This area would not be subject to clay extraction or operational activities. This area would be created in advance of the Phase 5b extraction works. Approximately 1.5km of new footpath would be provided around Phase 3 and Phase 4 linking with bridleway 443 and Somersbury Lane; and the applicant proposes a new permissive link from bridleway 443 to footpath 89. The applicant proposes to carrying out progressive restoration of the site meaning that as a new area is worked the previous worked area is restored.
36. The brickworks and tile works infrastructure would be demolished and removed on cessation of clay extraction. The applicant states the entrance road and car park would remain to facilitate future site maintenance.

### **Access and Traffic**

37. Access to Ewhurst Brickworks, including the new tile factory would be via the existing access off of Horsham Road and along the existing internal surfaced road. The existing parking arrangements for the site would remain and would accommodate any new employees.
38. All lorry movements for the application site, including those associated with the proposed new tile factory, would occur from 0700 – 1800 hours Monday – Friday; and 0700 – 1300 hours on Saturdays aside from three brick HGVs/ delivery lorries that may leave prior to

0700 hours Monday - Friday<sup>2</sup>. The applicant states the rate of clay extraction and combined output from the brickworks and the proposed new tile factory would not exceed the transport numbers historically associated with the brickworks site. The applicant states the routing of the lorries and the hours of operation for the site would also not change.

---

## CONSULTATIONS AND PUBLICITY

### *District Council*

#### Waverley Borough Council

39. Planning : acknowledge the economic benefits that would arise from the proposal, with the creation of jobs and production of bricks and tiles to serve the south. Raise no objection subject to the County Council having careful regard and consideration to the following issues below and appropriate mitigation is included where feasible using conditions and a legal agreement:
- Careful consideration given to resultant size of the earth bund that would surround the excavation areas. This could be enhanced with landscaping and planting that would, over time, lead to an enhancement to the rural character of the area
  - Tile factory – advise because of its significant size that enhancement through landscaping or lowering is achieved to mitigate visual impact.
  - Proposal would have significant impact on the countryside character and landscape in the immediate area and conditions should be imposed to ensure appropriate landscape mitigation and enhancement to minimise impact.
  - The original permission would include extraction areas that would result in the loss of ASNW. The current proposal would seek to extract from new areas on the site which would not result in the loss of large areas of ASNW. This would provide a clear benefit to the proposal. Should the County Council approve the application then Officers would recommend a condition be imposed ensuring that the applicants could not extract from the already approved areas for extraction which cover designated ASNW.
  - The new extraction areas on the proposed site plan would be adjacent to neighbouring residential properties, such as in the north west and south east. Officers consider that there could be impacts on these neighbouring properties through noise and disturbance and from emissions for the extraction. Officers consider that the County Council should consider this impact carefully.
  - Officers note that the proposed tile factory would have a tile kiln which would have a 30m high chimney. The Council's EHO has raised queries with regards to noise.
  - Consider there could be other effects on neighbouring amenity through vehicle movement likely to result in an increase in HGV movement once the tile factory has been constructed and is active. There is therefore the potential for an increase in noise and disturbance from additional HGV movements.
  - Request confirmation that noise emittance has considered the new tile kiln operation of the tile factory as it is proposed to be in operation 24 hours per day, 7 days per week. This is likely to result in employees being on site at this time and it is unknown what type of noise would come from this element of the proposal.
  - Officers note that a noise condition was imposed on the original permission and would expect this or something like be applied on this application.
  - It is noted the air quality assessment does not assess the impact on air quality arising from HGV movements and road traffic. However, officers consider that there would be vehicle movement associated from employees as well as HGV movements per day and consider that this should be taken into consideration.

---

<sup>2</sup> No loading of the delivery vehicle between 1830 – 0700 hours on any day



- Note that air emissions and dust from mineral processing and brick production operate in accordance with an Environmental Permit from Mole Valley District Council and that the proposed tile factory would require a similar permit before it was able to operate. Officers consider details of the type of emissions that would result from this given the 24 hours operation, should be sought up front with the planning application.
- Advise that the County Highway Authority thoroughly assess the submitted Transport Statement and the capacity of the local surrounding network. The proposal would result in a long-term impact over a long period of time and Officers consider that the County Highway Authority should consider appropriate mitigation off site where feasible to help accommodate the HGV vehicles.

40. Environmental Health : 2017 request clarification on what time intervals were used during the monitoring for the site as part of the noise assessment; and clarification on what plant and equipment would be used at once to understand cumulative noise impact.
- 2020 satisfied the air quality impact has been assessed and the findings and conclusions of the assessments are accepted. Recommend dust management measures in the Dust Assessment are required by condition. The operational activities will be covered by an Environmental Permit issued by Mole Valley which will include conditions to protect nearby residents and local air quality.

Mole Valley District Council

41. Planning : 2017 no objection subject to suitable condition relating to landscaping, contamination, tree protection, light spillage and drainage and a legal agreement to relate to construction and operational traffic management.
42. Environmental Health : 2020 requests conditions with regards to noise and lighting.

### **Consultees (Statutory and Non-Statutory)**

43. Gatwick Airport Safeguarding : 2017 the proposal could conflict with safeguarding criteria. Object to the proposal unless a condition is imposed requiring the submission of a Bird Management Plan.
- 2020 same comments as 2017.
44. Environment Agency South East : 2017 the site overlies Wealden Clay which is unproductive strata. Therefore, the impact of extracting the clay is unlikely to have significant groundwater quality or quantity impacts. The restoration using site derived soils and leaving water areas is unlikely to bring on to site contamination. No objection provided the following measures are in place as conditions on surface water drainage for construction of the new building.
- 2020 No comments to make
- 2021 No comments to make
45. Historic England : 2017 No comments to make
- 2020 No further comments to make.
46. Natural England : 2017 No objection subject to the existing rights of extract clay from areas identified in the application are relinquished, adequate buffer zones and exclusion areas are defined and clearly indicated on the site to ensure



protection of the areas of Ancient Woodland being retained, relevant habitat and species surveys are undertaken for future phases of extraction prior to works commencing, detailed restoration plans and methodologies are produced and agreed for each phase(s) prior to restoration works commencing. No objection to the proposal with regards to the geological SSSI.

2020 No changes to comments previously raised.

47. Surrey Wildlife Trust : No comments received.

48. County Highway Authority : 2017 requested further clarification.

2020 no objection subject to entering into a Section 106 Legal Agreement for the routing of vehicles and setting up of a community liaison group; and conditions.

49. County Historic Buildings Officer : 2017 satisfied with the conclusion of the cultural heritage assessment that there would be no visual impact of the proposal on the setting of nearby conversation areas or listed buildings. No concerns raised with regards to amenity and traffic issues for the heritage assets. Have assessed the proposal in accordance with the NPPF and find there would be no material impact on the special interest of the nearby built assets.

2020 no further comments to make.

50. County Landscape Architect : 2017 Concur with the findings of the Landscape and Visual Impact Assessment. Agrees the waterbodies are not characteristic of this part of the Surrey Weald however they are similar to steep sided water bodies of the wider area of the Weald known as 'hammer ponds'. Natural England have not yet agreed to a modification order for the boundary of the Surrey Hills AONB. This distinction should be make clear to the applicant and the public.

2018 the applicant provided information on the positioning of the tile factory which demonstrates a considered process has been followed to explore different options for the buildings location within the site. concur there appears to be insufficient space either to the west of the existing brickworks or anywhere else to locate the proposed tile factory and stockyard and the chosen location and layout is seemingly the best option within the confines of the application site boundary. Concur that the character of the Landscape Character Area is already influenced by the brickworks factory and although there would be a direct effect on the Landscape Character Area and AGLV these would be reversible and potentially significant effects would be local and not affect the wider character area. The proposed mitigation would help lessen the localised landscape character effects of the proposed tile factory and reinforce the characteristic features of the local landscape. Consider the impact on users of footpath 89 would be significant as a result of the development but this would be during the operational phase of the tile factory and would be reversible. Proposed mitigation would help lessen potentially significant effects and any proposed planting be carried out as early as possible, prior to development, to provide visual screening. Recognise that the stack is an integral part of the tile factory and acknowledge that potential adverse visual effects from the stack may be unavoidable in this instance.

2020 no objection with regards to the proposed increase in clay extraction from landscape perspective. Satisfied that the track details during operation and post extraction appear to have been kept to the minimise reasonable width. Recommend for the planting that a proportion of larger, more established transplants are included in the mix to provide a more natural appearance. Suggest inclusion of hornbeam. Concur the perimeter bund at Phase 4 would provide substantial screening to Hunters Lodge and suggest lessening the gradient of the northern slope of the bund and planting. Recommend a Woodland Management Plan

and a Landscape and Ecological Management plan are secured by condition and that any planting is undertaken in the first available planting season.

51. County Enhancement Officer : 2017 broadly satisfied with the design but seeks clarification on whether the restoration is to forestry or agriculture. Would there be a recreational use of the waterbodies? Would request the woodland planting gap between the two northern lakes closed down further for a habitat corridor and to provide closer linkages. Have questioned why a species rich nature grassland field to the west of phase 3 as this would be better as woodland. There is no information as to how the fields identified for grazing would be farmed. Would prefer a more variable profile for the lagoon edges.

2022 no further comments to make.

52. County Ecologist : 2017 the intention to reduce the direct impact on ancient woodland is welcomed but it is important to remember that ancient woodland and PAWS should be treated as ancient woodland. It is important to consider the potential impacts on the remaining areas and whether this has been sufficiently mitigated. Concerned about the impact of large deep voids close to ancient woodland and impact on hydrology. Do not consider that 15m is sufficient to prevent adverse impacts. Recommend 50m buffer zone in this instance. Welcome the production of a Construction Environmental Management Plan (CEMP) to be agreed in advance of each extraction phase proceeding and this can be covered by condition. As mineral extraction moves forward, ecological surveys will be required for each individual phase. A Landscape and Ecological Management Plan (LEMP) should be provided by condition.

2020 the current application is to be welcomed given that it will result in a reduced loss of ancient woodland compared to the original permission where 24ha was to be lost. It is recognised that the situation at Ewhurst is unique and there is already planning permission. Request adequate measures are in place before each extraction phase to allow sufficient time for ecological surveys, evaluation and mitigation measures to be in place. Request condition for Construction Environmental Management Plan for each phase and a Woodland Management Strategy.

53. County Archaeological Officer : 2017 No objection subject to condition  
2020 No objection subject to condition.
54. County Arboriculturalist : No comments received
55. Forestry Commission : 2017 refers to the joint Standing Advice with Natural England.

2020 ASNW is irreplaceable, refer to technical information set out in the Natural England and Forestry Commission's Standing Advice on Ancient Woodland. Provide no opinion supporting or objecting to an application. Take regard of points provided by Natural England. Remind applicant a felling licence maybe required.

56. Environmental Assessment Team : 2022 The submitted ES and ES Addendum provide sufficient information to comply with the minimum information requirements set out in Part 2 of Schedule 4 of the EIA Regulations 2011, and provide such information listed in Part 1 of Schedule 4 as may be reasonably required. On balance it is recommended that sufficient information has been provided in the submitted ES and accompanying ES Addendum in respect of the likely significant environmental impacts of the proposed development to enable the County Council to make a decision in respect of the current planning application (ref. WA/2017/1466 and MO/2017/1432) in compliance with the requirements of Regulation 3 of the EIA Regulations 2011. The information set out in the ES and ES addendum in combination with the information obtained through

the planning application consultation process can be considered to constitute the 'environmental information' referred to in Regulation 3 of the EIA Regulations 2011.

57. AONB Office : 2017 – the site is on flat ground and is largely screened from main public viewpoints in the wider landscape. The greatest impact has been traffic, notably HGVs. The site is not within the Surrey Hills AONB and is considerably distant from its nearest boundary to the north. The chimney stack out be the highest structure and possibly protrude above the trees from limited viewpoints. Emissions from the stack maybe visible. For this latter reason and extensive intervening woodland cover, do not consider the proposed development would have an adverse impact upon the setting of the AONB by harming public views. The remaining protected landscape issue is the site lies within the AGLV. Request conditions be imposed with regards to avoiding light spill from the factory to minimise light pollution, a HGV routing plan, that the tile factory is clad in dark green; and that good forward planning with regards to the planting on site is carried out.
- 2020 no further comments to make
58. Rights of Way : 2017 notes the close proximity of the proposed development to footpath 89 and bridleway 443. Raise no objections but request the imposition of conditions and informatives to ensure the protection of the existing rights of way network, including the diversion of footpath 89, the crossing of bridleway 443 by the proposed access track.
- 2022 a Permissive Path Agreement would be required for the proposed new right of way from bridleway 443 to footpath 89. Welcome the provision of new rights of way links. Request well maintained field gates over the crossing of bridleway 443. If the link between bridleway 443 and footpath 89 is created as this could lead to damage to footpath 89, request Permissive Path Agreement for footpath 89 too.
59. West Sussex County Council : 2020 there could be a potential increase in HGV traffic which could result in additional HGVs crossing into WSCC however do not envisage concerns. Only point of caution would be north of Rowhook, and potential shortcuts through Rudgwick to the A281. No comments from a minerals and waste safeguarding perspective.
- 2022 no further comments with regards to minerals and waste. As the levels would not exceed any permitted levels advise that from WSCC's as Local Highway Authority's perspective there would be no anticipation for the proposals to result in a 'Severe' impact on WSCC's adopted roads in line with NPPF guidance
60. South East Water : No comments received.
61. County Noise Consultant : 2017 requested clarification with regards to the noise report as submitted. No objection subject to imposition of conditions.
- 2018 further clarification provided addresses previous queries.
62. County Air Quality Consultant : 2017 – requested amendments to the Air Quality Assessment for clay working as all sensitive receptors have been identified except Exfold Farm and this should be corrected. The classification of 'medium' is based on out-of-date classification system and should be corrected. The dust management described is unclear if these are additional measures. There is no categorisation of the magnitude of dust emissions. Do not agree with the sensitivity of the receptors used. Request more information. For the tile factory comments that the applicant is relying on there being an Environmental Permit so no assessment however the CPA needs to be able to determine impacts due to sources identified. Request more information. Suggests an assessment of the risk to air quality from moving restoration soils is carried out.

2020 agree that the mass emission rate in the email are now the product of the 'Volumetric flow rate (normalised)' and the 'Emission Limit Values (mg/m<sup>3</sup>)' in Table 11. No further comments on the *Air Quality Assessment for the Tile Factory and Second Brick Kiln* in relation to emissions from the brick factory.

63. County Geological Consultant : 2017 – agree soil storage of 900mm however confused by soil handling methods and request commitment that any compaction damage is immediately rectified. There is no lithostratigraphic geological conceptual model of the whole site including cross sections. It is unclear where the Iguanodon Layer could be predicted to outcrop in the pit sides of Phases 2, 3, 4 and 5 and whether it would be below or above the final lake water level. Recommend consulting with Natural England regarding the long-term restoration and access to the geological SSSI. There is no quantitative assessment of the clay reserves, note few exploratory holes with cores through the succession in Phases 2, 3 and 4, so the figures relying on may be an overestimate. There is no reference in ES on how waste will be dealt with. For stability, there is no model of the site as a whole to correlate strata and ground conditions through from one end of the site to another. The model provided only relates to Phase 1 pit. The geology is not a single homogeneous clay/ mudstone. A persistent Sandstone outcrops on either side of the small valley running through the centre of the site and will be a stratigraphic control on stability and groundwater behaviour. Concern about the lining of the watercourse to be diverted. Concern about lack of information on groundwater quality on restoration and assurances of water levels in the lakes on restoration.

2018 the baseline information on hydrogeology still remains poorly evidenced so the science of how these factors will inter-relate with surface water in the final restored scheme is poorly understood. Consider that groundwater level data and permeability testing is important for final lake levels and whether they can be maintained.

2020 no further comments to make.

Request conditions are imposed.

64. Planning Casework Unit/DCLG : No comments received
65. Health and Safety Executive - Quarries & Oil/Gas : 2017 considered the information provided in respect of the above application, and as I have not identified any areas of potential conflict with health and safety requirements. No comment to make.
66. Leads Local Flood Authority : 2017: satisfied that the proposed drainage scheme meets the requirements set out in the NPPF and the NPPG. Request conditions are imposed to ensure that the Sustainable Urban Drainage Scheme is properly implemented and maintained throughout the lifetime of the development.
- 2020 No further comments to make.
67. The Woodland Trust : 2017 objects to the planning application. Highly concerned by the application and the damage and loss that would occur because of extraction areas located within ancient woodland. Note that areas of ancient woodland that would be lost of would Somersbury Wood PAWS, Somersbury Wood (ancient and semi natural woodland), Exfold Wood, Twelve Acres and three unnamed areas of ancient and semi natural woodland. Note that much of the areas within and surrounding the proposed extraction areas are designated as SSSI. Understand the planning application would alter existing consent that permits the removal of over 24ha of ancient woodland. Nevertheless, the proposal would still amount to loss of approximately 4ha of ancient woodland. Where there are 15m buffers proposed between extraction areas and areas of retained ancient woodland this should be larger at 100m buffer. Concerned by

displacement of many faunal species as a result of destruction of habitat, large scale tree removal and under lying flora, fragmentation and degradation of surrounding environment, disturbance on the remaining areas of ancient woodland, pollution from adjacent construction, excavation and use of machinery including emissions, and adverse impacts on hydrology. The production of dust are a concern. Local fauna populations would be affected by noise and light pollution from construction and operational phase [of the tile factory]. Elevated noise levels will disturb fauna. Light pollution from the quarry will occur during site clearance and operational phases. It is essential the ancient woodland is retained and not subject to damage and loss.

2018 maintains objection due to impact on Somersbury Wood ancient semi natural woodland (ASNW) and PAWS, Exfold Wood and two unnamed ASNQ.

68. Surrey RIGS Group : No comments received
69. Southern Gas Network : 2021 no objection. Should quarrying take place within 100m of a pipeline, should be informed.
70. Southern Water : 2017 and 2020 Not located within Southern Water's statutory area.
71. Public Health England - Surrey & Sussex HPT : No comments received.
72. County Lighting Consultant : 2017 note there is no lighting information provided and request further information and assessment of this in terms of height, illumination levels, spread and direction of light, times when light would be used, measures for mitigation and how minimise impact on bats.
- 2018 satisfied with the lighting scheme as submitted.
73. Fischer German (pipelines) : 2017 as there is apparatus situated near the proposed works, no objection so long as the 'Special Requirements for Safe Working' booklet and the covenants contained in the Deed of Grant are adhered to<sup>3</sup>.
74. Thames Water : 2020 no objection with regards to foul water. Queried ability of the existing water network infrastructure to accommodate the new tile factory. Requested further information. Officer comment – the applicant contacted Thames Water to clarify matters and provided confirmation that there is Clean Water capacity for the tile factory.
- 2022 confirmed there is sufficient capacity to supply the proposed tile factory.
75. UK Power Networks : 2021 No objection.

### ***Parish/Town Council and Amenity Groups***

76. Abinger Parish Council : 2017 Objection on the following grounds  
*Applications* – there should be two applications, one for the factory and one for the clay extraction.

*Factory* – this should be sited immediately behind the brick factory which would reduce the considerable impact on properties along the Horsham Road. We understand there would be a loss of a small amount of ancient woodland but this would surely be acceptable. Concerned that the additional chimney will impact hugely on local residents, both visually and environmentally. Certain it will be visible from the Surrey Hills AONB. If

<sup>3</sup> This can be done so by an Informative.



sited behind the brick factory both the environmental and visual impact would be lessened.

*HGV traffic* – the vehicle movements make life intolerable for people living along the roads used by the factory. The new factory will increase HGV traffic by 8 loads/ 16 movements per day. It is essential traffic management is improved. Systems must be devised and implemented to ensure the one-way system is adhered to and the speed is kept down.

2020 the chief concern is the increase in HGV movements and the experience of the disruption caused. Road user safety should be paramount. The narrow country lanes, with no footpaths and blind bends, are used by pedestrians, horse riders and cyclists, large farm vehicles, commercial and domestic traffic before the increasing number of brickworks HGVs are added. It is crucial that, should permission be given, a condition requiring a legal agreement to relate to construction and operational traffic management is attached. The traffic management plan should be rigorously implemented, monitored and enforced.

77. Ewhurst Parish Council : 2017 raise the following concerns:  
*Construction of new factory* – new build in the countryside, extended industrial activity, size, bulk, mass and how it relates to its setting, lack of screening/ landscaping, additional noise, light pollution and emissions, 24/7 running establishment/ drainage and lie of the land, concern for residents who live close to the site.
- Traffic and roads* – size and weight of the lorries, increased number of movements, condition of the local roads, the knock on effect to outlying communities and villages.
78. Ockley Parish Council : No comments received.
79. CPRE : 2017 Objection. The large building and chimney fail to respect or enhance the prevailing landscape character of the locality and would impact negatively on the current level of tranquillity in the AGLV. The proposal is to expand the established brickworks into open Greenfield spaces outside of previously developed brownfield land. Increase in traffic is a concern. With a risk to construction and post construction traffic travelling along narrow, winding country lanes. Especially where they are single rural byways bordered by ditches and hedges. There is a high risk of collision with pedestrians, cyclists, horse riders and other road users. There will be an increase in traffic noise, vibration and diesel exhaust emissions for the duration of the construction and post construction too.
80. British Horse Society : 2017 wish for footpath 89 to be updated to a bridleway if it is being diverted. Concern about lorries tracking over bridleway 443. Traffic for the brickworks is horrendous, big and too fast. For the narrow road.
- 2020 No objection. The applicant has agreed to create a new bridleway to connect footpath 89 to bridleway 443 and to upgrade the section of footpath 89 on their land to bridleway. This will reduce the risk of horses encountering HGVs entering and leaving the site and will be a safety improvement which will create a safer route to the Downs Link. The applicant has agreed to surface bridleway 443 where lorries will cross it.
81. Ramblers Association : 2017 object to the application if the diversion of footpath 89 resulted in a significant increase in distance. Previous diversions have increased the distance across the brickworks by 210m.

2020: Strongly object as the number of HGV movements is likely to double, the HGV route is a very narrow country lane with no pavements or footpaths, the verges on either side of the lanes are being destroyed by



the current number of HGV movements, road surfaces are being destroyed leaving large potholes everywhere. This makes it dangerous for other road users not least for horse riders, cyclists and walkers. The road structure outside my collage is under severe threat of collapse due to the number of HGV movements, not only from the brickworks but the increased number from Marhsalls yard. There have been several recent accidents and incidents involving HGVs to which no reference has been made in the report. The lanes are used regularly by horse riders, cyclists, dog walkers and pedestrians. Somebody will be killed very soon if the number of HGV movements is not reduced. This is a quiet hamlet in an AONB. Do not ruin the beautiful village.

82. Okewood Hill Residents Association (OHRA): 2017 the site is within Area Beyond the Green Belt, an AGLV. It neighbours Okewood Hill which is a designated Conservation Area. Okewood Hill is on the Surrey Cycleway. It is a completely rural area served by narrow lanes. Have been in regular contact with Surrey County Council highway department since 2012 regarding safety concerns over traffic in the hamlet. The lanes are narrow and in places insufficiently wide for both a HGV and a 'white van' to safely pass. Many have blind corners. They are shared by cyclists, horseriders, ramblers dog walkers and pedestrians. There are no footpaths or walkways. There have been accidents and property damage and near miss incidents many associate with the existing traffic movements to and from the application site. In addition to the recorded HGV movements, there are many more movements of smaller commercial trucks collecting from the site. The lane in the vicinity of Upper Sent is especially vulnerable. Traffic management arrangements are inadequate even for existing level of activity. These inadequate arrangements are routinely disregarded and not enforced. HGs regularly breach the legal prohibition of the use of Ruckmans Lane. Apart from the brickworks vehicles, there are considerable legitimate activity by very large agricultural vehicles. All this creates a toxic risk in terms of road safety. Further development of industrial activity and thus traffic at the brickworks would exacerbate the risk still further. The brickworks traffic already impacts negatively on the rural environment of the Conservation Area, particularly in terms of noise. A large new factory is entirely inappropriate in this rural area, there would be visual intrusion in the countryside.

2020 object to the proposals in particular the construction of the tile factory and the consequent effects this and other aspects of the scheme would have on local traffic and the lives of residents and others in the area. The site is in Area Beyond the Green Belt and an AGLV. It lies close to a Conservation Area and a rural hamlet. The proposal is unsuitable for industrial development. The Traffic Report is significantly flawed and cannot be used to support this application. It does not have due consideration of traffic safety or a true assessment of the volume of traffic. The Traffic Report appears to be a desk exercise and not based on realities. There is no mention of a brick lorry in 2016 forcing a car to take evasive action to avoid direct collision and crash through the hedge into the drive of Upper Sent. It makes no reference to vehicles of all sorts regularly exceeding 40mph. Members of the Association have observed vehicle 'impasses' at the junction with Ruckman's Lane and Okewood Hill where two HGV have found it impossible to pass without significant forward/ reserve movements. HGVs have been observed mounting the grass verge opposite Wienerberger in order to turnout. There have been three fatalities in the last year – a cyclists in a collision with an HGV on A281 near Rudgewick; and motorcyclists on A29 on routes HGV take to travel to the Brickworks. The report refers to accidents in Cranleigh which is several miles away from the area. The numbers quoted are questionable. Have Surrey County Council consulted with West Sussex County Council? This is a rural area with no verges or pathways and a very mixed use of the road with great potential for fatal accidents which is our major concern. Marshalls have increased the number of car carrying HGVs that use these roads. More and more people are using delivery services. Other HGVs use these roads as well as large tractors, horse riders, dog walkers, cyclists and runners. Okewood Hill is part of the Surrey Cycleway. The one-way system has

limited impact and success rate. Those living at the crossroads experience both the arrivals and departures. This is not just noise but also pollution. There is no mention of air quality. During the build phase there will be greater use of the roads. There are also a number of transit van deliveries associated with the site. request operating hours of 7am to 6pm are reasonable during weekday.

### ***Summary of publicity undertaken and key issues raised by public***

The application was originally publicised by the posting of 8 site notices and an advert was placed in the local newspaper. A total of 81 owner/occupiers of neighbouring properties were directly notified by letter. Following the initial publicity carried out, two further rounds of publicity have taken place with site notices placed at and around the application site. 84 representations have been received from these rounds of publicity raising the following objections and concerns with regards to the proposal:

#### **Tile factory**

- The tile factory is going to destroy an area of Great Landscape Value
- The site is in the AGLV and a new tile factory is at odds with this
- The factory is out of keeping and inappropriate
- The proposal increases the scale, form, appearance of the overall built development above that already there
- Its location to the rear of the existing buildings extends the built form out towards the open countryside location and would be contrary to the countryside character
- The new development would extend beyond the envelope of the previously developed parts of the site
- The tile factory does not respect the character of the area
- Its site will destroy trees which provides visual & acoustic screening of the brickworks
- With modern technology a lower stack should be used say 30m
- The tile factory will block waterways
- Whilst the factory is to meet a functional need it must also safeguard the surrounding landscape
- It will result in cumulative visual impact
- The tile factory can be placed elsewhere on site
- The tile factory is very close to houses/ the tile factory will have an adverse impact on views from nearby properties/ the tile factory will be unduly dominant on nearby properties
- There will be noise pollution from the tile factory in an area which already suffers with the Gatwick flight path
- There will be pollution from the tile factory
- Placing the tile factory on high ground means the flue will be visible to many more residences
- Concerned about the size of the tile factory/ the proposed tile factory is the size of two football pitches
- The 30m chimney is overbearing, obtrusive and out of keeping in countryside location
- The chimney will affect air quality and be detrimental to health
- The new factory chimney will expose neighbours to twice amount of pollutants.
- The tile factory should not be built until total lifecycle CO2 emissions can be agreed.

#### **Emissions from chimney stack**

- Concerned about amount of smoke emanating from the existing chimney
- Brick kiln emissions contain Nitrous Oxide, Hydrogen Fluoride, Sulphur Dioxide and Carbon gases and PM10. Worried about the health implications of these.

- They need a scrubber for the current unit therefore the increase in industrial processes will lead to an increase in emissions and be harmful to health.
- The emissions from the chimney will contaminate our fields and could affect our animals
- I am concerned about pollution from the site - I have seen smoke from the current chimney

#### Proximity to residential properties

- The distance of Phase 4 to our house, Hunters Lodge, is incorrect as it abuts our property and is at most 18m from the actual future excavation
- We will be blighted by the proposal with the brickyard 50 metres away and the building on the other
- The proposal will impact on our quiet enjoyment of our property
- This is a residential area
- Will affect the prices of our property
- The property we let will not be as desirable and be harder to find a tenant
- Concerned with structures than the clay extraction

#### Traffic Numbers

- It is a matter of time before there is a serious accident.
- There will be an increase in the number of large lorries that drive through narrow lanes
- The number of traffic figures associated with the site is vague
- The addition of a tile factory will add to current difficulties for the site
- There have been several near accidents from lorries driving on narrow lanes
- There are already too many large lorries through the hamlet of Okewoodhill
- The lorries drive over the centre of the road
- Lorries are larger and of a different design to when planning permission was originally granted
- Concern about the size of the vehicles using the roads
- The width prohibited section of Ruckmans Lane is used by HGVs
- Lorries already drive over the speed limit
- Increase vehicles means increase in diesel fumes.
- The ambiance of Honeywood Lane would be spoilt by the huge trucks allowed to use it.
- The lorries have been getting larger and larger causing more damage.
- The second scrubber has doubled the amount of lorries on the road.
- The lorry numbers need to be capped.
- Lorries should only arrive and depart between 7am and 7pm as their noise is a disturbance.
- There should be no smaller HGVs flat bed lorries/ vans or cars allowed on site to collect.

#### Road network condition

- The roads have not been designed for these vehicles/ HGVs
- Honeybrook Lane is not fit for purpose
- There is a tight junction turning left out of Okewoodhill Road onto the A29
- As we are surrounded by farms this means there are often farm vehicles using the road too.
- The roads are narrow and windy
- The proposal should use the widest and least populated route possible
- Overhanging tree branches make the road narrower
- There is not enough room for two vehicles including HGVs, to pass each other
- The roads are not in a good state of repair, and this will make them worse
- There are no pavements, no streetlights and limited grass verges
- Where there are verges, they are being eroded by traffic forced to pull over to avoid oncoming traffic

- The roads are so badly damaged with potholes they cause punctures and wheel damage.
- Due to the damage done to the road edges by HGVs it is impossible for cyclists and horse riders to keep to the side of the road without risk of injury.

#### Road Safety

- There have been several incidents and accidents involving the brick lorries over the last few years Overturned brick lorries that have driven round bends too fast.
- We are driven off the road. I frequently have to take evasive action when in my car.
- The route is dangerous for pedestrians, cyclists, and equestrians
- The route is a very popular cycling route
- 3 bridleways and 9 footpaths join the route the HGVs take and are forced to continue along the road
- The matter of safety should be looked at with any planning permission for future development.
- There have been several pet fatalities in on Oakwoodland Lane
- There have been several near misses where cars have been forced off the road by site HGVs.
- It is essential road safety is looked at/ the application should be rejected on road safety grounds
- The increase in road safety risk cannot be ameliorated to a level that would make it safe for this application to be approved.
- An increase HGV traffic from Ewhurst Brickworks will raise the dangers encountered by recreational users.
- Part of the road network for the site follows the Surrey cycleway network.

#### Transport Statement (TS)

- The TS says the area is lightly trafficked. Disagree with this statement
- The TS does not consider the substantial increase in traffic movements should the development go ahead.
- The Transport Statement is misleading that there are no accidents. There are many incidents of damage to trees, hedges, fences and verges by large vehicles.

#### Traffic Management

- Drivers often use GPS and ignore the signs for brickworks
- The one-way system is constantly not complied with
- There is a limit of control the brickworks has over contractors' drivers
- The drivers use the route without due care for the road conditions
- Whilst Weinerberger vehicles may adhere to the one-way system, other vehicles including other HGVs, do not. There is a major risk of collision.
- There needs to be rigorous enforcement of any one-way system, traffic calming measures and enhancements to the lane itself for this proposal to go ahead
- The existing traffic management arrangements are currently inadequate

#### Rights of Way

- The proposal will divert footpath 89 which could end up being closed permanently in the future
- Concern over moving current footpaths and they will become unenjoyable

#### Noise

- Noise from the current brickworks is incongruous to the surroundings
- The proposal will make life noisier/ there will be an increase in background noise
- Noise levels during construction and when working 24/7 will increase

- The increase in larger vehicles will increase noise and disturbance from traffic noise.
- Noise for the months during construction will be intrusive.
- Suffer from noise from the brickworks already. Hearing lorry reversing beepers. Machinery noise and crashing and banging. Weekend alarms.

#### Ancient woodland

- The pathway between the two phases goes over ancient woodland. What protection will be in place?
- Welcome the fact that the application seeks to conserve the remaining areas of ancient woodland. This is irreplaceable habitat of local, county, and national importance.

#### Ecology

- The redevelopment will disrupt the local fauna and flora for a considerable time.

#### Air Quality

- Walliswood and Ewhurst are in the path of prevailing wind. Emissions are deposited over these villages
- Request there be air quality monitoring in the locality
- Increase in vehicle movements will increase traffic emissions
- Increase in industrial processes will lead to increase in emissions/ air pollution
- There have been reports of sore throat inducing particles in the air on occasion.
- The dust surveys quote outdated data on dust and particular matter inhalation on humans and the environment

#### Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV)

- The site is in an AGLV
- Much of Okewood Hill hamlet is in an AONB. Traffic will detract from this beautiful environment.
- It contravenes Development Plan policy in terms of AGLV

#### Landscape Character

- It is an Area Beyond the Green Belt
- There will be a significant increase in built development
- The building and associated structure would not respect the character and appearance of the wider locality which comprises open countryside and low-level dwellings
- The proposal will be visually harmful to the amenity of adjoining occupiers and will be unduly dominant
- There are no remedial landscaping measures
- The proposal will be detrimental to the viewpoints of Hunters Lodge and Oaklands
- Phase 4 will be clearly visible from the AONB/ the present factory, chimney and emissions are visible from the AONB.
- Existing planting will be insufficient to screen the proposed building with the gable end being the dominant height facing Horsham Road
- Do not consider the proposed factory would be overdevelopment of the site in floorspace terms but due to height and bulk will have harmful cumulative visual impact with regards to neighbouring uses and developments
- The proposal is no longer suited to what is essentially a rural area

#### Phase 4

- There is no a swathe of 'existing woodland' between the clay works and Hunters Lodge. This is misleading.
- There will be an impact on Hunters Lodge from Phase 4 of the workings

- Phase 4 is sloping therefore a 2.5m topsoil screen bund will serve little purpose to screen the site visually or acoustically
- The restored lake will have a 20m high slope on the east side and 5m high slope on north side. Cross section C needs to be moved to show the worst-case scenario and another cross section shown east-west on phase 4.

#### Lighting

- The external lighting of the site needs to be designed to reduce impact on neighbours and dark skies
- There will be increased light pollution from the tile works detrimental to countryside setting

#### Environmental

- The proposed factory and kiln would be reliant on fossil fuels and not green energy.

#### Conservation Area

- The site closely neighbours Okewood Hill Conservation Area

#### Restoration

- Hearing the site will be restored after my lifetime there is a sense of duty to protect and consider those who will have their quiet enjoyment soiled for many years to come
- No remediation works are proposed for the old Ewhurst Brickworks site
- There is no restoration scheme proposed
- The outfall for the lake in phase 4 would be to a stream which flooded in 2013-14
- The restoration scheme as is proposed will be out of place and would adversely affect the weald landscape
- There should be a bond in trust to cover the future work as there is no guarantee they will be in business in 64 years
- How long will the lakes take to fill from natural ground water and rainfall?

Environmental Statement - The Cultural Assessment was done prior to 2017 summer and states it is unlikely that there is anything of interest, yet a dinosaur skeleton was found in July 2017. This calls into question the veracity of that assessment.

#### Water Quality

- Concerned about the volume and quality of water discharged from the site

#### Procedure and consultation

- There was little notice given to residents
- The open meeting offered by Wienerberger was announced at very short notice and relied on word of mouth
- Wienerberger didn't mention the new factory until April 2017. The community had no say on this.
- There has been no public consultation with residents of Okewoodhill despite the applicant knowing there are ongoing issues of traffic.

#### Site of Special Scientific Interest (SSSI)

- It appears the SSSI is in the centre of Phase 1 which is not acceptable
- Want reassurance that the SSSI will not be affected by the expansion

#### Benefit

- The proposal will provide no benefit to the local community
- The proposal says it will create local jobs but this is an area of technically full employment



#### Change of use

- The change of use from agriculture to mineral extraction should not allow anything else to happen
- Would the applicant be allowed to use the site for landfilling afterwards?

#### Location

- The business is too big for its current situation and should relocate to a more suitable site.
- Object as there would be three kilns working.

#### Other matters

- This is not fair we have had planning permissions refused
- The way we build houses will radically change so clay fired products will be disadvantaged
- The liaison group is inadequate.
- Do not object to the proposal.

#### Proposed conditions

- That the access road to the agricultural buildings is not to be used for any traffic associated with the brick and tile works during construction and in the future
- A sympathetic colour is used on the tile works building and more screening of the building and yard
- A restriction on the working hours during the construction phase and consideration given to lighting
- A condition that does not allow them to use waste to infill the site

Need - The site was recently mothballed how do we know there is a need for the bricks?

Human Rights - Article 8 of the HR Act protects against noise and pollution nuisance. This proposal is questionable against this.

Hours of operation - The hours of operation of the clay extraction should be constrained to Monday - Friday 0900 - 1700 hours

---

## PLANNING CONSIDERATIONS

### Introduction

83. The proposal is for clay extraction over an extensive area and a new tile factory with a new chimney stack. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
84. In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 Core Strategy (SMP2011), the Mole Valley Local Plan 2000 (MLP2000), the Mole Valley Core Strategy 2009 (MVCS2009), the Waverley Local Plan Part 1: Strategic Policies and Sites (WLPP1) and the Waverley Local Plan 2002 (WLP2002) saved policies.
85. Mole Valley District Council are in the process of producing the Future Mole Valley (Local Plan 2020-2037). On 14 February 2022 the Mole Valley Local Plan 2020-37 was submitted to the Secretary of State for independent examination. A date has yet to be set for the Examination in Public. The Plan is at an advanced stage in its process and as

such, Officers attach some, albeit limited, weight to the draft policies within that document.

