


To: Planning & Regulatory Committee

Date: 26 October 2022

By: Planning Development Manager

District(s) Mole Valley District Council

Electoral Division(s):

 Dorking Rural
 Mrs Clack

Case Officer:

Samantha Murphy

Purpose: For Decision

Grid Ref: 516987 138862

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

Summary Report

Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH
Review of planning permission Ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.

The Environment Act 1995 introduced new procedures for dealing with permission for the winning and working of minerals granted planning permission in the 1950s, 1960s and 1970s, which have been preserved by successive planning Acts as valid planning permissions. The Environment Act 1995 placed a requirement on County Planning Authorities (CPA) as Mineral Planning Authorities to categorise any such mining sites within their county as Phase I, Phase II or dormant sites depending on the individual site's status at that time. Those mining sites categorised as Phase I and II sites were required to make an application to the CPA for new modern planning conditions by a specified date. This was a requirement of Schedule 13 of the Environment Act 1995.

Auclaye Brickworks was granted planning permission in 1976. However, due to works ceasing at the site in the mid 1980s, Auclaye Brickworks was classified (as part of the requirements of the Environment Act 1995) as a dormant site. Schedule 13 of the Environment Act 1995 defines a dormant site as a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22 February 1982 and ended with 6 June 1995 otherwise by virtue of a planning permission which is not a relevant planning permission relating to the site. Paragraph 180¹ of the National Planning Practice Guidance (NPPG) states that "*minerals development cannot lawfully commence until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority*". This application seeks to impose new modern planning conditions in accordance with this paragraph.

The applicant has submitted a planning application for the review of old mining permission (ROMP) of planning permission ref: MO/75/1175 so as to determine full modern working and restoration conditions. The applicant's submission proposed 30 conditions. An Environmental Statement has been submitted to accompany the submission and the applicant has submitted

¹ Paragraph: 180 Reference ID: 27-180-20140306

amendments and addendums to the application. The ROMP proposes clay extraction in four phases, starting in the north east quadrant and progressing in a clockwise direction omitting the north western sixth of the site (where the former brickworks buildings are). The applicant proposes to extract 420,000 tonnes (375,000m³) of clay which would be exported from the site as dug. The application also seeks to agree conditions for the importation of 395,000m³ of inert waste materials for the purposes of restoration. Access to the application site would be from Knoll Farm Road, a single track driveway access which also carries a public right of way (footpath 178) which joins with the A24 Horsham Road to the east.

To fully apply modern standards to the remaining mineral extraction operations and restoration of Auclaye Brickworks and taking into account the revised proposals and the views of consultees, substantial modifications to the submitted conditions and additional conditions are necessary. The conditions, with suggested modifications and additions are set out in the recommendation.

62 letters of representation have been received for this application. The main area of concern raised within letters of representation relates to highways and transportation issues, namely the number of Heavy Goods Vehicles (HGVs) that the applicant has proposed to access the site daily, this being 150 HGV two-way movements to the site per day and that this number should be reduced. Other traffic related concerns raised within letters of representation relate to the safety of HGVs accessing and egressing the site at its point on the A24, which is single carriageway to and from Clarkes Green roundabout to Great Deux roundabout in West Sussex; that Knoll Farm Road is not wide enough to accommodate two-way HGV movements; and that the proposal would lead to increased accidents. Further details on letters of representation are detailed below.

The County Highway Authority have assessed the traffic data and modelling provided to accompany this planning application. They raised several concerns with regards to the way the assessment work was produced and have questioned the results. The CHA have raised concerns with the volume of HGV traffic the applicant has sought given the applicant does not have sole use and does not own the driveway access to the site, the access does not provide for two-way working and has limited control over the land along Horsham Road. Having reviewed the information submitted, the CHA concludes that there remain some fundamental assumptions, unknowns and significant site constraints that do not provide the CHA with the required level of certainty that the level of development would not have a severe and significant adverse impact on the strategic highway network. As such, the CHA are of the opinion that the overall volume of HGV movements for this proposal should be reduced to reflect the constraints at the access.

The conditions are agreed with the applicant.

The recommendation is to APPROVE the conditions as proposed by the applicant, with modifications and additional conditions as set out in Column 2 of “The Table of Conditions” and informatives subject to the prior approval of a Heads of Terms Legal Agreement to secure: a) for a 25 year Landscape and Ecological Management Plan and b) a 25 year Management of Geological Conservation Agreement.

Application details

Applicant

Norman Marshall Ltd

Date application valid

19 May 2017

Period for Determination

8 September 2017 – extension of time agreed.

Amending Documents

Addendum to Landscape Chapter 6 of the Environmental Statement dated January 2017 (February 2018);

Updated Transport Chapter 7 of the Environmental Statement dated January 2017 (February 2018);

Updated Air Quality Chapter 10 of the Environmental Statement dated January 2017 (February 2018);

Updated Noise/Vibration Chapter 11 of the Environmental Statement dated January 2017 (February 2018);

Updated Quarrying Chapter 14 of the Environmental Statement dated January 2017 (February 2018);

Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017 (February 2018);

Historic Environment Desk-Based Assessment dated July 2016 (February 2018);

Appendix 8.1: Revised Soil Resources Plan (February 2018);

Hydrogeological Assessment dated 20 October 2017 (February 2018);

Flood Risk Assessment dated 13 October 2017 (February 2018);

Construction Management Plan Version B dated February 2018 (February 2018);

Letter dated 30 August 2016 from Surrey County Council Property Services to Mr. Norman Marshall (February 2018);

Slope Stability and Settlement Analysis dated 29 January 2018 (February 2018);

Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated December 2017 (February 2018)

Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017 (February 2018);

Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017 (February 2018);

Drawing Ref. 3440_DR_005 Tree Protection Plan Rev. B dated 20 October 2017 (February 2018);

Drawing Ref. DR-L-0001 Proposed Sections Rev. P03 dated 18 December 2017 (February 2018);

Letter dated 9 November 2018 from Kember Loudon Williams to the County Planning Authority dated 9 November 2018 including Certificate B completed pursuant to Article 13 of the Town and Country (General Development Procedure) Order 2015 (November 2018);

Transport Assessment Addendum dated September 2018 (November 2018);

Slope Stability Design Review dated 30 October 2018 (November 2018);

Junction Capacity Assessment of A24/Knoll Farm Road Junction dated April 2019 (April 2019);

Summary of On-Site Transport Management Strategy Version A dated April 2019 (April 2019);

Drawing Ref. 2015/2516/012 Swept Path Analysis Rev. D dated April 2019 (April 2019);

Drawing Ref. 2015/2516/010 Proposed Access Arrangement and Highway Works Rev. G dated April 2019 (April 2019);

Update to Ecological Surveys dated 28 September 2021.