86. Waverley Borough Council are in the process of producing the Local Plan Part 2 (LPP2) to form the second stage of Waverley's new Local Plan which with Part 1, will replace the 2002 Local Plan. The LPP2 was submitted to the Secretary of State for Examination on 22 December 2021. A date has yet to be set for the Examination in Public. The Plan is at an advanced stage in its process and as such, Officers attach some, albeit limited, weight to the draft policies within that document.
87. The western half of the application area falls within the proposed Ewhurst and Ellen's Green Neighbourhood Plan (EEGNP), therefore including Somersbury Wood and the agricultural fields to the west beyond Somersbury Wood. The EEGNP has been formally submitted to Waverley Borough Council for approval. A six week consultation on this document ran between 9 November – 23 December 2021 and responses were received. An Inspector has been appointed and questions were asked and subsequently responded to by Waverley Borough Council on 28 February 2022. Given the advanced stage of this plan preparation, Officers give the policies within EEGNP limited weight. The relevant Neighbourhood Plan Objectives for this proposal are to ensure that development is of high quality, sustainably designed and preserved and enhances local character and heritage assets; safeguards, maintains and enhances biodiversity and green spaces within the parish. There is an aspiration within this document to designate the application site as a Local Nature Reserve. There is no Neighbourhood Plan, adopted or in preparation, for the parish of Abinger or the area of the planning application that includes the brickworks factory or the proposed tile factory.
88. The application site is some 3.9km south of the Surrey Hills AONB. Therefore, whilst not within the AONB itself, it is important to ensure that the development proposal does not cause harm to the setting of the AONB even from that distance. The Surrey Hills AONB Management Plan 2020-2025 has been adopted to provide a focus on the whole of the AONB designation and its conservation and enhancement. The AONB Management Plan provides policies and objectives for development that may occur within the AONB or its setting. Policy P1 states that in balancing different considerations associated with determining planning applications, great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape, and scenic beauty on the AONB and the need for its enhancement. The Surrey Hills AONB boundary is currently under review by Natural England. A consultation is currently taking place by Defra<sup>4</sup> to help decide on the extension of the AONB boundaries and consider the case for its extension. This consultation is due to finish in April 2022. The implications of this consultation and review are discussed below.
89. Paragraph 11 of the NPPF is clear that for decision taking this means approving development proposals that accord with an up-to-date development without delay or where there are no relevant development plan policies or policies which are most important for determining the application are out of date, granting permission unless:
  - The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
90. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. For planning applications accompanied by an Environmental Statement (ES) the

<sup>4</sup> [Surrey Hills Area of Outstanding Natural Beauty needs you - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/surrey-hills-area-of-outstanding-natural-beauty-needs-you)

environmental information contained in it will be taken into consideration and reference will be made to it. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: highways and access, landscape and visual impact, impact on the ASNW and habitats, the proposed new tile factory and noise and air quality matters associated with that; and heritage.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

91. The proposal falls within Schedule 1 Category 19 “Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceed 150 hectares” of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the “EIA Regulations”) given its size of 43.2ha for extraction. The application was submitted in April 2017, prior to the entry into force in May 2017 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. The application is therefore dealt with under the EIA Regulations 2011.
92. The applicant submitted an Environmental Statement (ES) to comply with Regulation 3 of the EIA Regulations 2011. That regulation prohibits the granting of planning permission for EIA development unless the relevant planning authority has first taken the environmental information into account. The ‘environmental information’ to be taken into account includes, but is not limited to, the ES and any further information provided by the applicant.
93. Regulation 2 of the EIA Regulations 2011 defines an ES as being a statement:
  - “(a) That includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
  - (b) that includes at least the information referred to in Part 2 of Schedule 4;”
94. The minimum information requirements set out in Part 2 of Schedule 4 of the EIA Regulations 2011 are as follows:
  - “1. A description of the development comprising information on the site, design and size of the development.
  - 2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
  - 3. The data required to identify and assess the main effects which the development is likely to have on the environment.
  - 4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.
  - 5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.”
95. The submitted ES and ES Addendum provide sufficient information to comply with the minimum information requirements set out in Part 2 of Schedule 4 of the EIA Regulations 2011, and provide such information listed in Part 1 of Schedule 4 as may be reasonably required.
96. On balance it is recommended that sufficient information has been provided in the submitted ES and accompanying ES Addendum in respect of the likely significant environmental impacts of the proposed development to enable the County Council to

make a decision in respect of the current planning application (ref. WA/2017/1466 and MO/2017/1432) in compliance with the requirements of Regulation 3 of the EIA Regulations 2011. The information set out in the ES and ES addendum in combination with the information obtained through the planning application consultation process can be considered to constitute the 'environmental information' referred to in Regulation 3 of the EIA Regulations 2011.

## NEED

### Surrey Minerals Plan 2011

#### *Policy MC9 – Brick clay supply*

97. As set out in the planning history, clay working has taken place at this site for some time with permission being first granted for clay extraction in 1948, 1952 and the 1953. As it currently stands, permissions for clay extraction from areas of ASNW have remained intact through successive legislation, the most recent being the Environment Act 1995 and the ROMP process. Consequently the applicant can continue, should they wish to, extract clay from these areas. The applicant also has planning permission to extract clay until April 2042 at a rate of 400,000tpa. This application seeks to relinquish the areas of clay extraction that are within the ASNW for those within the fields identified. In doing so, the volume of clay the applicant could win across the site would reduce by one million tonnes to 10 million tonnes. However, the applicant is also looking to work the clay at a lower rate than historically permitted, at 182,000tpa which in doing so, would prolong the life of the clay pit until 2073. The discussion in this section of the report therefore centres around the need for the clay extraction given the proposed prolonged length of time sought.
98. The application site is located on the northern limb of the Weald anticline. The Weald Clay is of Cretaceous age with the formation comprising a series of grey and greenish-grey clays when un-weathered which when nearer the surface they weather to yellow and brown colouration, mudstones and shelly mudstones with interbedded, laterally extensive sandstone horizons. The Weald Clay comprises the economic mineral at Ewhurst. There is a sandstone unit within the Weald Clay on the site and the applicant states that it is likely that this sandstone is the sandy silt and sand horizon that is encountered within the quarry void.
99. Paragraph 209 of the NPPF states that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. The NPPF states that planning policies should provide for the extraction of mineral resources of local and national importance, along with setting out criteria or requirements to ensure that operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality (paragraph 210).
100. Paragraph 211 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. The paragraph goes on to set out a number of matters which should be considered for mineral extraction proposals. These matters are set out within the remaining body of the report. Paragraph 214 of the NPPF states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:
  - a) Cooperating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;

- b) Encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) Maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment;
- d) And taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

Footnote 74 to paragraph 214 sets out that these reserves should be at least 25 years for brick clay.

- 101. The SMP2011 provides guidance and a policy with regards to brick and tile clay which can be found within the County. There are currently two working brickmaking sites within the County: Ewhurst Brickworks and South Holmwood Brickworks near Beare Green. Clockhouse Brickworks is currently mothballed and a tile making site in Cranleigh closed in 2008. The SMP identifies areas of search to enable the industry to plan for the longer term should that be commercially appropriate, while making local communities aware that brick making may continue at that site.
- 102. The application site is identified as Area of Search U in Appendix C to the SMP2011. Policy MC9 of the SMP2011 states that proposals for clay working within areas of search will be considered when it can be shown that the level of permitted reserves is insufficient to maintain a landbank of at least 25 years to sustain brick production.

#### *Economic Benefit*

- 103. NPPF paragraph 81 states that the Government is committed to securing economic growth to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
- 104. The British Geological survey (BGS) Factsheet<sup>5</sup> explains that brick clays are sedimentary mudstones, and it is their chemical properties, which are related to their mineralogical composition and physical properties, particularly grain size, that are critical to determining their suitability for the manufacture of structural clay products. These properties affect the forming behaviour of the clay (the process prior to firing in which the ware is shaped), its behaviour during drying and firing; and the final properties of the fired product. These properties can include strength and water absorption therefore durability and performance and their colour and texture providing greater choice for use. The variety of clay used gives rise to the distinctive regional variations in appearance. Because of this the industry requires continued access to a range of clay resources. The BGS goes on to say the levels of capital investment required to build and maintain automated manufacturing plant, with associated environmental engineering, are large and require security and consistency of supply for brick clay which can be as much as 20 years.
- 105. Brick clay is used in the production of structural clay products, with the manufacture of 'facing' bricks being the most important use, accounting for over 90% of demand with the major use of facing bricks being in the domestic housing market. Brick clays are also used to make 'engineering' bricks, which are high strength, low porosity bricks used in

<sup>5</sup> British Geological Survey Mineral Planning Factsheet: Brick Clay, 2007



load-bearing -structures and in other technically demanding situations, alongside pipes for drainage and sewerage and roof tiles. The BGS states that brick manufacture is the largest tonnage use with approximately 3 tonnes of clay/ shale used in the manufacture of 1000 bricks and the output of facing and engineering bricks has remained fairly static.

106. Prior to COVID, deliveries of bricks had generally increased following the economic downturn in 2007/08 from circa 110M bricks per year (2008) to 170M bricks in 2019<sup>6</sup>. Following the initial impacts of COVID, brick deliveries showed recovery and an increase.
107. The BGS states that brick clay extraction takes place mainly in the West Midlands (22%), East Midlands (18%), East of England (12%) and the South East (12%) with fewer but larger plants. Brick clay is not likely to be traded and the UK is self-sufficient in brick clay. However, the UK is a net importer of clay bricks and tiles. House building is the principal consumer of bricks and therefore brick clay of which there is continual demand and Government incentive to increase the number of homes being built.
108. Whilst clays occur extensively in many parts of Britain and resources are, therefore, potentially very large, many clays are unsuitable for brickmaking due to the presence of other rock types, such as siltstone and sandstone, high overburden thickness and excessive amounts of impurities such as carbon and gypsum. In brick clay there must be sufficient clay minerals present to make it plastic to mould and retain its shape prior to firing. Sufficient fluxing materials must also be present for the clay to vitrify (partially fuse to form a glass to give the product strength) at temperatures between 900 – 1100°C. An adequate proportion of non-plastic constituents, usually quartz, is also required to prevent excessive shrinkage and deformation during drying and firing. In good quality brick clays, the predominant clay minerals are kaolinite and illite which are important for firing and forming of the brick. The red/ brown colour of most bricks is due to the presence of iron minerals in almost all clays and the presence of carbonate minerals can produce paler-coloured bricks. Blending different clays to achieve improved durability and to provide a range of fired colours and aesthetic qualities is a common feature of the brick industry.
109. Brick clay is worked entirely by open pit methods. The impracticability and cost of removing impurities is such that brick clays undergo little processing other than grinding and screening to remove any hard or coarse components. It is, therefore, important to extract the clay selectively, avoiding any contaminating material (i.e., carbon) and to ensure subsequent homogenisation of the clay raw material so that the feed to the plant has consistent and predictable firing characteristics. Stockpiles are used to weather the clay over several months to increase its plasticity. As above, blending of different clays provides for a range of colours and textures and durability.
110. There are now alternatives to bricks including concrete blocks almost entirely replacing 'common' bricks in building interior and rendered exterior walls. Plasterboard and stud walling replacing clay products and other building materials such as steel, timber, glass, and other natural and reconstituted building stone compete directly with clay-based products. Re-use of bricks for matching style in conservation and other building work is common practice however the re-use may cause environmental and economic costs arising from the operation itself as well as storage and transport. There are also issues with removing the mortar from the brick.

## *Reserves*

---

<sup>6</sup> Department for Business, Energy and Industrial Strategy, Monthly Statistics of Building Materials and Components, July 2020.



111. Representations received have said that the current application is premature and unnecessary and that the amount of clay underneath the PAWS area and by going deeper would provide sufficient reserves until 2042. Representations have also said the ROMP process can consider bringing the conditions up to modern standards with restrictions imposed to protect the ASNW and that there is no obligation to trade off ASNW protection to work in the agricultural fields of Phases 3 and 4 and a 40 year extension to achieve protection. One representation states, "*the protection afforded AW in modern operation is already there regardless*" and this representation considers there is no chance of the working of the full site as currently permitted.
112. It is for the Mineral Planning Authority to demonstrate that it has a 25-year landbank of clay reserves. This is a rolling 25 years. Permitted reserves at South Holmwood Brickworks are currently permitted until February 2025 however the applicant there has sought a further period of working the site until February 2042 to complete working of the clay at that site. This would add 17 years to that site. Ewhurst Brickworks also has planning permission to extract clay until 2042 which is 20 years.
113. Whilst this proposal is seeking planning permission for the extraction of clay from areas that currently do not benefit from planning permission, it should be borne in mind that the applicant is not proposing that these new areas be in addition to that which already planning permission but to be instead of and replace the currently permitted areas. As such, the volume of the clay at Ewhurst Brickworks would not be any greater and in fact, would be lower at 10Mt instead of the permitted 11Mt. The applicant is proposing new areas for clay extraction to safeguard the areas of ASNW and given the NPPF identifies that ASNW is an irreplaceable habitat where planning permission should be refused, the proposal to relinquish these areas for clay extraction for alternative areas carries great weight.
114. Officers recognise that at the proposed rate of extraction of 182,000tpa instead of the permitted 400,000 tpa this would increase the life of the quarry to some 55 years. Whilst this is greater than 25 years, it would not conflict with Policy MC9 of the NPPF which seeks a landbank of at least 25 years to sustain brick production to which great weight is to be afforded. The proposed areas of clay extraction are identified within the SMP2011 as an area of search therefore they accord with the SMP2011 in that regard. The proposal would seek to ensure that there is a sufficient supply of material to provide the County's need in accordance with paragraph 209 (which relates to facilitating the sustainable use of minerals) and 214 (which relates to industrial minerals such as brickclay) of the NPPF.
115. To enable monitoring and assist the Minerals Planning Authority in the forward planning to maintain future supplies of brick making raw material, a condition would require the annual submission of details of reserves and sales and identify the extent of the landbank material until workable reserves are exhausted.

#### *Need for the Tile Factory*

116. The applicant proposes to construct a brand-new tile factory at the application site which would be in addition to the brickmaking factory. The applicant states that currently they operate one clay tile factory in Doncaster where tiles made there are distributed throughout the country. The applicant states that this factory would provide the opportunity to supply tiles to the south of the UK therefore the Doncaster factory could supply tiles to the north resulting in less mileage. The applicant states that tile factory would be a significant investment for them of more than £20 million to construct and install the equipment. The tile factory would create 35 additional jobs on site and

associated delivery drivers and an additional £2 million in annual expenditure in terms of purchases, wages, business rates and associated expenditure. Some 50,000tpa of clay would be fed into the tile factory with an output of around 50,000 tonnes of tiles once fully operational.

117. The proposed tile factory would use clay extracted at Ewhurst Brickworks and the importation of sand to help in the manufacture of the tiles. It would be transported by dump truck from the weathered clay stockpile to be fed into the factory in the same manner as the brick factory. Having the tile factory on site in close proximity to the clay minimises the distance the clay would need to travel to produce clay tiles. Whilst the BGS recognises that are instances where clays can be imported into other sites, this is primarily to improve the blending of different clays to meet high technical specifications and give maximum choice of colours. Given the weight of clay and its low unit value, as dug clay is not tended to be transported off site to production factories and instead, factories are placed adjacent to the clay pit to provide the high value-added component.
118. The applicant has stated that the bricks at Ewhurst are unique within the Wienerberger portfolio and no other Wienerberger brickworks produces the same types and ranges of bricks. This would be the intention here. As outlined above, the applicant does not produce clay tiles in the south of the country with tiles produced in their tile factory in Doncaster. There are other tile factories in the south however these are limited. The tile factory Kent specifically produces Kent peg tiles from clay reserves adjacent to the tile factory. There is also the Michelmersh Brick and Tile Factory in Romsey which also lies adjacent to a quarry which provides the clay for brick and tile production at that factory. Officers understand the tile factory at Moorhouse is mothballed.
119. Officers recognise there are benefits to the co-location of the tile factory at Ewhurst Brickworks using clay resources that are on site to produce this product. In doing so, this would provide for investment at the factory and create both local and wider economic benefits from the clay, which can only be dug where it is found. The tile factory would enable business needs and the provision of clay roof tiles for the housing market, supporting economic investment and therefore would accord with the NPPF. The suitability of the tile factory in terms of its impact is discussed below. However, Officers consider there is a locational benefit and requirement of siting the tile factory in this location.

## **HIGHWAYS AND ACCESS**

### **Surrey Minerals Plan 2011**

*Policy MC15– Transport for minerals*

### **Mole Valley Local Plan 2000**

*Policy MOV2 - The Movement Implications of Development*

### **Waverley Local Plan 2002**

*Policy LT11 – Walking, Cycling and Horseriding*

*Policy M5 – Provision for Cyclists*

### **Waverley Local Plan Part 1 2009**

*Policy ST1 – Sustainable Transport*

120. Policy MC15 of the SMP2011 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion, and demand management. The assessment should also explore how the movement of minerals within and outside the site will address issues of emission control, energy efficiency and amenity. The policy requires applicants to address alternatives to road based methods of transport, especially where these can use existing rail sidings. The

policy also states that mineral development involving transportation by road will be permitted only where:

- i. There is no practicable alternative to the use of road-based transport that would have a lower impact on communities and the environment;
- ii. The highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and
- iii. Arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.

121. MMLP2000 Policy MOV2 states that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and environmental character in the area, having regard to all forms of traffic generated by that development. Where appropriate developers will be expected to provide for, or contribute to, transportation initiatives or highway works that should provide adequate capacity. The policy goes on to say that proposals for major developments will only be permitted where it can be demonstrated that to accommodate the traffic generated by that development appropriate measures are made to obviate the environmental impact, and there is appropriate provision for:

- i. Off-street vehicular parking, and
- ii. Suitable servicing arrangements, and
- iii. Vehicular access and egress and movement within the site, and
- iv. Capacity on the transport network and in the vicinity of the development, and
- v. Access and egress to be obtained, or improved, to and from the primary route and distributor road networks, and
- vi. Public transport services, and
- vii. Pedestrians and cyclists, and
- viii. People with disabilities.

The policy goes on to say where a particular part of the highway network already endures high traffic flows significantly above its operational and environmental capacity, then only small-scale development, or redevelopment, which leads to little or no new traffic generation, will be permitted. The cumulative effects of existing and cumulative development on the operational capacity and environmental character of congested areas will be considered in the determination of development proposals.

122. Draft Policy INF1<sup>7</sup> states that development proposals will be assessed for their impact on the highway and public transport network as well as the local environment and should be located to minimise any adverse impact on the highway network and maximise the use of sustainable modes of transport with applicants setting out how they would manage and mitigate the transport impacts of their development. Planning permission will only be granted if any adverse impacts of the development can be overcome by transport improvements considered necessary by the Council.
123. Policy ST1 of the WLPP12009 requires development schemes to include a Transport Assessment and Travel Plans and other appropriate measures in new developments that generate significant traffic volumes or have significant impact on the Strategic Road Network, contribute to transport infrastructure improvements where appropriate; and are located where opportunities for sustainable transport modes can be maximised. Policy M5 of the WLP2002 seeks to improve conditions for cyclists by considering the safety and needs of cyclists in the design of all highway and traffic management schemes. Draft Policy DM9<sup>8</sup> requires development does not compromise pedestrian and cycle

<sup>7</sup> Draft Policy INF1: Transport

<sup>8</sup> Draft Policy DM9: Accessibility and transport

movements or compromise access to the highway, manages vehicle speeds and does not have a severe residual cumulative impact on the capacity of the highway network; does not adversely increase the risk of accidents or endangers the safety of road users; and provides adequate space for delivery vehicles. The draft policy requires proposals to minimise the adverse impact of any potential HGV traffic movements, particularly on rural lanes unsuitable for HGVs.

124. Traffic and transport policies are included within the Surrey Hills AONB Management Plan including ensuring the impact of development proposals on the surrounding Surrey Hills road network will be given great weight when assessing the acceptability of the development (Policy TT2). Draft
125. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location, safe and suitable access to the site can be achieved, the design of transport elements reflects current national guidance; and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 states development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 requires all developments that generate significant amounts of movement to provide a travel plan and be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
126. As dug clay would not leave the site. Only bricks and tiles would be exported. The site currently imports sand and additives to be added to the brick production. This would continue as part of this proposal but would be increased to correlate with the increased brick and tile production. There are no practicable alternatives to the use of road based transport. Bricks and tiles are heavy products alongside sand. The application site is not located close to alternative forms of transport such as railway or waterway as minerals can only be dug where they are found. As such, Officers are satisfied that the proposal meets Policy MC15(i) and NPPF para 110(a). As minerals can be dug only where found and for the reasons outlined above there are minimal opportunities for sustainable transport for the transport of brick and tile products and sand imports. Matters around staff transport will be discussed below.
127. Access into the site is gained via an existing access to Horsham Road (Smokejack Hill). The visibility at the access is 140m to the near carriageway edge to the left (north) and 170m to the near carriageway edge to the right (south). The carriageway width in the vicinity of the site access is 5.3m and is subject to a 40mph speed limit. As such Officers are satisfied the proposal meets the requirements of NPPF para 110(b).
128. Approximately 80% of HGVs accessing Ewhurst Brickworks travel from the north along the A29. All HGVs accessing/ egressing Ewhurst Brickworks from the A29 (north) follow a one way circular route which is as follows. Lorries would exit the A29 Stane Street and drive along Okewood Hill (C50) to the hamlet of Okewood Hill. Okewood Hill has a 40mph speed limit and varies in width between 5.5m to 6.1m. HGVs would then meet Ruckmans Lane (width between 5.3m – 6.1m) and then travel westwards until meeting a junction with Honeywood Lane after which lorries would turn left and head south along Honeywood Lane which varies in width between 4.8m – 5.6m and has a speed limit of 40mph. HGVs then meet the junction with Horsham Road (C48) and turn right towards

the site which is approximately 965m north from that junction. See the plan appended to this report showing this route<sup>9</sup>.

129. HGVs leaving the site to travel northwards would turn left out of Ewhurst Brickworks and drive north westwards along Horsham Road (C48) for approximately 130m before reaching the Horsham Road junction where HGVs turn right and head north along Horsham Road (C49) for approximately 460m before reaching a junction with Okewood Hill (D293) on the right. Horsham Road at this point has a width of 5.2 – 5.3m. The width of the D293 at this point is between 5.3-6.1m. Okewood Hill (D293) meets with Ruckmans Lane (C50) at a priority junction with Honeywood Lane (the same junction as described above) and HGVs turn left at this point and then continue back to the A29 following the same route as described above.
130. Of the remaining HGVs, 1.95% travel to/ from the Cranleigh area accessing Ewhurst Brickworks from Furzen Lane and the B2126 Horsham Road; and 17.58% travel to/ from the A29 to the south via Rowhook Hill. Of the HGVs leaving Ewhurst Brickworks, 80% of the bricks are distributed on 44 tonnes articulated HGVs with a typical payload of approximately 28 tonnes. The remaining 20% is either collect trade or a partially loaded vehicle. The applicant states that whilst it is not in their interest for partially loaded vehicles to leave the site, such situations do occur to meet a customers required delivery time.
131. The applicant has provided a Transport Statement as part of the Environmental Statement. The Transport Statement included information and assessment of accident data on the road network used by HGVs travelling to/ from Ewhurst Brickworks. The accident data found slight and fatal accidents on this road network however none were attributed to HGVs and were all car collisions either with other cars, pedestrians, or cyclists. One incident just involved cyclists. Whilst road safety pedestrians, equestrians, and cyclists along the highway network in the vicinity of Ewhurst Brickworks has been raised within representations received there is no road safety data that shows this to be of concern. Officers recognise that near misses or damage only accidents are not recorded on any such data. The County Highway Authority in reviewing the information submitted for the planning application, including the amplifying information, have not raised objection to the proposal on highway safety.
132. Okewoodhill Residents Association raised concerns in their comments about road safety and HGVs accessing Ewhurst Brickworks. The applicant has provided a response to these in particular two incidents involving HGVs which were not mentioned in the Transport Statement. The applicant has said that these two incidents are 'Damage Only' accidents within which nobody was injured. These types of accidents are not always recorded and as such, the case of the car crashing through the hedge, the contributory factors are unknown. Similarly with the HGV overturning, given a fully laden HGV was within 100 yards of a junction having just joined the A29, which has a good surface and road alignment, the applicant comments there must have been some reason beyond the highway layout. The applicant goes on to say that these two incidents were in different locations and have different characteristics and do not indicate that Ewhurst Brickworks would have an unacceptable impact on highway safety when compared to national guidance.
133. Concern has been raised with regards to the condition of the road carriageway used by HGVs. As identified in the traffic data, whilst HGVs associated with Ewhurst Brickworks do travel on this highway network and make up a large portion of them, they are not the only HGVs to travel along it. Section 59 of the Highways Act allows the County Highway

---

<sup>9</sup> Source: Transport Statement March 2020



Authority to have the ability to seek costs for damage to the public highway under 'the recovery of expenses due to extraordinary traffic'. Section 59 seeks recompense where it appears to the County Highway Authority that *"the average expense of maintaining the highway or other similar highways in the neighbourhood extraordinary expenses have been or will be incurred by the authority in maintaining the highway by reason of the damage caused by excessive weight passing along the highway, or other extraordinary traffic thereon the highway authority may recover from any person ("the operator") by or in consequence of whose order the traffic has been conducted the excess expenses"*. The County Council have planned road traffic works along the highway network near Ewhurst Brickworks<sup>10</sup> including surface renewal along Honeywood Lane in 2022-2023 and surface dress on Okewood Hill and surface renewal on Smokejack Hill for future consideration.

134. Whilst Officers note concerns raised within representations about the condition of the road and verges along the road network to Ewhurst Brickworks and given the number of HGVs that travel to/ from the application site, it would be unnecessary to duplicate an existing regulatory mechanism under Section 59 of the Highways Act. There is also a statutory duty of the County Council under the Highways Act to undertake road surveys. Because there are other HGVs using the road network taken by HGVs to Ewhurst Brickworks, any damage caused to the highway cannot reasonably be the exclusive responsibility of the applicant. As such, it would be unreasonable to impose a condition requiring the applicant to fund highway surveys of the condition of the road and then to fund repair of it.
135. Representations have raised concerns with regards to the number of HGVs that are currently associated with Ewhurst Brickworks and for the proposal. It should be borne in mind that currently planning decision MO98/0538 and WA98/0762 allows for 400,000tpa of clay to be extracted and made into bricks for export. This proposal would be for 182,170tpa including operating the second kiln and the tile factory alongside an importation of 6,000tpa of sand for the tile factory. The applicant provided a revised Transport Statement in March 2020 to address concerns raised by representations and queries raised by the County Highway Authority.

#### Number of HGVs

136. The Transport Statement provides information on the existing traffic volumes and daily variations on the road network to/ from Ewhurst Brickworks. The presented data shows that traffic flows on the local roads are relatively low, peaking at just under 3,650 vehicles per day on the B2128 just north of Furzen Lane at Ellen's Green. Peak hourly flow traffic volumes were also low with the highest being 372 vehicles on the same road, same location.
137. The Transport Statement has then reviewed the HGV flows and variations at 9 points along the route travelled to/ from Ewhurst Brickworks and compared this to traffic movements recorded at the site access which were collected over a period of 5 days in late November/ early December 2019. The automatic traffic data collected for the 9 points show HGV flows to be higher than those recorded at the site access. There is an exception of point 2 (Horsham Road) having a lower peak figure than the number of HGVs recorded leaving the site and travelling north which the applicant states is an under-recording. The applicant states this shows there are other HGVs on the road network aside from those associated with Ewhurst Brickworks.

<sup>10</sup> Source: Surrey County Council Horizon Schemes Maps [Horizon Schemes Webmap \(arcgis.com\)](https://arcgis.com)



138. To demonstrate the number of HGVs the proposal would generate, the applicant has divided the total volume of clay that would be exported as product (182,170tpa) and divided this by 250<sup>11</sup> working days in a calendar year to provide an average figure of HGVs that would be travelling to and from Ewhurst Brickworks Monday – Friday, which would equate to 68 movements per day. These movements would be split on an 80%/20% between 28 tonnes and 15 tonne average payloads. The direction of travel of these movements would also be based upon the percentages given above. These figures include 4 movements per day for the importation of sand for the tile factory.
139. Officers recognise that Okewood Hill would be the location on the route to Ewhurst Brickworks which would experience the highest numbers of two-way HGV traffic based on the HGV routing and the predominant direction of travel to/ from the site. This is reflected in the numbers above. The applicant has sought to compare these figures to that of the permitted clay extraction volumes of 400,000tpa because this is the currently permitted level stating this would generate 92 movements per day in 28 tonne payloads and 42 movements per day in 15 tonne payloads, giving a combined total of 134 HGV movements per day. Based distribution identified above, the following HGV movements would occur on the various road links per working day:

**Table Brickwork Average HGV Link Flows**

Route	Daily HGV movements (total in and out combined) 250 days			
	Based on 100,000 tpa	Based on 132,170 tpa	Based on 182,170 tpa	Based on max permitted output 400,000tpa
Smokejack Hill (north of access)	14	19	27	54
Horsham Road (north of access)	14	19	27	54
Okewood Hill/ Ruckmans Lane	14	19	27	54
Okewood Hill	28	38	54	108
Honeywood Lane	14	19	27	54
Smokejack Hill (south of access)	22	27	41	80
Horsham Road (south of access)	22	27	41	80
Furzen Lane	2	2	2	3
B2128 (north of Furzen Lane)	2	2	2	3
Rowhook Road	6	8	12	24

140. As can be seen from the table, when comparing the number of HGV movements for the proposed 182,170 tonnes, this would result in fewer HGVs than the extant clay extraction figure in MO98/0538 and WA98/0762. However, it is acknowledged that the proposal would result in an increase in traffic activity, doubling, above that already occurring.
141. Representations comment that HGVs leaving the site are not always fully laden thereby using the calculation presented in the Transport Statement is misleading as it is based on averages and on all HGVs being fully laden when exiting the site. Representations also comment that given the mix of vehicles coming to Ewhurst Brickworks to collect bricks, this also can conflate the number of HGVs accessing the site. Officers and the

<sup>11</sup> 250 days is based on no Saturday, public holiday and extended shut down over the Christmas/ New Year period therefore representing worst case scenario.

applicant accept that in calculating the above figures these are averages and as such the County Highway Authority requested data be collected from access to/ from Ewhurst Brickworks. The applicant has provided this ATC data in the Transport Statement, and this shows that the number of HGVs accessing/ egressing Ewhurst Brickworks for a period of 5 days in 2019 was (averaged over 5 days) 34 inbound HGVs and 35 outbound HGVs totally 69 two-way movements of which 55 of these would be travelling through Okewood Hill. This is much higher than the average figure of 28 two-way movements through Okewood Hill based on 100,000tpa.

142. Officers have assessed whether the road network around Ewhurst Brickworks would have the capacity to accommodate both the average HGV movements but also the higher HGV movements taken from the ATC at the site entrance using information from the Transport Statement. The Highway Agency document TA 79/99 "Traffic Capacity of Urban Roads" identifies a 6.1m carriageway as accommodating hourly flows in one direction ranging from 750 to 1020 vehicles based on the busiest direction of flow assuming a 60/40 directional split. The lower figure represents a busy high street with unrestricted parking, loading, access, roadside bus stops and frequent at grade crossing, which serve to disrupt through movements. Whilst the higher figure represents a less constrained link carrying predominantly through traffic with limited access. If the one-way flows are corrected to 100%, the equivalent two-way flow range varies from 1250 to 1700 vehicles per hour for the same standard of road. HGV proportion is up to 15%.
143. The road used by HGVs to/ from Ewhurst Brickworks with the highest overall traffic flow was the B2128 north of Furzen Lane with 372 movements which had 0.8% HGV. In terms of capacity, this would mean it is currently operating at 50% capacity when using the lower figure of 750 or 30% capacity when using the higher figure 1250. When taking Okewood Hill where there would be two-way directional HGV traffic to/ from Ewhurst Brickworks, in terms of capacity this would mean the road is operating at 18% capacity when using the lower figure of 750 and 11% capacity when using the higher figure of 1250.
144. Whilst much of the carriageway to/ from the A29 to Ewhurst Brickworks and to/ from Cranleigh is under a width of 6.1m as referred to in the TA99 document, Officers consider the use of the lower end figure is comparable to the road widths on this network because it represents a road with elements in it serving to cause disruption which would be similar to the road network in the vicinity of Ewhurst Brickworks. Therefore, using the lower end of these figures shows that the road network in the vicinity of Ewhurst Brickworks is operating under capacity generally. It is also useful to look at the HGVs percentages and proportion on the network. The TA99 document assumes a 15% HGV proportion on a road with a width of 6.1m of which none of the surveyed roads were above 10%. The road with the highest proportion of HGVs was Okewood Hill which was found to have 5.5% HGVs during the 24-hour period and 9.8% in the AM peak. This is an equivalent of 72 HGVs over the course of a day and 13 in the peak hour. Of these, based on the actual traffic data collected from the site entrance over a five-day period, Ewhurst Brickworks would have generated 69 HGVs and based on average figure calculations for 100,000tpa would have generated 28 HGVs. These HGV figures are below that recorded from the traffic count data at Okewood Hill and are below the 15% HGV proportion. Of the 69 HGVs going to/ from the site, 80% of those would go through Okewood Hill equating to 55 HGVs.
145. However, when extrapolated up to the proposal of a second kiln and the tile factory, based on the average HGV flows for 182,170tpa for increased clay extraction and tile making, this would result in 54 daily HGV movements, still below that recorded at Okewood Hill. But when multiplying up the actual traffic count data collected at the access to Ewhurst Brickworks this gives a figure of 208 HGV movements on a busy day.

This is slightly over the 15% HGV proportion which for Okewood Hill with a 24-hour traffic volume would be 195 HGV proportion.

146. Officers recognise that the actual HGV figures from automatic traffic data is higher than the average figure and when used in the calculation for the proposal would result in an HGV level higher than the 15% given in TA99. However, Officers recognise this is a snapshot in time and that over the course of a year the HGV movements would average out to accommodate peaks and troughs, for example peak demand before the factory closes before Christmas extended break. Furthermore, when using the lower end TA99 data figure of 750 movements per hour which would have an equivalent of 112 HGVs per hour, the proposed equivalent peak of 208 HGV movements on a busy day would fall below the capacity limit for this form of road.
147. With regards to staff movements, Ewhurst Brickworks currently employs 60 direct employees, 20 indirect employees in transport and 10 contractors for different activities. The proposal would increase this with an additional 35 staff working in three shifts<sup>12</sup>. Based on worst case scenario this would require 24 parking spaces for the tile factory including visitors. The site does not lie near a train line. There is a bus route that stops outside of the site, the number 50, which runs between Redhill-Dorking-Horsham. However there appears to be one bus a day that serves taking passengers into Dorking and returning them later and would not work for staff coming to Ewhurst Brickworks to work. Therefore, driving by car, whilst the least sustainable, would be the main option for staff coming to the site and there are limited options for alternatives. Staff travelling to/ from the site generally travel outside of peak hours therefore the additional movements associated with staff would not be a significant adverse impact. The County Highway Authority (CHA) have requested that a condition be imposed that the tile factory shall not be brought into use until a space has been laid out for employee's vehicles to be parked. Parking spaces are to be laid out to the north of the stocking yard.
148. The construction of the tile factory which would take approximately six months, would also generate an increase in HGVs during that period. The construction activities are listed in paragraph 30. The CHA request that prior to the commencement of construction of the tile factory that a Construction Traffic Management Plan (CTMP) be submitted for approval detailing the construction methodology, programme, traffic volumes and management protocols to ensure the traffic movements associated with this limited period of activity are managed. The applicant has agreed to the imposition of this condition.
149. With regards to concerns on speed limits, the speed limit through Walliswood was lowered from 40 miles per hour (mph) to 30mph in April 2020. More recently a report was taken to the Mole Valley Local Committee in March 2022<sup>13</sup> which approved a reduction of the speed limit through Okewood Hill to 30mph which would be implemented in the forthcoming financial year. There are currently no plans to reduce the speed limit on the other roads within the vicinity of the application site. The applicant has, however, offered as part of the routing agreement to encourage their HGV drivers adhere to a 30mph speed limit when driving on the route to/ from the application site.

## Conclusion

150. The proposal makes provision for off street vehicular parking through onsite staff car and cycle parking provision and has provided a plan to show the circulation arrangements for the proposed new tile factory. Ewhurst Brickworks has existing visibility splays onto the

---

<sup>12</sup> Shift pattern 06:00 – 14:00; 14:00 – 19:00, reduced skeleton staff overing overnight.

<sup>13</sup> Rural Speed Limit Review

public highway which are adequate and maintained to allow for safe access and egress. The proposal does not involve public transport services but as outlined above, minerals can only be worked where they are found therefore whilst not the most sustainable option of transportation, both staff and transportation of bricks/ tiles would need to travel by vehicle.

151. With regards to highway capacity, as discussed above, the road network in the vicinity of Ewhurst Brickwork is not operating at full capacity and with both the existing movements and proposed movements, including HGVs, this proposal would not result in an exceedance of road network capacity. The road network in the vicinity of Ewhurst Brickworks is not a congested area.
152. Officers accept that fear and intimidation are genuinely felt by local road users and that the accident record does not reflect the frequency of near misses. However, fear that an accident is just waiting to happen does not provide sufficient or reasonable grounds for restricting HGV movements. Whilst there is a wholly understandable preference for a lower frequency of movement, this is not supported by the road safety record outlined above. Consequently, Officers are satisfied that the proposal would not have a significant adverse impact on highway safety, residential amenity, the environment, or the effective operation of the highway network; and that there would not be such an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe that this proposal be refused on highway grounds. Officers consider the proposal complies with the requirements of Development Plan policy and the NPPF paragraphs 110 and 111.

### *Rights of Way*

153. There are no current rights of way policies within the MLP2000 or MCS2009. Draft Policy EN10<sup>14</sup> criteria 4 states that public rights of way and national trails will be protected from adverse impacts of development and, where possible, new development should enhance the existing network and create new links to it. Policy ST1 criteria 8 of the WLLP12009 encourages the provision of new and improved footpaths, bridleways, and cycleways. Policy LT11 seeks to ensure that designated rights of way are safeguarded, protected and enhanced to encourage their use by walkers, cyclists and horse riders. The policy says when the borough are consulted on proposals to divert public rights of way, the Council will seek to ensure the proposed route is equivalent or preferable to the definitive route having particular regard to the safety and convenience of walkers, horse riders and cyclists, the protection of public views, increases in length and connections with other rights of way.
154. Draft Policy DM34<sup>15</sup> seeks to safeguard, protect, and enhance designated Rights of Way and when consulted on proposals to divert a public right of way, the Council will seek to ensure the proposed route is equivalent or preferable to the definitive route having particular regard to the safety and convenience of walkers, horse riders and cyclists, the protection of public views, increases in length and connections with other rights of way.
155. These draft policies echo the Surrey Rights of Way Plan 2014 which looks to upgrade existing routes to create new multiuser routes and seeking a more coherent network.
156. Working of the proposed Phase 5A and 5B would require footpath 89 to be diverted as it currently runs across the centre of both phases in a north east/ south west manner. Footpath 89 would not need to be diverted for the tile factory to be built only when the

<sup>14</sup> Draft Policy EN10: Open Space and Play Space

<sup>15</sup> Draft Policy DM34: Access to the Countryside

land beneath the factory is worked. The footpath is currently well screened from Ewhurst Brickworks by an existing hedge (this will also require removal, and this is covered in the ecology section below) and follows the edge of the field before it turns westwards heading towards Exfold Wood. The diversion of footpath 89 would run along the edge of the proposed Phase 5A and 5B therefore around two other fields. This would increase the length of someone using the footpath from 302m to 529m. The edge of the whole of diverted footpath would be planted with a hedgerow in advance of the diversion of the footpath to provide visual screening. A diversion order would be required from the Rights of Way team for this to occur.

157. The Ramblers Association have objected to the diversion of Footpath 89 due to the proposed increase in length. The Rights of Way team have not objected to either the increased length of the diversion or its permanent nature. The Rights of Way team requires that safe access must be maintained along the public footpath at all times and that drivers should be reminded that public users have the right of way; that there should be no obstructions on the public rights of way at any time, that the alteration or replacement of the existing boundary with a public right of way or erection of new fence lines must be done in consultation with the Rights of Way group; and that an application to divert Public Footpath 89 must be done in advance of the works commencing. Officers recommend that these are all subject to conditions. With regards to the new footpath 89 route and its condition, the proposed condition sets out that details of the specification and material to be used should be submitted to the County Planning Authority in advance of the diversion taking place to ensure it meets the specification requirements of the Rights of Way team. Officers recognise that the proposal involves the permanent diversion of footpath 89 at the point when working of Phase 5 commences. Officers note that this would increase the length of the footpath for users however the Rights of Way team have not objected to this increase in length and provided the diverted footpath is provided to an acceptable standard, Officers do not consider the diverted route would be of such an inconvenience to be contrary to Policy LT11.
158. The proposal would involve creation of an access track between Phases 2 and 3 which would cross over bridleway 443. Initially the track was proposed to be 6m wide to allow for vehicle access which would be bunded each side. The County Ecologist queried the need for the width of the track and the applicant has reduced the track to 4m wide with a 2m stand off to tree protection fencing thereby reducing the number of trees and ground cover that would be disturbed by the path. On restoration the material that formed the track would be removed but the track would remain as 3m wide grassed track for maintenance vehicles to visit Phases 3 and 4 in aftercare and the track is proposed to become a permissive bridleway. The applicant acknowledges that safe access for bridleway users should be always provided at the point where the bridleway and access track meet. However, the applicant has only commented that this would be established as necessary and therefore no specific details are provided. Officers consider it is imperative that such details are provided before the track is provided to ensure bridleway users continue to have safe access and use of bridleway 443; and propose a condition to that effect. The use and enjoyment of bridleway 443 should not be affected by any such crossing and therefore not conflict with Policy LT11.
159. The applicant also proposes a new permissive route to be created that would connect bridleway 443 to footpath 89. The route would be within the applicant's landholding and would mainly follow existing informal paths that run along the western boundary of the application site. The British Horse Society have been engaged with the applicant with regards to the provision of this route and raise no objection to the proposal based on provision of this right of way link. As the link would be permissive the responsibility of the right of way would lie with the applicant and so would the design. Officers welcome the provision of extensions to the rights of way network in accordance with Policy ST1. The



Rights of Way team have requested that a Permissive Path Agreement be entered into with them for the provision of the new right of way which would specify how the route would be installed and when. However, it is important that the new right of way is suitable for users. The entering into of a Permissive Path Agreement is set out in a proposed condition which has been agreed with the Rights of Way team.

160. Surrey County Council Rights of Way team considers the proposals to be acceptable from the point of view of the rights of way network, subject to the approval of the crossing designs of the access track by Bridleway 443. Officers consider that the proposed additional bridleway between Public Bridleway 443 and footpath 89 is a welcome addition to the public rights of way network and conclude that the development is in accordance with the development plan in respect of rights of way.

## **ENVIRONMENT AND AMENITY**

### **Surrey Minerals Plan 2011 (SMP)**

*Policy MC2 – Spatial Strategy – protection of key environmental interests in Surrey*

*Policy MC14 – Reducing the adverse impacts of mineral development*

*Policy MC17 – Restoring Mineral Workings*

*Policy MC18 – Restoration and Enhancement*

### **Mole Valley Core Strategy 2009 (MVCS)**

*Policy CS1 – Where Development will be Directed (A Spatial Strategy)*

*Policy CS13 – Landscape Character*

*Policy CS14 – Townscape, Urban Design and the Historic Environment*

*Policy CS15 – Biodiversity and Geological Conservation*

*Policy CS20 – Flood Risk Management*

### **Mole Valley Local Plan 2000 (MVLP)**

*Policy ENV15 – Species Protection*

*Policy ENV22 – General Development Control Criteria*

*Policy ENV23 – Respect for Setting*

*Policy ENV25 – Landscape Design of New Developments*

*Policy ENV49 – Areas of High Archaeological Potential*

*Policy ENV50 – Unidentified Archaeological Sites*

*Policy ENV57 – Lighting Proposals*

*Policy ENV67 – Groundwater Quality*

*Policy ENV68 – Adequate Water Resources*

*Policy ENV69 – Contaminated Land*

### **Waverley Local Plan 2002 (saved policies)**

*Policy D1 – Environmental Implications of Development*

*Policy D2 – Compatibility of Uses*

*Policy D4 – Design and Layout*

*Policy D6 – Tree Controls*

*Policy D7 – Trees, Hedgerows and Development*

*Policy C6 – Landscape Enhancement*

*Policy C7 – Trees, Woodlands and Hedgerows*

*Policy HE3 – Development Affecting Listed Buildings or their Setting*

*Policy HE8 – Conservation Areas*

*Policy HE10 – Heritage features*

*Policy HE14 – Sites and Areas of High Archaeological Potential*

*Policy HE15 – Unidentified Archaeological Sites*

### **Waverley Local Plan Part 1 2018 (WLPP)**

*Policy HA1 – Protection of Heritage Assets*

*Policy NE1 – Biodiversity and Geological Conservation*

*Policy RE1 – Countryside beyond the Green Belt*

*Policy RE3 – Landscape Character*



161. National planning policy with regards to protection of the environment and amenity is set out in the following paragraphs in the NPPF. Paragraph 174 of the NPPF provides that decisions should contribute to and enhance the natural environment by, amongst other things; protecting and enhancing valued landscapes, sites of biodiversity, or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan; recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land, and of trees and woodland; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Development should wherever possible, help to improve local environmental conditions such as air and water quality. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
162. The principles for determining applications include refusing permission for development that would result in significant harm to biodiversity that cannot be avoided, adequately mitigated, or, as a last resort compensated for. In addition, paragraph 180 provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ASNW) should be refused, unless there are wholly exceptional reasons.
163. Paragraph 185 provides that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It adds that potential adverse noise impacts should be mitigated and reduced to a minimum – and should avoid noise giving rise to significant adverse impacts on health and the quality of life, having regard to the *Noise Policy Statement for England* (NPSE).
164. Planning decisions should, in accordance with paragraph 186, sustain and contribute towards compliance with relevant limit values or national objectives for pollution, considering the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Paragraph 183 provides that the focus of decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes), and that these regimes should be assumed will operate effectively.
165. The *National Planning Practice Guidance* (hereinafter the NPPG) sets out guidance on planning for mineral extraction, including assessing environmental impacts, restoration and aftercare. The NPPG provides that some areas may have been subjected to successive mineral development (such as aggregate extraction) over a number of years, and the cumulative impact is capable of being a material consideration when determining individual planning applications. It also notes that where working is proposed on BMV agricultural land restoration and aftercare should enable the land to retain its longer-term capability.
166. Policy MC2 of the SMP2011 states that mineral development that may have direct or indirect significant adverse impacts on an AONB, a SSSI or nationally important heritage

assets including listed buildings; will be permitted only if it has been demonstrated to be in the public interest; and the applicant can establish that development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests.

167. Policy MC14 of the SMP2011 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. The policy states that proposals for development within preferred areas will be expected to address the key development requirements. The policy goes on to state that in determining planning applications for mineral development the following matters and potential impacts related to them should be considered:
  - a. noise, dust, fumes, vibration, illumination,
  - b. water quality and land drainage,
  - c. the appearance, quality and character of the landscape and any features that contribute to its distinctiveness;
  - d. the natural environment, biodiversity and geological conservation interests;
  - e. the historic landscape, sites or structures of architectural and historic interest and their setting, and sites of existing or potential archaeological interest or their settings;
  - f. public rights of way network
  - g. the use, quality and integrity of land and soil resources, land stability and the integrity of adjoining transport infrastructure
  - h. the need to manage the risk of birds striking aircraft;
  - i. cumulative impacts arising from the interactions between mineral developments and between mineral and other forms of development;
  - j. and any other matters relevant to the planning application.
  
168. Policy CS1 of the MVCS2009 sets a spatial strategy for the delivery of sustainable development in the district. It identifies new development will be directed towards previously developed land (PDL) within built up areas with limited development and infilling on PDL in rural villages. The policy says in the countryside, development will be considered in light of other policies within the Core Strategy and provisions of PPG2 and PPS7 which have now been replaced by the NPPF.
  
169. Policy D1 of the WLP20020 states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. The policy states that development will not be permitted where it would result in material detriment to the following criteria:
  - i. Loss or damage to important environmental assets such as local watercourses, important archaeological sites and areas of ecological and landscape value;
  - ii. Harm to the visual character and distinctiveness of a locality, particularly in respect of design and scale of the development and its relationship to its surroundings;
  - iii. Loss of general amenity, including loss of light and privacy by neighbours and disturbance resulting from the emission of noise, light or vibration;
  - iv. Levels of traffic which are incompatible with the local highway network or cause significant harm by virtue of noise and disturbance
  - v. Potential pollution of air, land or water including light pollution.

The policy says it will seek to resolve or limit environmental impacts from a proposal. Policy D2 seeks to ensure that proposed and existing land uses are compatible in particular development which may have a materially detrimental impact on sensitive uses with regard to environmental disturbance or pollution will not be permitted.

170. Draft Policy DM1<sup>16</sup> of the WLLP2 sets out a number of criteria which development proposals should seek to adhere to. Those which are relevant to this proposal are:
- a) Avoid harm to the health or amenity of occupants of nearby land and buildings, and future occupants of the development, including by way of an unacceptable increase in pollution, light, noise, dust, vibration, and odour, or an increase in flood risk;
  - b) Not cause a deterioration to the environment by virtue of potential pollution of air, soil or water, including that arising from the storage and use of hazardous substances, while seeking opportunities to improve air and water quality where possible;
  - c) Not cause harm or damage to existing environmental assets such as areas of ecological, geological, townscape, or landscape value, and maximise opportunities to enhance such assets
  - f) Avoid exacerbating the damage to the environment caused by the emission of greenhouse gases by seeking to minimise these;
  - g) Avoid negative impacts upon biodiversity and maximise opportunities to deliver net gain in relation to ecological and geological assets through the design, structure and landscaping of the development;
  - h) Where adverse environmental impacts are unavoidable, and the benefits of the development demonstrably outweigh the harm, ensure impacts are appropriately mitigated.
171. Draft Policy EEG4<sup>17</sup> of the EEGNPSV sets out a number of criteria to ensure development incorporates high quality design which responds and integrates well with its surroundings and minimises the impact on the natural environment. The policy requires development proposals to demonstrate:
- i. How they have sought to address scale, nature and location including landscaping
  - ii. that development should not detract from the unlit environment of the parish and lighting should be designed to be deflected downwards.
  - iii. The development does not result in excessive noise, vibration, odour, air pollution, vehicle movements
  - iv. That the built form is not overbearing
  - v. Car parking and/ or servicing should be appropriate to site context
  - vi. Preserve and sensitively incorporate existing natural features such as trees and hedgerows
  - vii. Provide wildlife friendly features
  - viii. The proposal is of sustainable design and environmental performance
  - ix. That the proposal is water efficient and reduce water consumption.

### **Landscape and Visual Amenity**

172. This proposal involves potential impact on the landscape character of the clay working and the subsequent restoration scheme alongside the visual impact of these; but also the impact of the proposed tile factory on the landscape character and visual amenities. This part of the report will cover these points. As outlined above the application site lies within the AGLV with the AONB to the north beyond Ewhurst and Forest Green. A formal AONB boundary review is currently underway by Natural England which will consider the case for extending the existing AONB and comments are being invited on this. The process of reviewing the boundary is still at an early stage therefore Officers do not attribute any weight to the possibility that this site might in the future be included in the AONB.

<sup>16</sup> Draft Policy DM1: Environmental Implications of Development

<sup>17</sup> Draft Policy EEG4: Design of Development

173. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) and an addendum to the LVIA to assess the impacts of the proposal on the landscape character and also the visual impact of the proposal. The LVIA has been produced in accordance with the Guidelines for Landscape and Visual Impact Assessment third edition. The LVIA recognises that key landscape features within or very close to the application site that would be directly affected by the development include: the landform of the site affected by clay extraction, areas of ASNW and PAWS, large areas of grassland on low quality soil, a pond in Phase 5b, and rights of way.
174. Policy CS13 of the MVCS requires all new development to respect and enhance the character and distinctiveness of the landscape character area in which it is proposed. Landscape enhancement works may be required to avoid impacts associated with the new developments. The policy also seeks to protect the AONB in terms of impact of development on ridgelines, significant views, peace, tranquillity and levels of artificial light. The policy states that the AGLV will be retained until there has been time to review the AONB boundary and development in the AGLV will be required to be supported by evidence to demonstrate it would not result in harm to the AONB particularly views from and into the AONB. Policy ENV23 of the MLVP states that the impact of development conspicuous from the Green Belt on the rural amenities of the Green Belt reason of its siting, materials or design should be taken into account in development proposals. The application site does not lie within the Green Belt and Officers are satisfied that the distance of the application site to the Green Belt boundary and the intervening woodland, vegetation and topography would be such that the proposal would not be conspicuous from the Green Belt.
175. Policy RE1 of the WLLP1 states that areas shown as Countryside beyond the Green Belt, the intrinsic character and beauty of these areas of the countryside will be recognised and safeguarded. Policy C6 of the WLP seeks improvements to the landscape within the borough with particular emphasis being given to areas shown on the Proposals Map which are already showing signs of landscape deterioration. The policy states this will be achieved through the control of development and improvement schemes.
176. Draft Policy RE3 of the WLLP1 states that new development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located. The policy seeks to respect and enhance the character and qualities of the AONB and AGLV including its setting. Policy EEG3<sup>18</sup> of the Ewhurst and Ellens Green Neighbourhood Plan Submission version (EEGNPSV) looks to conserve and enhance the Surrey Hills AONB and AGLV with development enhancing the local character and vernacular of the area, where practical.
177. The application site does not lie within the Surrey Hills AONB but is approximately 3.9km south of the AONB's boundary, with the closest part of the proposal being 2.65km north of Phase 4. The site is, however, located within the AGLV. Paragraph 174 (a) and (b) of the NPPF seeks to protect valued landscapes stating that planning decisions should recognise the intrinsic character and beauty of the countryside. Whilst not being within the AONB, it is important to assess whether there would be any impact on the setting of the AONB. Policy RT3 of the Surrey Hills AONB Management Plan states that significant viewpoints and vistas will be identified, conserved, and enhanced. Policy P1 goes on to say that development will respect the special landscape character of the locality, giving attention to potential impacts on ridgelines, public views, and tranquillity. The policy refers to the colour of external building materials being controlled, and light pollution being resisted. Policy P3 requires development proposals to be of high-quality design,

<sup>18</sup> Draft Policy EEG3: Character of Development

respecting local distinctiveness and complementary in form, setting, and scale with their surroundings, and should take any opportunities to enhance their setting. Policy P6 states that development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted.

### *Landscape Character*

178. Most of the site is typical of the key characteristics identified in the national and local character assessments that relate to the area. The application site lies within the National Character Area (NCA) profile of the Low Weald which is a broad, low-lying clay vale which largely wraps around the northern, western and southern edges of the High Weald. It is predominantly agricultural, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland. The Low Weald is important for biodiversity and geological SSSIs and the NCA recognises that the underlying geology has provided materials for industries including brick making.
179. This is echoed in the Surrey Landscape Assessment (LCA) where the application site is in the Cranleigh to Charlwood Wooded Low Weald which is defined by underlying geology, land use, woodland cover, and the county boundary. The key characteristics of the LCA is:
- being underlain by Wealden Group mudstone, siltstone and sandstone solid geology,
  - relatively low lying, undulating landform, small scale pastoral and arable fields, largely enclosed by intact hedgerows and tree belts
  - broadleaved woodland with conifer plantations present
  - large ponds, including those formed from occasional clay pits, are scattered across the character area. Vann Lake is a large, secluded lake enclosed by woodland in the centre of the character area
  - woodland and tree cover enclose the character area and limits long distance views
  - a network of rural lanes
  - a number of areas are designated as SNCIs including areas of semi natural woodland
  - a rural, tranquil landscape, with a sense of remoteness and intimacy due to woodland cover.
180. The topography is gently undulating with the highest elevation within the application site is approximately 91m AOD which is located in the northern part of Phase 3a. Land to the north of this point, extending across phases 4a and 4b, falls away towards the northern boundary of the site with the elevation along this edge of approximately 70m AOD. Land in Phases 1 and 2 slopes down to a level of approximately 70m AOD and the land level in Phase 5 rises from 70m AOD to 75m in a south to north manner. The site is bounded almost entirely by woodland in many areas which limits medium-long distance views both from and into the surrounding landscape. The eastern boundary of Phase 5 is adjacent to grassland field as is the north western corner of Phase 4. The north eastern corner of Phase 4 extends along the end of long gardens of properties situated along Horsham Road namely Hunters Lodge, Kiln House, Keepers Cottage and Silverdale.
181. The built development of the existing brickworks factory and its related infrastructure including the chimney stack and the clay extraction, is not characteristic of the wider landscape and the LVIA recognises that it is somewhat incongruous set within the rural surroundings. However, the LVIA recognises that minerals can only be worked where



they are found and the presence of Weald Clay in this location has resulted in clay extraction.

182. The proposed lakes on restoration would occupy the largest area across the restored site and are not typical of the local landscape character, which is dominated by agricultural land and woodland. Officers recognise that the landscape character of this area would change from one of woodland and agricultural land to one of lakes surrounded by grassland and woodland.
183. The LVIA has assessed the proposed development as having a moderate- major effect on the landform and landscape character which is significant. This is because it would introduce uncharacteristic activity and major permanent alterations in the landscape in the form of woodland and agriculture to lakes but that during the restoration this impact would reduce as the lakes and planting assimilate with the surrounding woodland. The LVIA recognises that other changes to the landscape and the presence of plant and machinery working within the clay quarry alongside the construction of the perimeter bunds would also have an impact but would be of reduced significance. The LVIA comments that while the site the landscape exhibits some tranquillity and is located within the AGLV, the character of the areas to be affected by mineral extraction are characteristic of the wider landscape and are not noted for particular features. The LVIA recognises that the most noticeable effect on landscape character would be the tile factory construction phase due to the activity associated with it but considers the operation of the tile factory would have less of an impact on the landscape character.
184. Officers accept there would be a change in the landscape character as a result of the proposal and recognise the proposal would extend the duration of activities within the landscape. The clay extraction would have an impact on the landscape character however Officers consider this impact would be localised to the extraction area due to the woodland that surrounds Phases 1, 2, 3 and 4. Officers are of the opinion that the clay working on those phases would not have a wider adverse impact on the landscape character. With regards to Phase 5, Officers recognise that whilst this phase has some woodland planting it is not as dense as elsewhere on the site. The applicant is proposing mitigation in the form of hedgerow and woodland planting around this phase to screen the mineral working however Officers do recognise that for this phase, the impact on the landscape character would be adverse. The County Landscape Architect (CLA) having reviewed the LVIA, concurs with its findings and agrees with the overall assessment of the effects of the development over time, ranging from negligible through to minor/moderate over the operational phases.
185. In terms of the landscape character on restoration, Officers recognise that the waterbodies which will result from the excavation are not characteristic of this part of the Surrey Weald, they are similar to steep sided water bodies of the wider area of the Weald, known as 'hammer ponds'. As such, Officers and the CLA are satisfied that the lakes are not incongruous in the wider landscape and when planted with grass and trees along the banks, would assimilate within the wider character of this landscape type and be of a similar nature to Vann Lake which is mentioned within the LCA. The CLA has commented that the retention of the ancient woodland blocks, which are an essential characteristic of the immediate area, as well as the wider Weald, is a more critical part in conserving landscape character.
186. With regards to the impact on the AONB, the AONB officer has reviewed the proposal and comments that the application site being on flat ground and largely screened from main public viewpoints, it's impact on the wider landscape has not been substantial. The AONB officer is satisfied that the site is considerably distant from the nearest boundary to the AONB and with the extensive intervening woodland do not consider the proposal



would have an adverse impact upon the setting of the AONB by harming public views into or from the AONB which Policies RT3, P1 and P2 seeks to protect. In terms of Policy CS13 point 2, the site does not involve development on a ridgeline of a hill and whilst parts of the site and existing buildings can be seen from Horsham Road, the AONB officer is satisfied that the proposal would not impact upon significant public views. The AONB officer does consider that the proposal would impinge upon the peace and tranquillity of the locality, but this should be considered against the context of the long-established brickworks. The AONB officer is satisfied that lighting can be controlled by condition. The AONB officer considers the application has gone to great lengths to an effort to minimise the potential environmental disadvantages of extracting more clay and the building of the tile factory.

### *Visual Amenity*

187. With regards to visual impact, as outlined above, there are some residential properties rear gardens and/ or curtilages that back on to Phase 4 in the northeast and north western corners. With regards to Phase 5, there are residential properties along Horsham Road at that point with two lying on the western side of Horsham Road. Bridleway 443 runs in an east/ west manner through the woodland between Phases 2 and 3 and footpath 89 runs along the south eastern boundary of Phase 5 and is proposed to be diverted. Whilst much of the application site is surrounded by woodland limiting views into and out of the application site, there are parts of the application site where better views can be afforded. The visual impact on receptors needs to be assessed. The LVIA assessed the visual impact of the proposal choosing 13 locations to represent visual receptors including residents, users of the AONB, RoW and road users. This was increased to 14 following review of the planning application.
188. Hunters Lodge and Kiln House are the closest residential properties to Phase 4 with their rear gardens backing onto the application site. Views from the garden of Kiln Farm are limited due to existing dense vegetation. However, views can be afforded from the end of Hunters Lodge garden over the agricultural field. Consequently, without mitigation in place, clay extraction in Phase 4 would have a significant visual harm to that property. The applicant proposes to construct a 3m high bund along the north, north eastern and north western boundaries of Phase 4 to mitigate visual impacts from the proposal. This would be constructed from soils stripped from this phase. The LVIA includes cross sections that show once the bund has been constructed, no views of the working of clay in Phase 4 would be afforded from Hunters Lodge. Officers recognise that bund construction can be intrusive however it is limited in duration. The CLA has recommended that the bund be constructed such that it has shallower slopes on the outside to soften its appearance in the landscape and for it to be planted. Both approaches are commonly used at mineral sites. Officers recognise the bund would be in situ for 9 years whilst clay extraction takes place in Phase 4 after which it would be removed and the open views across Phase 4 would return, albeit with a lake, woodland planting, and reed bed planting. Officers are satisfied the visual impact from clay extraction has been minimised, that the visual impact from the bund would be temporary and can be mitigated through design; and that the long-term visual impact would be neutral following the restoration of the site.
189. Home Farm, Home Farm Cottage and Oakwood are located to the north west of Phase 4. Existing woodland provides a visual screen to Phase 4 from these properties however where glimpsed views may be obtained, the construction of the perimeter bund during mineral development would provide visual mitigation. As with Hunters Lodge, the bund would be removed on cessation of mineral workings and the land restored to open views. Therefore, whilst there would be limited visual impact during clay extraction and from the bund, this is temporary. Views of clay extraction from other residential properties on

Horsham Road and Somersbury Lane will not be gained due to the existing dense woodland that is to remain.

190. Public views from users of bridleway 443 and footpath 89 will be affected during the mineral extraction phase and for the latter, the construction and operation of the tile factory. The LVIA comments the significance of the effect would be moderate major which is deemed significant due to the proximity of the works. During the working of Phases 3 and 4 (a period totalling 16 years) users of bridleway 443 will notice dumper trucks using the access track to access these phases. To ensure protection of users of the bridleway, gates are proposed where the dumper trucks would cross the bridleway. Gates and crossing points are used at other mineral sites across the county for similar reasons. The imposition of these gates would be a minor adverse impact upon users of the bridleway. Users of footpath 89 would be affected by the construction and operation of the tile factory as whilst there are currently buildings in proximity to footpath 89, the tile factory would be taller and larger than the existing agricultural building. Footpath 89 would, on its diverted route, run in proximity to Phase 5 during clay extraction and this would create visual impact. The County Landscape Architect (CLA) recognises that this impact would be significant.
191. To mitigate this impact, the applicant proposes to plant a hedgerow along the full length of footpath 89 alongside woodland blocks to provide visual screening. This planting would be carried out in the first available planting season, would be in two staggered rows and would be a variety of transplant sizes at the request of the CLA. Whilst it is acknowledged that the planting would not completely screen the height of the proposed tile factory, the woodland and hedgerow planting would assist in softening the effects of the factory and provide a visual barrier to users of footpath 89. The hedgerow along the southern boundary of phase 5 would have sufficient time to establish itself before clay extraction commences in Phase 5. Officers recognise that there would be an impact on users of the rights of way from this proposal but are satisfied that with mitigation measures this would reduce the harm.
192. Exfold Farm, Beecroft and Croft End are located on the western side of Horsham Road to the east of the proposed tile factory and Phase 5. There are other properties on the eastern side of Horsham Road however Officers are satisfied that the intervening vegetation and the topography of the land between these properties and the application area that Phase 5 and the tile factory would not be visible from those properties. Croft End is located up gradient from Phase 5. However, in terms of clay extraction in Phase 5, Croft End would be sufficiently screened from intervening vegetation and the topography. Whilst there is also intervening vegetation between Croft End and the proposed tile factory given its height; and given the land the tile factory would be positioned on is 10m lower than Croft End<sup>19</sup>, glimpsed views of the tile factory could be obtained particularly in the winter months. The applicant has proposed advanced planting along the tile factory eastern elevation mitigate the impact of it and this would include beech, field maple, hawthorn and sessile oak as the predominant species.
193. Exfold Farm and Beecroft are to the north east of the proposed tile factory and Phase 5 and the LVIA contains a viewpoint to represent this receptor. Currently Exfold Farm and Beecroft would have views of the agricultural barn, which is to be demolished, therefore it would have a view of the proposed tile factory. The applicant proposes woodland planting north and north east of the tile factory to mitigate and screen it including field maple, hazel, silver birch, beech and sessile oak with additions of common alder and common oak. The CLA has recommended that varying sizes of the species proposed would assist in variety and to reflect that some planting may take time to establish. Views

<sup>19</sup> Tile factory would be positioned on 75m AOD. Croft End is 85m AOD

of clay extraction in phase 5 would not be obtained from Exfold Farm and Beecroft as this would be beyond the tile factory. Therefore, the main impact would be from the tile factory. The tile factory, whilst not immediately next to the brick making factory, is in close proximity to the factory buildings and therefore would be viewed in that context. A condition is proposed that details of the colour of the tile factory are to be submitted to ensure the building colour is of a recessive nature to assist in assimilating it within the landscape and to reduce its visual impact. Officers recognise that the construction of the tile factory would introduce a new structure into the visual envelope of Exfold Farm and Beecroft which would be taller than the current agricultural buildings. However, Officers are satisfied that with the use of a recessive colour for the cladding and planting around its northern and north eastern elevations, its impact would be reduced so not to have a significant adverse impact that would result in a loss of general amenity or harm the visual character for these properties and would be in accordance with Policy D1 and MC14.

194. One aspect that will not be able to be screened is the proposed tile factory stack. The stack has to be the height given to allow for dispersion of the flue gas generated from the tile production process. There would be no alternative height or design and this would cause visual impact. The stack is integral to the tile factory and unavoidable. It would be seen in the context with the other brick buildings. The CLA had questioned whether the stack could be on the other side of the tile factory building to lessen the visual harm of it to be within the established brickworks area. However, as discussed below, the configuration of the tile factory set up whereby the tile factory sits between the stocking yard and residential properties, this would provide for greater visual screening (and noise and lighting) providing a buffer. This unfortunately results in the stack being on the eastern elevation. This is recognised by the CLA and Officers.
195. The residents of Croft End have raised concerns that the proposed design of the compensatory habitat to the south of their property and east of Phase 5, would cause overshadowing to their property and garden as currently designed on the restoration masterplan concept. This drawing shows woodland along the boundary between Croft End and the habitat compensation area with two ponds. Officers have approached the applicant with regards to these concerns who has responded saying it is not the intention of the compensatory habitat to overshadow the garden of Croft End and that given the timescale for delivery of this habitat that a condition could be imposed requiring approval of details of tree planting and habitat creation in the area south of Croft End to be submitted in the future. The CLA concurs with this approach and the ability for the CPA to be able to control the species mix and location of new tree planting.

#### *Tile Factory Design*

196. Policy ENV22 of the MVLP requires that design and layout proposals for development be appropriate to the site in terms of its scale, form and appearance and external building materials; does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its over shadowing or overpowering effect, noise, traffic or other adverse impact, respects the character and appearance of the locality, has regard to attractive features of the site such as trees and hedges providing necessary screening and landscaping; and provides safe access to the site and adequate parking. Policy ENV23 requires a respect for setting from development proposals in terms of scale, character, bulk, proportions, and materials of the surrounding built environment or in relation to the boundaries of the site and/ or surrounding developments; and that public views warranting protection should be taken into account. Policy ENV25 requires proposals for development to demonstrate particular care has been taken in the provision of hard and soft landscaping design and that it is suitable for the site.

197. Policy D4 of the WLP2002 seeks to ensure that development is of a high-quality design which integrates well with the site and complements its surroundings setting out criteria that the development should:
- i. be appropriate to the site in terms of its scale, height, form and appearance,
  - ii. be of a design and materials which respect the local distinctiveness of the area or otherwise make a positive contribution to the appearance of the area,
  - iii. not significantly harm the amenities of neighbouring properties by way of overbearing appears or other adverse environmental impacts;
  - iv. pay regard to existing features of the site such as landform, trees, hedges, ponds
  - v. incorporate landscape design suitable to the site and character of the area.
198. Policy CC1 of the WLPP1 states development will be supported where it contributes to mitigating and adapting to the impacts of climate change using renewable and low carbon energy supply systems, flood storage capacity, high standards of sustainable design and construction and use of SuDS. Policy CC2 sets out several criteria setting out how it will seek to promote sustainable patterns of development with the relevant criteria for this proposal being ensuring new development includes measures to minimise energy and water use through design, layout and orientation, incorporating measures that protect and enhance biodiversity, requiring design of new development to facilitate recycling. Draft Policy DM2<sup>20</sup> of the WLPP2 compliments Policy CC2 in terms of seeking to improve energy efficiency.
199. Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate landscaping; and are sympathetic to local character and history including built environment and landscape setting. paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
200. The proposed tile factory is to be located to the south and south east of the main brickmaking factory. The factory would extend over approximately 1.35ha and the stocking yard would extend approximately 1.24ha. The tile factory is based upon the applicant's existing Broomfleet factory however it is larger as it would include a clay preparation area and clay storage bunkers within the factory building, which Broomfleet does not. The size of the factory is based upon the size of the tunnel kiln which is needed to fire the bricks alongside the clay preparation and storage bunkers. Tunnel kilns can vary from 100-200m in length<sup>21</sup>. The LVIA has assessed the landscape character and visual impact of the tile factory saying its magnitude of effect would be small-medium due to its scale being similar to the existing brickmaking buildings, the undulating landform and whilst reversible it would be in situ for a long time.
201. The applicant was asked to consider other locations and configurations for the tile factory including whether the tile factory could be positioned within the built envelope of the existing factory site. The applicant has provided this information and Officers are satisfied that the tile factory could not be placed within another part of the brickmaking site or within its built envelope. Officers are also satisfied that the configuration of the tile factory is acceptable as it places the factory's built form between the stocking yard and residential properties to the east. In doing so, the factory's built form would assist in

<sup>20</sup> Draft Policy DM2: Energy Efficiency

<sup>21</sup> The UK Clay Brickmaking Process, Brick Development Association

providing noise attenuation and also a screen to lighting that would be required around the stocking yard for health and safety.

202. The tile factory would be utilitarian in design being clad in corrugated aluminium panels. The tile factory would be 15m in height to the pitch of the roof, which is similar to the existing brickmaking factory which sits at 15.4m in height. The applicant proposes that the tile factory be clad in dark blue colour corrugated panels for consistency with the existing brickmaking factory however the applicant has commented that the colour of the tile factory could be the subject of agreement with the County Planning Authority. Given the proposed tile factory's position within the landscape and the backdrop of woodland and hedgerows around it, Officers consider that the proposed tile factory should be a different colour to blue to assist it in assimilating with the landscape character. Officers propose a condition that would require the submission of such details to be submitted for approval. The remaining parts of the design for the factory are to provide functionality for it and to accommodate the relevant plant and equipment alongside the tunnel kiln.
203. In terms of sustainable design the building would not be insulated due to the presence of the kilns in the building and any insulation would make it uncomfortable for those working inside. The applicant recognises that a lot of energy is used in the firing process and as a company, Wienerberger are looking to use solar power by mounting and alternative fuels to future proof their business. Wienerberger have sustainability targets seeking to reduce carbon dioxide emissions and for a net zero tile factory. The tile factory includes the provision of sustainable urban drainage through the provision of a swale. Officers recognise that the tile factory has to be of a design and build that provides the necessary functionality of producing tiles within kilns. However, the applicant has provided information that outlines how as a company, they are seeking to adapt their factories and business to mitigate against climate change thereby complying with Policy CC1.
204. The applicant recognises that the proposed tile factory would be visible in the local landscape and has offered mitigation in the form of advanced planting as woodland blocks positioned to the north, east and south of the proposed tile factory. In addition to this, the applicant proposes to increase the woodland planting next to existing woodland that is to the east of the existing brickworks buildings in the form of advanced planting. The County Landscape Architect has raised no objection to the species proposed in the advanced planting but has commented that this planting should be planted before construction of the tile factory commences. This aspect complies with Policy ENV25. Officers consider with a condition requiring the colour of the tile factory to be submitted alongside the proposed planting that whilst the tile factory would be noticeable in the landscape, it is of a height and massing that is required for the kilns and is of a distance not to be overbearing and therefore complies with Policy D4 and Policy ENV22.

#### *Restoration*

205. Policy MC17 of the SMP2011 states that mineral working will be permitted only where the mineral planning authority is satisfied that the site can be restored and managed to a high standard. Restored sites should be sympathetic to the character and setting of the wider area; and capable of sustaining an appropriate afteruse. The policy requires restoration of mineral workings to be completed at the earliest opportunity and progressive restoration will be required where appropriate. The policy requires the applicant to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working. The policy supporting text outlines that progressive restoration ensures that worked parts of quarries can be brought back into beneficial use as soon as possible and can reduce the impact of working.



206. Policy MC18 encourages mineral operators and landowners to deliver benefits such as enhancement of biodiversity interest, improved public access and provision of climate change mitigation such as flood storage capacity. Paragraph 5.24 of the SMP recognises that restoration of brick clay sites can raise particular issues because of the generally slow rate of working and the need to maintain stockpiles for weathering of the clay before production. The paragraph goes on to say the mineral planning authority will seek to work with operators to develop long term plans for clay extraction and progressive restoration of the sites.
207. The SMP Restoration Supplementary Planning Document (SPD) sets out how existing and proposed mineral workings should be restored. Paragraph 2.20 states that woodland restoration are few because such restorations are seen as delivering on a very long term return however such planting can meet both landscape and biodiversity targets. The County Council welcomes woodland restorations. This is relevant to the proposed restoration scheme for the site which includes areas of new woodland planting.
208. Paragraph 211(e) requires restoration and aftercare to be provided at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions.
209. There is no approved restoration scheme for the currently permitted clay extraction areas. The applicant has provided a restoration design as part of this planning application for both the clay extraction areas and the brickwork factory areas. As the phases of quarrying on site are completed, the quarry voids will be allowed to fill with water to varying levels controlled by outfalls. For quarry faces above the water, it is proposed that a thin layer of topsoil would be placed to promote vegetation growth. Some quarry faces however would not have any topsoil placed on it so as to provide access to the geological SSSI. An area of reedbed and associated marginal planting would be established on a gently sloping shelf in Phase 4. Woodland planting would take place on the peripheries of the lakes to mitigate the loss of woodland through clay extraction, alongside other grassland planting. The applicant also proposes 1465m of new public footpaths which would be permissive around Phases 3 and 4. The proposal would also provide for 1277m of hedgerow to mitigate the loss of 636m of hedgerow.
210. As outlined above, Officers recognise the restoration scheme would create large ponds which are a different landscape character to the existing woodland and agriculture. However, to restore the land to woodland or agriculture would involve the importation of a large volume waste materials which would need to be imported over a long period of time. Officers agree the importation of waste materials would not be acceptable in these circumstances. Since the application was submitted there have been several changes including alteration to the lake profiles, extensive additional woodland planting, enhancement of the grassland restoration and provision of planting/ seeding notes. The proposed amount of woodland planting in the restoration scheme has increased to 20ha from the originally proposed 13ha with the proposed planting of 32,000 new trees and shrubs. The design of the restoration scheme provision of habitats which, whilst cannot directly replace ASNW, would provide woodland planting and habitat for species including GCN and other priority habitat.
211. The County Enhancement Officer has reviewed the restoration design of the scheme and commented it was unclear what the end use of the site would be – for example nature conservation or recreational use. The County Enhancement Officer has commented that the waterbodies are of necessity, due to the lack of restoration material and need to preserve the ASNW. The restoration scheme has been altered following comments made by the County Enhancement Officer including the provision of increased woodland planting, moving the reedbed area in the northern pond away from



the woodland to prevent overshadowing, removal of straight edges for the ponds so they have a more natural appearance; and provision of a scrubby area for Great Crested Newt habitat alongside species rich meadow where the current brick factory is on restoration. The County Enhancement Officer had also queried the provision for increased rights of way links, and these have also been provided as permissive footpaths around the northern ponds. The County Enhancement Officer is satisfied with the proposed design of the restoration scheme but given the proposed duration of the development, that further detail should be provided as part of a working programme condition and further detail of the aftercare to be submitted as detailed below.