Illustrative material

Site Plan

Drawing Ref. AB/102 Site Location Plan Rev. D dated February 2017

Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated December 2017

Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017

Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017

Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev. B dated October 2015

Aerial Photographs

Aerial 1 – Auclaye Brickworks

Aerial 2 – Auclaye Brickworks

Site Photographs

Figure 1 – Knoll Farm Road looking eastwards towards Horsham Road

Figure 2 – Looking westwards from Horsham Road to Knoll Farm Road showing bellmouth

Figure 3 – Looking westwards along Knoll Farm Road towards the application site

Figure 4 - Knoll Farm Road and Site Boundary to the North (looking west)

Figure 5 - Knoll Farm Road with northern site boundary (on the left) looking westwards

Figure 6 - Eastern Site Boundary (looking south-east)

Figure 7 - Eastern half of the application site looking southwards from Knoll Farm Road

Figure 8 - Eastern half of the application site looking southwards from Knoll Farm Road

Figure 9 - Eastern half of the application site looking southwards with retained trees on the right

Figure 10 - Western Site Boundary and Railway Line to the West (looking south-east)

Figure 11 - Former Brickworks Area (looking south)

Figure 12 - Former Brickworks Area (looking south-west)

Figure 13 - Former Brickworks Area (looking south-east)

Figure 14 - Security Shed in the North-East of the Former Brickworks Area with Derelict Building Beyond (looking south)

Figure 15 - Western half of the application site looking southwards with the railway line and Geological SSSI on the right

Figure 16 - Western half of the application site looking southeast with the diving tree line on the left

Background

Review of Mineral Permission (ROMP) Applications

1. Mineral working is different from other forms of development in that minerals can only be worked where they are found. Once a particular mineral working has been exhausted the land should be restored to provide for a beneficial after-use. Mineral development is therefore a temporary land-use undertaken over decades in most instances. Accordingly, the environmental and amenity impacts of mineral working change over time, science and technology develops, and societal and industry standards change. As a result of these changes in circumstances planning consents for mineral development require regular review by the Mineral Planning Authority ('MPA') so as to ensure that modern standards are met in respect of working and restoration.
2. Applications for the Review of Old Mineral Permissions ('ROMP') are not applications for planning permission. They are concerned with the review of conditions relating to extant planning consents which allow for mineral development that may be active or dormant. Dormant sites cannot lawfully recommence works until modern conditions for working and restoration have been agreed by the MPA.
3. The law requires that ROMP applications are determined in accordance with Section 96 and Schedules 13 and 14 of the [Environment Act 1995](#) ('the Act') and guidance set out in [paragraphs 178 – 216 of the National Planning Practice Guidance](#) ('PPG').
4. The Act and PPG are clear that any new conditions proposed for developments to be considered under the ROMP requirements must:

- a) Meet the policy tests, be necessary and should not affect the economic viability of the operation (e.g., conditions which restrict the total quantity of mineral for extraction);
 - b) Require that the winning and working of minerals or depositing of mineral waste must cease not later than 21 February 2042, except where the original permission is already time-limited;
 - c) Not withdraw any outstanding permitted development rights unless there are exceptional and sound planning reasons for doing so.
5. Furthermore, conditions should not affect the working rights of the site. Schedule 13(6) of the Act provides that working rights are restricted in respect of a mineral site if any of a) to g) below is restricted or reduced in respect of the mineral site in question:
- a) The size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
 - b) The depth to which operations for the winning and working of minerals may extend;
 - c) The height of any deposit of mineral waste;
 - d) The rate at which any particular mineral may be extracted;
 - e) The rate at which any particular mineral waste may be deposited;
 - f) The period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease; or
 - g) The total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on the site is restricted or reduced in respect of the mineral site in question.
6. The National Planning Policy Framework 2021 ('the Framework') is a material consideration in the determination of ROMP applications. Paragraph 211 sets out a number of bullet points that should be considered when determining applications (for minerals development) which include:
- Ensure there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;
 - Ensure that any unavoidable noise, dust, and particle emissions and any blasting vibrations are controlled, mitigated or removed at source (national planning guidance on minerals sets out how these policies should be implemented), and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.
7. There is a right of appeal against the imposition of conditions which the applicant considers unreasonable, but compensation is not payable for imposing modern conditions on dormant sites. There is no scope to refuse ROMP applications.

Site Description

8. The application site measures about 9 hectare (ha) and is located in a rural area some 1km to the south of the village of Capel, in the district of Mole Valley, close to the border between Surrey and West Sussex. It lies to the west of the A24 Horsham Road and some 210 metres (m) to the northwest of the dormant Clockhouse Brickworks site². The site is accessed via the A24 and in turn the unclassified Knoll Farm Road. This road also serves Knoll Farm to the west of the site beyond the Horsham to London railway line and

² Former clay quarry, brickworks, and non-inert landfill site

several residential properties near the northern boundary of the application site³. Knoll Farm Road is designated a public footpath No. 178. There is an area of Common Land immediately adjacent to the bellmouth of Knoll Farm Road where it meets the A24, extending both to the north and to the south.

9. The application site is tightly constrained by the built and natural environment surrounding it. It is bounded to the north by Knoll Farm Road, beyond which is an area of woodland⁴ that is designated a Site of Nature Conservation Importance⁵ ('SNCI') and Semi-natural Ancient Woodland⁶. To the west the site is bounded by the Horsham to London railway line and its embankment. To the east of the site is a relatively small triangular shaped parcel of agricultural land beyond which are a row of residential properties which front the A24 Horsham Road. This area of land is owned by Surrey County Council and is farmed by the applicant under lease. The southern boundary of the application site is bordered by woodland with further dwellings beyond. Part of the application site itself exhibits evidence of historic clay extraction (the western half of the site as shown in the attached photographs). The other half of the site has been in arable use.
10. The site is surrounded by existing tree belts to the south and west with a tree belt running centrally through the site for approximately 166m. The trees along the western boundary front on to the railway line. The eastern half of the application site alongside the triangular area of land located between the application site boundary and the rear curtilages of residential properties mentioned above, has had the topsoil stripped (as can be seen from photographs attached to this report) and the soil has been stockpiled in an adjacent soil bund running along the northern boundary of the application site, adjacent to Knoll Farm Road.
11. The Auclaye Site of Special Scientific Interest ('SSSI'), which is designated for its paleontological interest⁷, is located along the western boundary of the application site adjacent to the railway embankment. It occupies an area of about 0.58ha. According to the most recent condition survey available from Natural England the SSSI is in ['unfavourable – declining'](#) condition due to a lack of access and encroaching vegetation.
12. There are no Special Protection Areas ('SPAs'), Special Areas of Conservation ('SACs'), or Ramsar Sites⁸ located within 10km of the application site.
13. The application site is not covered by any local nature conservation designations. As mentioned, the Greenhurst Copse SNCI and an area of ancient woodland are located immediately to the north of the site, beyond Knoll Farm Road. Other SNCIs located within 1km of the site include, the Knoll Wood SNCI some 115m to the west, the Osbrooks SNCI some 160m to the south, the Strood Copse SNCI some 570m to the north-east, the Hollbrook Wood SNCI some 570m to the west, and the Fylls Brook (Clockhouse Gill) SNCI some 640m to the south east. In addition to Greenhurst Copse, a further area of ancient woodland lies some 135 metres to the south east of the site beyond Osbrooks Lodge.
14. The application site is not covered by any local or national level landscape protection designations. The closest boundary of the Surrey Hills Area of Outstanding Natural Beauty ('AONB') and the Surrey Area of Great Landscape Value ('AGLV') is some 2.5km

³ Woodside (unoccupied); Sunnyside (unoccupied); Greenhurst Copse dwelling, Knoll Farm Barn, and Knoll Farm Cottage

⁴ Greenhurst Copse

⁵ Greenhurst Copse SNCI

⁶ Woodland that has existed since 1600CE in England

⁷ The SSSI yields well-preserved bodies and wings of insects of Lower Cretaceous age

⁸ A Ramsar Site is a wetland site designated of international importance under the Ramsar Convention

to the north-west. The High Weald AONB is located some 6km to the south-east of the site. The South Downs National Park is located some 21km to the south-west of the site. The application site is located within the landscape character type Wooded Low Weald and the landscape character area WW8 Cranleigh to Charlwood Wooded Low Weald as defined within the Surrey Landscape Character Assessment 2015. WW8 is a large character area stretching east from Cranleigh along the southern edge of the county. It is defined by underlying geology, land use, woodland cover with key characteristics being relatively low lying undulating landform, small scale pastoral and arable field enclosed by intact hedgerows and tree belts. The Character Assessment recognises that woodland and tree cover encloses the character area and limits long distance views.

15. The application site is not covered by any archaeological or heritage designations and does not contain any finds or features listed on the Surrey Historic Environment Record ('HER'). The closest Scheduled Monument to the site is the 'Medieval moated site, north of Oakdale Farm'⁹ some 1.5km to the south-west. There are three Grade II Listed Buildings within 500 metres of the site, including 'The Clock House'¹⁰ some 260m to the east, 'Old Mead'¹¹ some 350m to the north-east, and 'Osbrooks'¹² some 405 metres to the south-west. The closest Registered Park and Garden is the Grade II 'Warnham Court'¹³ some 5km to the south of the site. An Area of High Archaeological Potential is located some 700m to the north-east of the site, at Pleystowe Farm on Rusper Road in Capel. The Capel Conservation Area is located some 1.14km to the north of the site.
16. There is a network of existing ordinary watercourses within the confines of the application site. These converge and leave the site at the lower lying land along its southern boundary¹⁴. The site is not classified as being at risk of fluvial flooding and is not underlain by any groundwater Source Protection Zone designations or any major aquifers. An unnamed stream that passes some 160m to the south of the site flows into the 'North River'¹⁵, a tributary of the River Arun that is described as a low, small, calcareous and unmodified river that currently exhibits 'moderate' ecological status.
17. The site is not located within an Air Quality Management Area or the Metropolitan Green Belt. Access to the application site would be gained from Knoll Farm Road. Knoll Farm Road has a general width of 3.2m (metalled surface width) with wide verges along both sides. There still remains a formal entrance serving the brickworks buildings from Knoll Farm Road in place. However, it is proposed that a newly constructed access from Knoll Farm Road would be provided at the north east of the site.

Planning History

18. In October 1948 consent¹⁶ was granted for "*existing and future clay workings at Brickworks, Horsham Road, Capel*" subject to two conditions: (1) excavation to take place in a proper sequence and the land not being excavated is to continue to be used for grazing of cattle in the meantime; and (2) that the surface of the land when excavation is completed be left at a uniform level and surface top soil be deposited thereon to enable the land to be cultivated. This permission appears to have been modified in 1958 to take account of the then proposed diversion of the A24.

⁹ English Heritage List Entry ID 1012782

¹⁰ English Heritage List Entry ID 1028764

¹¹ English Heritage List Entry ID 1293516

¹² English Heritage List Entry ID 1190954

¹³ English Heritage List Entry ID 1001413

¹⁴ The application site falls from the north-west (101m AOD) to the south-east (85.5m AOD)

¹⁵ Environment Agency Waterbody ID GB 107041017990

¹⁶ Ref. DH/R13

19. During the late 1950's extraction and brick making ceased and brick making plant and buildings were removed.
20. In the 1970's Mr. Benstead obtained a lease on the land and wished to make bricks there. The then County Planning Committee, relying on the then current view that where a use ceased and land remained unused after a considerable time the proper inference may be that the use has been abandoned, determined that the clay working and brick making use had been abandoned and that Mr. Benstead's proposal would require planning permission. Later of course [Pioneer Aggregates \(UK\) Ltd v SoS for Environment \(1985\)](#) established that the principle of abandonment was not of general application and in particular that it did not apply to rights granted by planning consents.
21. Subsequently, on 30 July 1976, planning permission Ref. MO/75/141 was granted for *"the erection of brick-making buildings of approximately 5,236ft² (486.6m²) comprising brick drying building, 2,395ft² (222.5m²) (2,232ft²/207.4m² internal floor space) and brick making building of 2,843ft² (264.1m²) (2,583ft²/240m² internal floor space) together with an ancillary office of 180ft² (16.7m²)..."*
22. At the same time planning permission Ref. MO/75/1165 was granted for *"the winning and working of minerals (clay) and the manufacture and burning of bricks"* subject to 25 planning conditions.
23. Consents Refs. MO/75/141 and MO/75/1165 were granted subject to a legal agreement¹⁷ dated 30 July 1976 which sought to secure: (1) that no more than 3 million bricks were produced at the site per annum; (2) that commercial vehicle movements entering and leaving the site were limited to no more than 50 per week and 16 per day; (3) that no vehicle would pass over the railway bridge leading to Knoll Farm; and (4) that sight lines were maintained along the A24 Horsham Road directly outside the site's vehicular access. Crucially, the legal agreement was between the applicant for planning permission Mr. Benstead and the County Council, but the landowner was not party.
24. In September 1978 conditions 15 and 19 of consent Ref. MO/75/1165 were varied by notice Ref. MO/77/1175. These conditions related to the construction of an acoustic bund and the hours in which machinery could operate on the site. Later, in January 1979, a *"5-year working programme"¹⁸ together with details of other reserved matters¹⁹ requiring approval in accordance with permission dated 30 July 1976 (Nos. MO/75/141 and MO/75/1165) for the winning and working of minerals (clay); the manufacture and burning of bricks and the erection of brick making buildings* was approved by Surrey County Council under Ref. MO/75/1165 (details).
25. On 26 November 1985 an application Ref. MO/84/1311 for a further *"5-year programme of working and restoration pursuant to permission MO/75/1165 for the winning and working of minerals (clay) and MO/75/141 for the manufacture and burning of bricks and the erection of brick making buildings"* was refused. Subsequently, brick making and clay extraction ceased again.
26. In June and October 1987 Surrey County Council ('SCC') issued four enforcement notices in respect of the site. The first required the demolition of three existing buildings²⁰ including removal of their respective foundations. The second required the