212. Natural England comment that the restoration plans are indicative of the type of restoration proposed but do not provide details of planting, profiling, management. Natural England request detailed restoration proposals for the site and for each phase of restoration as it comes forward. Natural England comment that due to the loss of ASNW on site, they would expect to see a significant amount of appropriate native tree planting to be included in the restoration plans. Officers agree with these comments.
213. Aftercare of the application site on completion of restoration is a requirement of the NPPG Minerals. One letter of representation requests a financial bond to be put in place for the restoration of the site given the duration the site would be worked for. Paragraph 211(e) of the NPPF states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. Paragraph 041<sup>22</sup> of the NPPG states that mineral planning authorities should secure the restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through planning obligations. Paragraph 044<sup>23</sup> recognises that for long term extraction, restoration and aftercare planning conditions should be worded and dealt with in a certain way as the early agreement on the details of at least the later stages of aftercare may not be appropriate. Paragraph 048<sup>24</sup> states that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases such as:
- Very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry
  - Where a novel approach or technique is to be used
  - Where there is reliable evidence of the likelihood of either financial or technical failure.

However, the paragraph goes on to say where an operator makes contributions to an established mutual funding scheme it should not be necessary for a mineral planning authority to seek a guarantee against possible financial failure even in such exceptional circumstances. The applicant has confirmed that restoration costs are built into the clay costs per tonne and there are internal provisions for restoration, but bonds are not used.

214. Whilst both national and Development Plan policy seek to restore mineral sites at the earliest convenience, clay extraction sites cannot undertake progressive restoration in a similar manner to sand and gravel sites. Firstly, there may be a need to keep several faces open at any one time to provide different colours of clay to facilitate blending to produce the range of bricks made at a site. Secondly because clay is worked on a campaign basis for a limited period in a calendar year, the quarry will have periods of time where no activity is taking place. The applicant has stated that where areas can be restored as quarrying takes place, this will be carried out, however, it is common for clay sites to remain open for lengthy periods of time until reserves are depleted before

<sup>22</sup> Paragraph: 041 Reference ID: 27-041-20140306

<sup>23</sup> Paragraph: 044 Reference ID: 27-044-20140306

<sup>24</sup> Paragraph: 048 Reference ID: 27-048-20140306

restoration can progress and be completed. Officers recognise that this would impact upon the landscape character of the area however Officers also recognise that this would be restoration at the earliest opportunity due to the specialist nature of clay workings. To ensure that areas of the quarry are restored at their earliest opportunity, Officers propose that details of the restoration any one phase should be provided within the working programme to provide that information and timescale.

215. The aftercare period for mineral sites restored to agricultural afteruse is five years. As this proposal would restore the site to a mix of woodland and ecological benefits, the CPA are proposing a 25 year aftercare period sought through the imposition of a condition that a Landscape and Ecological Management Plan (LEMP) be submitted. The reason for this length of time is because woodland takes a longer timeframe than 5 years to establish itself and there may be a need to replace/ replant trees that fail to establish or become damaged. Officers consider the imposition of this condition is necessary and reasonable given the afteruse sought.
216. With regards to the new waterbodies, Gatwick Airport have raised concerns that the waterbodies could encourage the presence of flocking birds to that site and this could conflict with safeguarding criteria for the airport. Consequently, they have requested a condition that the applicant submit a Bird Management Plan for how flocking birds, mainly Canadian Geese, would be managed on the waterbodies and the applicant agrees to this. This condition is proposed.

#### *Conclusion on Landscape*

217. In conclusion Officers consider that subject to the implementation of the mitigation measures proposed in the application and recommended in the Environmental Statement and LVIA, implementation of a LEMP and conditions the proposal complies with national and development plan planning policy relating to landscape and visual impact matters. Officers recognise that the stack would be visible however the stack is integral to the tile factory and tile making process. The impact of the stack would need to be balanced against other considerations in this report.

#### **Ecology and Biodiversity**

218. Paragraph 174(a) and (b) of the NPPF seek to protect and enhance sites of biodiversity value recognising the wider benefits from trees and woodland. Paragraph 174(d) requires decisions to minimise impacts on and provide net gains for biodiversity including coherent ecological networks that are more resilient to current and future pressures. Section 40 of The Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
219. MVCS2009 Policy CS15 seeks to protect and enhance areas of biodiversity in accordance with European and National legislation. The policy states that all water courses, mature hedges and trees within development sites should be, as far as practicable, retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists, will removal of such features be permitted. In these cases, the replacement will be expected to result in biodiversity enhancements to what previously existed and where possible should seek to contribute to a network of green infrastructure and the objectives of the Surrey Biodiversity Action Plan. Planting and other schemes that promote biodiversity will be expected as part of all development schemes, focusing

on native species from the locality and particularly trees, a key feature of the environment across Surrey.

220. Draft Policy EN9 of the DMVLP also seeks to protect natural assets and expects an assessment of the impact of a proposal on native biodiversity to be provided. The policy is broken down into separate considerations including biodiversity, biodiversity net gain, woodland and designated sites. There are many aspects of the draft policy that are relevant to this proposal including: development proposals will be supported where they demonstrate that consideration has been given to the conservation and enhancement of biodiversity at an early stage and measures to conserve and enhance native habitats and species are included as an integral part of the development; there are measures to retain, protect and enhance significant habitats and species, there are opportunities to create new natural areas alongside the restoration of existing habitats, include buffer zones to protect adjacent habitats, minimising light disturbance and developing wildlife corridors. With regards to biodiversity net gain, the draft policy looks for an actual net gain of biodiversity at a minimum of 20% above the baseline value and a statement as to where and how this net gain would be achieved preferably within or adjacent to the development site with a management strategy. With regards to woodland the draft policy looks to maximise opportunities to protect existing and increase tree cover and new hedgerows, incorporate well designed soft and hard standing and have regard to tree diseases and looks for planning applications to include detailed appraisal of the condition of trees and hedgerows with support given to development proposals that retain existing woodland, trees and hedgerows. The draft policy goes on to state that where woodland, trees and hedges are to be removed they should be accurately identified with a clear justification set out for their loss with details of any mitigation or replacement planting.
221. Policy NE1 of the WLPP12018 seeks to conserve and enhance biodiversity by retaining, protecting and enhancing features of biodiversity interest with appropriate management and ensuring adverse impacts are avoided. With regards to SNCIs and ASNW the policy states that development will not be permitted within these designated sites unless it is necessary for appropriate on site management measures or can be demonstrated no adverse impact to the integrity of the nature conservation interest. Draft Policy DM11 of the WLLP<sup>25</sup> requires development to retain woodland, important trees, groups of trees and hedgerows with adequate protection of them during all phases of development to avoid damage such as soil compaction or severance of roots, adequate separation between trees or hedgerows from the development; and where significant harm to existing woodland and important trees cannot be avoided, to be adequately mitigated for, or as a last resort, compensated for. The draft policy goes on to state proposals which would result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons.
222. Draft Policy EEG7<sup>26</sup> of the EEGNPSV sets out several criteria with regards to green infrastructure and biodiversity net gain. The draft policy requires development proposals to maintain and, where practical, enhance the natural landscape features such as woodland and veteran trees, verges and hedgerows and that development which would result in the loss of ancient woodland, aged or veteran trees will not be permitted. The draft Policy states that where significant harm cannot be avoided, the development and other changes should adequately mitigate or, as a last result, compensate for harm. That proposals that seek to improve connectivity between wildlife areas and green spaces will be encouraged and that planting of additional native species trees and/ or continuous hedgerows will be supported. The policy explicitly says that “*proposals that enable the*

<sup>25</sup> Draft Policy DM11: Trees, Woodland, Hedgerows and Landscaping

<sup>26</sup> Draft Policy EEG7: Green Infrastructure and Delivering Biodiversity Net Gain

*designation of the Smokejack Clay Pit and the wider brickworks site as a Local Nature Reserve will be strongly supported”.*

223. Policy B4 of the Surrey Hills AONB Management Plan expects applicants for planning permission to deliver biodiversity gains as part of their proposals secured through planning conditions or legal agreements.

#### *Ancient Woodland*

224. The Woodland Trust have objected to the proposal on the basis of proposed damage and deterioration to woodland at Somersbury Wood designated as both ASNW and PAWS, Exfold Wood, an unnamed ASNW immediately to the west of Phase 1 just beyond the extraction boundary but within the applicant's ownership; and an unnamed ASNW north of Phase 4 beyond the applicant's ownership boundary. The Woodland Trust say the proposals do not accord with National Policy.
225. Paragraph 180(c) of the NPPF sets out national policy with regards to the protection of ancient woodland and veteran trees stating *“development result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*. Footnote 63 of the NPPF explains what is meant by ‘exceptional reasons’ and this includes where the public benefit would clearly outweigh the loss or deterioration of habitat.
226. MVCS2009 Policy CS15 point 3 states that all mature hedges and trees within development sites should be, as far as practicable, retained and only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists, will removal of such features be permitted. Policy ENV14 of the MLP2000 states that in considering development proposals account will be taken of any measures relevant to the proposals concerned to protect or enhance existing nature conservation features and scope to create and manage new areas of nature conservation value.
227. Ancient woodland is any area that's been wooded continuously since at least 1600 AD and is defined as irreplaceable habitat. Natural England and the Forestry Commission's 'Standing Advice' for planning authorities<sup>27</sup> notes that: “‘wooded continuously’ does not mean there's been a continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands”<sup>28</sup>. Ancient woodland includes ancient semi nature woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration; and, plantations on ancient woodland sites (PAWS) replanted with conifer or broadleaves trees that retain ancient woodland features such as undisturbed soils, ground flora and fungi. The ancient woodland that lies within the applicant's land holding is both ASWN and PAWS. The County Ecologist in his response states that PAWS should be treated as ancient woodland and should not be considered any less important. Woodland is a finite resource and ancient woodland cannot be replicated once lost.
228. Direct impacts of development on ASWN or ancient and veteran trees can include damaging or destroying all of them including soils, damaging roots and understorey, damaging or compacting soil around tree roots, polluting the ground around them,

<sup>27</sup> [Ancient woodland, ancient trees and veteran trees: protecting them from development - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342212/Ancient-woodland-ancient-trees-and-veteran-trees-protecting-them-from-development.pdf)

<sup>28</sup> The Woodland Trust “Planners Manual for Ancient Woodland” (2019)

changing the water table; and damaging archaeological features or heritage assets. In addition to this nearby development can also have an indirect impact on ASNW through the breaking up or destroying connections between woodlands, increasing pollution including dust, increasing disturbance to wildlife from additional traffic, increasing light or air pollution; and changing the landscape character of the area.

229. The Woodland Trust document “Impacts of nearby development on ancient woodland – addendum” recognises all of the above as an effect on ASNW from development proposals and goes on to comment that if disturbance of ASNW is to take place then it is vital that the ecology of the wood is well documented and understood before the disturbance takes place. This document states that it is important to understand each individual wood’s importance on a landscape scale as even small losses may have unforeseen impacts on other woods.
230. Natural England and the Forestry Commission’s advice is that development should avoid impact on ASNW first. If this cannot be achieved, then any impacts should be reduced (mitigated) with compensation as a last resort. The advice states that in consideration of development proposals compensation measures should not be considered as part of the assessment of the merits of the development.
231. The key issues with regards to impact on the ASNW in and around the proposed clay extraction areas are direct removal of the ASNW, fragmentation of the woodland due to removal, and disturbance from lighting, noise and truck emissions. With regards to fragmentation, this can be caused by transport corridors through the woodland resulting in linear clearings being created. This can result in a physical barrier to flora and fauna present in the woodland however studies have found it is the size of the road and traffic volume rather than the presence of a road that appears to be the fundamental limiting factor for example in the case of bats<sup>29</sup>. The guiding principles set out in Natural England’s standing advice is to ask is the site of ASNW the only possible place for the proposal; and if the development is likely to harm ASNW evidence should be prepared to justify the exceptional need and benefits. The Woodland Trust’s manual<sup>30</sup> outlines that if it is decided that the benefits of a development are exceptional enough to outweigh the loss or harm, planning authorities should consider the impacts in terms of what is both appropriate (type of mitigation and/ or compensation); and proportionate (quality and quantity to address the level of harm). If ASNW is to be lost, it should be compensated for as there is no appropriate mitigation for the loss of irreplaceable habitat.
232. Both the County Ecologist and Woodland Trust have said that a buffer zone should be provided between the ASNW and the development proposals. The Woodland Trust have cited a 50m buffer zone based on the 2012<sup>31</sup> paper to protect woodland from encroachment activities from adjacent development. However, the 2012 paper recognises that a 15m buffer should be the minimum to protect woodland from the effects of development such as runoff noise, damage to tree roots.
233. The existing situation is that currently there is planning permission for the extraction of clay from Ewhurst Brickworks from 27ha of ASNW, which includes 6ha of PAWS. These areas of ASNW are Somersbury Wood and Exfold Wood. These areas of working were granted permission under three IDO consents: HMR 3934 (July 1952), HMR 6716 (November 1953) and DH/R 14 (October 1948). These IDO consents have remained extant permissions through subsequent legislation. The most recent decision for the

<sup>29</sup> The Woodland Trust “Impacts of nearby development on ancient woodland – addendum” (2012)

<sup>30</sup> The Woodland Trust “Planners Manual for Ancient Woodland” (2019)

<sup>31</sup> The Woodland Trust “Impacts of nearby development on ancient woodland – addendum” (2012)



working of clay is the ROMP (MO98/0538 & WA98/0762) which included a phasing plan for the working of clay within areas of ANSW including parts of Somersbury Wood and Exfold Wood. The extent of the areas already permitted can be seen on the attached plan EWH008 RevC to this report (permitted areas are titled with 'Phase' and new proposed areas are titled 'proposed extraction area').

234. The applicant provided a Tree Survey as part of the Environmental Statement which assessed all trees within the application site. This identified that Exfold Wood is predominately oak which had had some form of coppice management with hazel understorey and hornbeam. Somersbury Wood is fragmented by previous clearance for agriculture, has been heavily man managed with oak and beech. The survey outlines that for both woodland due to poor management, the canopy of the ASNW has closed over which has had an impact on the ground flora. The survey identifies that the PAWS is Scots Pine, Norway Spruce with some birch with some secondary self-sown woodland. The Tree Survey has proposed a 10 year programme of thinning to open up the canopy and coppicing to take place to stimulate the ground flora and understorey trees and shrubs. Officers consider that these requirements should be captured within a woodland management strategy to be submitted pursuant to a condition. The woodland management strategy can then ensure that all woodland which is part of the application site is managed and monitored for the duration of the development with appropriate mitigation measures implemented when required.
235. The proposal as part of this application is to work different areas for clay extraction thereby reducing the amount of ASNW that would either destroyed or disturbed. This proposal would still involve some removal of ASNW including:
- An area of circa 7074m<sup>2</sup> in the northern part of proposed phase 2 identified as PAWS
  - An area of circa 60779m<sup>2</sup> in the western part of proposed phase 2 identified as PAWS
  - An area of circa 2000m<sup>2</sup> of ASNW where an access track would go from proposed phase 2 to proposed phase 3

This would result in a total loss of 6.9ha of ASNW and PAWS in total.

236. Phases 2, 3 and 4 are surrounded by ASNW. For phase 5, this is some 35m to the west. For proposed phases 3, 4 and 5, a minimum of 15m buffer zone has been provided from the extraction limit to ASNW and this includes the soil storage area adjacent to proposed phase 3. To ensure this buffer zone is maintained a condition is proposed to ensure tree protective fencing is installed along this buffer zone so that it cannot be encroached upon including the ground flora. However, for proposed phases 1 and 2, as these phases predominantly follow the approved working areas these do not have ASNW buffer zones because the working taking place and proposed to take place, is within the ancient woodland itself. Therefore, to safeguard the ASNW along the boundary edges of these phases, Officers propose that fencing be erected immediately along the boundary line of the extraction area to ensure that no additional encroachment into the ASNW occurs beyond that which forms part of the extraction limit. The applicant proposes a 15m wide sacrificial area from the edge of the fencing that would act similar to a buffer zone but this would be within ASNW.
237. In terms of the unnamed ASNW to the north that the Woodland Trust mention, the imposition of a 15m buffer zone and protective fencing should provide protection to ensure that woodland is not encroached upon or affected by the development proposal. In terms of the ASNW to the west of Phase 1, that woodland is immediately outside of the extraction limit and where workings are currently taking place. No encroachment or

loss of that woodland should take place but it should be safeguarded from potential encroachment given its close proximity to the clay workings.

238. Natural England as the relevant consultee on this matter, recognise that ASNW is an irreplaceable resource and comment that its loss would not normally be acceptable. However, Natural England comment that in this instance, they acknowledge the significant reduction in the area of loss compared to the extant permission. Natural England comment that it is essential that the reduction in the loss of ASNW is secured through the formal relinquishment of the existing permission to extract material from the mineral extraction areas within the ASNW as shown on the submitted plans.
239. Natural England comment that the areas of ASNW to be retained are susceptible to impact from nearby works. This can include soil compaction or damage to root systems due to trampling, vehicle movements and excavation activities, damage to tree canopies due to works with excavators or high vehicles, and changes to soil conditions due to hydrological changes. Natural England state buffer zones and exclusion areas should be established to ensure the condition of the retained ASNW does not deteriorate as a result of the operations. Natural England comment a minimum 15m buffer zone for root protection and a 50m buffer for pollution or trampling alongside 50m buffer zone for excavation and haul routes.
240. The County Ecologist, whilst recognising the intention to reduce the direct impact on the ASNW is significant, he advises that it is important to consider the potential impacts on the remaining areas and whether this has been sufficiently mitigated. In particular, he is concerned about the impact of large deep voids very close to ASNW and the impact on hydrology. The County Ecologist had originally commented that he was of the view a 15m buffer zone for the ASNW from the extent of clay extraction was not sufficient to offset any hydrology issues that could occur from the workings and requested a larger buffer zone. The County Ecologist did, however, recognise that a large buffer zone of 50m may not be possible to do this where the narrow corridor connects the voids but it should be applied to the rest of the development and the buffer zone should be measured from the edge of the tree canopy of the ASNW. The applicant subsequently provided information in support of the application on the impact of excavation on the water regime for the adjoining ASNW which shows that the excavation would have no influence on the water regime of the rootzone.
241. Officers recognise that the proposal would have a direct impact on areas of ASNW including where clay extraction is already taking place in Phase 1, the PAWS and the access track between Phases 2 and 3. Whilst the applicant proposes woodland planting in the restoration scheme, Officers recognise that the proposal would result in the loss of irreplaceable habitats. The NPPF is clear that such loss should be refused unless there are wholly exceptional reasons. This proposal centres around whilst there would be a loss of 6ha there would be protection of 21ha of ASNW which, if clay extraction were to continue in accordance with the permitted scheme would be removed. Officers are satisfied that this protection of a greater area of 21ha of ASNW is an exceptional reason that carries great weight in this proposal. A restoration scheme is provided as part of this proposal that includes the provision of woodland planting, species rich grassland, lakes, hedgerows and habitat for protected species. The delivery and timing of these works can be provided as part of a Working Programme condition. In terms of compensation Natural England's guidance on "Protected species and development: advice for local planning authorities"<sup>32</sup> outlines that compensation measures should include making sure no more habitat is lost than is replaced and to provide a better alternative in terms of quality or area, provide like for like habitat replacement next to or near existing species

---

<sup>32</sup> [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/Protected-species-and-development-advice-for-local-planning-authorities.pdf)

populations, provide alternative habitats further away from impacted population; and include proposals to connect similar habitats to allow normal species movement.

242. The restoration scheme makes provision for replacement and additional woodland planting alongside replacement and additional grassland. Officers recognise that the restoration design is to lakes which are of a lesser biodiversity interest than ancient woodland. However, for woodland to be planted across the whole of the application site this would require infilling of the void spaces to be created by the mineral working which would require a large volume of material. Officers recognise that there is no like-for-like replacement for ASNW however the restoration scheme provides additional planting per hectare at the application site which will be comparable to the habitat lost. Unfortunately, due to the method of clay extraction, some of the woodland planting can only be provided on cessation of mineral working.
243. In addition to woodland planting in the restoration scheme, the County Ecologist and County Landscape Architect have requested a Woodland Management Plan to ensure that all woodland throughout the application site is managed, maintained, and protected from development associated with the proposal. This is proposed as a condition and will provide a benefit to the management of woodland throughout the site. Officers are also imposing conditions to ensure that a 15m buffer zone demarked with fencing, is provided around areas of ASNW to protect the woodland and its rootzone. Officers recognise that for Phase 1 and 2 which are the areas where planning permission already exists for extraction of clay and are both ASNW and PAWS, that for a 15m buffer zone to be provided this would require a 'sacrificial' area of ASNW which would be lost to thereby provide the wider ASNW from potential encroachment or harm. Officers recognise this is not ideal and results in a loss of ASNW.
244. In summary, Officers recognise the proposal would result in the loss of irreplaceable habitat. However, Officers are satisfied that the applicant has provided a suitable compensation strategy in the form of a restoration scheme which proposes increased amounts of woodland planting and habitat for protected species, a woodland management strategy for the whole site; and a 15m buffer zone around ASNW. Officers consider that the public benefit of protecting 21ha of ASNW from permanent loss through clay extraction outweighs the loss or deterioration of 6ha of ASNW including PAWS coupled with the need to ensure 25 years of reserves are provided for brick clay as set out in the NPPF.

### *Trees*

245. Policy D6 of the WLP2002 seeks to protect significant trees and groups of trees using conditions and agreements having regard to the condition of the trees, their historical significance of the trees and / or their rarity. Policy D7 requires development proposals on sites which contain or are close to, important trees, groups of trees or hedgerows should provide for their long-term retention. The policy says the Council will not permit development which would result in the loss of important trees or groups of hedgerows, require that trees or hedgerows that are to be retained to be adequately protected, require adequate separate between important trees or hedgerows and the development so as to secure their long-term retention; and require the planting of new trees and other vegetation where appropriate.
246. Policy C7 of the WLP2002 seeks to ensure that the extent of tree cover in the Borough is maintained and will resist the loss of and seek the replacement of trees, woodlands and hedgerows in areas which contain features that are characteristic of make a significant contribution to the appearance of the landscape, are of wildlife interest, and are of historic significant.

247. There are trees within the application site that do not form part of the ASNW or PAWS, some of which would be removed as part of the proposal given their location. The applicant provided a Tree Survey as part of the Environmental Statement alongside measures that should be adopted as part of the proposal. The proposal would result in the loss of:
- 7 A grade trees on the proposed access track between Phases 2 and 3
  - 7 B grade trees in Phase 3 and a C grade hedge
  - A B grade area of grazed woodland secondary in nature in the south western corner of Phase 4
  - 15 B grade trees and 3 A grade trees and two C grade trimmed hedges in Phase 5. As the boundary of Phase 5 has moved northwards, there would be no need to remove two tree groups and an oak that lie on this boundary anymore.

All of the trees have been categorised for landscape value and not arboricultural value. There would be trees lost within the PAWS however this has been discussed above and this section covers trees outside of ASNW and PAWS.

248. During the operational life of the site there would be an impact generated by the removal of trees and hedgerows in advance of extraction. These trees and hedgerows would be replaced as part of the overall restoration scheme albeit at a later date. Additionally, there would be advanced planting around the tile factory and Phase 5 in the form of trees and hedgerows. The trees and hedgerow that are to be lost are within or on the periphery of the agricultural fields. The working of these agricultural fields instead of the currently permitted areas is to safeguard 21ha of ASNW. Mitigation measures are also proposed in the form of a woodland management plan to ensure the protection, management and maintenance of woodland around the application site including that which is not ASNW.
249. As such, whilst it is unfortunate that 10 high quality and 22 moderate quality trees and three low quality hedgerows would be lost as part of this proposal and development plan policy seeks to protect trees and groups of trees, the working of the agricultural fields where they are based will ensure the protection of 21ha of ASNW, an irreplaceable habitat and avoid its loss. The proposal would provide for replacement trees, woodland and hedgerows and protection measures for those trees that are to be retained. As such the proposal is seeking to protect significant trees and groups and provide replacement planting and Officers consider the proposal is not at odds with Development Plan policy.

### *Habitats*

250. In addition to the potential impact on ASNW from the proposed clay extraction, there would also be other ecological and biodiversity impacts. The closest ecological designated sites are the Seven Acres/ Twelve Acres (Somersbury Wood) SNCI<sup>33</sup> which lies approximately 37m north and approximately 110m east of Phase 1 and Phase 2 extraction areas and the Buildings Wood and Wildwoods Complex SNCI<sup>34</sup> which lies approximately 173m north and north east of Phase 4 extraction area. Given the distance from the Buildings Wood SNCI and the Horsham Road lying in between, Officers are satisfied the proposal would not physically impact upon this SNCI. With regards to the Seven Acres/ Twelve Acres (Somersbury Wood) SNCI, the proposal does not seek to work within this SNCI, there is an area of existing woodland that would remain between

<sup>33</sup> Designated for its ancient semi-natural ancient woodland

<sup>34</sup> Designated for selected for its species rich and diverse mosaic of habitats including a large area of ASNW as well as unimproved and semi-improved neutral grassland, species rich hedgerows, scrub, ditches, small ponds and streams.

the extraction areas and the SNCI; and Officers are also proposing a condition be imposed that protective fencing be installed along the boundary of the extraction areas which would ensure no further encroachment towards the SNCI. Officers are also satisfied that a condition can be imposed with regards to potential dust emissions to ensure they are adequately controlled so not to cause significant adverse impact on any adjoining ancient woodland. The SSSI designated at the application site is for geological purposes, not ecological, therefore is not relevant to this topic. Officers are satisfied that the proposal would not have a physical impact upon statutory and non-statutory ecological designations.

251. The applicant commissioned a Preliminary Ecological Appraisal (PEA) to inform the ES to identify both species and habitats present at the application site. The site was found to support a mosaic of habitats of which the most abundant are semi-natural broadleaved woodland, plantation coniferous woodland, semi-improved neutral grassland, poor semi-improved grassland, arable and bare grounds with ephemeral/ short perennial vegetation. Six types of priority habitat were identified on the site, these being: lowland mixed deciduous woodland; hedgerow, lowland meadow, mesotrophic lake, open mosaic habitat on previously development land; and pond. Of these, the semi-natural broadleaved and semi-improved neutral grassland are of County value for nature conversation; other areas of woodland are District or Local value; areas of marshy grassland are classified as district importance; a small meadow, two ponds and two streams were also classified as being of local importance for nature conservation. The remainder of the site was classified as negligible for nature conservation.
252. The clay extraction would destroy some of the woodland, grassland and waterbodies alongside small areas of continuous bracken, ephemeral/ short perennial and improved grassland. Whereas the placement of the proposed new tile factory would destroy the poor semi-improved grassland. This loss would not occur at the same time but over the life of the working of the site. The application provides for compensation for the loss of these habitats which would be provided during the operations of the quarrying and on restoration as follows:

Habitat	Area before works (ha)	Area after works (ha)	Additional habitat enhancement/ creation on areas unaffected by proposed development (ha)	Overall gain/ loss (ha)
Woodland	9.02	9.06	6.63	6.67 gain
Grass (all)	2.31	12.08	12.19	21.96 gain
Water	2.12	28.2	0.84	23.92 gain
Ponds	0.14	0	0.27	0.13 gain
Bracken	0.43	0	0	0.43 loss
Ephemeral/ short perennial	8.77	0	0	8.77 loss
Improved grassland	1.54	0	0	1.54 loss
Poor grassland	13.54	0	0	13.54 loss

Gain in habitats would be 52.61ha. Loss of habitats would be 24.28ha. The overall habitat gain for the site would be 28.33ha in woodland, grass, ponds and waterbodies on the completion of restoration. The PEA outlines that where possible any priority habitats loss or damaged by the proposal should be replaced on at least a like for like basis both in terms of habitat type and area with ecological enhancements being carried out at the site. However, it should be recognised that whilst proposed woodland to be lost would be



replaced with new woodland, the quality of the replacement woodland would be less than that lost due to the age of the woodland and the existing flora and fauna it supports.

253. Officers recognise that it is not possible to replace ASNW. However, woodland created next to existing ASNW is more likely to be colonised by some of the ASNW species. It is important to remember that the starting point for this assessment is that if the existing planning permission were to be implemented, that there would be a greater loss of ASNW and this current application ensure that this loss is substantially reduced.
254. Locally Scarce plant Dyer's Greenweed *Genista tinctoria* was found in an area of grassland close to the southern boundary of phase 5A. The County Ecologist considers this plant and type of habitat as being important and requested this area be removed from phase 5A. Following dialogue, the applicant has agreed to remove the small field from Phase 5A and the boundary of the working area has been moved northwards by approximately 42m from the original southern boundary extent, to protect this habitat. This reduces the clay extraction within Phase 5 by approximately 200,000 tonnes, equivalent to one year's supply.

### *Protected Species*

255. Because habitat at the application site was found to be suitable to support protected and priority species, the applicant undertook surveys for birds, wintering birds, dormouse, badger, roosting bats, foraging bats, Great Crested Newts, reptiles, invertebrates and aquatic invertebrates. Of these surveys' dormouse was not identified at the application site. Also due to those aquatic vertebrates found, they were scoped out of any further assessment in the PEA. The following was identified:

*Birds* – the site was identified to be of local value for breeding and wintering birds and no birds of rarity or population size was identified.

*Bats* – 26 buildings were inspected of which 7 were considered moderate. Of the two buildings that are proposed to be removed to facilitate the tile factory construction, these were identified as low possibility for roosting bats and no bats were identified as part of emergence surveys. Greater activity was found within the woodland and 20 trees were found to have potential to support roosting bats across the whole application area with 6 having high potential.

*Badger* – setts were found with one outlier sett found near the extraction area

*Great Crested Newts* – a small population was found in three ponds (two near the site and one within the site boundary).

*Reptiles* – common lizard, slow worm and grass snake were found but outside of the extraction areas.

*Terrestrial invertebrates* – were identified including a Red Data Book species of beetle *Ochrosis ventralis* and a species of rhopalid bug.

256. It is important to assess whether the impact of change on the above species would be high (large scale, permanent change likely to change the ecological integrity), medium (moderate scale of permanent change, large scale temporary change, integrity of feature not affected) or low (small magnitude, medium temporary change, integrity not affected). Policy ENV15 of the MVL2000 states that where a proposed development would be likely to result in harm to a protected species or its habitat, an investigation will be necessary and that development that would materially harm a protected species or its habitat will not be permitted.
257. This proposal would result in both short term and long-term changes. The short-term impacts would be from the construction phase of the tile factory and also the winning of the clay during the campaign period. These would include direct loss from clearance of

vegetation and potential habitat and impact from the activities including noise/ light disturbance. The PEA accepts that for birds there would be disturbance due to short term impacts however this is offset by the large area of woodland that would be retained by this proposal that would continue to provide habitat for both foraging and roosting. Any tree or hedge removal that is proposed to be removed for the proposal would be done so outside of bird nesting season so not to cause harm to nesting birds.

258. With regards to badgers, the applicant has stated that whilst a sett was identified within 20m of the extraction area, this was an outlier sett and can be retained through the provision of protective fencing and PEA recommends that ramps can be provided to assist any mammals that may find their way into the extraction area. There is no evidence that any badger sett would be physically affected by the proposal however the PEA recognises that due to the extended periods of time that would be in between each phase of clay extraction that it would be suitable for updated badger surveys to be provided before each new phase of clay extraction commences to identify if there are any active badger setts within the proposed extraction areas or on their periphery.
259. With regards to bats, the PEA has identified habitats within the application site that could be suitable for both roosting and foraging bats but neither were identified at specific locations. Again, given the lead in times for both the demolition of the existing barns for the tile factory and the need for felling of trees to facilitate the working of clay and that the PEA has identified the potential for bats to be present on site, Officers again consider it necessary and suitable for both roosting and emergence surveys to be carried out before each following phase occurs to identify the presence of bats within that phase. As with birds, the PEA has identified that whilst areas of woodland habitat suitable to bats would be removed to facilitate clay extraction, there would still remain areas of ancient semi-natural broadleaved woodland that would provide suitable habitat for bats. Furthermore, the proposal provides for replacement woodland habitat as phases of clay extraction are restored to compensate for the loss of woodland.
260. A Great Crested Newt (GCN) population have been identified in a pond on the eastern boundary of Phase 5B, to the east of the proposed tile factory. This pond is to be removed prior to the working of Phase 5B whereby it would be drained, and any fish recovered. The applicant proposes GCN mitigation in the form of two new ponds on a field to the east of application site, south of the residential property Croft End. The proposed new habitat would be on poor semi improved neutral grassland and the habitat that is proposed to be created includes ponds, woodland, hedgerows, and rough grassland. A GCN licence would be required to allow the translocation of the GCN and as above, given the timescale for when the GCN would be required to be translocated, Officers consider that it would be appropriate to survey the pond again for their presence and for the exact details of how the GCN habitat would be created and monitored in terms of its suitability. The applicant also proposes to enhance an existing scrubby area with the addition of a pond and tree/ shrub planting to the north of Phase 1 as additional GCN habitat.
261. This would also be similar for reptiles and amphibians on the application site that it is imperative for any new phase of clay working and before any construction works occur for the tile factory, that those areas be re-surveyed for their presence. The PEA recommends that a reptile mitigation strategy is provided for each phase and this could include potentially needing to find or identify a receptor site should this be required. Officers are satisfied that even though there would be a loss of habitat during the clay extraction phases and the operation of the tile factory, there is sufficient habitat within the applicant's wider application boundary to avoid disturbance and harm to these protected species and that the areas proposed for working that less than 5% is seen as exceptional for reptiles.

262. Officers recognise that the proposal would involve harm and disturbance to habitat for these protected species for an extended period. Natural England's Standing Advice for protected species and development<sup>35</sup> seeks avoidance, mitigation or compensation measures in that order which should be secured as part of planning conditions. The application has sought to avoid harming or disturbing protected species by minimising the amount of ancient woodland that would be removed as part of the clay extraction process alongside removing an area of land which contains Dyer's Greenweed *Genista tinctoria*. Furthermore, activities proposed could be carried out to avoid sensitive times such as the breeding season for birds. However, where avoidance is not possible to enable access to the clay, the application proposes measures to mitigate for this loss of habitat and disturbance including: moving GCN out of the development site, the provision of protective fencing around the extraction area to deter species from the location, the provision of a Construction Environmental Management Plan (CEMP) for each phase of the proposal to monitor and manage the proposal and its impact on the protected species alongside what action would be taken if protected species are found during the construction and clay extraction phases; and the obtaining of relevant protected species licences from Natural England. In addition to this, the applicant proposes to compensate for negative effects by carrying out woodland planting and new areas of grassland both within the application site and as additional habitat in areas unaffected by the development proposal to compensate for those habitats that are lost for protected species and provide alternative habitat in the form of new ponds and standing water.
263. Due to the long length of time for this proposal, Natural England comment that it will be necessary to resurvey areas prior to works commencing to ensure no notable or protected species are impacted because of extraction operations. The County Ecologist has made the same request and endorses the provision of a CEMP. The County Ecologist recognises that the PEA for this planning application is some years old. However, he comments that the site already has planning permission in a form causing greater harm than the current proposals and it is essential that adequate measures are in place before each extraction phase to allow sufficient time for survey, evaluation, and mitigation measures to be put in place.
264. Officers recognise that the proposal would lead to long term loss of some habitats at the application site that support the protected species outlined above. Officers also recognise that during the clay campaign process and the construction of the tile factory, this could also cause disturbance to some protected species from noise, dust and light. However, Officers recognise that clay is worked on a campaign basis therefore outside of that campaign the working area would remain unaffected/ undisturbed. Officers also recognise that the application site is surrounded by extensive ancient semi-natural woodland that would continue to provide habitat for breeding and wintering birds alongside bats. Therefore, while the habitats of these protected species could be affected there is a general expanse of woodland surrounding the application site that would continue to provide alternative habitat. Officers are satisfied that the applicant has identified protected species at the site albeit the surveys were undertaken some time ago. However due to the timescale involved with this proposal that it is appropriate and acceptable to require the applicant to provide regular up-to-date surveys before any new clay extraction phases commence and the tile factory commences construction. Officers are satisfied the proposal meets the requirements of Natural England's Standing Advice and Development Plan policy with regards to species protection.

## Noise

<sup>35</sup> [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/Protected_species_and_development_advice_for_local_planning_authorities_-_GOV.UK_(www.gov.uk).pdf)

265. Unwanted sound may have an adverse effect on the environment and on the quality of life enjoyed by individuals and communities. NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
266. Paragraph 185 of the NPPF adds that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life; and identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
267. Paragraph 019<sup>36</sup> of the nPPG Minerals chapter states that those making mineral development proposals should carry out a noise impact assessment which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation and its likely impact on the surrounding neighbourhood. The paragraph goes on to say that proposals for control or mitigation of noise emissions should consider the main characteristics of the production processes and its environs including the location of noise sensitive properties, assess the acoustic environment around the site of the proposed operations including background noise levels at nearby sensitive properties, estimate the future likely noise from the development, identify proposals to minimise, mitigate or remove noise emissions at source; and monitor the resulting noise to check compliance.
268. Paragraph 020<sup>37</sup> goes on to say in assessing a proposal for minerals development in line with the Explanatory Note of the Noise Policy Statement for England, identify whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.
269. Paragraph 021<sup>38</sup> sets out the appropriate noise standard for normal mineral operations at a noise sensitive property. This comprises a noise limit that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit should be set as near to that level as practicable. In any event the total noise from the operations should not exceed 55 dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200 hours) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For night time noise (2200-0700 hours), these limits should be set so as to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator, and should not exceed 42dB (A) LAeq, 1h (free field) at a noise sensitive property. Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise.

<sup>36</sup> Paragraph: 019 Reference ID: 27-019-20140306

<sup>37</sup> Paragraph: 020 Reference ID: 27-020-20140306

<sup>38</sup> Paragraph: 021 Reference ID: 27-021-20140306

270. At Paragraph 022<sup>39</sup>, the nPPG Minerals chapter recognises that there may be particularly noisy short term activities during site preparation and restoration work such as soil stripping, the construction and removal of soil storage mounds and aspects of site road construction and maintenance. In these cases, a temporary daytime noise limit of 70dB(A) LAeq 1h (free field) should be considered for periods of up to 8 weeks in a year at specified noise-sensitive properties to facilitate essential site preparation and restoration work.
271. SMP2011 Policy MC14 seeks to ensure that mineral development does not give rise to a significant adverse impact in terms of noise. Paragraph 6.10 of the supporting text recognises that factors such as proximity of the proposed development to housing, schools or other sensitive land uses and the topography of the site and surrounding area alongside the location of plant on site, should be considered. Paragraph 6.15 acknowledges that whilst temporary landscape works such as bunds or earth mounds can affect the appearance of an area, they may be positive in terms of reducing local noise impacts.
272. WBLP2020 Policy D1 states that development will not be permitted where it would result in material detriment to the environment by virtue of loss of general amenity, including disturbance resulting from the emission of noise or vibration. WBLP Policy D2 seeks to ensure that proposed and existing land uses are compatible and that development which may have a materially detrimental impact on sensitive uses with regard to environmental disturbance or pollution will not be permitted.
273. Surrey has produced its own 'Guidelines for Noise and Vibration Assessment and Control (the Surrey Noise Guidelines 2020). These Guidelines echo the approach set out in the NPPF and nPPG. The Guidelines include a section on clay and recognises that the use of plant and equipment can involve a range of potential noise and vibration generating activities including soil, subsoil and overburden stripping; the construction of new landforms; the extraction; and the processing and exporting of minerals. The Guidelines recognise that during site preparation, the plant normally used is large and powerful in order to complete the tasks in a reasonable period of time and noise levels may be quite high but noise exposure at any one location will normally be limited to a relatively short period. As outlined above, the nPPG allows for an increase in daytime noise limits for a temporary period of up to 8 weeks over a 12-month period for activities associated with site preparation.
274. The Guidelines outline that for normal mineral operations, such as clay extraction, the thresholds given in the nPPG as detailed above, would be relevant. With regards to processing and manufacturing of bricks and tiles, the Guidelines state that as such fixed plant would be in place for many years, its location, type and arrangement should be considered with care from the outset to ensure minimal noise impact. Paragraph 3.11 of the Guidelines goes on to say where the primary activity of a site is manufacturing, it is appropriate to assess the noise impact using criteria in BS 4142:2014 'Methods for rating and assessing industrial and commercial sound' that are applied to permanent industrial and commercial installations.
275. The Guidelines recognise that the ambient and background noise levels can vary significantly across the county and throughout the day and nighttime periods. Paragraph 3.14 outlines that noise monitoring may be required under some circumstances and could be for each phase of work or for the monitoring of plant. This proposal would involve noise from the clay extraction phases (including site preparation and restoration);

<sup>39</sup> Paragraph: 022 Reference ID: 27-022-20140306



and the construction and operation of the tile factory. The report will cover these matters as follows.

276. BS4142:2014 describes methods for assessing the likely effects of sound on premises used for residential purposes and can be used to assess sound from proposed, new, modified, or additional industrial/ commercial sources. BS4142 describes that noise from a specific sound is giving a rating level and an adjustment/ correction factor according to the characteristics of the sound (tone, impulse, intermittent or other acoustic feature). If there are more than one characteristic (i.e., tonal, and impulsive characters) present, then two corrections can be taken into account. The level of impact is assessed by comparing the rating level of the specific sound source with the background sound level. The greater the difference the greater the impact depending on context. A difference of around +5dB is likely to indicate an adverse impact depending on context.
277. The applicant submitted a noise assessment as part of the ES. The noise assessment outlines the noise assessments undertaken, their location and where sound level meters were installed inside properties. The applicant identified several residential properties for the purpose of the noise assessment, to be representative of the nearest noise sensitive premises to the application site including those near to clay extraction areas and those close to the proposed tile factory. However, for all dwellings the nearest edge of any of the proposed workings associated with soils removal/ placement or clay extraction is between 100m – 240m away. These locations had been agreed between the applicant and the County Noise Consultant.
278. Residents from Croft End, Horsham Road, have commented their property has not been identified as one of these properties however Exfold Farm has. Mole Valley Environmental Health Officer (EHO) raised concerns that Croft End was not included in the noise assessment work and feels the magnitude of change for Croft End would be greater than Exfold Farm and requested the noise assessment specifically consider noise impacts from the tile factory at Croft End. The applicant has resisted this stating that Exfold Farm is representative of properties in relation to that part of the application site. Exfold Farm would be located some 90m from the edge of the tile factory to its curtilage, 95m to the dwelling house. Croft End would be located some 123m from the tile factory to its curtilage, 175m to the dwelling house. There are no other residential properties located along the western side of the Horsham Road in this vicinity aside from Exfold Farm, Beecroft (adjacent to Exfold Farm) and Croft End. The land rises from the proposed tile factory location from 75m AOD to 80m AOD at Exfold Farm and 85.3m AOD at Croft End. Officers are satisfied for the purposes of the noise assessment carried out for this proposal that Exfold Farm represents the nearest noise sensitive receptor given it is located closer to the proposed tile factory location than Croft End. However, Officers do recognise that the proposals themselves would result in minerals related development being in closer proximity to Croft End than they currently experience and this resulting in a change.
279. For the clay extraction process, noise levels are likely to arise at dwellings depending on the method of working and the sound power levels of the plant chosen to work the site alongside distance to the dwellings and the effects of intervening ground. The noise assessment has examined the worst case of the closest practical position of the closest proposed extraction area to each receiver location and with plant items working 100% of each hour. Plant proposed to be used are excavator, bulldozer, dumper truck and a grader.
280. For the tile factory the noise assessment has used fixed plant noise measurements from the Broomfleet tile factory. For the additional scrubber for the chimney stack the noise

assessment has used measurements from the existing scrubber unit at Ewhurst Brickworks.

281. The noise assessment has then taken each noise source that could cause noise emissions (these being clay extraction, brickworks activity including scrubber unit, material fed into the clay preparation building, new tile factory, forklift movements west of the tile factory, soil removal and bund formation, overburden removal) and evaluated them separately and then combined to give an overall noise level which was used to assess the noise impact of the proposal during temporary operations, routine operations and operations outside normal hours.
282. The noise assessment states that noise calculations undertaken for the properties identified indicate that for temporary activities that would be carried out for 8 a week period within a 12-month period (including soil placement, bund formation and clay ripping) that take place beyond 30m from dwellings would be below the noise limit of 70 dB  $L_{Aeq,1-hour, free field}$  as set out in the NPPG and comply with the noise limit. This includes properties that would be in close proximity to clay extraction works such as Hunters Lodge and Home Farm Cottages. The noise assessment also looked at the noise levels that would be generated for clay extraction when the soil bunds have been constructed around the edge of the quarry and clay extraction taking place at a lower ground level. The noise assessment found that for this scenario noise levels for Hunters Lodge were calculated to be below 50 dB  $L_{Aeq,1-hour, free field}$  during the eight-week campaign period.
283. The noise assessment was reviewed following amendments to the application to increase the clay extraction rate. The increased level of extraction would still be undertaken in the 8-week campaign process but would require a total of 5 dump trucks. This is a change of 2 additional dump trucks. The noise assessment calculations for Hunters Lodge, which is the closest dwelling to the nearest edge of the proposed workings with the increase in dump trucks found the noise level remained below 70 dB  $L_{Aeq,1-hour, free field}$  and the increase of dump trucks has no implication on the potential noise impact presented.
284. The County Noise Consultant (CNC) reviewed the noise assessment and the further information submitted with the ES addendum and recognises that the noise levels calculated for the formation of bunds, soil stripping and clay stripping would fall below 70 dB  $L_{Aeq,1-hour, free field}$  with no barrier attenuation included and raises no objection on noise grounds and requests noise conditions be imposed to safeguard the environment and amenity. Officers are satisfied that the winning of clay from the proposed phases when attenuation measures are in place would not have a materially detrimental impact on sensitive uses or have a significant adverse impact with regard to environmental disturbance or pollution. Officers recognise that during soil stripping and bund formation could result in some disturbance however this would be limited in duration and the noise assessment has shown such activities would meet the requirements of the NPPG.
285. Both the brickmaking factory and the tile factory would work 24 hour a day, 7 days a week due to the firing process in the tunnel kilns which, once the firing process commences in the kiln, requires continual firing along the tunnel due to the chemical reactions taking place in the brick. As such, with regards to evening and nighttime periods, the noise assessment included the existing brickwork activity and the proposed tile factory and forklift movements within the stockyards alongside the scrubbers. Whilst there would not be forklift movements during the whole of the night, the applicant states there would be some until 2200 hours. The noise assessment identified for these activities at nearby properties that all of the selected properties the calculated site noise levels would comply with the night time limit of 42 dB  $L_{Aeq,1-hour, free field}$ .

286. With regards to the BS4142 assessment the noise assessment has taken data from the applicant's Broomfleet tile factory with regard to plant noise measurements. The assessment has added 2 dB to the calculated noise levels to allow for a tone being just perceptible. In 2018 a planning application was submitted to the County Planning Authority for the installation of a second scrubber at the brickmaking factory to facilitate the use of a second kiln to increase brickmaking production. A noise assessment was submitted for that application which demonstrated that when bringing on board the second scrubber with the other elements that form part of this application, there would be a combined noise level of 43 dB  $L_{Aeq,1-hour, free field}$  at Fletchetts Copse property. The CNC has reviewed this and commented that this is a nominal exceedance over the limit and is considered acceptable given that there is a low difference between the background noise level and the operational noise level from the site. The CNC considers there should be a condition for monitoring the noise of the proposed new scrubber unit.
287. Given the level of concern raised by both Exfold Farm and Croft End with regards to potential noise from the tile factory including the scrubber unit, the movement of tiles around the stocking yard, Officers consider it necessary and reasonable to impose a condition requiring noise monitoring for the tile factory activities to be imposed. The EHO recommended a condition for post construction and plant noise survey alongside maintenance and monitoring for the tile factory. Officers agree with this.
288. Concerns have been raised by Exfold Farm and Croft End with regards to noise during the construction phase of the tile factory requesting reasonable daytime working hours during the week and no construction work on weekends or bank holidays. Mole Valley District Council sets out guidance<sup>40</sup> with regards to construction working hours stating that for noisy work (use of angle grinders, concrete breakers, diggers, dumper trucks and cement mixers) the construction hours should be limited to Monday – Friday 0800- 1800 hours, Saturday 0800 – 1300 hours with no working on Sundays and no deliveries of materials before 0730 hours. Waverley Borough Council adopt the same construction hours of work. Officers consider these hours reasonable and propose a condition limiting the tile factory construction and associated deliveries, to these hours.

### **Air Quality and Dust**

289. The proposal would involve elements that could give rise to air quality issues. These include the construction and operation of the proposed new tile factory, the working of the clay, movement the clay around the application site; and the movement of vehicles or plant/ machinery around the site. There are no air quality or dust specific policies within the MLPP or MVCS. However draft Policy EN12 of the Future Mole Valley Local Plan points (g) and (h) seek to avoid increasing exposure to poor air quality where vulnerable people are located and contribute towards the achievement of national air quality objectives by demonstrating that new emission sources will be suitably mitigated to be as low as reasonably practicable. Point (h) goes on to state that proposals that would have significant adverse impacts on air quality or expose the public to existing sources of air pollution, either because of the on-site activities or traffic movements, will be resisted unless appropriate mitigation measures are put in place to reduce these impacts to acceptable levels.
290. There is no air quality or dust specific policy within the WLPP. However, draft Policy DM1 (Environmental Implications of Development) states that development should avoid harm to the health or amenity of occupants of nearby land and buildings by way of unacceptable increase in dust and should not cause deterioration to the environment by virtue of potential pollution of air; and that where adverse environmental impacts are

<sup>40</sup> [Construction Working Hours | Mole Valley District Council](#)

unavoidable, and the benefits of the development demonstrably outweigh the harm, ensure the impacts are appropriately mitigated.

291. There are no air quality or dust specific neighbourhood plan policies within the EEGNP.
292. Para 174(e) of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution and the development should, where possible, help to improve local environmental conditions such as air quality. Paragraph 188 states that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The para states that “*Local planning authorities should assume that these regimes will operate effectively*”.
293. Paragraph 211 of the NPPF (Chapter 17 Facilitating the sustainable use of minerals) states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impact on the natural and historic environment and human health, taking into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in the locality; and ensure that any unavoidable dust and particle emissions are controlled, mitigated and removed at source.
294. The NPPG also provides guidance on air quality and dust. Para 005<sup>41</sup> recognises that air quality is a consideration relevant to the development management process during the construction and operational phases and whether occupiers or users of the development could experience poor living conditions or health due to poor air quality. Paragraph 006<sup>42</sup> goes on to say that considerations that may be relevant to determining a planning application include whether the development would: lead to changes in vehicle related emissions in the vicinity of the proposals; introduce a new point source of air pollution; expose people to harmful concentrations of air pollutants including dust; give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations; and have a potential adverse effect on biodiversity.
295. Specifically, for minerals development, paragraph 023<sup>43</sup> of the NPPG states that where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study to establish the baseline conditions, site activities that could lead to dust emissions without mitigation, parameters that could increase potential dust impacts, recommend mitigation measures; and propose monitoring and reporting mechanisms of dust emissions to ensure compliance with environmental standards.
296. The site does not lie within an Air Quality Management Area (AQMA). Waverley Borough Council has undertaken a Review and Assessment of air quality as required by the Environment Act 1995 and identified two AQMA within the borough for NO<sub>2</sub>: one in Farnham (approximately 29km from the application site) and one in Godalming (approximately 16km from the application site). Mole Valley District Council have undertaken the same assessment which concluded that concentrations of all pollutants are below the Air Quality Objectives within the borough.
297. Given the site’s proximity to the county boundary it is relevant to look at whether there are any AQMAs within the borough of Horsham. Horsham District Council have declared

<sup>41</sup> Paragraph: 005 Reference ID: 32-005-20191101

<sup>42</sup> Paragraph: 006 Reference ID: 32-006-20191101

<sup>43</sup> Paragraph: 023 Reference ID: 27-023-20140306

AQMAs for NO<sub>2</sub> these being in Horsham (approximately 23km south of the site) and at Horsham Cowfold (approximately 17km from the site). It should be noted that all three local councils concluded that concentrations of all other pollutants are considered below the relevant Air Quality Objectives and no further AQMAs have been declared.

### *Dust – Mineral Extraction*

298. This section of the report addresses dust that may arise from the activities proposed. It should be borne in mind that clay is worked in campaigns where it is extracted for approximately 8-10 weeks per calendar year after which, no activities capable of creating dust are carried out in the extraction area during the remainder of the year. Once the clay is extracted, it is transported on site by dump trucks using on site haul roads to the stockpiling area which is to the rear of the existing factory site. The clay is then stockpiled and left to weather for a period of circa 12 months before it can then be fed into the box feeder for use in the brickmaking process. Ewhurst Brickworks usually has two clay stockpiles: one that would be weathering and one that is being used for making bricks. This ensures that there is a continuous supply of suitably weathered clay for the brick making process. This planning application does not seek to amend the clay stockpiling areas from where they are currently used nor does it seek to amend the methods in which the clay is extracted. Clay would be extracted from one phase at a time.
299. Dust is a generic term used to describe particulate matter of different sizes, shapes and compositions in the size range 1–75 µm (micrometres) in diameter. Small particles that are less than or equal to ( $\leq$ ) 10 µm in diameter are commonly referred as PM<sub>10</sub>. There are two issues concerning airborne dust from surface mineral workings: the impact upon residential amenity by causing a nuisance; and the impact upon health. Emissions of dust to air from mineral sites can occur during the preparation of the land, extraction, processing, handling and transportation of extracted minerals. Emissions can vary from day to day depending on the level of activity, the operations being undertaken at the site and the weather conditions. The scale of the impact depends on the dust suppression and other mitigation measures applied<sup>44</sup>.
300. Small particles (PM<sub>10</sub>) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source, but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm (µ = microgram)) make up the greatest proportion of dust emitted from mineral workings and will largely deposit within 100m of sources, with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as *nuisance dust* and are commonly associated with a reduction in amenity in the local community due to visible dust plumes and dust soiling. Dust accumulation can also cause effects on ecological receptors<sup>45</sup>.
301. There are statutory standards for concentrations of suspended particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) set under the Air Quality Standards Regulations 2010. These set an objective/ limit value of 50µg/m<sup>3</sup> measured over 24 hours which can be exceeded 35 times per calendar year with an annual average of 40µg/m<sup>3</sup> for PM<sub>10</sub>. There is a lower limit of 25µg/m<sup>3</sup> annual average for PM<sub>2.5</sub>. However, there are no UK or European statutory standards that define the point when deposited dust causes annoyance or disamenity. This is largely due to the difficulty in accurately determining human response to dust accumulation and soiling. This is also similar for frequency of dust

<sup>44</sup> IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning.

<sup>45</sup> IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning.



episodes and it is suggested that a community maybe prepared to tolerate an incident once a month but not repeated incidents at frequencies of once or twice a week<sup>46</sup>. In the UK, long term deposited dust nuisance criteria have been suggested for urban/ semi-rural at, typically 200 mg/m<sup>2</sup>/day averaged over a monthly period.

302. The IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning sets out guidance as to how a Dust Impact Assessment should be carried out to estimate the likely impact of the effect of dust based upon the level of dust emission from the site, the sensitivity of receptors and the effectiveness of the pathway. For example, a highly effective pathway with a high level of source emissions from site would lead to a high level of risk which when experienced by a highly sensitive receptor (a hospital) would result in a substantial adverse effect. This Guidance also recognises that the main potential effect from mineral sites is disamenity due to dust deposited on surfaces. However, the NPPG states that if there are residential properties (or other sensitive uses) near the source of emission, on the mineral site, then the dust assessment study should additionally consider the concentrations of dust particles suspended in the air (PM<sub>10</sub>).
303. The IAQM Guidance recognises that one of the influencing factors for the effect dust can have is the scale and nature of the works including the activities being undertaken on site, the type of mineral involved, the size of the site, the duration and frequency of working, meteorological conditions; and mitigation measures applied to reduce or eliminate dust. For this site, the main dust generating activities are likely to be site preparation/ restoration (including soil handling); mineral extraction; loading of clay onto trucks for transporting on site; and stockpiling. As it is not possible to predict with any degree of certainty when particular work activities will take place and whether these will coincide with high-risk meteorological conditions, worst case scenario assumptions should be used in dust risk assessments when assessing the impact to generate dust from dust generating activities<sup>47</sup>. The IAQM Guidance recognises that the size of mineral particle can determine whether it deposits quickly compared to those that stay suspended for length periods and refers to the “inherently small particular size of clay” can also generate PM<sub>10</sub>.
304. The proposal would result in large areas of quarry working over a number of years for each phase as described above. However much of the proposed quarry working areas would be surrounded by existing dense woodland areas providing a physical buffer to residential properties. Furthermore, as described above, clay extraction is undertaken in campaigns of 8-10 weeks in any calendar year after which, no disturbance to the quarry is made. Soil stripping can also only take place during certain times of the year to protect the integrity of the soil. The major source of potential dust emissions on site is from the movement of heavy plant on haul roads alongside the excavation of the clay.
305. The applicant provided an Air Quality Assessment<sup>48</sup> (AQA) to assess the implications of deposited dust and PM<sub>10</sub> in support of the Environmental Statement for this planning application. To establish baseline metrological data such as wind speeds, the AQA correctly identified Charlwood as the nearest and relevant Met Office site and the AQA used as nine-year period to demonstrate representative weather conditions experienced in the vicinity of the site. The meteorological data from Charlwood shows that the predominant wind direction is from the south west. The AQA states for deposited, disamenity dust, a value of 56mg/m<sup>2</sup>/day was used citing 38 mg/m<sup>2</sup>/day for open country

<sup>46</sup> IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning.

<sup>47</sup> IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning.

<sup>48</sup> The original Air Quality Assessment was updated in July 2020

and 90 mg/m<sup>2</sup>/day for town centres<sup>49</sup>. With regards to PM<sub>10</sub> data, the AQA has obtained data for 1km squared of the Automatic Urban and Rural Network (AURN). This data shows PM<sub>10</sub> annual mean levels to be around 15.65µg/m<sup>3</sup> and 10.7µg/m<sup>3</sup> for PM<sub>2.5</sub>.

306. As outlined above, the methods for extracting clay are proposed to remain as they current are using an excavator and bulldozer to extract/ scrap the clay and then for it to be loaded into a dump truck. The AQA outlines that the drop height from the excavator bucket to the dump truck would be minimised and vehicles would be loaded evenly to avoid spillage and minimise dust generation. Other mitigation measures the AQA states would be used are: a 15mph speed limit on site for the dump trucks, use of an on site water bowser alongside dampening down clay stockpiles; use of a road sweeper on a weekly basis on the site access road, handling of soils in accordance with best practice, and that dump trucks use onsite haul roads which are unpaved but compacted and graded. Officers agree that these mitigation measures are best practice measures.
307. The AQA recognises that a dust event will only occur if the necessary conditions are present which includes there being fine particulars being able to be picked up and the wind of a sufficient strength to transport fine particles. The AQA has identified that the predominant wind direction for the site is from the south west and based upon this, and data on rainfall, that the number of dry windy working days would be some 12.9 days per calendar year. As outlined above, particles greater than 30µm make up the greater proportion of dust emitted from mineral sites such as this and these largely deposit within 100m from the source, with smaller particles being able to travel 250-400m. As such properties that could be affected by dust events from each of the mineral working phases are:

Phase 1B	Abrahams (138m north east) Seven Acres (109m north)
Phase 2A and 2B	Twelve Acres (72m north) Seven Acres (142m north east) Willows (246m north east) Hoghouse (181m north east) The Birchwoods (217m north east)
Phase 3A and 3B	Norman Marshall Ltd Depot (309m north east) Little Timbers (163m west) Collendene (330m south west)
Phase 4A and 4B	Hunters Lodge (68m north) Kiln House (109m north east) Keepers Cottage (118m north east) Silverdale (86m north east) Nutshell (162m north east) Home Farm/ CCM Vehicle Repair (40m west) Green Shutters (128m south west)
Phase 5A and 5B	Hoopwick Farm (253m south west) Croft End (210m east) Exfold Farm (193m north east) Sisskins (305m east)

308. The AQA assessed the air quality implications at five locations around the application site which they considered to be representative. These being Home Farm/ CCM Vehicle Repair, Little Timbers, Nutshell, Hoopwick Farm and Exfold Farm. The AQA concluded that based upon the pathway effectiveness, the residual source emissions from mineral extraction and ancillary associated activities such as movement of clay within dump

<sup>49</sup> Source for this data is cited as MIRO February 2011

trucks; alongside the high receptor sensitivity that this would result in a slight adverse effect and moderate adverse effect of dust at and around the representative residential properties. As such, the applicant proposes the implementation of the mitigation measures outlined above to ensure dust emissions are minimised.

309. The County Air Quality Consultant (CAQC) reviewed the AQA with regards to disamenity dust deposition. The CAQC raised concerns with regards to the original methodology provided and the questioned how some of the dust impact risks had been estimated. Further clarification was sought from the applicant who revised the AQA to address the CAQC concerns. One of these elements was with regards to the predicted impact at Exfold Farm for materials handling and on-site transportation being classified as 'small'. Following revisions made to the AQA in July 2020, this amended the effect at Exfold Farm to 'moderate adverse'. As such, additional measures to mitigate this moderate effect should be identified. The applicant stated that the designed-in mitigation measures proposed in the AQA correspond with those required by the IAQM. The CAQC noted that the magnitude for Exfold Farm has increased to moderate adverse and recommends that a Dust Management Plan (DMP) be imposed that would detail the routine/ day to day mitigation measures, set triggers (based on specific existing and forecast weather conditions) and the additional measures (including cessation of works) that would be adopted in the event of a trigger being exceeded, alongside formalising a complaints process and set out the roles and responsibilities.
310. With regards to PM<sub>10</sub> the AQA concludes that for each of the representative properties when an additional load of 1µg/m<sup>350</sup> is added to the annual mean µg/m<sup>3</sup> for each representative property, each property's annual mean is calculated to produce <1 daily exceedance of 50µg/m<sup>3</sup>. This indicates that clay extraction at the application site would not result in any exceedances of the UK Air Quality Objectives for PM<sub>10</sub> of no more than 35 exceedances per calendar year of a 24 hour mean of 50µg/m<sup>3</sup> and an annual mean of 40µg/m<sup>3</sup>. Furthermore, the long-term background PM<sub>10</sub> concentrations for the application are less than 17µg/m<sup>3</sup> which aligns with the statement within the IAQM Guidance, "*there is little risk that the Process Contribution would lead to an exceedance of the annual mean objective*". As such the AQA concludes that for PM<sub>10</sub>, best practice measures to control PM<sub>10</sub> dust emissions would suffice.
311. The CAQC having reviewed the AQA with regards to the PM<sub>10</sub> assessment concurred with the assessment made that the residual PM<sub>10</sub> effects at the representative receptors are not likely to be significant and raised no concerns with the methodology for this part of the assessment.
312. Concerns have been raised within representations from properties located to the north east and east of Phase 5 of the application site with regards to the health implications of dust and particulate matter inhalation on humans and the environment. Representations have requested that surveys are undertaken to monitor dust emissions and wind speeds due to the AQA report outlining there are sensitive locations near the site and that dust emissions are classed as medium dust level events. The AQA describes the pathway effectiveness for Exfold Farm (the representative property in the assessment) as 'highly effective', the highest categorisation for the pathway. The CAQC agrees that there is potential for a significant effect at these properties but also recognises that the AQA explains that works would be halted in extreme weather conditions. As explained above, a condition for the submission of a DMP is proposed to ensure that additional measures can be identified to mitigate the moderate effect including specific triggers based on weather conditions.

<sup>50</sup> The figure of 1µg/m<sup>3</sup> is taken from AQA.

313. Officers recognise that the proposal would lead to new point source emission locations for deposited disamenity dust and PM<sub>10</sub> dust; and that concerns have been raised in representations on this matter. However, Officers are satisfied that the applicant has provided an AQA that meets the requirements of the IAQM Guidance in terms of assessing the source-pathway-receptor and the dust impact at representative residential locations alongside identifying mitigation measures which accordance with that Guidance. Officers recognise that the proposal would result in large physical areas of quarrying as many faces are required to be open to facilitate the blending of the different colours of the clay to facilitate the creation of a variety of products. However, this is offset by the fact that clay extraction is undertaken as a campaign for a limited number of weeks per year when disturbance, and therefore dust emissions from clay extraction and movement of the clay, could occur.
314. Officers are also aware that for much of the proposed operational phases and the clay stockpiling area there would be extensive intervening woodland creating a physical barrier between sensitive receptors and the potential dust source. However, Officers are mindful that proposals for new mineral extraction areas should not create significant adverse harm on residential amenity and the environment. Whilst the applicant has identified mitigation measures within the AQA, Officers consider it necessary and reasonable to impose a condition that a DMP be submitted pursuant to a condition, that would provide specific dust mitigation measures for both day-to-day activities and for extreme events. A further condition is recommended to ensure the DMP is periodically updated when required to ensure it remains relevant and accords with best practice for the life of the proposal. Officers consider the submission of the AQA and its findings alongside a condition meets the requirements of the development plan policy.

#### *Tile Factory Construction Dust*

315. The construction of the tile factory, including earthworks, has the potential to create dust emissions. It would take six months to construct the factory and stockyard and a further six months to fit it out. As discussed above, the tile factory is positioned to the south east of the existing factory and would be some 172m to the closest residential property.
316. The IAQM "Guidance on the assessment of dust from demolition and construction" (2014) suggests that the magnitude of potential dust emission should be classified on a scale of impact as small, medium or large based upon the judgement of the assessor. The Guidance divides activities on construction sites into four types: demolition, earthworks, construction; and trackout. The Guidance then sets out an assessment process to identified what the risk of dust impact would be from construction activities on receptors. The applicant has provided an assessment of this based on the Guidance. This assessment concludes that whilst the dust emission magnitude for construction activities would be classified as medium (in accordance with the Guidance definitions) the receptor sensitivity level would be low based on distance. When combining the dust emission magnitude and receptor sensitivity for all of the construction activities, this gives a low risk of dust impact. Officers and the CAQC concur with the findings of the applicant's assessment.
317. The Guidance provides a series of mitigation measures that are recommended to be implemented according to the type of construction activity and the level of risk. This includes producing a Dust Management Plan, recording all dust complaints and taking appropriate measures; undertaking site inspections by the person accountable for dust issues when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions; use of barriers, use of layout; and minimising drop heights. The CAQC also reviewed the assessment provided for the construction of the tile factory and raises no concerns with the assessment undertaken and states that

provided the mitigation and control measures proposed are in place, that there should be no residual significant effect. Officers consider that, as with the clay extraction, a condition should be imposed requiring the submission of a DMP that would ensure the mitigation measures detailed in the Guidance can be identified for this phase of works.

### *Emissions from the Tile factory*

318. The existing factory currently operates in accordance with an Environmental Permit issued by Mole Valley District Council. That Permit stipulates air quality emission targets and thresholds which must be adhered to. As the existing factory (including the second kiln) does not form part of this planning application they will not be discussed in this section.
319. Air quality emissions are regulated through the Air Quality Standard Regulations (2010) which were transposed from the EU Directive 2008/50/EC into UK law, and Part IV of the Environment Act 1995. The Environment Act requires the UK government to produce a national Air Quality Strategy containing standards, objectives, and measures for improving ambient air quality. The most recent of these is March 2011. The air quality strategy sets out a maximum pollution concentration that is not to be exceeded either without exception or with a number of exceedences over a specified timescale. For this proposal the relevant pollutants are NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub>. There are also critical levels<sup>51</sup> for ecological receptors for NO<sub>x</sub>, SO<sub>2</sub> and hydrofluoride.
320. Emissions associated with the proposed tile factory have the potential to cause increases in pollutant concentrations in the vicinity of the site. These have been quantified through dispersion modelling set out within an air quality assessment for the tile factory (AQATF). The AQATF looked at the closest AQMAs to the site and background pollution concentration levels. It identified the closest sensitive human receptors to the application site these being Croft End, Exfold Farm, Fletchetts Copse, Drakes Meadow, Smokejack, Abrahams Farmhouse, Hoopwick Farm and Wayside House; and also closest sensitive ecological receptors these being Fletchetts Copse ASNW, Haines Wood pSNCI, Wallis Wood SNCI, Honeybush Coppice, Frenches Copse ANSW, Exfold Furze Field ASNW, Exfold Wood ASNW and Seven Acres – Twelve Acres (Somersbury Wood) SNCI.
321. The AQATF undertook dispersion modelling using ADMS 5 which simulates a range of buoyant and passive releases to atmosphere and used a number of scenarios of different pollutants including NO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub>, SO<sub>2</sub>; and a number of process conditions i.e. the stack locations, stack diameter, stack height and flue gas velocity. As dispersion of substances released from elevated sources can be influenced by the presence of buildings in close proximity to the emission point, the AQATF also looked at the distance and building geometries of buildings that would be located in close proximity to the proposed tile factory chimney stack. The modelling undertook a conservative assessment approach with emissions being the maximum possible discharge rate. The AQATF included the addition of a secondary brick kiln within the existing brick factory and the cumulative impacts of this.
322. The AQATF found and concluded the following for both human and ecological receptors:
- NO<sub>2</sub> – for annual mean concentrations the predicted NO<sub>2</sub> concentrations were all below the relevant environmental quality standard (EQS<sup>52</sup>) for all sensitive locations and were

<sup>51</sup> Critical level is the threshold for direct effects of pollutant concentrations. When pollution concentrations exceed critical levels it is considered there could be a risk of harmful effects.

<sup>52</sup> EQS is the combination of Air Quality Objectives, critical levels and critical loads.



considered to be insignificant. The AQATF states it should be noted that the AQATF considered the facility emitting the maximum permitted pollutant concentration at all times i.e. therefore an overestimation of actual impacts. For the hourly mean the AQATF also found the NO<sub>2</sub> concentrations below the relevant EQS at all relevant sensitive receptors.

*PM<sub>10</sub>* – for both the annual mean and 24 hour mean concentrations for predicted PM<sub>10</sub> the AQATF found these to be below the EQS at all sensitive receptors and were considered insignificant.

*Sulphur dioxide* - for both the annual mean, 1 hour mean and 15 minute mean concentrations for predicted SO<sub>2</sub> the AQATF found these to be below the EQS at all sensitive receptors and were considered insignificant.

*Hydrogen chloride* - for the annual mean concentrations for predicted hydrogen chloride, the AQATF found these to be below the EQS at all sensitive receptors and were considered insignificant.

*Hydrogen fluoride* - for the annual mean concentrations for predicted hydrogen fluoride, the AQATF found these to be below the EQS at all sensitive receptors and were considered insignificant.

*Nitrogen and acid deposition* – specifically for ecological receptors, for the annual mean deposition rates the AQATF found these to be below the EQS at all sensitive receptors and screened out as insignificant.

323. The overall conclusion from the AQATF is that based on the predictions of the modelling undertaken and using worst case scenario emissions from the stack, that it is considered likely the overall impacts of the proposed tile factory would not be significant.
324. The County Air Quality Consultant (CAQC) has reviewed the submitted AQATF and had queried some of the calculations provided in the assessment as originally submitted. Since that point, the applicant has provided corrections to the assessment and the CAQC now concurs that the mass emission rate are the product of the Volumetric Flow rate (normalised) and the Emission Limit Values and as such the impacts from the emissions from the proposed new stack, would not have a significant impact. As the proposed emissions from the stack would not lead to exceedance of air quality objectives and not have a significant effect, the proposal would meet the requirements of the draft Policy EN12 of the Future Mole Valley Local Plan that it does not inhibit the achievement of national air quality objectives. As the proposed new stack would be controlled by the Local Authority Permitting process, the stack will have to continue to meet Best Available Technique for that permitting process.

#### *HGV emissions*

325. Waverley Borough Council noted no AQA has been carried out with regards to the proposed traffic for the proposal and have commented that any vehicle should include employees coming to the site. HGVs can also generate emissions that can affect air quality. The IAQM “Land Use Planning and Development Control: Planning for Air Quality” (2017) suggests a change in HGV flows of more than 25 annual average daily traffic (AADT) when within an AQMA or of 100 AADT elsewhere as an indicative trigger level for when an air quality assessment is required to specifically assess whether the increase or change in HGV movements could have an impact on air quality. With regards to cars/ vans, the threshold is higher with a change of 100 AADT within or adjacent to an AQMA or more than 500 AADT movements elsewhere.

326. As outlined in the highways section, the average two HGV movements that would be associated with the proposal would be 68 per day. This includes existing HGV movements but would be the change. This is below the threshold of 100 as outlined in the IAQM guidance. For employees travelling to the site, the Transport Statement says there would be an additional 70 AADT movements but this is spread over three shift patterns. This change in cars/vans is also below the IAQM threshold however when including current employees (60 direct employees, 20 indirect employees in transport and 10 contractors for different activities) this total number would be below the IAQM threshold. As outlined above, the Transport Statement HGV calculations are based on both 28t payloads and 15t payloads that visit the site to collect bricks. As these levels are below the IAQM thresholds for the need to produce an air quality assessment, none is required.

## Stability

327. The application proposes to work clay to some 55m AOD and then to restore the application area to several ponds at 69m AOD in phases 1 and 2, 75m AOD in phases 3 and 4 and 65m AOD in phase 5. The applicant proposes to restore the land to ponds as this would mean that no waste would need to be imported to the application site and only on-site overburden would be used to restore the application area with soils placed at final restoration stage. The quarry faces would generally have a slope angle of 1 in 2.6 and a maximum face height of 41m without benches, 55m with one intermediate bench. The watertable is below the depth of the quarry but there is groundwater in two discrete siltstone/ sandstone horizons which would be encountered. Given this it is appropriate to assess the implications that the restoration scheme could have for stability.
328. During the working life of each Phase of the proposal, stability is regulated by the Quarry Regulations (QRs) and the Health and Safety at Work etc Act 1974 and the Quarries Regulations 1999. There is a presumption against duplication of regulatory regimes. Under the QRs the operator has a general duty to ensure the safety of excavation and tips being designed, constructed, operated, and maintained to ensure that instability or movement, which is likely to give risk to the health and safety of any person, is avoided. Enforcement is through the quarry inspectors of the Health and Safety Executive (HSE). For Ewhurst Brickworks there is a Regulation 33 requirement to produce Geotechnical Inspection reports at an interval not exceeding two years or in the event of a significant change to the quarry's development. On cessation of working and following restoration, responsibility reverts to the landowner, and it is for the CPA to ensure that the site is a suitable use of the land from a stability perspective. The QRs require that the operator shall ensure that in the event of abandonment of or ceasing of operations at a quarry, it is left in a safe condition.
329. The primary responsibility for the safety and stability of a surface mineral working such as Ewhurst Brickworks, is that of the operator, defined in the QRs as "the person in overall control of the working of the quarry". Under the Quarries Regulations 1999 a quarry may be taken as including any excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals not being a mine, borehole or well and therefore includes all surface mines and tips used in connection or conjunction with the operation of a quarry. However geotechnical stability does need to be considered in the planning regime when the QRs do not apply, such as any areas of the site not within the QRs at any point time, or in respect of the long term stability of the restored slopes after the QRs cease to apply. Parts of the quarry not in use or already restored, could fall outside the QRs.