¹⁷ Between Surrey County Council and the then leasee Mr. Ian Benstead

¹⁸ Condition 12 (scheme of working, extraction and operation) of consent Ref. MO/75/1165

¹⁹ Conditions 6 (completion of site access); 8 (fencing); 10 (borehole survey); 11 (details of western pit margin); 13 (details of plant and machinery); 14 and 15 (noise attenuation measures); 17 (retention of trees); 18 (tree planting); 22 (restoration); 23 (after-use); and 24 (facilities to prevent deposit of materials on the highway)

²⁰ Buildings A, B and C

filling and restoration of the area of land previously excavated for clay. The third required the demolition of seven buildings²¹, the foundations of two buildings²², and a prefabricated workshop building²³ and reinstatement of the ground beneath these structures. The fourth notice required the cessation of use of any part of the land for the deposit of imported airbricks, bricks, and soil. There is no record of these notices being appealed.

27. In or around April 1989 Mr. Norman Marshall contracted to purchase the application site and his surveyor Mr. Billson then made contact with SCC which pointed out that enforcement notices had taken effect and that a prosecution would follow if they were not complied with. However, the view of SCC was that this would result in a small fine and no liability to make good the land. There were also problems in relation to the enforcement notices requiring restoration when extraction was still possible given the clay deposits and the extant planning permission. The situation was very much complicated by the ongoing discussions regarding the A24 road scheme. Mr. Billson took the view that as a s52 agreement had been executed by the lessee not the freeholder such that it could not run with the land and could not affect his client who was not a successor in title to Mr. Benstead but in fact the freeholder. It was accepted by SCC that the s52 agreement did not run with the land and therefore could not restrict the activities of the current land owner.
28. In November 1994 it appears that planning permission Ref. MO94/0905 was granted for *“retention of former brickmaking buildings A, F and J together with toilet block B on a site of about 0.88ha for agricultural purposes for a temporary period of two years.”* Moreover, in September 1997 SCC issued a Certificate of Lawful Proposed Use or Development for the *“extraction and export of clay from an area of 2ha”* in the north-east corner of the application site.
29. More recently, in December 2015, Mole Valley District Council issued a Certificate of Existing Lawful Use or Development Ref. MO/2015/1023 for the former brickmaking buildings A, F and J together with toilet block B confirming that they are immune from enforcement action and therefore lawful²⁴.

The Proposal

30. In 1976 SCC granted planning permission Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site. This permission was implemented following which clay extraction and brick making ceased after 1985.
31. The Environment Act 1995 brought in the requirement for the Review of Old Mining Permissions (ROMPs)²⁵ of mining sites which had been granted planning permission in the 1950's, 1960's and 1970's. The County Planning Authority (CPA) as Mineral Planning Authority were required to produce a list of such sites within Surrey and categorise them as Active Phase 1 sites, Active Phase 2 sites and dormant sites. A dormant site means a Phase 1 or Phase 2 site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22 February 1982 and ending with 6 June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site.

²¹ Buildings D, E, F, G, H, J, and K

²² Foundations L and M

²³ Building O

²⁴ The said buildings have remained on the site without compliance with condition 5 of planning permission Ref. MO/94/0905 for a period in excess of ten years

²⁵ Schedule 13 of the Environment Act 1995

Auclaye Brickworks was classified as a dormant site by the CPA in 1996 because clay extraction and brickmaking ceased in 1979/1980 with no significant working since.

32. Consent Ref. MO75/1165 provides for both clay extraction and brickmaking. Its clay extraction element is sufficient for the consent to be for “*minerals development*” and therefore subject to the review of mining permission provisions of the Act. National Planning Policy Guidance²⁶ is clear that if a site is classified as dormant, minerals development cannot lawfully commence until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority.
33. In September 1997 SCC granted a Certificate of Lawfulness of Proposed Use or Development certifying that the “*extraction and export of clay from an area of 2ha*” in the north-east corner of the application site was lawful subject to the prior review of the conditions imposed on consent Ref. MO75/1165.
34. Accordingly, the applicant has submitted a schedule of conditions under the ROMP application process with the intention of resuming the extraction of clay and restoring the site along the lines outlined in planning permission Ref. MO75/1165.

Proposed Development

35. The development proposed would involve the extraction of approximately 420,000m³ (about 800,000 tonnes) of clay in a phased manner with progressive restoration of the land using up to some 440,000m³ (about 660,000 tonnes) of imported inert waste all over a period of about 5 years and 9 months (69 months). The hours of operation proposed are: 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday. No working is proposed for Sundays, Bank, National or Public holidays.
36. Clay extraction would commence in the north-east of the application site and continue in a clockwise direction around the site. As the extraction is completed in each phase, these areas will be back filled, profiled and landscaped to create a mix of agricultural land and ecological habitats.
37. Although there is no planning requirement in respect of ROMP applications to demonstrate a need for the mineral, the applicant has explained that the clay to be won from the application site may be suitable for use in brick and tile manufacture and as an engineering material. During the works clay would be stockpiled in various temporary locations within the quarry to align with the phasing of excavation and restoration works. These stockpiles would be no greater than 4m in height. Clay material not suitable for export would be set aside within the quarry and used for restoration purposes.
38. The applicant will seek an Environment Agency permit which would ensure appropriate pollution prevention and control measures are in place in the context of an inert waste landfill. In restoring the quarry inert waste would be compacted in thin layers, typically 200 to 300mm thickness, to ensure that settlement of the final ground surface is kept to a minimum. The quarry will be infilled to match the surrounding ground levels.
39. The former and remaining brickmaking buildings A, F and J together with toilet block B will be retained on the application site post restoration for the purposes of agriculture. The after-use of the restored mineral working would primarily be for agriculture with an area in the north-east set aside for and dedicated to nature conservation. For practical reasons therefore, the contours of the restored site would be evenly spaced to create a consistent gradient up/down field.