330. The NPPF para 174 states that “*to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location*”. Paragraph 001<sup>53</sup> of the NPPG recognises the effects of land instability could result in landslides or subsidence; and failing to deal with this issue could cause harm to human health, property and associated infrastructure and the wider environment. The paragraph recognises that there are different circumstances that would cause or lead to instability but sets out that the planning system has an important role in considering land stability and that it is a material planning consideration in so far as:
- Minimising the risk and effects of land stability on property, infrastructure, and the public
  - Helping ensure that various types of development should not be placed in unstable locations without various precautions; and
  - To bring unstable land, wherever possible, back into productive use.
331. Policy MC14 of the SMP2011 states that mineral development will be permitted where the applicant has provided information sufficient for the CPA to be satisfied that there would be no significant adverse impacts arising from the development with regards to land stability and the integrity of adjoining transport infrastructure (criteria vii). There are no policies on stability within the MVLP2000 or the MVCS2009 or the WLLP1.
332. The site has Cretaceous age clays belonging to the Weald clay formation which the British Geological Society describe as green, grey, blue, brown, and red clays or mudstones with subordinate siltstones, shelly limestone, sandstones, and clay ironstones. The County Geological Consultant (CGC) has commented that it should be borne in mind that the geology of the site is not a single homogenous clay/ mudstone unit, and it will have different geotechnical properties and groundwater conditions.
333. The applicant submitted as part of the Environmental Statement a Geotechnical Assessment of the application site. In this assessment it states that a site visit took place whereby inspection of the open quarry faces in Phase 1 took place and no evidence of bulging or seepage was observed in the quarry faces and no evidence of tension cracks or ponding could be observed in the benches above. The assessment does note that historic report has noted localised seepages from the quarry faces and ‘damp’ strata. The assessment states that in modelling of the slopes after clay extraction, a very shallow surface failure was modelled but that this analysis does not consider the stabilising effects of vegetation; and that the quarry design should be considered to be suitable throughout the lifetime of the quarry development.
334. The ES also includes a Phase 1 Geoenvironmental Assessment which includes modelling of stability and potential strata features. The Assessment focuses on the geology/geotechnical situation within Phase 1 alongside using borehole data and cross sections. The CGC reviewed the assessment and the modelling provided and commented that all the assessment work focuses in or around Phase 1 and there are no stability runs for the remaining proposed phases and it was unclear whether the scenarios provided in the assessment represent the worst-case scenario for the site as a whole.
335. The applicant responded to this point that Phase 1 was used as it is the deepest and currently the steepest excavation at the application site therefore their analysis focused on this situation. Then based on stratigraphic recording and BGS mapping of the site, the applicant comments that it was considered that none of the proposed future extraction

<sup>53</sup> 001 Reference ID: 45-001-20190722

areas of the site showed significantly different strata to the sections selected that would make the other sections a worst-case area of the site.

336. The CGC also queried the variability of the strata at the site is unknown and the presence and nature of features (such as sandstone layers) in the strata could affect any groundwater mobility through the clay/ mudstones and therefore affect stability of the clay faces. The applicant responded to the CGC queries saying that the only way to determine the exact location and nature of features which will affect stability of the slopes will be to inspect strata from the excavations on site and make an assessment of the feature if/ when it is exposed and if a feature is exposed, its effect on the stability of the faces would be addressed at that time. The applicant's opinion is that this is a low risk environment and given the long time scale and lead in times for each phase, detailed knowledge of the strata at this stage is not considered. The applicant has highlighted the continual need for QR reports to be produced to provide for continual review and design modifications. The applicant accepts that stability of faces can be sensitive to potential groundwater flow and the applicant has provided detail for the CGC with regards to the modelling that was undertaken.
337. The CGC has commented that he continues to have reservations about the lack of information that has been presented for the site as a whole because there may not be stratigraphic correlation from Phase 1 to the rest of the overall site. However, the CGC recommends that a condition is imposed that requires detailed stability assessment work to be submitted to the CPA for each part/ phase of the site that falls outside of the QRs. Because the working faces of the quarry would be covered by the QRs, it would only be for the CPA to be satisfied that there are no stability issues or concerns when such areas fall beyond the realms of the QRs as outlined above. The CGC has noted that the distance between the quarry faces on restoration and the applicant's ownership boundary is of some distance.
338. Officers recognise that the CGC has raised concerns about the lack of overall stability/ stratigraphy information for the site as a whole and lack of information to demonstrate a correlation between Phase 1 which has been used in the modelling and assessment work to demonstrate there are no stability issues. The applicant has said the modelling is satisfactory and that Phase 1 represents a worst case scenario which shows acceptable stability parameters. Officers agree with the CGC that a condition should be imposed that requires the submission of stability information for aspects of the site that are beyond the remit of the QRs as ensuring the land is suitable and stable, including restoration phases and stockpiles, is a requirement of the NPPF.

### **Surface Water, Hydrology and Hydrogeology**

339. The application site lies in Flood Zone 1 (FZ1), the area of lowest risk of flooding. The NPPF (paragraph 167) seeks to ensure that planning applications, even outside of Flood Zones 2 and 3, do not increase the risk of flooding elsewhere beyond the application site and requires applications such as this to be supported by a site-specific flood risk assessment. Paragraph 169 goes on to state that major developments should incorporate sustainable drainage systems unless there is clear evidence that it would be inappropriate. Paragraph 018<sup>54</sup> of the NPPG echoes this point of ensuring areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The paragraph goes on to say waste and mineral planning authorities should apply the sequential approach to the allocation of sites for waste management and, where possible, mineral extraction and processing. It should also be recognised that mineral deposits have to be worked where they are. However, mineral working should not

---

<sup>54</sup> Paragraph: 018 Reference ID: 7-018-20140306

increase flood risk elsewhere and needs to be designed, worked and restored accordingly and that sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation.

340. In terms of vulnerability, mineral sites such as this are classified as 'less vulnerable' and the tile factory also has a classification of 'less vulnerable'. Given this and the site's location in FZ1, the proposal would be appropriate in terms of flood zone compatibility<sup>55</sup>. However, there are residential properties within 100m of the application site which increases the potential severity of the consequences of flooding for those receptors for a severe flooding event.
341. Policy CS20 of the MVCS2009 expects that sustainable drainage systems be part of development proposals and that development should work towards mimicking greenfield run off situations.
342. Protection of groundwater quality is sought by Policy ENV67 of the MLP2000 which states development will not be permitted if it may have an adverse impact on the quality of groundwater. Policy ENV68 requires development to have adequate water resources and to ensure their provision is not detrimental to existing abstractions, river flows, water quality or nature conservation.
343. Policy CC4 of the WLPP1 requires development to be located, designed, and laid out to ensure that it is safe with the risk of flooding minimised whilst not increasing flooding elsewhere. The policy goes on to require SuDS for major development and that there should be no increase in either the volume or rate of surface water runoff leaving the site. Surface water consideration for this application is both for the quarrying aspect and also the installation of the tile factory.
344. The Weald Clay is designated by the Environment Agency as 'Unproductive Strata' with low permeability that have negligible significance for water supply or river base flow. The Environment Agency in responding to this application confirm this and comment that the proposal is unlikely to have significant groundwater quality or quantity impacts. There are thin sandstone beds within the site, and these are classified as Secondary A aquifers. The site is located within the catchment of the River Wey with drainage flowing south westwards towards the River Wey tributaries. There are two water courses on site known as the Western Tributary and the Eastern Tributary. The Western Tributary flows from north to south through the centre of the site (S2) and the Eastern Tributary flows from the brickwork's buildings area in a south east direction, eventually meeting the Western Tributary. Both the Western and Eastern Tributaries eventually flow to the west to the nearest main river, which is Cobblers Brook, approximately 2km to the south east of the site.
345. A FRA was submitted with the ES which considered fluvial flow, surface water runoff, groundwater flow and sewer and/ or water mains leakage; and included climate change effects. The overall likelihood of fluvial flooding on site is considered to be very low to negligible due to its FZ1 classification. Groundwater flooding is considered to be low in the FRA. Surface water however is considered to be high due to the waterbody and watercourse around the quarry. The FRA accepts the proposal would result in changes to the surface water regime at the application site from the creation of new waterbodies within the extraction areas alongside the new factory covering an area of 2.55ha. A Hydrogeological Impact Assessment Report is also contained within the ES.

---

<sup>55</sup> Based upon [Table 3: flood risk vulnerability and flood zone 'compatibility'](#)



346. Surface water derived from the quarry void, including haul roads alongside the stockpile area and factory area, collects within the quarry void. Small inflows of groundwater from the Weald Clay occur also into the void space. This water is then pumped via a pipe out of the void to the water treatment plant which can be seen in the photographs, where it is treated before flowing southwards by gravity to a manhole and then discharges to a ditch. The discharge of water off site is undertaken in accordance with an Environmental Permit which has a maximum permitted discharge rate of 2,608m<sup>3</sup>/d with a pH between 6 and 9 and a maximum solid content of 30 mg/l. The treatment plan has a maximum throughput of 2,592m<sup>3</sup>/day.
347. The FRA has provided information as to how surface water would be managed for each phase. In phase 1 this would be done by inclining the quarry floor so surface water runs to the southeast (as per the current situation). During Phase 2A, the applicant states that it would be necessary to divert the watercourse S2 from its current alignment into a new channel that would run along a bench around the edge of Phase 2A at 72m AOD, whereas it would currently run straight through the middle of the phase. The diverted stream would remain in place even on restoration of the site. The applicant states the new channel would be of equivalent capacity and gradient to that which currently exists to ensure the flow regime does not change. During periods of high flow the applicant proposes that water from the channel overtops into the quarry void via an engineered outfall. The applicant states that further detail would be provided on this watercourse design on granting of planning permission.
348. During Phase 3, the applicant proposes that water collected from surface water and groundwater because a proportion of the mineral extraction would be undertaken below the watertable, would require pumping out of the void space into Phase 2. This process would be copied for Phase 4 in that water collected in this phase would be pumped into the waterbody being created in Phase 3. With regards to Phase 5, water would be stored within the phase at its lowest point.
349. On restoration, water levels within the waterbodies would be allowed to rise. Water levels within Phases 1 and 2 would continue to be managed by the existing outfall. Water levels in Phase 4 would be managed to 68m AOD by an outfall to be constructed in the north west margin which would link to an existing stream. Water levels in Phase 5 would be managed at 65m AOD controlled by an outfall in the south east corner linking to an existing stream. Both discharges would need to be agreed with the Environment Agency.
350. The proposal would result in an increase in rainfall catchment area and on restoration, the waterbodies would capture surface water runoff. the FRA considers that the risk of surface water flooding to receptors is very low for both the operational and restoration phase.
351. The tile factory would create new hardsurfacing areas in terms of both the building and the stocking yard. The applicant proposes that surface water collected from these hard standings are collected into a swale feature that would be created specifically for this. This would operate under gravity and would be sized to accommodate runoff for a 1 in 100 year (+30% climate change) equalling 2,262m<sup>3</sup> of runoff and would be in place before completion of the tile works and stocking yard. A condition is proposed requiring this and a verification report to be provided to ensure the swale is constructed as designed. All surface water for the tile factory would then be captured within this swale feature to ensure no off site flooding.
352. Neither the LLFA or the Environment Agency have objected or raised concerns with regards to the surface water drainage for the proposal. The Environment Agency have requested conditions with regards to how drainage during the construction of the tile

factory would be managed be imposed; and the LLFA have requested further details of the proposed swale for the tile factory.

353. The CGC notes that it is proposed to divert watercourse S2 around the edge of Phase 2 on a bench and does not object to this aspect of the proposal and comments the sizing of the channel is satisfactory as it maintains the hydrological regime downstream for the lower return periods. The CGC does, however, comment there could be potential implications from the diversion in respect of slope stability unless the channel is lined along its length as it could provide an external source of water part way up the slope. The CGC raises no concerns about the construction of a swale for the tile factory and its stocking yard and agrees its design can be conditioned.
354. However, the CGC has concerns about the certainty the applicant has about what the water levels would be within the lakes on restoration of the site and that they would stabilise over the long term. The CGC has explained that the amount the water levels would fluctuate would be based upon the balance of rainfall, groundwater leakage and evaporation and that any possibility of over-topping should be avoided. This could be controlled by an outfall should one be required. The CGC also comments that the chemical quality of the lake water would also be unknown at this stage, and this could also affect the landscape and ecology of the restoration scheme and that where the outfall discharges to. The CGC comments that until the hydrogeological characteristics of the ground and groundwater at the site are determined by investigation the excavation phase impact of dewatering cannot be confirmed. The CGC recommends that a condition be imposed that a scheme of investigation, monitoring and assessment should be submitted that would require the continual collection of data and assessment of how the groundwater and surface water at the site works whilst excavation takes place. The CGC states that the data collection for each Phase to commence well in advance of cessation of pumping of the phase so there is a robust baseline of data by the time the assessment takes place. Some data such as dewatering pumping volumes and rate, sump/pit base water levels, discharge water chemistry etc, will need to start in the short term.
355. The CGC also requests conditions are imposed for the submission of a drainage strategy to be submitted before the pumps are finally switched off at the end of the restoration of the site. Such a strategy would include information such as flow rates and discharge points as required to ensure the surface water runoff rates adequately cater for the site and do not cause off site flooding.
356. The applicant has questioned the need for monitoring of groundwater quality for the waterbodies in the long term. The applicant has said that currently water collected in the base of Phase 1 is discharged via an outfall which is regulated for chemistry and solids and not concerns have arisen on either matters. The applicant also states that in terms of water levels, the old Ewhurst brickworks pond to the north of the application site has no outfall and has remained stable in terms of water levels. The applicant states that both these matters show that a condition with regards to groundwater quality and quantity monitoring is unnecessary. The CGC however remains of the opinion that the collection of such data is necessary. The CGC has said that the condition does not require the submission of information within six months but for a scheme to come in to outline how the collection of such data would take place. the CGC remains of the opinion the condition is necessary to predict final lake levels and any overflow requirements. Officers agree with this requirement and that the imposition of the condition is both necessary and reasonable.
357. Thames Water did query whether there would be sufficient water to feed the new tile factory. Policy ENV68 of the MLP states that development will only be permitted where

the Council, after consultation with the relevant water supply companies, considers adequate water resources are available, or where their provision is not considered detrimental to existing abstractions, river flows, water quality, fisheries, amenity or nature conservation. However, recent correspondence from them has confirmed that they have no objection to the proposal subject to an informative being placed on any permission granted. This has been imposed.

358. Concern was raised within a letter of representation with regards to the colour of water understood to be discharged from Ewhurst Brickworks. The applicant has responded saying that water is pumped from the quarry void into the water treatment plant, the water is then treated with flocculants to remove the silt before the water discharged off site. The silt levels are checked daily and water is not discharged if silt levels are above 30 parts per million. This is a requirement of the PPC permit. Therefore, discoloured water should not be leaving the site at the discharge point.

## Lighting

359. The application site is located in an area that is predominantly classified as dark sky (0.25 – 0.5 nano watts/ cm<sup>2</sup>/sr) according to CPRE's 'Light Pollution and Dark Skies' map<sup>56</sup>. However, the area around the existing factory, including the woodland to the west and south, is classified as 'brighter' being 2 – 4 nano watts/ cm<sup>2</sup>/sr. Given this is the only area within the vicinity, aside from villages such as Capel and Cranleigh and Beare Green; this provides an indication that there is already some lighting impact in the vicinity of the factory.
360. Policy MC14 requires consideration of lighting as part of any minerals development proposal. With regards to lighting, Policy CS13 criteria 2) and 3) of the MVCS2009 is relevant to this proposal. Point 3) states that "*Development in the AGLV area will be required to be supported by evidence to demonstrate that it would not result in harm to the AONB, particularly views from and into the AONB and the key features identified in point 2 above*". As point 3) refers to the need for consideration of the key features identified in point 2, it is relevant to consider those. Point 2 of the policy states "*The AONB will be protected in accordance with the objectives in Planning Policy Statement 7 (Sustainable Development in Rural Areas) and the Surrey Hills Management Plan, with particular focus on the impact of development on ridgelines, significant views, peace, tranquillity and levels of artificial light*".
361. Policy ENV57 of the MLPP2000 states that proposals for the illumination of buildings, car parks and other facilities will not be permitted where they would significantly and adversely affect the amenities of residential properties, Conservation Areas or Listed Buildings, or the character or appearance of the countryside. The policy goes on to state that where permission is granted, consideration will be given to imposing conditions to limit the impact of the illumination. Draft Policy EN12 of the emerging MLPP seeks to minimise exposure to and emissions of pollutants including light pollution with proposals seeking to ensure they mitigate or avoid any adverse site specific or environmental impact that arises as a consequence of the development. The policy specifically goes on with regards to light that measures should be incorporated to minimise the intrusiveness of artificial light with low energy lighting systems being encouraged to preserve dark skies particularly near woodlands and areas protected for nature conservation.
362. Policy CC2 of the WLPP1 seeks to ensure new development encourages the use of natural light. Draft Policy DM1 of the emerging WLPP2 states that development should avoid harm to the health or amenity of occupants of nearby land and buildings and future

<sup>56</sup> <http://www.nightblight.cpre.org.uk/maps/>

occupants by way of unacceptable increasing in light pollution; and that development should not cause deterioration to the environment by virtue of potential pollution to the air.

363. With regards to clay extraction, there would be no issue with regards to lighting as this activity takes place during daylight hours only for reasons of health and safety. The clay is also worked in campaigns for limited duration of 8 weeks after which the clay is stockpiled adjacent to the factory area after which, any lighting impact would be associated with the factory. As this proposal is not concerned with the existing factory, no further assessment can be carried out for that factory.
364. The key aspect of the proposal that could give rise to light pollution would be the tile factory and its associated parking areas and stock yard. There is currently planning permission in place for the existing brickmaking factory however no conditions were imposed to control the level of external lighting of the factory or the car parking area. The applicant proposes to install lighting on the proposed tile factory and parking area.
365. The NPPG paragraph 001<sup>57</sup> states that *“artificial lighting needs to be considered when a development may increase levels of lighting or would be sensitive to prevailing levels of artificial lighting [...] It has the potential to become what is termed ‘light pollution’ or ‘obtrusive light’, and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light”*. The NPPG outlines<sup>58</sup> that light intrusion from developments occurs when there is light spill which can be overcome through good design, correct installation (avoiding lighting near or above the horizontal) and ongoing maintenance and using luminaire selection.
366. The Institute of Lighting Professionals (ILP) Guidance note<sup>59</sup> outlines that obtrusive light is a form of pollution. This can be sky glow (the brightening of the night sky), glare (brightness of a light source), light spill (beyond the boundary of the area being lit) and light intrusion (nuisance) are all forms of obtrusive light. The guidance states that any lighting scheme consists of a light source, a luminaire and a method of installation/mounting. The choice of luminaire with the right optical distribution at the right mounting height is critical to minimising light spill and obtrusive light effects, yet providing the right lighting performance on the task area. It is therefore important to consider the luminaire, its light distribution, how it is installed and how it is set up.
367. The Guidance goes on to state that in most cases it will be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation, as a lower mounting height can be worse and can create more glare and spill. In rural areas, such as this, the use of full horizontal cut off luminaires installed at 0° uplift will, in addition to reducing skyglow, also help to minimise visual intrusion within the open landscape. The Guidance provides Environmental Zones for exterior lighting control of which this site would fall within the zone E1 “Dark” with relatively uninhabited areas and E2 “Rural” of low district brightness of sparsely inhabited rural areas or villages. On this basis, the Guidance outlines that
  - i. for vertical illuminance and light spill within E1 to be 2lux for pre-curfew and <0.1 lux for post curfew;
  - ii. for skyglow within E1 to have a upward light ratio of 0

<sup>57</sup> Paragraph: 001 Reference ID: 31-001-20191101

<sup>58</sup> Paragraph: 003 Reference ID: 31-003-20191101

<sup>59</sup> ILP Guidance notes for the reduction of obtrusive light, 2021

368. The proposal seeks to install 12 luminaires within the tile factory stocking yard. These would be installed in eight positions, six of which would be on 15m high columns with the other two positioned on the western façade of the tile factory. Whilst the column heights are tall, as outlined in the Guidance, the taller the columns the greater ability there is to directionally control the lighting. The columns would also be no greater in height than the tile factory. Four of the columns would be placed in the central area of the stocking yard running south west to north east and would have two luminaires each; with a column at each end. The lighting would be Orbis (Schreder) LED fittings with a Neutral white colour. It is proposed the lighting would be on until 22:00 hours to allow for operational movements of tile pallets after which the lighting would be turned off. The lighting assessment provided by the applicant shows approximately 1 lux spill across the curtilage of the stocking yard.
369. Lighting installations in locations such as this should also take into account the impact on wildlife, in particular bats. The ILP has also produced guidance<sup>60</sup> with regards to ensuring external lighting does not impact on bats. The guidance recommends using LED lights due to the sharp cut off, low intensity and dimming capacity; warm white lights to reduce the blue tone; wavelengths higher than 500nm; downward directional luminaires; mounted on the horizontal; and upward ratio of 0%. The guidance comments that for column heights these should be considered to minimise spill and that buffers, hoods or louvres should be used as a last resort. The guidance recognises that hard landscaping such as surfaces can assist in reducing light glare/ spill through the use of non-reflective surfaces. The guidance recognises that soft landscaping can be used to screen lighting however it should be borne in mind that new planting would have limited impact until it has matured.
370. It is proposed that the tile factory would have a grey Portland cement surface dark concrete surface to reduce reflectance of the ground surface. The lighting proposed are LED neutral white with very little blue tones with automatic switches to turn off lighting when it is not needed. The luminaires would have a vertical cut off with zero upward light which is essential for E1 zone classification. The positioning of the tile factory and the existing factory store building would assist in providing a physical screen to residential properties to the north and east. The clay stockpiling area is located to the west of the stocking yard however there is a small finger of woodland in between therefore it will be necessary to ensure any lighting it mitigated.
371. The County Lighting Consultant has reviewed the information submitted as part of this proposal with regards to lighting from the tile factory and the stocking yard. The County Lighting Consultant is satisfied that the proposed surface for the stocking yard is acceptable in terms of reflectance. The County Lighting Consultant is satisfied with the proposed lighting scheme in terms of the lighting proposed, calculations provided and that the light fittings proposed are those suitable for the E1 zone classification. Officers, however, consider that it is necessary and reasonable to propose conditions to ensure the lighting as proposed is installed correctly and that once installed it is checked to ensure no light spill or glare.

### **Geological SSSI**

372. Much of the application site is covered by a geological SSSI called Smokejack Clay Pit SSSI. Its extent covers much of Somersbury Wood extending northwards towards the former now disused brickworks; and southwards into Exfold Wood. Under this proposal, much of these areas would not be worked and Phases 3, 4 and 5 are not covered by the

<sup>60</sup> ILP Bats and artificial lighting in the UK: Bats and the Built Environment series 2018



geological SSSI. The SSSI is important for depositional environments and faunas, its dark to light grey and brown clays with siderite concretions which have yielded inserts, ostracods, molluscs, fish, articulated and disarticulated bones of reptiles<sup>61</sup> and number gastroliths. The SSSI citation says it is the best Weald Clay reptile site currently available. The Woodland Trust in their comments raised concerns about the proposed impact of the clay extraction on the SSSI implying it is for ecological importance. This is incorrect as the SSSI has not been designated on any ecological basis.

373. Paragraph 174a of the NPPF seeks to protect and enhance sites of geological value. The working of the clay reserve would directly impact parts of the geological SSSI however it would also allow for new exposures to be revealed. Geological SSSI's are protected in a different way to nature conservation SSSIs where the working of mineral sites can assist in providing new data and information on the geological sequence or fossil remains that would otherwise have gone unknown. Natural England have raised no objection to the working of the site and its impact on the geological SSSI but have noted the importance of recording and studying the new exposures as well as the collection of the fossil faunas and floras that are associated with them. Natural England have commented that maintaining the exposures after extraction has ceased at sites working clays and mudstones is extremely difficult as low angles of repose would require the faces to be re-graded to avoid any slumped material covering the exposure and too shallow a slope would make it difficult to observe succession. Natural England recognise that for faces in this particular mineral to be maintained in the long term in a condition for recording the exposure to demonstrate the geological interest, this would require long term pumping of water to keep the water down and large areas to maintain angles of repose.
374. Natural England have commented that the ability to access, record and collect from the interest features while the quarry is being worked (and therefore providing fresh material) is more important and more beneficial to the SSSI than attempting to retain exposures that will rapidly weather and degrade in combination with a fast diminishing return. Natural England have commented that much of the interest in this site arises from the diverse terrestrial fossil assemblages that occur here, and the context in which they are found. These are best studied and researched while the quarry continues to be worked and the sediments are fresh and un-weathered. Once extraction ceases, the sediments will become weathered and there will be no fresh exposure, and the yield of fossils will cease. As such, Natural England request conditions are imposed to this affect. Officers are satisfied that such a condition can be imposed as similar conditions have been imposed elsewhere on other mineral sites within the county with geological SSSI's.

## Heritage Assets

375. Paragraph 189 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 194 states with regards to planning applications *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed*

<sup>61</sup> These include crocodile teeth, coprolites and a partial skeleton of *Iguanodon*. The unique fish eating theropod *Baronyx walker* was discovered at this site.

*includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.*

376. Paragraph 195 goes on to say that it is the responsibility of the local planning authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account the impact of a proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
377. Paragraph 199 states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. Paragraph 200 goes on to say, *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*. Paragraph 201 outlines that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.
378. Paragraph 202 outlines that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. Paragraph 203 deals with non-designated heritage assets requiring the effect of an application their significance should be taken into account in determining a planning application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
379. Paragraph 205 requires that where heritage assets are to be lost, that developers *“record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”*.
380. Policy CS14 of the MVCS requires areas and sites of historic or architectural importance to be protected and where appropriate, enhanced. Policy ENV49 of the MLVP2000 states that where significant development proposals fall within an Area of High Archaeological Potential an initial assessment of the archaeological value of the site will be required as part of the planning application. Depending on this assessment where archaeological remains can remain in situ, provision should be made to minimise or avoid damage to the remains. Policy ENV50 of the MVLP states that for unidentified archaeological sites, the results of a desk based archaeological assessment should be submitted with a planning application for sites over 0.4 hectares. Draft Policy EN6 of the EMVLP states that the Council will have regard to the impact of new development on the fabric, integrity, significance and setting of designated and non-designated heritage assets. The policy goes on to state that when considering a development proposal, the following factors will be taken into consideration: significance and importance of the asset, the contribution of the asset to local identity and distinctiveness, the degree to which the proposal conserves and enhances the heritage asset and their setting; and the cumulative impact of the proposal on the heritage asset when considering developments past and present.
381. With regards to archaeology, draft Policy EN6 requires a desk-based assessment be provided for development proposals that affect County Sites of Archaeological

Importance and Areas of High Archaeological Potential and for non-designated assets such an assessment is required for sites greater than 0.4ha; and that great weight be placed on the conservation of archaeological assets. For listed buildings and structures, development proposals affecting Listed Buildings and Structures and their setting must be accompanied by a well informed heritage statement that sets the proposals in the context of the history of the buildings or structures and their setting, that proposals that result in harm will only be permitted in exceptional circumstances where a clear justification is provided and there are substantial public benefits; and that proposals resulting in less than substantial harm must ensure that the harm is clearly justified. For non-designated assets that proposals leading to the alteration or loss of such an asset will be considered based on its architectural, archaeological, cultural or historic significance and contribution to the community.

382. Policy HE3 of the WLP2002 states that where development is proposed that will affect a listed or a locally listed building or its setting, high design standards will be sought to ensure that the development is appropriate and compatible in terms of siting, style, scale, height, massing, materials. Policy HE10 seeks to protect and conserve heritage features by ensuring that new development will be located and designed to preserve the features. Policy HA1 of the WLPP12018 seeks to ensure that the significance of the heritage assets within the borough are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment by: safeguarding and managing all heritage assets, understanding and respecting the significance of the assets, facilitating and supporting the identification and review of heritage assets of local significance; and targeting improvements to those assets identified at risk.
383. Draft Policy DM20 seeks to preserve or enhance listed buildings and their settings and any features of special architectural or historic interest by ensuring that development will be appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, features and detailing. The draft policy goes on say that proposals that would cause substantial harm or loss of a heritage asset will not be permitted unless it can be demonstrated that the substantial public benefits gained would outweigh the loss of or harm to the heritage asset and that proposals that would cause less than substantial harm to the significance of the heritage asset will be considered against the other public benefits to be gained. Draft Policy DM23 deals with non-designated heritage assets and states that the Council will seek to conserve and enhance the significance of non-designated heritage assets by ensuring that development responds to and respects the special architectural and historical interest of the heritage asset and its local importance; development will be sited and designed so as to conserve the asset and its setting; and where harm is unavoidable the asset should be appropriately recorded, relocated or restored.
384. With regards to archaeology, draft Policy DM25 states that where development involving ground disturbance is proposed on or near County Sites of Archaeological Importance and Areas of High Archaeological Importance or on any site exceeding 0.4 hectares, an initial assessment of the archaeological value will be required as part of the planning application. Where that initial assessment indicates that archaeological remains are or may be present, an archaeological field evaluation will be required. The evaluation should define: a) The character, importance and condition of any archaeological deposits or structures within the site. b) The likely impact of the proposed development of these features c) The means of mitigating the impact of the proposed development. Where archaeological remains cannot reasonably be protected in situ, a full archaeological investigation of the site including archaeological recording, formal reporting and publication of the findings, and archiving of the recovered material in a suitable repository, will be required in accordance with a scheme of work to be agreed in writing with the Council prior to the commencement of any works. A balanced judgment will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.

385. Draft Policy EEG5<sup>62</sup> of the EENPSV states that development proposals affecting heritage assets, including non-designated heritage assets, either directly or indirectly, should conserve and, where possible, enhance the significance and setting of the asset. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area. The draft Policy goes on to say development proposals should demonstrate that they have taken into account the potential impact on above and below ground archaeological deposits to ensure that evidence which could contribute to the understanding of human activity and past environments is not lost. Where a scheme has a potential impact on archaeological remains (below or above ground), a Heritage Statement or similar should be prepared in support of planning applications.
386. Policy HC2 of the Surrey Hills AONB Management Plan states that heritage assets, including historic buildings and archaeological sites, will be conserved, managed and recorded. Policy HC3 requires proposals to have due regard to the setting of historic buildings.
387. As required by national and Development Plan policy, the applicant submitted a Heritage Statement with the planning application that explains both the above and below ground heritage assets at and near the application site. The Heritage Statement explains that it was agreed with the County Archaeologist that geophysical (magnetometry) survey would be carried out to assess the extent and significance of the archaeology at and near the site due to the possibility of evidence of glassworking being encountered. This is due to there being an Area of High Archaeological Potential for a 16<sup>th</sup> – 17<sup>th</sup> century glasshouse at Somersbury Wood, immediately to the west of clay extraction area Phase 3. There is also a Historic Environment Record point within Somersbury Wood near to the proposed access track and it is known that a Roman road, running approximately 800m south west of the application site had been in place.

#### *Listed Buildings*

388. Nine listed buildings, all Grade II, lie within approximately 1km of the application site with a further two just beyond. As part of the Heritage Statement, the applicant visited the environs of all these buildings aside from Hillhouse Farmhouse and Somersbury Manor House due to them being situated well back from public roads. There are no visual connections from these listed buildings and the application site. A Heritage Assessment was submitted as part of the Environmental Statement which concludes the proposal would have no harm to the listed buildings. Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 16(2) and 66(1) require Local Planning Authorities to “have special regards to the desirability of preserving the building or its setting”.
389. The proposal would not result in the altering or destroying of any of these listed buildings themselves. As such, in accordance with para 199 of the NPPF which states that significance can be harmed or lost through alteration or destruction of the heritage asset (which is not the case here) or development within its setting; it is appropriate to assess whether this proposal would harm the setting of any of the listed buildings and thereby affect their significance. Officers consider that no setting associated with any of the listed buildings in the vicinity of the application site and in relation to clay extraction and the

---

<sup>62</sup> Draft Policy EEG5: Conserving Heritage Assets

construction and operation of the tile factory, would be harmed and therefore affect the significance of the designated asset. This is because the clay extraction would be below the tree line of the woodland that surrounds the clay extraction areas that the proposal would be well screened. As such Officers consider that due to the well screened nature of the application site that the proposed development would not interrupt views from these heritage assets nor interrupt the agricultural and woodland and hedgerow setting which many of the listed buildings sit within. Officers are also satisfied that the proposal would not create noise emissions that would affect the setting or significance of the listed buildings.

390. In line with paragraph 199 of the NPPF, consideration was given to whether there would be any impact on the setting of listed buildings in the wider environs of the application site not identified in the Heritage Statement. Officers conclude that while it may be possible to glimpse the application site from properties on the ridge to the north of the development site, this would form part of a much wider vista and would have no harmful impact on the setting of any listed buildings.
391. With regards to the tile factory, Officers recognise that parts of this would be less well screened. However, the applicant has sought to lessen this harm by planting woodland blocks and a condition is proposed for the factory to be of a recessive colour palate. As such, Officers consider that the setting of the listed buildings remain unharmed and are not interfered with by this proposal due to the enclosed nature of some of the listed building settings and the distance of the application site to the listed building.
392. Officers are satisfied that there would be no impact from the proposal on any particular significance of the listed buildings and their setting identified in proximity to the application site taking into account the available evidence. The County Historic Buildings Officer has reviewed the proposal and the Cultural Heritage Assessment and commented he is satisfied with the conclusions of the Cultural Heritage Assessment and finds that there would be no material impact on the special interests of the nearby heritage assets and the proposal accords with paragraphs 195, 199 and 200 of the NPPF.

### *Archaeology*

393. Policy HE14 of the WLP2002 states that for proposals that would involve ground disturbance for areas of high archaeological potential, there should be an initial assessment of the archaeological value after which if important remains are found and can be justifiably be left in situ to make provision for this; or if preservation in situ is not justified a full archaeological investigation should be carried out. Policy HE15 states that where proposals are made for large scale developments (over 0.4 hectares) not in an area already defined as of High Archaeological Potential, the Council will require that an archaeological assessment is provided as part of the planning application.
394. In addition to the above, Historic England have produced their own advice note on 'Mineral Extraction and Archaeology' to ensure informed decisions are made regarding the level of archaeological assessment needed within decision making, that a range of investigative techniques are considered; and that the assessment process is consistent and proportionate to the heritage significance. The advice note recognises that a steady, adequate supply of minerals is essential to the nation's prosperity, infrastructure and great weight should be given to the benefits of mineral extraction; that minerals are finite irreplaceable resources, that archaeological remains are finite and irreplaceable resources and that archaeological remains are not all equal in significance.



395. The Heritage Statement outlines following the geophysical assessment alongside research and site visits and aerial photography, that the application site lies within an area of low archaeological potential with only one recorded site, this being the glassworks. The geophysical assessment also identified other anomalies around the glassworks alongside former field boundaries all believed to be in association with the glassworks. An undated enclosure complete with a possible ring ditch was also discovered in the south eastern part of the application site and is believed to be associated with agricultural use. No earthworks were located.
396. As the proposal involves the extraction of clay from the application site, this would result in direct impacts on any archaeological features within the ground where excavation could take place. As Development Plan policy recognises above, where archaeological heritage assets cannot remain in situ, any such archaeological remains that are found should be recorded and preserved. The appropriate methodology for ensuring that any archaeological features that may be found are recorded (including their significance) and preserved is through a Written Scheme of Investigation (WSI) provide an overarching approach to carrying out archaeological works at the site.
397. The WSI sets out that in advance of each phase or other activity (such as creation of infrastructure, subsoil mounds) and within any areas where topsoil would be disturbed, the following mitigation would be adopted:
- a) Trial trenching at a minimum sample of 3% of the area to be disturbed, unless otherwise agreed in writing with the County Archaeologist
  - b) Set piece archaeological excavation of identified archaeological sites, including the glasshouse site
  - c) Continuous archaeological monitoring of the remainder of each phase or other soil disturbing activity with mapping, sampling, excavation and recording of identified archaeology (known as Strip, Map and Sample). If little archaeology is showing up, and with the agreement of the County Archaeologist, the applicant proposes archaeological monitoring could become intermittent.
398. For each of the stages identified above, the WSI sets out a detailed approach for these including methodology, the aims of trenching, how machinery would be used to remove topsoil, the use of a supervising archaeologist, and recording. The most recent version of the document makes a commitment to a minimum sample of 3% of the area to be disturbed following the request from the County Archaeologist to increase this from 2%. The WSI commits to produce a report on the investigations to be submitted to the County Archaeologist, Surrey Historic Environment Record and Surrey Archaeological Society Library within three months of the completion of each extraction phase to provide a summary of the discovered archaeology.
399. The County Archaeologist reviewed the Heritage Statement and then the subsequently submitted WSIs and is satisfied that in principle the proposal could be permitted subject to a condition being imposed that the proposal be carried out in accordance with the submitted WSI. The County Archaeologist is satisfied that the Heritage Statement and WSI are proportionate to the archaeological potential at the site to allow for any significant archaeological features to be identified and for appropriate mitigation measures (in this case the recording of any features found) to be in place. No objection is raised by the County Archaeologist subject to the imposition of a condition that the clay extraction is carried out in accordance with the WSI v2 as submitted.
400. Officers are satisfied that the applicant has appropriately identified the archaeological heritage assets at the application site set out within a Heritage Statement and has carried out a desk-based assessment, alongside site visits and geophysical assessment

to ascertain the presence of archaeological heritage assets at the site. Officers recognise that mineral extraction will result in the loss of archaeological heritage assets and that they cannot remain in situ but that the most appropriate mitigation measures for such losses is through the capturing of such assets and recording them. The applicant proposes this mitigation set out in a WSI. Officers are satisfied that the applicant has demonstrated suitable and proportionate mitigation measures for archaeological heritage assets as required by the NPPF paragraphs 194-195, 199-200 and 205 and Development Plan policy.