²⁶ Paragraph: 180 Reference ID: 27-180-20140306

40. The nature and scope of the proposed clay extraction would result in habitat loss across the majority of the application site. This loss would be phased as per the phasing of clay extraction and restoration. However, the loss of one habitat would only occur once suitable replacement habitat has been created. To facilitate this phased approach to working and restoration an area of land measuring about 0.4ha, adjacent to the eastern boundary of the quarry, would be set aside and used for reptile habitat including the installation of hibernacula and refugia. This habitat would be created prior to works commencing in phase 1 and will be retained following restoration works. The peripheries of the application site would be restored to a combination of water, woodland, grassland and edge landscape typologies to provide habitat for fauna including bats.
41. A 2m high seeded soil bund with a 2m high acoustic fence on top of the bund will run along the eastern boundary of quarry so as to mitigate the visual and noise impact of working and restoration on the residential properties to the west. This bund will also prevent works spilling into the reptile habitat to be created on the land between the quarry and residential properties.
42. During excavation works a surface water drainage network comprising channels and ponds would be created along the eastern, southern and western boundaries of the application site in a phased manner so as to attenuate surface water flows and allow discharge to woodland in the south at a rate similar to existing run-off. This drainage network would be retained on site following restoration works.
43. As part of the development the extent of the Auclaye SSSI would be amended so as to improve and maintain its declining condition. Effectively the existing SSSI would be shortened at its southern end, extended at its northern end, and made narrower as part of the proposed development. The western bank of the SSSI²⁷ would remain unaltered whilst its eastern bank²⁸ would be extended to align with the proposed restoration level of the restored site. Additionally, the applicant intends to provide access to new sections of Weald Clay exposed during excavation of the quarry to Natural England and academics so that they can examine and record data; install interpretation boards at the SSSI to provide information on the geological features of interest at the site; provide a designated storage area for nodules/concretions that may contain fossils both during the operating life of the quarry and post restoration works; install fencing around the SSSI to prevent unauthorised access and excavation; provide a footpath from Knoll Farm Road to the northern end of the SSSI for public access; and undertake general long-term management of the SSSI including removal of vegetation and debris.
44. The applicant proposes up to 150 HGV movements (75 HGV trips) to and from the application site per working day. Vehicles would access the application site using the priority Knoll Farm Road/A24 junction (suitable signage along the A24 in both directions is to be erected) and along a 92m section of Knoll Farm Road. HGV access to the quarry is proposed between 0730 to 1630 hours Monday to Friday and 0800 to 1300 hours on Saturdays with no access on Sundays, Bank, National or Public holidays.
45. The A24/Knoll Farm Road junction bellmouth is proposed to be improved by increasing the kerb radius to improve left-out (north) manoeuvres and prevent vehicles crossing the A24 centre line, providing centre-line and give-way markings, and erecting 'drive on left' signage. These measures are proposed to ensure two-way vehicle movements along the first 22m of Knoll Farm Road (including the junction bellmouth with the A24).

²⁷ Which is of particular importance as it remains undisturbed geology and is where insect fossils have been previously discovered

²⁸ Which is made ground and therefore of little interest

46. Vehicles would then proceed west along a 70m one-way stretch of Knoll Farm Road before accessing the application site to the south by way of a new two-way (internal) access road that will be constructed across the northern boundary of the application site.
47. Turning and queuing areas will be provided along the internal access road negating the need for vehicles to make manoeuvres or stop on Knoll Farm Road or the A24. It is estimated that there is sufficient space along the internal access road for a queue of 5 incoming and some 20 outgoing HGVs at any one time. A Check-in Office will be located on the internal access road to where incoming vehicles and drivers will report, present their paperwork and await instructions.
48. Check-in Office personnel will act as a banksman and control construction traffic accessing and egressing the application site using CCTV and traffic signal systems. Traffic signals are proposed to be erected for the duration of the development and will include a red/green traffic signal head installed within the bellmouth of Knoll Farm Road, located more than 20 metres from the A24 to allow at least one HGV to stop well clear of the A24.
49. There will be a second red/green signal head installed at the point of egress from the internal access road onto Knoll Farm Road. The default setting for the signal heads will be that the traffic signal at the entrance to Knoll Farm Road, from the A24, will be green and the traffic signal at the site egress, onto Knoll Farm Road, will be red. Construction traffic will only be allowed to leave the application site when instructed by the Check-in Office Controller (i.e. Banksman) thereby providing general unfettered access to vehicles entering the site from the A24.
50. CCTV cameras will be installed to observe vehicular activity along Knoll Farm Road and any incoming vehicles from the A24. The cameras will be installed in accordance with current guidance relating to privacy and GDPR and will not be recording, so no footage will be stored. Signs will be erected to notify the public that CCTV is in operation. Check-in Office personnel will have real-time access to the CCTV images and will check for any potential incoming traffic before instructing vehicles to exit the quarry. If CCTV cameras cannot be provided, additional banksman will be provided during site working hours.
51. A rumble strip and wheel bath will be installed along the internal access road to clean vehicle wheels prior to exiting the quarry. This will be located at a sufficient distance within the site, to allow any residue to be deposited within the site and not reach Knoll Farm Road or the public highway (A24). The internal access road will be metalled from the wheel bath to the exit onto Knoll Farm Road. This would allow it to be cleaned using a road sweeper. Should any mud reach Knoll Farm Road or the A24 it will also be cleaned using a road sweeper.
52. For the duration of the development a protective barrier will be erected along the northern edge of Knoll Farm Road, up to the point where it meets the internal access road. This will segregate users of the footpath from the construction traffic and suitable signage will be installed, at either end of the barrier, to inform the drivers of vehicles and footpath users.
53. Additionally, the applicant proposes a range of management measures to ensure that noise and dust emissions arising from working and restoration are controlled to acceptable levels. Tree protection measures will also be put in place during working and restoration to ensure that no retained trees are damaged.

Proposed Conditions

54. In determining the subject ROMP application, the MPA has the power to accept or modify the conditions initially proposed by the applicant and/or add further conditions.

When considering the need to impose new or modified conditions, the MPA should be guided by the advice in the PPG and Schedule 13 of the Act.

55. Considering the applicant's proposal, having regard to the environmental information submitted as part of the subject ROMP application, following consultation with statutory and non-statutory consultees, and taking interested party representations into account, Officers propose to modify the conditions proposed by the applicant and impose a range of new conditions. Such modifications and impositions should ensure modern standards of working and restoration.
56. The schedule of conditions initially proposed by the applicant (column 1), and the modified and new conditions proposed by Officers (column 2) are given at Appendix.1.
57. A s106 legal agreement will be necessary to secure a 25-year Landscape and Ecological Management Plan and a 25-year Scheme of Works for the Management of Geological Conservation. The heads of terms for such a legal agreement is attached to this report.

Consultations and publicity

District Council

58. Mole Valley District Council : No objection. No planning conditions proposed.

Consultees (Statutory and Non-Statutory)

59. Sutton and East Surrey Water : Now known as SES Water. Provided a plan showing the approximate position of water mains at the location. There are no water mains at the application site.
60. Environment Agency South East : Planning conditions proposed in relation to infiltration of surface water to ground and the storage of oils, fuels and chemicals. Advice regarding groundwater, the Water Framework Directive, and the need for an Environmental Permit provided to the applicant. The site lies within SPZ2/3 and/ or secondary aquifer. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. Any infiltration SuDS greater than 3m below ground level to be a deep system and not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base of the infiltration point and the peak seasonal groundwater levels. They must not be constructed in ground affected by contamination.
61. Surrey Wildlife Trust : No views received
62. Enhancement Officer : No views received.
63. County Highway Authority : The CHA consider that there are fundamental issues with what is being proposed in terms of frequency and timings connected to the number of HGV vehicle movements proposed (up to 150 HGV movements per day). The CHA recommends that several conditions be imposed on any consent granted limiting HGV movements to no more than 42 per day and requiring a Traffic Management Plan alongside improvements to the Knoll Farm Road junction with the A24/Horsham Road which is to be secured by legal agreement.
64. Health and Safety Executive : The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. No planning conditions proposed.

65. County Ecologist : Satisfied with the proposals and pleased to see Natural England are content with the measures proposed for the protection and enhancement of the geological SSSI. Ecological timeline and phasing plans are confusing referring to both Phase 1 – 4 and Areas A – D. As reptiles have been identified as important a degree of certainty that the areas for translocation will be suitable to move reptiles onto is required. Planning conditions relating to landscape restoration and a 25-year Landscape and Ecology Management Plan, underpinned by a s106 legal agreement are proposed.
66. Environmental Assessment : all of the component parts of the Environmental Statement are clearly labelled as EIA documents. The EIA is readily identifiable.
67. County Air Quality Consultant : The effects on air quality from the residual dust impacts, with mitigation in place, are likely to be ‘not significant’. A planning condition requiring the formalisation of control and mitigation measures within a Dust Management Plan is proposed. The background nitrogen dioxide and suspended particulate matter concentrations are less than 40% of the Air Quality Objectives. Given this ‘headroom’, and the fact that the maximum number of HDV movements does not significantly exceed the indicative screening criterion, it is reasonable to scope-out a further detailed assessment of vehicle emissions. Accordingly, no planning conditions are proposed in respect of vehicle emissions. Further comments made in 2021 that given the background nitrogen dioxide (NO₂) and PM₁₀ concentration are less than 40% of the Air Quality objectives and the maximum number of HGV movements does not significantly exceed the indicative screening criterion, agree it is reasonable to scope out a further detailed assessment of vehicle emissions. The dust risk assessment follows the recommended guidance and largely contains the required elements.
68. County Landscape Architect : Due to the character of the surrounding landscape which is a mixture of woodland and mature hedgerows, the proposed screening bund, and the retention of the existing landscape features, the proposed development will have minimal impact in the wider landscape during excavation. The residual effects of the development will be mitigated by a scheme of restoration and new native planting which is acceptable in principle subject to further detail. Accordingly, a range of planning conditions are proposed to secure further detail in relation to, inter alia, the proposed bund, landscape restoration, and long-term management of agricultural land and ecological areas. Further comments made in 2021 that content with the draft conditions schedule in respect of landscape issues. Request a provision to Condition 32 requiring the placement within the first 5 years of failed planting on a like-for-like basis. Should attach the standard biosecurity informative to ensure the applicant has due regard to biosecurity in the sourcing and planting of new trees, hedges and shrubs into the landscape.
69. Natural England : No objection subject to planning conditions relating to the maintenance and management of the geological SSSI.
70. SuDS & Consenting Team : Satisfied that the proposed surface water drainage strategy meets the requirements set out in the National Planning Policy Framework 2019²⁹ and its Practice Guidance subject to two planning conditions securing the detailed design and verification of the surface water drainage scheme. Request conditions be imposed with regards to surface water drainage and the submission of a verification report.
71. County Noise Consultant : A range of planning conditions proposed in respect of hours of operation, noise limits, best practice, the requirement to provide a noise

²⁹ Note the 2019 National Planning Policy Framework was updated in 2021.

management plan, the requirement to provide details of the noise attenuation bund and restricting HGV access times to protect residential amenity.

72. Archaeological Officer : The majority of the application site has an unknown potential for the presence of Heritage Assets of archaeological significance so there is a need for further archaeological work in the form of trial trench evaluation. A planning condition is therefore proposed in respect of a programme of archaeological work. The applicant has taken on board the archaeological implications of the development and has submitted a Desk Based Assessment (DBA) and Environmental Statement (ES) chapter in support of their application. The DBA and ES provide suitable data on which the archaeological potential of the site can be assessed. Recommend a condition that archaeological work is carried out.
73. County Geological Consultant : A range of planning conditions are proposed in respect of, inter alia, the pollution of water resources, surface water drainage, the management of land contamination, management of the geological SSSI, land stability of the external perimeter excavation faces, management of land stability, and the management of soil resources.
74. Historic/Listed Buildings : The proposal has been assessed in accordance with the National Planning Policy Framework 2019 and there will be no material impact on the special interest of any listed building. The only heritage assets in the vicinity of the site were of a sufficient distance not to be compromised by the physical work of the proposed development. No planning conditions proposed.
75. Planning Casework Unit/DCLG : No comments received.
76. Rights of Way : A planning condition is proposed so as to secure further detail in respect of the proposed constriction of public footpath No. 178 and management of construction traffic along Knoll Farm Road so as to protect users of the public footpath.
77. Arboriculturalist : No views received.
78. Network Rail : During excavation of the quarry the current flood risk to the road under the railway bridge towards Osbrooks and Osbrooks Cottage is likely to be reduced because the surface water to the north of the quarry would be stored within the quarry. Adequate measures should be put in place to eliminate the risk of flooding towards the railway tracks. The excavation is more than 30m outside the railway track zone of influence and should not undermine the trees located adjacent to the railway tracks. There is no need for Network Rail consent for site works. Applicant advised to contact Network Rail prior to any works commencing on the site. No planning conditions proposed. Further comments made in 2021 concerned by the stability of the proposed western quarry face which is set at a slope of 1:1.5. This face will run parallel to the railway line and appears to be less than 30m from the boundary of the railtrack land. Slope failure of the western quarry face could affect the safety of the railtrack. The development strategy proposed two perimeter drains and temporary ponds to be constructed, one which lies in proximity and at approximately the same level as, the railway line. Network Rail has concern that the construction of these features could promote water ingress into the underlying clays and potentially increase the prospect of a slope failure in the vicinity of the railway line. Concern raised with regards to the length of time the quarry void space would be open for. Network Rail raise concern about the short and long term stability of the rail track and consider the western flank of the proposed quarry should be reassessed based on a robust geotechnical appraisal. Request conditions be imposed with regards to these matters.

79. Southern Gas Networks : As the works will be some distance from the mains, satisfied that the works can proceed. Wish to be informed if there is an intention to extract/ quarry within 100 metres of SGNs mains.
80. UK Power Networks : Should the excavation affect the Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 231 KV) please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections. A plan is provided showing the extent of the power lines. None cross the extraction area

Parish/Town Council and Amenity Groups

81. Capel Parish Council : The core issues relating to the proposal are highway safety considerations along the A24. While the Parish Council is not against the aim of the application the overriding and insurmountable issue is highway safety. Highway safety issues cannot be resolved within the constraints of the application. Accordingly, the ROMP proposal cannot be implemented. The proposal details cannot therefore be permitted on highway safety grounds. The material consideration here is not the regularity of accidents along the meandering stretch of highway, but the high risk of accidents and the risk to lives. The submitted reports have made no attempt to address this issue indeed, the very absence of detail draws attention to risk. Vehicular movements along this stretch of road in general exceed legal speed limits. This is a general point regarding cars but even more significant in relation to motor bikes. Reference has already been made to the re-opening of Clockhouse Brickworks. There is no mitigation to prevent that opening whereas in relation to Auclaye the control is absolute. To enable Surrey County Council to sanction such a risk is untenable. The potential HGV movements will only compound the problems with added risk to life.