### *Conservation Area*

401. Policy HE8 of the WLP2002 sets several criteria for the preservation and enhancement of the character of conservation areas however these criteria are not directly compatible with this proposal. There are no Conservation Areas within or adjacent to the application site. However, Okewood Hill is designated as a Conservation Area and as HGVs and traffic associated with this proposal would drive through Okewood Hill, it is appropriate to consider the harm to its character and appearance. Officers recognise that the proposal would lead to an increase in HGV movements through the Conservation Area. However, the numbers proposed would be lower than those that are currently permitted by clay extraction rates. As such, whilst it is entirely understandable that residents would wish to see the HGV movements reduce, the roads are wide enough, and the buildings are set back. No objection is made by the CHA with regards to the ability of the road through the Conservation Area to accommodate the proposed HGVs and the applicant has offered as part of this proposal that lorry drivers drive at 30mph.
402. Officers in consultation with the Heritage Officer have reviewed the proposal against the Institute of Environmental Management and Auditing (IEMA) Guidelines which state that an assessment of the environmental impact of change to road traffic should be considered where there is a 30% change in traffic flow and for sensitive areas this change is 10%, therefore a lower trigger. A Conservation Area would be a sensitive area. When taking the total traffic flow through Okewood Hill based on the figures presented in the Transport Statement, an increase of 54 two way HGV movements would represent a 4.15% increase. Therefore, when looking at the overall traffic flows, the change of 4.15% would be below the 10% threshold set out in the Guidelines.

### *Conclusion*

403. Officers recognise there are heritage assets within the vicinity of the application site in the form of archaeology and listed buildings; and there is the potential for their setting to be affected. Officers consider the proposal would be harmful to archaeological heritage assets as a result of the need to soil strip and prepare the ground to extract clay, however this also presents opportunities to map any archaeological finds in the area and expand that knowledge base. The County Archaeologist has raised no objection to this aspect subject to a strip, map and search exercise being carried out to record any such finds. Officers are satisfied that the operational and restoration phases of the proposal would not directly harm or destroy any listed buildings within the vicinity nor have any impact on the setting of these listed buildings. Officers consider that the proposal would not harm the setting or significance of heritage assets within the vicinity of the application site and meets the requirements of Development Plan policy and the NPPF.

### **Soil Handling and Agriculture**

404. The proposal would involve the movement of large volumes of soil both during the site preparation stage and then the restoration phase. Paragraph 174 of the NPPF seeks to protect and enhance soils within decision making. The application also proposes to work

clay from three agricultural fields totalling 30.62ha rather than areas of ancient woodland, therefore consideration of Footnote 58 of the NPPF, which states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality, should be considered. This is echoed in Policy MC14 of the SMP2011. There are no policies on the protection or handling of soils within the MVLP, MVCS or WLLP1. Soils are an important and finite natural resource with care being given to them both when they are handled during stripping and storage, in transport but also during the restoration process.

405. Paragraph 040<sup>63</sup> of the NPPG states that detail should be provided in planning applications on soil resources and how the topsoil/ subsoil/ overburden/ soil making materials are to be handled whilst extraction is taking place and where the land is agricultural land, an assessment of the agricultural land classification grade. Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture. Restoration may, in some cases, need to be undertaken in phases to minimise local disturbance and impacts.
406. Natural England's "Guide to assessing development on agricultural land" seek to protect the best and most versatile (BMV) agricultural and from significant inappropriate or unsustainable development proposals and protect soils by managing them in a sustainable way. The guide states that a planning application should include information on how soils would be managed in a sustainable way during construction and reclaim the land after mineral working.
407. The Institute of Quarrying has produced a Good Practice Guide for Handling Soils in Mineral Workings (2021) which replaces the former MAFF guide on this matter, with the primary aim to minimise the compaction of soils as they are handled with the minimal reliance on the need for remedial treatment of compaction caused by the machinery and handling practices. The Guide outlines that one of the best ways in doing this is the provision of a Soil Resource Management Plan (SRMP) as part of a planning application which details the type of earth moving machinery, specify the handling, storage, and remedial practices to be deployed to achieve the intended after use. The SRMP should show where the access and haul routes and soil storage areas are to be located throughout the development alongside any deviation from good soil handling practices. The Guide then provides several Sheets for each soil stripping method that could be carried out at a mineral site.
408. The ES included an assessment of soils including a description of the soil depths and profiles, effects of land drainage, degree to which soil would be harms and how soil would be handled. The assessment outlines that the soil type is medium or heavy clay loam topsoil overlying heavy clay loam or clay subsoil. The assessment recognised that the main effects of the development relate to moving soil from its existing position to a period of storage before moving to its final position for restoration. The assessment recognises there are two different soil types: agricultural soils and woodland soils. The woodland topsoil would be used to restore the lake margins where woodland planting is proposed and the agricultural topsoil would be used to restore areas for grassland.
409. Only topsoil would be lifted, moved, and stored as below this the clay subsoil is suitable for brickmaking. Topsoil from Phase 2 would be stored on a field to the north of the brickmaking factory ensuring a 15m buffer zone around it from the woodland. Because this topsoil would be coming from PAWS land, it would be stored separately and would

<sup>63</sup> Paragraph: 040 Reference ID: 27-040-20140306

be used in the restoration of the lake margins given it would contain woodland flora. Topsoil from Phase 3 would be stored on a field west of Phase 3 where this history glassmaking is known to take place. It should be noted that as no extraction of that field would take place, there would be no harm to the archaeological artefacts of the glassworks. The soil storage bunds would be seeded to minimise dust emissions and reduce their visual impact. Seeding of such soil bunds is a standard condition required by Natural England.

410. Topsoil from Phase 1B which is a western extension of the existing working area, would be used to restore the proposed lake margins of Phase 1A that are above water level. This would be the same for topsoil lifted from Phases 4A and 4B which would be placed for restoration of Phase 3 and Phase 4 where practicable with surplus also being stored within the soil storage area is needed. Topsoil that is lifted from woodland would be used to dress the lake margins for woodland planting. Topsoil lifted from Phase 5A which is to the south of the tile factory, would be placed within Phase 5B and also in the restoration of the earlier phases. When Phase 5B is to be worked, the tile factory would be removed and soils from this location would be used into the restoration of earlier phases.
411. To ensure that sufficient soils are available for the restoration of each phase, Officers propose a condition that requests the submission of a Programme of Working for each working phase. This would then provide the further detail on volume of soil that is anticipated to be within that phase and where it would be positioned. This is particularly important for Phase 5B which would be the last phase of clay extraction and ensuring sufficient soils are available for that restoration as a condition would be imposed that no additional soils should be imported to the application site.
412. It is recognised that the method of soil handling and the scheme of soil movements can have significant positive or negative impacts on soils. Use of inappropriate earthmoving equipment in wet conditions can damage restored soil and soils can be compacted when placed and then if plant or machinery were to traverse over them. The applicant proposes to place soils into bunds and then restore soils using the Peninsula method where topsoil is brought by dump truck and soil is tipped to build up an peninsula progressively to allow loose tipping at the end of peninsula and avoid dump trucks traversing over all of the soil that has been tipped. Once all the topsoil has been delivered a light tracked bulldozer is used to spread out the soil from the peninsula to the required thickness over the rest of the area. Use of light tracked bulldozers to spread soil is a recognised approach in the IQ practice guidance. Any subsequent loosening is done with a tine instrument. Soils would only be transported on designated haul routes or on the mineral surface. With regards to their placement in the restoration phase, the land would be loosened before topsoil is placed.
413. Both Natural England and the CGC have reviewed the information with regards to soil handling and recommend conditions are imposed to ensure that soils are handled appropriately. Officers are satisfied with the information provided by the applicant with regards to the proposed soil handling methods and the need to keep woodland and agricultural soils separately. Officers propose the imposition of several conditions for the protection of soils which follow Natural England's best practice. Officers also propose a working programme condition which would allow specific detail on the volumes of soils to be moved in any one phase and how it would be managed in that phase.
414. The assessment also included whether any BMV would be affected. Agricultural land classification is grade from 1 (Excellent) to 5 (Very Poor) with BMV agricultural and being grade 1 to 3a. The agricultural land within the application site is classified as Grade 3b

therefore outside of BMV. The Natural England guide<sup>64</sup> outlines that subgrade 3b land is moderate quality agricultural land capable of producing moderate yields of a narrow range of crops principally cereals and grass. The assessment within the ES outlines that whilst the proposal would not result in a loss of BMV, the permanent loss of 30.62ha of agricultural land would equate to a minor adverse impact. Natural England's Technical Information Note TIN049<sup>65</sup> says that it is for the planning authority to decide how significant the agricultural land issues are.

415. Officers recognise that the proposal would result in the permanent loss of 30.62ha of agricultural land that is in current use but is not BMV. However, Officers are equally aware that the applicant proposes the extraction of clay from this land instead of extracting clay from a permitted area that is ancient woodland. Officers are of the opinion that the protection of ancient semi-natural woodland which is an irreplaceable habitat carries greater weight than the loss of agricultural land which is not BMV.

## Contamination

416. Policy ENV69 of the MLP2000 states that where the Council are aware that land is or maybe contaminated, permission will only be granted where it is satisfied that there would be no risk to health or the environment or remedial measures are proposed which would mitigate the effects of any contamination. Policy D1 of the WLP2002 in seeking to resolve or limit environmental impacts will seek remedial measures to deal with existing problems such as land contamination.
417. The Environmental Statement has sought to identify potential contamination sources and possible pollutant linkages to receptors. This includes from the manufacturing plant area, historic spillages and leaks of fuel and oils on site, old bricks which may have been discarded known as 'bats'; and the clay stockpile in terms of sediment. The Environmental Statement accepts there could be areas on or around the site where made ground is present and could be encountered as part of the proposals. The Environmental Statement says that if this is the case, then a watching brief should be implemented to ensure any materials are identified, tested, assessed and then handled appropriately. The CGC having reviewed this concurs with this approach and recommends this is extended to all groundworks in around the factory area and is the subject of a condition which Officers concur with. The CGC comments that at the end of its life, he recommends that the factories, their infrastructure and associated stockpile and storage areas, vehicle maintenance and fuel storage areas, brick and tile dumps are all subject to investigation and assessment to identify and if necessary remove any contamination legacy before the site is restored and suggests a condition.
418. The main surface water receptor on site is the quarry void which fills with water. This water body accepts rainfall inputs incident on the quarry and runoff from surrounding areas including mineral stockpiling areas and brick/tile waste stockpiles. The Environmental Statement recognises that there could be lateral migration of contaminants from surface water in the base of the quarry and that the waterbody is a source of suspended solids. Water from lagoon is pumped to the water treatment plant before it is discharged to the Western Tributary as a licenced discharge. This discharge consent has limits for suspended solids as well as chemistry. The brickworks site is covered in hardstanding and oil separators exist to prevent spills from entering the surrounding surface waters.

<sup>64</sup> Natural England [Guide to Assessing Development Proposals on Agricultural Land](#) (2021)

<sup>65</sup> Natural England [Technical Information Note TIN049](#) Second edition 19 December 2012



419. Officers recognise that the hard surfaced areas have provision for the capture and management of spillages. However, as dump trucks and other plant would be traversing the open clay quarry Officers consider it necessary that details be provided as to how any such spillages within the quarry would be managed to ensure that such incidents are managed. This is set out in a proposed planning condition. Officers are satisfied with this condition alongside the other proposed conditions, that contamination from potential spillages or made ground at the application site, can be mitigated.

---

## HUMAN RIGHTS IMPLICATIONS

420. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
421. The proposal involves extraction of clay from Ewhurst Brickworks, the construction of a tile factory and restoration to landscaped lakes for nature conservation afteruse. It is recognised the development has the potential impact on the local environment and local amenity in terms of traffic, landscape character, visual amenity, ASNW, noise, dust, air quality, Rights of Way and people's enjoyment of the countryside, lighting, and surface water drainage. Issues and concerns have been raised by objectors on these matters concerned about the impact on residents, users of bridleway 443 and footpath 89; and users on the road and cycle network including cyclists and equestrians.
422. These issues are acknowledged and have been assessed and discussed in the body of the report. The proposal is for some period until 2073 therefore whilst there would be short term impact during each extraction phase and the construction of the tile factory, it is recognised the life of the proposal is lengthy. It is recognised there would be some impact in terms of visual impact and landscape character from the tile factory and impact on footpath 89 in its permanent diverted route. It is recognised that there would be short term impacts in terms of noise and limited visual impact during clay extraction. The scale of the impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted any impact is capable of being controlled or mitigated by the measures incorporated in the planning application proposal, planning conditions, and secured through a S106 and controls available through other regulatory regimes.
423. In considering this planning application and framing the recommendation Officers have considered both individual interests of objectors and those in the wider community. Having taken account of all the facts Officers consider that the wider community needs and benefits that would result from extraction of clay at Ewhurst alongside the benefits of relinquishing 21ha of land that is ASNW from no longer being worked for mineral, outweighs any impact on individuals.

---

## CONCLUSION

424. The proposal involves extraction of clay from Ewhurst Brickworks, the construction and operation of a tile factory and restoration to landscaped lakes for nature conservation afteruse. An environmental assessment has been undertaken and an Environmental Statement has been submitted with the application including updates and an addendum.
425. The application site would involve the loss of 6.9ha of irreplaceable habitat in the form of ASNW. The NPPF indicates that development involving the loss or deterioration of irreplaceable habitats such as ASNW and ancient or veteran trees, should be refused

unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The application site is located within the AGLV where Development Plan policy seeks to protect and enhance this landscape designation alongside protection of the landscape character of the local. The proposal would involve the permanent diversion of a right of way to facilitate mineral extraction in Phase 5 and the loss of 30.62ha of Grade 3b agricultural land. The proposal would involve the construction and operation of a tile factory as part of the brickworks site on land not within the built envelope of the current brick factory but within proximity of the brickmaking factory.

426. The proposed areas of clay extraction at Ewhurst Brickworks is identified as an Area of Search within the Surrey Minerals Plan 2011 for clay working. Brick clay is essential to support sustainable economic growth and quality of life which includes supporting the housing industry and the Governments commitment to increase house building as recognised in the NPPF. The NPPF states that for brick clay there should be a landbank of at least 25 years.
427. The development has been assessed in terms of its impact on ASNW and PAWS. The proposal would result in the loss of approximately 6.9ha of ASNW including land designated as PAWS. This land is already identified for mineral extraction as part of the planning permission for Ewhurst Brickworks preserved in successive planning acts and the Environment Act 1995 in the form of the ROMP procedure. The applicant has, as part of this proposal, stated that should planning permission be granted they will relinquish the mineral rights to areas of land which are ASNW and have planning permission for clay working thereby protecting 21ha of ASNW from being lost or destroyed from clay working. The applicant has provided a restoration scheme for the planning application area which would provide lakes, woodland planting, grassland and Great Crested Newt habitat. Conditions are proposed to protect the ASNW in the form of a woodland management strategy, a buffer zone and protective fencing. Consequently, Officers consider there are wholly exceptional reasons for the loss of 6.9ha of ASNW that in doing so this would protect 21ha ASNW; and that a suitable compensation strategy has been provided as part of the planning application.
428. Officers recognise that the clay extraction, the tile factory and the restoration of the site would have an impact on landscape character. Officers consider much of this impact is contained within the immediate environs of the application site due to the dense woodland and vegetation providing a screening effect to the wider landscape character area. Officers recognise the tile factory and its stack would be a new building within the landscape and visual envelope of some residential properties. However, when viewed in context of the other brickmaking buildings and the proposed landscaping alongside a condition for the colour of the building to be recessive, Officers are satisfied the impact has been minimised. Officers recognise the stack is an integral part of the tile factory building and options have been explored to try and minimise the impact of it. However, Officers recognise it would be visible and this is part of the balancing exercise.
429. The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access, Rights of Way, landscape and visual Amenity including tile factory design and restoration (including airport safeguarding), ecology and biodiversity (species and designated areas), noise, air quality and dust, stability, surface water, hydrology and hydrogeology, lighting, geological SSSI, heritage assets, soil and agriculture; and contamination. Issues raised on these matters by objectors have been taken into consideration. No objections have been received from technical consultees.
430. Officers recognise the concerns raised with regards to HGVs on the highway network and that the proposal would increase the number of HGVs over that which has used the

highway network in recent years. However, the proposed HGV numbers would be lower than existing permitted levels that Ewhurst Brickworks could operate to. Whilst Officers accept residential concerns with regard to HGV movements associated with this site, the road safety record does not support a preference for a lower frequency of movement and does not lead to an unacceptable impact on highway safety or severe, cumulative impacts on the capacity of the local road network.

431. In summary the proposal to extract clay within the proposal areas outside of ASNW are in accordance with the area of search in the MLP and would offer protection. The proposal would offer significant benefits in avoiding clay extraction within areas of irreplaceable habitat to which this should carry great weight.
432. Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the relinquishing of the mineral rights and a HGV routing agreement for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

## RECOMMENDATION

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure a routing agreement for HGVs accessing and egressing the site and the relinquishing of mineral rights for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

### Conditions:

Approved Plans

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:
  - EWH001 Location Plan dated January 2017
  - EWH003 rev C Extraction Plan March 2017
  - EWH004 Context Plan dated January 2017
  - EWH006 Rev C Application Area Plan May 2019
  - EWH007 rev A Tile Factory Plan plus South west and south eastern elevations dated June 2017
  - EWH008 Rev C Extraction Phase Areas Plan dated May 2019
  - EWH009 Rev B End of Phase 1A dated May 2019
  - EWH010 Rev B End of Phase 1B dated May 2019
  - EWH011 Rev B End of Phase 2A dated May 2019
  - EWH012 Rev B End of Phase 2B dated May 2019
  - EWH013 Rev B End of Phase 3A dated May 2019
  - EWH014 Rev B End of Phase 3B dated May 2019
  - EWH015 Rev B End of Phase 4A dated May 2019
  - EWH016 Rev B End of Phase 4B dated May 2019
  - EWH017 Rev B End of Phase 5A dated May 2019
  - EWH018 Rev B End of Phase 5B dated May 2019
  - EWH019 rev D Restoration Concept Scheme – South dated October 2020
  - EWH020 Rev C Restoration Concept Scheme North dated May 2019
  - EWH021 Rev B Restoration Concept Scheme – Sections AA to DD May 2019

EWH022 Rev A Access Route between Phases 2 and 3: Revised Restoration Details dated March 2018  
 EWH023 Rev A Permitted Areas to be Relinquished dated May 2019  
 EWH025 rev C Proposed Advance Woodland Planting Plan dated October 2020  
 EWH026 Section from Hunters Lodge dated May 2019  
 EWH027 Circulation and Parking Plan dated November 2020  
 EWH028 Tile Factory Plan plus north west and north eastern elevations dated June 2017  
 VO-01-1 60609 Tile Factory Layout dated 9 June 2016  
 VO-01-160212 Tile Factory Footprint dated 12 February 2016  
 AA-001 rev 04 Proposed Tile Factory and Stocking Yard: Lighting Layout Mounting Height 15m and 10m dated July 2018  
 Figure ADD1 Revised Viewpoint 7 & Additional Viewpoint 14 dated September 2018  
 2140/FRA/03 version 1 Current water management dated December 2016  
 Figure 3.2 Great Crested Newt Habitat Impacts - Ecological Impact Assessment February 2017  
 EWHURSTRP-NOV16 Tree Protection and Retention Phase 1 & 2 dated November 2016  
 EWHURSTRP-NOV16 Tree Protection and Retention Phase 3 dated November 2016  
 EWHURSTRP-NOV16 Tree Protection and Retention Phase 4 dated November 2016

#### Commencement

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

#### Time Limits

3. The winning and working of clay minerals, including overburden, intraburden and other wastes associated with the clay extraction and processing works shall cease by 31 December 2073 and all buildings, plant, machinery both fixed and otherwise, vehicular access, internal access roads subject to this permission together with the existing engineering works and such works ancillary to the parking of vehicles thereon shall, together with their foundations and bases, be removed from the site, or within 24 months of the completion of extraction, whichever is the earliest date and within two years of that date the site shall be restored in accordance with drawings EWH019 rev D Restoration Concept Scheme – South dated October 2020 and EWH020 rev C Restoration Concept Scheme North dated May 2019 or subsequently approved versions, with all land where any buildings or area of hardstand stood shall be scarified and covered with sub soil and topsoil prior to restoration.
4. In the event of the cessation of winning and working of minerals (which would prejudice the achievement of final site restoration which constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990), an alternative scheme for restoration of the remaining unrestored areas shall be submitted to the County Planning Authority for approval in writing within 6 months of cessation.

The scheme shall include the following details:

- a) the re-contouring of the area shown edged with a black dashed line on drawing EWH008 rev C dated May 2019
- b) the removal of all buildings, plant and structures
- c) the re-spreading of all available soils;
- d) the treatment of the land;
- e) landscaping and planting; and
- f) aftercare provision

g) a timetable for its completion

The approved restoration scheme shall be implemented (excluding aftercare) within 2 years of the written approval of the County Planning Authority and immediately thereafter the land shall be put into aftercare in accordance with the approved details.

#### General Permitted Development Order

5. Notwithstanding the provisions of Part 17 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any successor legislation, no fixed plant or machinery, buildings or structures, whether fixed or moveable [are all these relevant to the development?], shall be placed or erected on the site except as existing or previously authorised or as required by this schedule of conditions without the prior written approval of the County Planning Authority.

#### Operational Area and Depth of Working

6. All clay workings, excavations and phasing shall be confined within the planning consent boundary and carried out in accordance with Drawing EWH008 Rev C Extraction Phase Areas Plan dated May 2019. The maximum depth of working in Phases 1 and 2 shall be restricted to 25 metres AOD, 55m AOD in Phase 3, 50m AOD in Phase 4 and 40m AOD in Phase 5 as shown on Drawing EWH006 Rev C Application Area Plan dated March 2022. All workings shall be undertaken in accordance with the general scheme of phasing set out on Drawing EWH008 Rev C Extraction Phase Areas Plan dated May 2019 and described in the Accompanying Planning Statement dated April 2017 and revised July 2017 and the Environmental Statement dated July 2017 and Environmental addendum dated July 2020 and its accompanying appendices and amending/ amplifying letters.
7. No clay excavation or working of the final face shall exceed a slope gradient of 1 vertical to 2.5 horizontal (40 degree slope).
8. The clay excavations shall be enclosed by an appropriate fence (stockproof where stock is kept on adjacent land), with the use of warning signs, especially where the fence is adjacent to pathways and Public Rights of Way. The fence shall be inspected at regular intervals for damage and deterioration and shall be kept in a well maintained condition. All lagoons and other deep bodies of water shall be adequately fenced with warning signs erected as necessary. Any fences adjacent to public rights of way shall not contain any barbed wire.

#### Limitations

9. The tile factory and tile factory stocking yard hereby permitted shall only be used for the manufacture of tiles utilising raw materials extracted from the permitted clay reserves at the Ewhurst Brickworks site and imported sand and additives or purposes ancillary thereto and shall be used for no other purpose.
10. Within six months of the date of this permission, tree protective fencing shall be erected along the southern boundary of the clay stockpiling area located to the north of Exford Wood as shown on drawing EWH003 rev C Extraction Plan dated May 2019. The tree protective fencing shall be set at least 15m from the edge of Exford Wood to provide a buffer zone to the ancient woodland. The tree protective fencing shall remain in place and be maintained for the duration of the development. The fence shall be either stock mesh and barbed wire or 1.8 – 2 metre high deer mesh fence in accordance with paragraph 6.3.2.2 of the Tree Survey by BJ Unwin dated November 2016.



11. Clay extraction shall not exceed 182,500 metric tonnes within a calendar year running from January to December, throughout the operational life of the site. Clay excavation output figures for the period from 1 January to 31 December each year shall be maintained and details provided along with details of remaining reserves of minerals from the site and these shall be submitted to the Minerals Planning Authority by 31 March for the preceding period in writing.
12. No bricks or tiles shall be stacked or stored at the site which are not produced there.
13. No controlled wastes shall be imported for disposal or disposed of, in or on land contained within the planning consent boundary identified on Drawing EWH003 rev C Extraction Plan dated May 2019.

#### Hours of Operation

14. Working of the site for development, clay extraction, site restoration and the erection or operation of plant and machinery connected to the winning and working of clay, and the movement of heavy goods vehicles to and from the site shall not take place except between 0700 and 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays. The use of a forklift truck associated with the tile factory shall not take place after 2200 hours Monday to Friday or at weekends. Surface operations shall not take place before 0800 hours except for essential environmental monitoring, water pumping, servicing and maintenance and testing of plant, machinery and vehicles. Other than in an emergency (the occurrence of which shall be notified to the County Planning Authority as soon as practicable), there shall be no working on Sundays, Bank, National Holidays and other Public Holidays. For the avoidance of doubt this condition does not apply to the adjoining brickworks.
15. In carrying out the development hereby permitted, no construction or demolition activities associated with the construction of the tile factory shall take place except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. There shall be no working on Sundays, Bank, National or Public Holidays. There shall be no deliveries or transportation of materials to the construction site before 07.30 Monday to Saturday; and no deliveries or transportation of materials to the construction site on a Sunday.
16. No more than three brick delivery lorries shall leave the site prior to 0700 hours on any day from between Monday to Friday inclusive and no loading of delivery vehicles shall take place between 1830 – 0700 hours on any day.

#### Working Programme

17. The working of the site shall be carried out and completed strictly in accordance with the quarry phasing plans EWH008 Rev Extraction Phase Areas Plan dated May 2019, EWH009 rev B End of Phase 1A dated May 2019, EWH010 rev B End of Phase 1B dated May 2019, EWH011 rev B End of Phase 2A dated May 2019, EWH012 rev B End of Phase 2B dated May 2019, EWH013 rev B End of Phase 3A dated May 2019, EWH014 rev B End of Phase 3B dated May 2019, EWH015 rev B End of Phase 4A dated May 2019, EWH016 rev B End of Phase 4B dated May 2019, EWH017 rev B End of Phase 5A dated May 2019 and EWH018 rev B End of Phase 5B dated May 2019.
18. Prior to the commencement of clay winning and working and the restoration of any individual Phase (1B, 2, 3, 4, 5A and 5B) as shown on Drawing EWH008 rev C Extraction Phase Areas Plan dated May 2019, 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 topsoil and subsoil to be stripped and moved from that Phase
- c. method of working including angle of slope;
- d. cross section profile drawings;
- e. methods of soil handling (movement, storage and replacement (including topsoil and subsoil depths and remedial treatments e.g. ripping and drainage));
- f. locations and heights of topsoil, subsoil, mineral waste and excavated clay stockpiles as referred to in Condition 43 within the quarry associated with working and restoring of each individual phase. Surplus topsoil should not be wasted by placing too deep or discarding at the base of the lakes;
- g. details of the timing and location of all overburden and subsoil ripping to take place within each phase;
- h. intended location and afteruse of the topsoil and subsoil stripped within that Phase
- i. identification of person responsible for supervising soil management
- j. details of any remedial drainage within Phases 3 and 4 if required;
- k. details of how surface water and ingressed groundwater is collected and managed including plans
- l. restoration detail including sowing rates/ species/ trees guards/ additional fencing, soil remediation works
- m. details of any acoustic screening or of any screen bunding to be constructed or erected including cross sections, height, location; repositioning of the screening bunds during any individual phase, and 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
- n. a timeframe for implementation and completion of each individual phase.

#### Ecology

19. Prior to the commencement of clay winning and working in any individual Phase (2, 3, 4 and 5) as shown on Drawing EWH008 Extraction Phase Areas Plan dated March 2017, and the construction of the tile factory the results of the badger sett, Great Crested Newt, birds, wintering birds, foraging bats, bat roosts and reptile surveys undertaken for that individual Phase shall be submitted to the County Planning Authority for approval in writing. The surveys shall be accompanied by
  - a. ecological protection and mitigation objectives and measures for each protected species should they be identified within that phase to address potential disturbance or harm and protection measures for retained and adjacent habitat for each protected species;
  - b. specifications for any habitat management and/ or translocation necessary to address potential impacts on the protected species including exclusion fencing;
  - c. methods and programme for on-going ecological monitoring and management for that particular phase, including provision of an Ecological Clerk of Works to implement the monitoring and mitigation measures. The monitoring surveys during site clearance, operational and restoration phases shall be reported to the County Planning Authority in writing.
20. Within 12 months of the date of this permission a 25 year Landscape and Ecology Management Plan shall be submitted for approval in writing County Planning Authority. The plan shall include details of the nature, extent and type of planting and the necessary engineering and soil handling and placement works alongside compensatory

habitats proposed to enable the restoration of the land to a mixture of agricultural and nature conservation uses and having regard to the biodiversity of the site. The submitted plan shall also give details of the public access arrangements to be established at the site and how these relate to the restoration proposals. The submitted plan should incorporate a bio-diversity action plan. The submitted plan should include monitoring of existing habitats and a clear compartment plan identifying the different areas of landscape to be managed including a written description of its character, function, vegetative/biodiversity content, management objectives and prescriptions and timing of those operations. The plan shall be carried out in accordance with the approved details.

21. Within 12 months of the date of this permission, a scheme shall be submitted to the County Planning Authority for approval in writing detailing how any soil stockpiling areas and screening bunds that are seeded will be managed during their retention and removal to make the habitat less attractive to reptiles and to be carried out in a way to ensure any harm to reptiles is minimised. All works to the preparation of moving soil stockpiles shall be carried out in accordance with the details approved.
22. Prior to the commencement of construction of the tile factory and stocking yard area, a scheme for the translocation of Great Crested Newts from pond 5 as shown on Figure 3.2 Great Crested Newt Habitat Impacts of the Ecological Impact Assessment by Applied Ecology Ltd dated February 2017 and drawing EWH017 End of Phase 5A dated January 2017 to the new compensatory habitat area as shown on drawing EWH018 End of Phase 5B dated January 2017 shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include:
  - a. Details of timescale for surveys of both Pond 5 and the receptor site
  - b. Details of the construction of the new pond including its design and timescales for its construction in relation to Phase 5a and 5b.
  - c. Details of planting and soft landscaping around the pond and in the receptor site to create terrestrial habitats
  - d. Details of management and monitoring of the pond and receptor site including water levels and remediation measures should they be required
  - e. Details of timescales for when translocation would take place and method for carrying out the translocation.
23. Prior to the demolition and removal of the barns as shown on drawing number EWH025Rev B Proposed Advance Woodland Planting dated May 2019, the results of an updated bat roosting and emergence survey and bird nesting survey shall be submitted to and approved in writing by the County Planning Authority.

#### Construction Environmental Management Plan

##### Highways, Traffic and Access

25. The proposed tile factory shall not be first brought into use unless and until space has been laid out within the site, in accordance with Drawing EWH027 Rev 0 Circulation and Parking Plan dated November 2020, for employees vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
26. The proposed tile factory shall not be first brought into use unless and until space has been provided within the site, in accordance with Drawing EWH027 Rev 0 Circulation and Parking Plan dated November 2020, for the loading and unloading of HGVs, for HGVs to be parked, and for HGVs to turn so that they may enter and leave the site in forward gear.

27. Within three months of the date of this decision, a Goods Vehicle Traffic and Route Management Plan ('Routing Agreement') (as detailed within the s106 legal agreement) for the movement of HGVs in association with the development hereby permitted, shall be submitted and approved in writing by the County Planning Authority. The 'Routing Agreement' shall be implemented, carried out and maintained as approved and in accordance with the s106 legal agreement.
28. Access from the public highway to and from the proposed tile factory shall be from the established existing site entrance only.
29. Prior to the demolition of the existing agricultural buildings and the construction of the tile factory as shown on drawing EWH025 Rev C Proposed Advance Woodland Planting Plan dated October 2020 a Construction Transport Management Plan (CTMP), that covers the construction of the tile factory and stocking yard and the demolition of the existing agricultural buildings shall be submitted to and approved in writing by the County Planning Authority. The CTMP shall include details of:
  - a) Parking for vehicles of site personnel, operatives and visitors.
  - b) Loading and unloading of plant and materials.
  - c) Storage of plant and materials.
  - d) Programme of works (including measures for traffic management).
  - e) HGV deliveries and hours of operation.
  - f) Details on the type of vehicles required during construction of the proposed development and a commitment to avoid the use of articulated vehicles where possible.
  - g) All construction vehicles should only use the approved route between the site and the A29.
  - h) Measures to prevent the deposit of materials on the highway.
  - i) On-site turning for construction vehicles.

Only the approved details shall be implemented during the construction of the development.

30. The access road to the site shall be kept in a good state of repair and all reasonable efforts should be taken to ensure the public highway adjacent to the site access is kept free of mud, debris and other spillages which have been generated from vehicle movements connected with the proposed tile factory. No commercial vehicle shall enter the public highway unless their wheels and chassis are clean to prevent material being deposited on the public highway.

#### Stability

31. In any areas of the planning permission where the Quarry Regulations 1999, subsequent versions, or replacement legislation does not apply, or ceases to apply, an initial Geotechnical Stability Assessments including a site inspection and report shall be undertaken within 6 months of the date of this decision or within 6 months of cessation of Quarry Regulations on any area of the planning permission. The reports on the initial post Quarry Regulations geotechnical stability assessments shall be submitted to the County Planning Authority (CPA) for written approval. Thereafter further stability assessments and reports shall be undertaken at intervals not exceeding 4 years until the end of the aftercare period.

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

The Geotechnical Stability Assessments so defined shall include all 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 facings.

A full stability review of the preceding geotechnical stability assessments and any other pertinent information shall be undertaken by a geotechnical specialist and submitted to the CPA every 8 years from the date of the report on the initial stability assessment. The review shall summarise the outcome of the geotechnical assessments, comment on any instability observed, and review whether any changes to final restored slope design and restoration proposals are needed.

A complete stability review of all final restored slopes shall be undertaken and submitted to the CPA 6 months before the end of the aftercare period.

#### Surface Water

32. The construction of the new tile factory shall not commence unless and until a scheme to treat and remove suspended solids from surface water runoff during construction works has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.
33. Prior to the demolition of the existing agricultural buildings and the construction of the tile factory as shown on drawing EWH025 Rev C Proposed Advance Woodland Planting Plan dated October 2020 a surface water drainage scheme for the tile factory shall be submitted to and approved in writing by the County Planning Authority. Those details shall include:
- a) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels;
  - b) drainage design calculations
  - c) Details of who will maintain the drainage elements and their associated maintenance regimes;
  - d) Details of any consent(s) required to discharge water from the drainage elements during the operational phase of the tile works, in the event of a significant rainfall event;
  - e) Details of the outfall from the swale to the existing ditch including drainage rates.

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

34. Prior to the occupation of the tile factory as required by condition X? and as shown on drawing EWH017 Rev B End of Phase 5A dated May 2019 and drawing EWH022 Proposed Tile Factory Plan Plus North Western and North Eastern Elevations dated June 2017, a verification report carried out by a qualified drainage engineer shall be submitted to the County Planning Authority for approval in writing to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.
35. Prior to the commencement of soil stripping and clay extraction in Phase 2A as shown on drawing EWH011 rev B dated May 2019, details of the diversion of watercourse S2 around Phase 2A shall be submitted to and approved in writing by the County Planning Authority. The details shall include:
- Information on the lining of the new channel



- The hydraulic design of the new channel, catchment area, flow rate calculations, channel volumes, depth and gradient, allowances for climate change etc.
- The route of the new channel
- Details and design calculations for any outfall structure at the end of the channel that may be installed
- Details and design calculations for the proposed engineered overspill from the channel into the pit.
- The construction works and timing of the works of the new channel.

The diversion of watercourse S2 shall be carried out in accordance with the approved details.

36. Within six months of the date of this decision a detailed scheme of investigation, monitoring and assessment shall be submitted to the County Planning Authority in writing for approval. The scheme shall include the following:
- a. A programme for implementation of the scheme components;
  - b. Monitoring of groundwater levels
  - c. Collection of rainfall data and assessment of future on site rainfall;
  - d. Measurement of ground permeability;
  - e. Recording of pumped discharge rates and volumes;
  - f. Groundwater and surface water quality assessment, including chemistry and prediction of any quality impacts on local surface waters from the final restoration scheme and required mitigation measures;
  - g. A water balance and assessment of the likely final restored lake water levels for each phase, their seasonal variations and the details of for the design of any outfall or control structures including allowance for the predicted effects of climate change;
  - h. Details of ongoing monitoring of the restoration works after approval, during and after implementation.

The scheme shall be implemented and maintained strictly in accordance with the approved details and a final assessment report for each Phase shall be submitted in writing to the County Planning Authority no later than 18 months before the cessation of permanent pumping of that Phase. The approved data and assessment results shall be used to update the EIA of the scheme, inform the design of any mitigation measures and input into the Surface Water Drainage Scheme described in Condition 28. Any long-term monitoring required under the scheme shall be maintained strictly in accordance with the approved details.

37. No later than 18 months before the permanent cessation of pumping from within the excavation phase of the quarry (phases 1, 2, 3, 4, and 5) as shown on drawing EWH008 Rev C Extraction Phase Areas Plan dated May 2019), a surface water drainage scheme for that Phase, based on an assessment of the hydrological and hydrogeological context of the site, as described by Condition (27), shall be submitted to the County Planning Authority for approval in writing. The drainage scheme should demonstrate that the surface water run-off generated up to and including the 1 in 100 critical storm inclusive of climate change will not exceed the run-off from the original undeveloped greenfield site, following the corresponding rainfall event. The surface water drainage strategy should include the proposed discharge points and flow rates, flow control methodology and long term maintenance proposals. The surface water drainage scheme shall be implemented and maintained strictly in accordance with the approved details.
38. No clay extraction works shall be carried out within any new quarry development phase (phases 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B) as shown on drawing EWH008 Rev C

Extraction Phase Areas Plan dated May 2019 until a surface and ground water management plan and monitoring scheme (Water Management Plan (WMP)) for that particular phase has been submitted to and approved in writing by the County Planning Authority. The submitted WMP should cover the extraction and restoration stages for the overall development phase being considered and include the appropriate details on a staged basis.