It is for the applicants to show beyond acceptable limits risk will not increase and this they have been unable to demonstrate. This programme is unacceptable, and the solution creates significant danger. Accordingly, the Parish Council recommends that the proposed re-opening of Auclaye Brickworks is rejected.

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

Summary of publicity undertaken and key issues raised by public

83. The application was publicised by the posting of several site notices to coincide with adverts placed in Surrey Advertiser on 8 June 2017, 16 March 2018, 30 November 2018, and 3 May 2019. Some 70 owner/occupiers of neighbouring properties were directly notified by letter about the proposal, additional information and amendments to the same. A total of 61 representation were received by the CPA following these publicity rounds.
84. Following a period of 18 months where no further information had been submitted by the applicant and discussions between the applicant and the MPA had been ongoing, Officers chose to carry out formal publicity again prior to the application being reported to the Planning and Regulatory Committee. This publicity was not to inform residents or those having made representations that further or new information had been received, but to re-inform residents of the application. This round of publicity generated 23 letters of representation. A further round of publicity was carried out from 21 October 2021 in relation to the applicant submitting an updated Ecological Survey of the site. This round of publicity has generated one letter of representation. Following a period of 11 months

the MPA chose to carry out formal publicity again prior to the application being reported to the Planning and Regulatory Committee notifying all those previously notified. This has generated five further letters of representations and those matters are covered below.

85. A summary of the material planning issues and concerns raised in these representations are provided below:

The 1976 permission

- Whilst there is no scope to refuse a ROMP application, changes in conditions since the original permission being granted cannot be ignored.

Noise

- The applicant's noise assessment takes background aircraft noise into account as a method to get approval?
- The site boundaries should be moved back by another 50 to 100m away from the houses on the A24 side and soundproof fencing should be provided both around the site and permanent sound fencing erected in each rear garden facing the site;
- The applicant's report suggests that the noise impact for properties nearest the southern end of the site will be worst affected and experience the highest levels of noise permitted by the County Council's requirements. The calculations are however only computer-based estimates and there is a probability the noise level maximum would be exceeded;
- The prohibition of Saturday working would extend the period of operation by some 6 months but offer considerable relief to residents
- There should be a more significant constraint on Summer working when noise will be at its worst and allowing longer periods of operation in Winter and Spring when the dis-amenity will be less
- There is no reference to the sound impeding qualities of the fence proposed on top of the screening bund and whether these would meet appropriate standards for noise attenuation. The colour of the fence is also not indicated. For instance, a green painted barrier would be better visually than a brown one
- There will be a point during the works that the digging machinery will be as close as ten or so metres away from our back garden. A four-metre-high bund is going to do very little to stop noise coming into my property, especially if the wind was to be blowing in our direction over this period
- There will be constant noise from machinery and the sound of HGVs which beep constantly with a voice telling us that they are reversing whilst they travel backwards.

Highways, traffic and access general

- The applicant has not demonstrated that he has control over all the land required to achieve the required sight lines. There are significant areas of Common Land at the junction with the A24, part of which, at least, is in private ownership – access arrangements and visibility splays appear to interact with this so further clarification is required
- From the position shown for the CCTV cameras the time taken by a vehicle approaching from either direction, from when it could first be seen by a camera until it reaches the junction is well below 10 seconds. Therefore, there are likely to be many occasions when an outgoing vehicle is proceeding with its 10 second journey along Knoll Farm Road whilst an incoming vehicle arrives at the road junction
- Can one banksman reliably monitor vehicles arriving from the north and south every six or seven minutes, and liaise with another banksman at the western end of the one-way stretch, and liaise with the Check-in-Office Controller who is controlling the lights?
- What happens if a driver simply ignores the Check-in-Officer Controller's instructions?

- Knoll Farm Road is not wide enough for 2 HGVs to pass. Knoll Farm Road will need to be widened to accommodate two HGVs to pass each other.
- Lorries approaching from the south would not be able to enter the bell-mouth if there were a lorry coming out and turning north.
- There should be CCTV cameras to observe what is happening and ensuring drivers are aware of their responsibility.
- Lorries should turn north out of the site.

Lorry numbers

- If the application cannot be refused, the HGV numbers should be reduced considerably
- Increase in traffic movement on the A24 is so substantial that no conditions will make this enterprise safe other than realigning the relevant stretch of road
- The 1975 planning application was for 15 lorries to access onto the A24. This application should be for that number and not be increased to 21. To increase traffic flow in this manner would increase accidents.
- The thought of well over 100 HGVs turning in and out of that site six days a week fills me with complete dread
- The conditions proposed by the applicant include 149 HGV movements per day which is equivalent to 820 movements per 5 ½ day working week. This will result in a 16-fold increase in traffic generation compared with the previous limit (16 HGV movements per day or 50 per week)
- The A24 simply cannot take 149 HGV movements a day in and out of Knoll Farm Road without an unacceptable increase in both delay and danger/ I object to these lorry movements/ the A24 was not built for these movements.
- At an average rate of between 10 and 14 HGV movements per hour along Knoll Farm Road, there must inevitably be an impact on vehicles going into and leaving the road, particularly as the road is only 3.2m wide
- The level of traffic proposed in the original application, not more than 16 HGV movements per day, would have had much less impact, a matter which was clearly in the minds of the decision-makers at the time
- There were clearly reasons a limitation on HGV movements were imposed in 1976 – are there changed circumstances which now make the proposed number of HGV movements acceptable?
- The HGV limitation imposed by the legal agreement associated with the 1976 consent is material consideration in determining the subject ROMP application as the County Council's planning officer at the time, on the advice of the highway authority, put forward a recommendation based on limited output and traffic, and the members approved it on that basis. This meant that the permission could not be issued until the agreement had been signed, because the County Council considered that the restriction of lorry movements was fundamental to the grant of planning permission
- The applicant has not attempted to demonstrate why 148 HGV movements per day is now acceptable when only 16 per day was considered the upper limit in 1976, when the A24 was less busy
- An additional 148 HGV movements on this section of the A24 per day represents an increase of 65%
- The applicant suggests that eight lorries will visit the site per hour, arriving at exact 7.5-minute intervals. It is also suggested that each vehicle will spend up to 5 minutes, 50 seconds on site. However, this all depends on lorries arriving at precise intervals throughout the day, which simply does not happen in practice. It is the case that there is usually a 'bunching up' first thing in the morning when vehicles do not arrive at regular intervals. It also depends on the loading operation running like clockwork. Three minutes to load a lorry by loading shovel seems optimistic at best
- The applicant has made no attempt to justify why 150 HGV movements per day is acceptable and safe, when only 16 per day was considered the upper limit in 1976, at which time the A24 was significantly less busy. The only hint of justification is the applicant's suggestion that what is proposed would be an appropriate balance between

allowing for the completion of the scheme in a timely manner, and not having a material impact on the safe operation of the A24.