The WMP shall include:

- a) Details of monitoring arrangements for groundwater and lake levels;
- b) Details of proposed watercourse diversions including detailed hydrology, hydraulic and engineering calculations;
- c) Details of the interaction of the phase under consideration with preceding restored phases, if appropriate;
- d) Detailed design of the surface water drainage systems for operational stages including pumping for dewatering etc, discharge rate, discharge locations, control structures and storage volumes;
- e) The frequency of monitoring and reporting for the duration of each stage and the overall development;
- f) Details of proposed maintenance and inspection regime for the lifetime of the development;
- g) Details of water quality monitoring and pollution control measures;
- h) Record keeping, review and reporting.

The works shall be carried out in accordance with the approved scheme.

#### Bird Management Plan

39. Prior to the commencement of work on the first water body, a bird hazard management plan must be submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of:
- Monitoring of the proposed water bodies to ensure that there is no breeding by Feral Geese

The bird hazard management plan shall be implemented as approved at the start of the first breeding season after the first water body has been completed and it shall remain in force for as long as there is a birdstrike safeguarding requirement from Gatwick Airport. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

#### Landscaping and Woodland

40. Within six months of the date of this permission, tree protection fencing shall be installed in Phase 1 in accordance with the following drawings and documents:
- EWHURSTRP-NOV16 "Tree Protection and Retention Phase 1 & 2" dated November 2016
  - Figure 3.1 Ancient Woodland Loss within Extraction Areas
  - Paragraph 3.111 of the Ecological Impact Assessment by Applied Ecology Ltd dated February 2017.

Tree protective fencing and exclusion zones shall then be installed prior to the commencement of any subsequent phase in accordance with the following plans and documents:

- EH008 Rev C "Extraction Phase Areas Plan" dated May 2019

- EWHURSTRP-NOV16 "Tree Protection and Retention Phase 1 & 2" dated November 2016
- EWHURSTRP-NOV16 "Tree Protection and Retention Phase 3" dated November 2016
- EWHURSTRP-NOV16 "Tree Protection and Retention Phase 4" dated November 2016
- Appendix VI of Tree Survey dated November 2016.

All tree protection fencing and construction exclusion zones shall be positioned such that a minimum of a 15 metre buffer zone is maintained from the edge of the clay extraction limit and the ancient woodland. All tree protection fencing and construction exclusion zones shall remain in place for the duration of each extraction phase and restoration phase.

The tree protection fencing shall be either stock mesh and barbed wire or 1.8 – 2 metre high deer mesh fence in accordance with paragraph 6.3.2.2 of the Tree Survey by BJ Unwin dated November 2016. There shall be no storage of materials (including soils), no ground disturbance, and no construction access within the construction exclusion zone including no pedestrian, vehicle, plant or machinery.

41. Within six months of the date of this permission, a woodland management strategy shall be submitted to the County Planning Authority for approval in writing. The woodland management strategy shall be produced in accordance with the Forestry Commission's "Managing ancient and native woodland in England" (2010) and Section 4.3.2 of the Tree Survey by BJ Unwin dated November 2016 within the Environmental Statement and shall include:
- a) Plans and details showing how the 15 metre ancient woodland buffer zone will be provided for each part of each phase;
  - b) Plans showing where interim woodland planting will be carried out for the proceeding five years with a woodland planting schedule in the form of species, density of planting, proposed numbers, sizes of plants and management arrangements during working phases;
  - c) Plans showing the extent of all woodland (ancient, retained, Pine plantation and new planting) within the applicant's control with each different woodland compartment clearly differentiated;
  - d) Details of how each woodland compartment will be managed and maintained where appropriate for the duration of the development;
  - e) Details of a strategy for the proceeding five years.

The development shall be implemented and managed strictly in accordance with the approved scheme. The woodland management strategy shall be submitted to the County Planning Authority for an initial review within five years from the date of submission and then subsequently periodically every 10 years.

42. The woodland planting works as shown on drawing number EWH025Rev C dated Proposed Advance Woodland Planting Plan October 2020 shall take place during the first available planting season following the grant of planning permission with the exception of block B7 which shall be planted the first season following the removal of the existing barn. All maintenance and management of the woodland planting shall be undertaken in accordance with the details shown and prescribed on drawing number EWH025Rev C Proposed Advanced Woodland Planting Plan dated October 2020 for the duration of the development.

43. No trees, hedgerows or shrubs within the curtilage of the site, except those identified on the approved drawings EWHURSTRP-NOV16 "Tree Protection and Retention Phase 1 & 2" dated November 2016, EWHURSTRP-NOV16 "Tree Protection and Retention Phase 3" dated November 2016 and EWHURSTRP-NOV16 "Tree Protection and Retention Phase 4" dated November 2016 or otherwise clearly indicated in any supporting documents as being removed or subject to arboricultural works, shall be felled, lopped or pruned nor their roots removed or pruned during the carrying out of the development, or until the completion of the development hereby permitted.
44. Prior to the commencement of soil stripping and clay extraction from Phase 5 as shown on drawing EWH017 Rev B End of Phase 5A dated May 2019, a landscaping scheme for the land edge in dashed pink on drawing EWH019 Rev D Restoration Concept Scheme - South dated October 2020 shall be submitted to and approved in writing by the County Planning Authority. The landscaping scheme shall include the locations of woodland planting including species, planting method and spacing, protection measures, timing, maintenance and management; and grassland sowing including species and seeding rate. The landscaping scheme shall be implemented in accordance with the approved scheme.

#### Archaeology

45. The development will take place in accordance with the Archaeological Mitigation Strategy and Written Scheme of Investigation v2 dated March 2018 prepared by AJA Associates, submitted as part of this planning application.

#### Soils

46. No topsoil or subsoil shall be removed from the application site or used for any purpose other than site restoration without the prior written approval of the County Planning Authority.
47. Soil shall only be handled and moved when in a 'dry and friable' condition (see informative below) so as to prevent compaction. For all soil types (including sandy loams, loamy sands and sands) no soil handling should proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.
48. Soil handling and movement shall not be carried out between the months of November to March inclusive.
49. Plant or vehicle movement shall be confined to clearly defined haul routes and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.
50. Within 3 months of the formation of soil storage bunds, a soil storage bund management scheme and plan showing the location, contours and volumes of the bunds, soil types and units contained therein, shall be submitted to the County Planning Authority for approval in writing. All soil storage bunds intended to remain in situ for more than 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out in accordance with Condition 19. The soil storage bunds for the storage of agricultural and woodland soils shall conform to the following criteria:
  - a) Agricultural topsoil shall be placed in the Phase 3 soil storage area as shown on drawing EWH008 Rev C Extraction Phase Areas Plan dated May 2019 to a depth of 900mm.

- b) Woodland topsoil shall be placed in the Phase 2 soil storage area as shown on drawing EWH008 Rev C Extraction Phase Areas Plan dated May 2019
- c) Where continuous bunds are used, dissimilar soils shall be separated by a third material, with details provided under Condition 28 above.
- d) Materials shall be stored like upon like.

The soil storage bund management scheme shall be implemented in accordance with the approved scheme.

- 51. Written notification shall be made giving the County Planning Authority five clear working days notice of the intention to start stripping soils.
- 52. Six months prior to the completion of aftercare of any part or phase of the site, a pre-release report shall be submitted to the County Planning Authority for approval in writing. The pre-release report shall include information on the depths of subsoil and topsoil, compaction, soil nutrient content, humus and the degree of acidity or alkalinity within soils that have been placed within that part or phase of the site.
- 53. All soil and soil forming materials shall be handled in accordance with The Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings, using the 'Bed/strip' excavator and dump truck' methods contained in Sheets A–D and Sheet O, where the modified method of topsoil replacement using low ground pressure bulldozers is being used; and Appendix 2 Soil Handling Methods of the Soil and Agriculture Assessment chapter of the Environmental Statement dated April 2016.

#### Dust

- 54. Within six months from the date of this permission, a Dust Monitoring Plan (DMP) shall be submitted to the County Planning Authority for approval in writing. The DMP shall include details of the location and frequency of dust monitoring including daily visual inspections and recordings of the results at the application site, set triggers (based on specific existing and forecast weather conditions), additional measures (including cessation of works) that would be adopted in the event of a trigger being exceeded, detail the complaint process that would be followed; and set out roles and responsibilities for monitoring and reporting. Once approved, all works at the site shall be carried out in accordance with the approved DMP.
- 55. For the duration of this planning permission, the operator will carry out periodic reviews of the effectiveness of the Dust Monitoring Plan (DMP) referred to in condition 56, which shall be submitted to the County Planning Authority. The reviews shall be at a minimum frequency of two year intervals in the first six years and five year intervals thereafter, unless there have been complaints or relevant changes to operations or infrastructure that the County Planning Authority deems significant enough to require shorter intervals. The reviews will take into account the effectiveness of the DMP to date, changes in guidance and accepted good practice, and any relevant requirements of Surrey County Council. Revisions to the DMP shall be submitted to and approved by the County Planning Authority.
- 56. The surfacing of the tile stock yard hereby permitted and other surfaced external areas and surfaced access roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

#### Lighting



57. The installation of external lighting as part of the development hereby permitted shall be carried out in accordance with the Lighting Report (Document reference: 2467-AA20180725 version 4 dated 22 September 2018 and drawing AA-001 Proposed Tile Factory and Stocking yard: Lighting Layout Mounting Height 15m and 10m rev 04 dated July 2018. In order to avoid any upward glare of light from the external lighting installed and to minimise light spill outside the boundary of the tile factory stocking yard, all external lights shall be directed downwards and be set horizontal. The lighting shall be maintained and operated in accordance with this document.
58. The lighting as shown on drawing AA-001 Proposed Tile Factory and Stocking yard: Lighting Layout Mounting Height 15m and 10m rev 04 dated July 2018 shall be fitted with a photocell operation with timeclock which turns all luminaires off at 22:00 hours and with a manual override on.
59. Prior to the commencement of operation of the tile factory and the tile factory stocking yard and the lighting scheme referred to in Condition x?, the applicant shall appoint a suitably qualified person to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the Institute of Lighting Professional document "Guidance Notes for the Reduction of Obtrusive Light GN01:21 and any subsequent revision.
60. No external lighting on the tile factory, stocking yard, including that on the tile factory stack, other than that shown on drawing AA-001 Proposed Tile Factory and Stocking yard: Lighting Layout Mounting Height 15m and 10m rev 04 dated July 2018 shall be installed without the prior written consent of the County Planning Authority. All external lights shall be directed downwards in order to avoid any upward glare of light from the external lighting installed to minimise light spill outside the boundary of the site.

#### Details of Buildings

61. Prior to the demolition of the existing agricultural buildings and the construction of the tile factory as shown on drawing EWH025 Rev C Proposed Advance Woodland Planting Plan dated October 2020, details of the colours and all materials to be used externally on the tile factory to be constructed on the site and the materials to be used for the tile stocking yard surface shall be submitted to and approved in writing by the County Planning Authority for approval in writing. Materials specified for the facing of surfaces of the materials recovery/reduction facility building shall be of a non-reflective nature and shall be retained for the duration of the development hereby permitted. The development shall be carried out strictly in accordance with the approved details.

#### Noise

62. Noise from any activity shall not exceed an equivalent continuous free-field sound level (Aeq, 1hr) of 50 dB during the day (07:00 to 19:00 hours), 42 dB during the evening and night (19:00 to 07:00 hours) at the nearest noise sensitive property. If measured, the measurement location should be at least 3.5 metres of the façade of the property. All necessary and reasonable measures shall be taken to keep noise generation to a minimum. Monitoring of noise from site operations shall be undertaken at least once during each extraction campaign and the results of the noise monitoring submitted to the County Planning Authority in writing on their request.
63. Noise from any temporary activity (e.g. temporary soil stripping, clay ripping or the construction of screening or storage mounds and restoration works) shall not exceed an equivalent continuous free-field sound level (LAeq, 1hr) of 70 dB during the day (07:00 to 19:00 hours) at the nearest noise sensitive property. If measured, the measurement

location should be at least 3.5 metres from the façade of the property. Operations subject to this limit shall not exceed more than 8 weeks in any 12 month period. All necessary and reasonable measures shall be taken to keep noise generation to a minimum.

64. All vehicles and mobile plant operating at the site under the control of the operator, which shall include plant and equipment hired by the operator or used by contractors, must be fitted with white noise broadband reversing alarms that shall be used at all times.
65. Within six months of the date of this permission, a noise monitoring scheme (NMS) shall be submitted to the County Planning Authority for approval in writing covering noise monitoring for the clay extraction campaigns and the monitoring of noise impacts from the operation and use of the tile factory. The NMS shall include updated background monitoring locations and justification for their identification. Noise monitoring for the tile factory shall be carried out in accordance with the approved NMS and noise monitoring shall be repeated every 6 months for the first two years and every 3 years thereafter.
66. Within one month of commencement of commercial operation of the Tile Factory, a post construction noise survey shall be carried out in accordance with the approved scheme of noise monitoring to confirm compliance with the noise criteria specified in condition X. If the noise levels in condition x above are exceeded a scheme of mitigation work and a timescale for implementation shall be submitted to and approved by the County Planning Authority in writing.
67. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

#### Rights of Way

68. Safe public access must be maintained along the public footpaths at all times. There are to be no obstructions on the public right of way (Footpath 89 Abinger) at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
69. Any down pipes or soakaways associated with the development should either be discharged into a drainage system or away from the surface of the right of way.
70. Should the applicant feel they are unable to ensure public safety while work is underway, in particular in relation to the crossing of the Public Bridleway 443 by construction traffic, suitable measures should be taken. A temporary closure may be necessary. The Rights of Way Access Officer should be contacted to discuss in advance of works commencing giving a minimum of 3 weeks notice and there is a charge.
71. Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group. A minimum of 3 weeks notice must be given.
72. Access along a public right of way by contractors vehicles, plant or deliveries can only be effected if the applicant can provide that they have a vehicular right. Surrey County Council's Rights of Way Group will look to the applicant to make good any damage caused to the surface of the right of way connected to the development.
73. Works on the definitive route of Public Footpath 89 Abinger shall not commence unless a Diversion Order has come into effect and the footpath diverted in accordance with the alignment shown on Drawing No EWH017 rev B End of Phase 5A dated May 2019. The footpath shall be laid out and retained with a width of 2 metres, with an unbound surface

with a minimum width of 1.8 metres (Type 1 aggregate) incorporating a camber to shed water. Details of the material to be used and specification are to be submitted to and approved in writing by the County Planning Authority before works to divert the footpath commence; and the works shall be carried out and retained in accordance with the approved details.

74. Prior to the construction of the access track as shown on plan EWH022 rev A dated March 2018, a scheme of how safe passage for bridleway users of bridleway 443 across the access track shall be submitted to and approved in writing by the County Planning Authority. The scheme shall including:
- Details of barriers that would be installed across the track
  - Details of signage
  - Details of how the track would be installed, materials used and whether the bridleway would need to be temporarily closed for these works
  - Details of how the bridleway on the access track would be restored on cessation of use to Phases 3 and 4
  - Details of prior warning to users of the bridleway before any works take place.

The access track shall be installed in accordance with the approved details. Users of bridleway 443 have the right of access.

75. Within 12 months of the date of this permission a Permissive Path Agreement shall be entered into with the Countryside Access Team for the provision of a permissive bridleway between Bridleway 443 and Footpath 89 (Abinger) on a route to be determined and agreed with the Countryside Access Team. The works shall be implemented strictly in accordance with the details set out in the Permissive Path Agreement within 6 months of agreement with the Rights of Way Team.
76. Within 12 months of the date of this permission a Permissive Path Agreement shall be entered into with the Countryside Access Team for works to be carried out on Footpath 89 (Abinger). The works shall be implemented strictly in accordance with the details set out in the Permissive Path Agreement within 6 months of agreement with the Rights of Way Team.

#### Geological SSSI

77. Within six months of this permission, a point of liaison shall be established between the Operator and an identified academic body/Society that represents the geological interests of the SSSI. The County Planning Authority and Natural England shall be notified in writing of the names and contact details of the liaising body/Society.
78. At least six weeks prior to the commencement of any excavation works, the academic body/Society, Natural England and the County Planning Authority shall be notified in writing by the developer. During the excavation works the academic body/Society and individuals identified by the academic body/Society, shall be afforded access at all reasonable times, so that they have the opportunity to monitor, have access to, and record any new geological sections that are uncovered during the excavation works subject to complying at all times to the health and safety requirements of the development and any such access not resulting in delay, obstruction or interference in any way with the operations of the developer.

#### Contamination

79. Any facilities for the storage of oils, fuels, chemicals or other pollutant within the land shown edged with a solid red line on drawing EWH008 rev C Extraction Phase Areas Plan dated May 2019 shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/ vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
80. Within six months from the date of this permission a scheme for the storage and handling of all potentially polluting fluids used in the operational working quarry shall be submitted to the County Planning Authority for approval in writing. The scheme shall address the following:
- Filling of bulk storage tanks
  - The handling of drums
  - Procedures for plant, transport and equipment refuelling operations
  - Procedure for emptying bunded areas
  - Procedures for dealing with accidental fuel and oil fluid spills
  - A scheme for the inspection, testing and decommissioning of the fuel and oil storage and refuelling area(s) and other fluids storage and handling areas

The scheme shall be carried out and maintained strictly in accordance with the approved details.

81. All excavations at the site (whether for clay extraction, construction or restoration) shall be carried out under a 'watching brief' for soil or groundwater contamination. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, details of the unexpected contamination shall be submitted to and approved in writing to 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 proposed remediation strategy in accordance 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.

Where remediation or mitigation is necessary to bring the ground to a condition suitable for the intended use or to suitably reduce the risks to identified receptors (for example, human health or controlled waters), a detailed scheme shall be submitted to the CPA in writing which shall include the scope of works to be undertaken, timetable of works, objectives, site management procedures, remediation criteria and a verification plan.

Following completion of measures identified in the approved remediation scheme for the unexpected contamination, a verification report shall be submitted to and approved in writing by the CPA.

82. Not later than 18 months before decommissioning, demolition, site clearance, and restoration of the brick and tile works factory area commences, a Written Scheme (method statement) of ground investigation and contaminated land assessment shall be

submitted to the County Planning Authority for approval in writing. The Written Scheme shall include the factories, their infrastructure and associated stockpile and storage areas, workshops, vehicle, maintenance and fuel storage areas, brick and tile dumps, etc, or parts thereof. The investigation the subject of the Written Scheme, shall be completed, and the results of the risk assessment, and if necessary a remediation or mitigation strategy, programme of works and verification plan shall be submitted to the County Planning Authority in writing for approval 6 months before any ground disturbance in the area identified. The decommissioning, demolition, site clearance, and restoration of the brick and tile factory area shall be carried out strictly in accordance with the approved programme of works and a verification report shall be submitted to the County Planning Authority for approval.

#### Aftercare

83. Within 12 months from the date of this permission, an Aftercare Scheme shall be submitted to the County Planning Authority for approval in writing covering all proposed end landuses within Phase 1. Further Aftercare schemes for each individual phase shall be submitted prior to development commencing in that phase. The Aftercare Scheme shall include:
- a. the Strategic Aims and Objectives for the Site and the identified land use within it for the Aftercare period as stipulated in condition X
  - b. Tree and shrub planting with a schedule of plants, noting species, plant or stock size, and proposed spacing, numbers or planting densities, notes on cultivation, and timing of planting, tree pit size, protection, staking/guying. Biosecurity including the sourcing of new trees and shrub stock.
  - c. details of how habitats, including areas of wetland, short turf, bare ground, long grass and trees and scrub will be created and managed together with a plan showing the management compartments
  - d. Proposed finished ground levels or contours; sections.
  - e. A soil management strategy where significant earthworks are required.
  - f. Means of enclosure; fences and boundary treatments.
  - g. Protection measures for existing and new planting.
  - h. Extent and provision of all construction operations, including site compounds, temporary haul roads or access points; and Construction Method Statement
  - i. Location of any Services
  - j. Implementation timetables.
  - k. details of field drainage
  - l. details for the provision of an annual meeting between the applicant and the County Planning Authority
  - m. details of an annual report and forward to be provided no later than two months prior to the annual Aftercare meeting.

The management and maintenance of the restoration and aftercare to nature conservation for the site shall be for a period of 20 years post the five year aftercare period.

#### Reasons:

1. 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 2011 Policies MC2, MC14 and MC15; Mole Valley Core Strategy 2009 Policies CS1 and CS13; Mole Valley Local Plan 2000 Policies ENV22 and ENV23; Waverley Local Plan 2002 Policy D1 and Waverley Local Plan Part 1 2018 Policies RE1 and RE3.



2. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
3. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration 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. To ensure the prompt and effective restoration of the site and comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990.
5. To maintain planning control over the development hereby permitted in an Area of Great Landscape Value and Ancient Woodland where mineral working development is a temporary activity and not appropriate as of right in accordance with the National Planning Policy Framework, Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; and Waverley Local Plan Part 1 2018 Policies NE1, RE1 and RE3.
6. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policy CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policy D1; and Waverley Local Plan Part 1 2018 Policy NE1.
7. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Surrey Minerals Plan 2011 Policy MC14; Mole Valley Core Strategy 2009 Policy CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policy D1; and Waverley Local Plan Part 1 2018 Policy NE1.
8. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Surrey Minerals Plan 2011 Policy MC14; Mole Valley Core Strategy 2009 Policy CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policies D1, D6 and D7; and Waverley Local Plan Part 1 2018 Policy NE1.
9. To maintain planning control over the development hereby permitted in an Area of Great Landscape Value and Ancient Woodland where mineral working development is a temporary activity and not appropriate as of right in accordance with the National Planning Policy Framework, Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; and Waverley Local Plan Part 1 2018 Policies NE1, RE1 and RE3.
10. To protect the ancient woodland from encroachment of the clay stockpiling area and any other activities associated with this permission in accordance with the National Planning Policy Framework, Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policies D1, D6 and D7; and Waverley Local Plan Part 1 2018 Policy NE1.
11. To maintain planning control over the development hereby permitted in an Area of Great Landscape Value and Ancient Woodland in accordance with the National Planning Policy Framework, Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policies D1, D6 and D7; and Waverley Local Plan Part 1 2018

Policy NE1; and to enable monitoring and assist the Mineral Planning Authority in the forward planning of mineral resources.

12. To maintain planning control over the development hereby permitted in an Area of Great Landscape Value and Ancient Woodland where mineral working development is a temporary activity and not appropriate as of right in accordance with the National Planning Policy Framework, Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; and Waverley Local Plan Part 1 2018 Policies NE1, RE1 and RE3.
13. To maintain planning control over the development hereby permitted in an Area of Great Landscape Value, Ancient Woodland and Countryside Beyond the Green Belt in accordance with Surrey Minerals Plan 2011 Policies MC2 and MC14; Mole Valley Core Strategy 2009 Policies CS13 and CS15; Mole Valley Local Plan 2000 Policy ENV22; Waverley Local Plan 2002 Policies D1, D6 and D7; and Waverley Local Plan Part 1 2018 Policies NE1 and RE1.
14. Reason: To comply with the terms of the applicant and ensure minimum disturbance and avoid nuisance to the locality in accordance with Surrey Minerals Plan 2011 Policy MC14, Mole Valley Local Plan 2000 Policies ENV22 and ENV57; and Waverley Local Plan 2002 Policy D1.
15. To comply with the terms of the applicant and ensure minimum disturbance and avoid nuisance to the locality in accordance with Surrey Minerals Plan 2011 Policy MC14, Mole Valley Local Plan 2000 Policies ENV22 and ENV57; and Waverley Local Plan 2002 Policy D1.
16. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, nor adversely impact residential amenity, in accordance with Surrey Minerals Plan 2011 Policy MC15, Mole Valley Local Plan 2000 Policy MOV2; and Waverley Local Plan Part 1 2009 Policy ST1.
17. 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 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14, Mole Valley Local Plan 2000 Policy ENV22; and Waverley Local Plan 2002 Policy D1.
18. 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 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14, Mole Valley Local Plan 2000 Policy ENV22; and Waverley Local Plan 2002 Policy D1.
19. To protect Priority Species in accordance with the Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV15 and Mole Valley Core Strategy 2009 Policy CS15; and Waverley Local Plan Part 1 2018 Policy NE1.
20. To protect Priority Species in accordance with the Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV15 and Mole Valley Core Strategy 2009 Policy CS15; and Waverley Local Plan Part 1 2018 Policy NE1.
21. To protect Priority Species in accordance with the Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV15 and Mole Valley Core Strategy 2009 Policy CS15; and Waverley Local Plan Part 1 2018 Policy NE1.

22. To protect Priority Species in accordance with the Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV15 and Mole Valley Core Strategy 2009 Policy CS15; and Waverley Local Plan Part 1 2018 Policy NE1.
23. To protect Priority Species in accordance with the Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV15 and Mole Valley Core Strategy 2009 Policy CS15; and Waverley Local Plan Part 1 2018 Policy NE1.
24. To ensure that construction works can be carried out to mitigate impacts of the development on ecology and residential amenity and in place prior to construction work commences on the site. To ensure the health and safety of site operatives can be protected throughout the development prior to site operatives commence working on the site, and to ensure that waste can be sustainably managed on site and avoid polluting the environment prior to works commencing on the site. To prevent pollution to the environment, to protect species of conservation concern, to ensure proper waste management; and to protect residential amenity in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Mole Valley Local Plan 2000 Policy ENV22, and Waverley Local Plan 2002 Policy D1.
25. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
26. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
27. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
28. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
29. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
30. In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users and safeguard the local environment, in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15, Mole Valley Local Plan 2000 Policy MOV2 and Waverley Local Plan Part 1 2009 Policy ST1.
31. To ensure the protection of human health, local property and associated infrastructure and the wider environment from the effects of land instability to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14.

32. To protect surface watercourses including streams that flow into the Cranleigh Waters in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 , Mole Valley Local Plan 2000 Policy ENV68 and Waverley Local Plan Part 1 2018 Policy CC4.
33. To ensure the design meets the technical standards for SuDS, does not increase flood risk on or off site and is suitable maintained throughout its lifetime in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Mole Valley Local Plan 2000 Policy ENV68 and Waverley Local Plan Part 1 2018 Policy CC4.
34. To ensure the Sustainable Drainage System is designed to the technical standards and does not increase flood risk on or off site and is suitable maintained throughout its lifetime in accordance with Policy MC14 of the Surrey Minerals Plan 2011, Policy ENV68 of the Mole Valley Local Plan 2000 and Policy CC4 of the Waverley Local Plan Part 1 2018.
35. To ensure the design does not increase flood risk on or off site and is suitable maintained throughout its lifetime in accordance with Policy MC14 of the Surrey Minerals Plan 2011, Policy ENV68 of the Mole Valley Local Plan 2000 and Policy CC4 of the Waverley Local Plan Part 1 2018.
36. In the interest of ensuring that the proposed restoration scheme, final lake water levels and the surface water drainage scheme do not adversely affect the local aquatic environment in respect of flood risk, hydrology, hydrogeology, ecology and amenity, and in order to comply with the requirements of Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Mole Valley Core Strategy 2009 Policy CS20.
37. In the interest of ensuring that the proposed restoration scheme, final lake water levels and the surface water drainage scheme do not adversely affect the local aquatic environment in respect of flood risk, hydrology, hydrogeology, ecology and amenity, and in order to comply with the requirements of Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Mole Valley Core Strategy 2009 Policy CS20.
38. In the interest of ensuring that the proposed restoration scheme, final lake water levels and the surface water drainage scheme do not adversely affect the local aquatic environment in respect of flood risk, hydrology, hydrogeology, ecology and amenity, and in order to comply with the requirements of Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Mole Valley Core Strategy 2009 Policy CS20.
39. To manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport in accordance with the terms of Surrey Minerals Plan Core Strategy 2014 Policy MC14.
40. To ensure an adequate buffer zone and exclusion area is defined and is clearly indicated on the site to ensure protection of the areas of Ancient Woodland being retained in accordance with the NPPF Paragraph 180(c), the Surrey Minerals Plan 2011 Core Strategy Policies MC2 and MC14; Mole Valley Cores Strategy 2009 Policy CS15 and Waverley Local Plan Part 1 2018 Policy NE1.
41. To safeguard existing the existing landscape features and Ancient Woodland and ensure their contribution to the character of development and the character of the local area in accordance with Surrey Minerals Plan Core Strategy 2011 Policies MC2 and MC14, Mole Valley Core Strategy 2009 Policies CS13 and CS15; and Waverley Local Plan Part 1 2018 Policy NE1.

42. To safeguard existing the existing landscape features and ensure their contribution to the character of development and the character of the local area in accordance with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Core Strategy 2009 Policies CS13 and CS15, Waverley Local Plan 2002 Policy D7 and Waverley Local Plan Part 1 2018 Policy NE1.
43. To safeguard existing the existing landscape features and ensure their contribution to the character of development and the character of the local area in accordance with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Core Strategy 2009 Policies CS13 and CS15, Waverley Local Plan 2002 Policy D7 and Waverley Local Plan Part 1 2018 Policy NE1.
44. In the interests of the amenities of Croft End to ensure the landscaping scheme does not cause overshadowing to that property in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Waverley Local Plan 2002 Policy D1 and Mole Valley Local Plan 2000 Policy ENV22.
45. To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the terms of Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV50 and Waverley Local Plan 2002 Policy HE14.
46. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
47. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
48. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
49. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
50. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
51. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
52. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
53. To ensure that soils are properly handled and to ensure adequate restoration of the site in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
54. In the interests of local amenity, the environment and/or human health pursuant to Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Waverley Local Plan 2002 Policy D1.
55. In the interests of local amenity, the environment and/or human health pursuant to Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Waverley Local Plan 2002 Policy D1.



56. In the interests of local amenity, the environment and/or human health pursuant to Surrey Minerals Plan Core Strategy 2011 Policy MC14 and Waverley Local Plan 2002 Policy D1.
57. To safeguard and protect residential amenity and environment in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Waverley Local Plan 2002 Policy D1 and Mole Valley Local Plan 2000 Policies ENV22 and ENV57.
58. To safeguard and protect residential amenity and environment in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Waverley Local Plan 2002 Policy D1 and Mole Valley Local Plan 2000 Policies ENV22 and ENV57.
59. To safeguard and protect residential amenity and environment in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Waverley Local Plan 2002 Policy D1 and Mole Valley Local Plan 2000 Policies ENV22 and ENV57.
60. To safeguard and protect residential amenity and environment in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Waverley Local Plan 2002 Policy D1 and Mole Valley Local Plan 2000 Policies ENV22 and ENV57.
61. To minimise the impact on the visual amenities and environment of the locality to comply with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Mole Valley Local Plan 2000 Policy ENV22, Waverley Local Plan 2002 Policies D1 and D4 and Waverley Local Plan Part 1 2018 Policy CC2.
62. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
63. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
64. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
65. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
66. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
67. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Minerals Plan Core Strategy 2011 Policy MC14, Mole Valley Local Plan 2000 Policy ENV22 and Waverley Local Plan 2002 Policy D1.
68. To protect the users of Footpath No. 89 (Abinger) in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
69. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.

70. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
71. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
72. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
73. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
74. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
75. To protect the users of the Rights of Way in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
76. To protect the users of Footpath No. 89 (Abinger) in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14.
77. 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 21/07/2019, and Policy MC14 of Surrey Minerals Core Strategy 2011.
78. 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 21/07/2019, and Policy MC14 of Surrey Minerals Core Strategy 2011.
79. To prevent pollution of the water environment in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
80. To prevent pollution of the water environment in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
81. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MC14 of the Surrey Minerals Plan 2011 and Policy ENV69 of the Mole Valley Local Plan 2000.
82. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MC14 of the Surrey Minerals Plan 2011 and Policy ENV69 of the Mole Valley Local Plan 2000.

83. To secure restoration to the required standard and assist in absorbing the site back into the local landscape to comply with Schedule 5 paragraph 2 of the Town and Country Planning Act 1990, and pursuant to Surrey Minerals Plan Core Strategy 2011 Policy MC17.

**Informatives:**

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on noise/traffic/air quality/dust/heritage/flooding/landscape/ecology/visual impact and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of draft legal agreements. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
4. 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 prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The permission hereby granted 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/road-permits-and-licences/the-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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice) .

6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
7. The applicant is reminded that the granting of planning permission does not authorise obstructing or interfering in any way with a public right of way. This can only be done with the prior permission of the Highway Authority (Surrey County Council, Countryside Access Group). Drivers are reminded that public users of footpath 89 and bridleway 443 have the right of way.
8. The definition of 'dry and friable' is when soil breaks and shatters when disturbed, rather than smears and deforms. For determining dry and friable, this may be based on a field assessment of the soils wetness in relation to its lower plastic limit according to the following test. 'An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type'.
9. 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](mailto:SuDS@surreycc.gov.uk). Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
10. The applicant's attention is drawn to the Environment Agency's letter dated 6 September 2017 that the national permitting team should be contacted on 08708506506 to assess if the existing permit is satisfactory with regards to any future drainage water being pumped into the watercourse given the changes that may result from this development.
11. The applicant's attention is drawn to the Environment Agency's letter dated 20 February 2018 that should the applicant intend to abstract more than 20 cubic metres of water per day from a surface water source or underground source (via borehole or well) for any particular purpose then they will need an abstraction licence from the Environment Agency. Further guidance can be found on the water management pages of the gov.uk website <http://www.gov.uk/water-management-apply-for-a-water-abstraction-or-impoundment-licence>
12. The applicant's attention is drawn to Thames Water's email dated 24 February 2022 and the requirements set out within it.

13. The applicant's attention is drawn to Thames Water's letter dated 22 February 2021 and the attached 'Clean water capacity report' dated 22 February 2021 and the requirements set out within it.
14. 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.
15. The applicant's attention is drawn to the attention that should vegetation clearance/removal be undertaken it should be done so in a sensitive manner to avoid harm to small mammals including dormouse and hedgehog. If a dormouse is found during works all works must cease and advice sought from an Ecological Clerk of Works that has a dormouse licence.
16. 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.
17. The applicant's attention is drawn to the need for the sourcing, planting and aftercare of new trees with a distinct crown to be in general accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations. The applicant should also investigate the feasibility of using biodegradable (i.e. non-plastic) tree shelter guards / spiral guards for future tree and hedge planting as part of site restoration.
18. The applicant's attention is drawn to UK Power Network's letter dated 3 December 2021 and the attached plan and advice.
19. For the avoidance of doubt for Condition 31, such 'circumstances' shall include any spatial areas, phases or zones of the permitted development subject of this consent that may be outside the operational quarry area defined for the purposes of the Quarry Regulations, and any areas, phases or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.
20. The applicant's attention is drawn to the Forestry Commission's email dated 26 August 2020 that tree felling not determined by any planning permission may require a felling licence from the Forestry Commission.



---

**Contact Samantha Murphy**

**Tel. no. 020 8541 7107**

---

**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, and responses to consultations, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning registers.

The Mole Valley District Council planning register entry for this application can be found under: [MO/2017/1432](#)

The Waverley Borough Council planning register entry for this application can be found under: [WA/2017/1466](#)

**Government guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

[The Natural Environment and Rural Communities Act 2006](#)

**The Development Plan**

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Surrey Minerals Plan Site Restoration Supplementary Planning Document \(SPD\) 2011](#)

[Mole Valley Local Plan 2000](#)

[Mole Valley Core Strategy 2009](#)

[Waverley Local Plan 2002](#)

[Waverley Local Plan Part 1](#)

**Other documents**

Institute of Air Quality Management (IAQM) [Guidance on the Assessment of Mineral Dust Impacts for Planning](#) (2016).

Institute of Air Quality Management (IAQM) [Land Use Planning and Development Control: Planning for Air Quality](#) (2017).

Defra [The Air Quality Strategy for England, Scotland, Wales and Northern Ireland Volume 1 and 2](#) (July 2007).

The Woodland Trust [“Impacts of nearby development on ancient woodland – addendum”](#) (2012).

The Woodland Trust [“Planning for Ancient Woodland: Planners’ Manual for Ancient Woodland and Veteran Trees”](#) (July 2019).

Institute of Air Quality Management (IAQM) [Guidance on the assessment of dust from demolition and construction](#) (2014).

Forestry Commission and Natural England Guidance [“Ancient woodland, ancient trees and veteran trees: protecting them from development. What planning authorities should consider for developments affecting ancient woodland, ancient trees and veteran trees”](#) (November 2018).

[Future Mole Valley \(Local Plan 2020-2037\)](#)

[Waverley Local Plan Part 2](#)

Ewhurst and Ellens Green Parish Council [Submission Version Neighbourhood Plan for consultation at Regulation 16](#), October 2021

CPRE, [England's Light Pollution and Dark Skies map](#)

Institute of Lighting Professionals (ILP) [Guidance notes for the reduction of obtrusive light](#), (2021).

Natural England [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](#) (January 2022).

[Ewhurst and Ellen Green Neighbourhood Plan Submission Version 2021](#) (Regulation 16)

[Surrey Hills Management Plan 2020 - 2025](#)

Surrey County Council [Landscape Character Assessment](#) (2015)

Natural England, [National Character Area profiles: 121: Low Weald](#) (2014)

Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#) (2021)

Natural England [Guide to Assessing Development Proposals on Agricultural Lane](#) (2021)

Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) (2009)

Natural England [Technical Information Note TIN049](#) Second edition 19 December 2012

Surrey County Council [Rights of Way Improvement Plan](#) (2014)

Mole Valley District Council [Construction Working Hours](#)

Surrey County Council [Guidelines for Noise and Vibration Assessment and Control](#) (2020)

British Geological Survey [Mineral Planning Factsheet: Brick Clay](#), 2007

Department for Business, [Energy and Industrial Strategy, Monthly Statistics of Building Materials and Components](#), July 2020.

Brick Development Association, [The UK Clay Brickmaking Process](#), www.brick.org.uk (2017)

Institute of Environmental Assessment [Guidelines for the Environmental Assessment of Road Traffic](#) (1993)

Surrey County Council Horizon Schemes Map [Horizon Schemes Webmap \(arcgis.com\)](#)

Highway Agency TA79/99 [Traffic Capacity of Urban Roads](#)

Surrey County Council [Rural Speed Limit Review](#) (2022)

---

This page is intentionally left blank