- There will be increased noise pollution from these lorries.
- A figure of 42 HGV movements per day would be 231 HGV movements per week which is an increase of 462% over the figure in 1976 and represents one movement every 11 minutes and is still a significant increase in traffic and is likely to impact on other users of Knoll Farm Road particularly with the traffic light controlled stretch in operation.

Suitability of the highway network

- The A24 is totally unsuitable in geometric (vertical and horizontal alignment) terms to access these increased number of heavily laden clay lorries/ the A24 is just 2 lanes and narrow lanes with numerous bends and blind spots. The A24 is not a wide road at this point which could be hazardous to traffic coming and going along the road.
- The speed limit of the A24 should be reduced. The road is too busy for such a proposal
- Astounded that the MPA would even contemplate the entrance/exit on a single land blind bend of the A24 that has already the highest accident rate
- Can speak from personal experience about the time needed to wait for a safe gap to appear for a car exiting Knoll Farm Road let alone a slow-moving HGV
- Apart from anything else, the sightlines are inadequate to ensure a safe gap for large vehicles which means that traffic on the A24 will have to slow down on most occasions to avoid danger once an HGV has started exiting
- Lorries waiting at the junction with the A24 cannot see vehicles approaching along the A24 from either direction - it is questionable whether sightlines are adequate and can be maintained
- Lorries would not arrive or leave Knoll Farm Road at even intervals and it is likely that, at certain times of the day, more than one lorry will arrive at the same time. The access arrangements cannot cope with this safely and in this event, there would be a significant impact on the flow of traffic on the A24 and on highway safety
- What does a driver do if he does carry on along the A24? Going south, the first safe opportunity to turn back is the Great Daux roundabout, which is four miles further south. Anything else would involve doing a three-point turn or ignoring "not suitable for HGV" signs and going into Warnham
- The traffic signal proposed nearest to the application site presumably does not apply to the residents of Knoll Farm and the other two houses there, so they will be able to proceed towards the A24 along Knoll Farm Road regardless of traffic signals. This also applies to delivery lorries and other visitors. There are sheep at Knoll Farm which have to be inspected daily by the farmer. Access for a tractor and trailer, and moving equipment is also required
- When seeking to gain access to Knoll Farm and adjoining properties, there will be no problem when the light is green. However, when it is red, they will be held up, either in the bell mouth or in the A24, even though they have unfettered legal access to their properties – this is unacceptable
- With priority being given to incoming vehicles (from the A24) there is the potential for more queuing and for vehicles to have to spend longer on the site. The proposed change to a traffic-light controlled one-way section may alter these timings, and this is perhaps a matter that should be addressed?
- There is no evidence that making the bell mouth junction with the A24 more prominent is going to reduce accident levels or improve safety or how it will work if the applicant's proposals are approved nor that it will mitigate the increased risk to safety that the increased lorry movements will engender
- There is much heavier traffic flow with higher speeds now on the A24.
- The positions of the internal access are not satisfactory and is it realistic to expand the area for a turning lane when there is no such room.
- The A24 is not built to withstand the extra load and it is already in a disgraceful state of repair.
- It is already difficult getting out of Grenehurst Park at any time of the day.

- The lorries should leave the site and turn left towards Clarkes Green roundabout and then travel to their destination. This would keep traffic using the regular speed in acceptable movement.

Safety and accidents

- This stretch of the A24 has seen many accidents/ is always busy and is a notorious black spot for serious accidents. To increase the traffic flow here will increase accidents and fatalities/ accidents in the vicinity of Knoll Road are already disturbingly high
- I know how hard it is to leave my own driveway on to the A24
- The accident position along the A24 described by the applicant in no way bears out the experience of residents living in the vicinity of Knoll Farm Road
- The precise position of the entrance/exit to the proposed site is an accident hotspot. My neighbours have quite literally lost count of the number of overturned vehicles that have landed in their gardens over the last 20 years. This is on a road that is already totally not fit for purpose. Deaths and accidents are recorded and who know how many near misses occur far too frequently.
- The proposed road sweeper will be a slow-moving vehicle and cause another hazard.
- Children have to access the bus and school buses along the A24 and the pavement is barely wide enough to walk on, which is exacerbated by overgrown hedges such that from the Clockhouse to Clockhouse Cottages especially, it is often necessary to walk into the road
- When there is even the smallest of accidents or blockages the whole A24 currently gets closed as it doesn't have the lanes or capability to deal with it and means lengthy diversions along the A29 which would also really struggle to take the proposed volume of traffic;
- The A24 is a fast-single carriageway road with long corners that only offer reduced visibility. Having HGVs moving in and out of this side road (Knoll Farm Road) is an accident waiting to happen/ access from the A24 is likely to cause accidents
- Many people have died on the A24 in the 5 years I've lived at my property which is no less than 20m from Knoll Farm Road. No more than 2 weeks ago there was a head on collision before turning after Clarks Green roundabout. A few months ago, I had to pull a man out of his car which seemed to be alight in an accident (another head on collision) no more than 25m away from this junction. Two women, one of which I knew very well died further up Horsham Road in the past 4 years
- The A24 is dangerous as someone who pulls into a drive across busy traffic daily (20m from Knoll Farm Road). My mother had a woman rear end her car pulling into our driveway. The road causes death and hell to the residents residing by it
- An increase in HGV movements by 900% is totally unacceptable
- Given the location of the quarry entrance, drivers coming round the double bend from either direction approaching will not be expecting slow moving lorries, either turning in, or pulling away from the entrance, let alone crossing over the middle of the road itself. It is difficult not to draw the conclusion that this will become an accident black spot. There have been several significant accidents this year already. On pure grounds of responsible road management, the re-opening would be a disaster
- We live on the bend past the West Sussex sign. The A24 is dangerous now. In 11 days, 11 accidents from minor to serious occurred in 2015
- Safety of the public should be the priority and accidents and fatalities reduced.
- Due to the entrance being on a bend on a fast road, there will be a backup of traffic and a safety issue.

Traffic Statement within the planning application

- The applicant's report has glossed over the conflict between traffic using Knoll Farm Road from residential properties and HGVs on the basis of low volume, but there are several movements a day from each property and the level of intimidation when faced with HGVs using the single track road coming in the opposite direction is very high;

- The applicant's survey figures for usage of Knoll Farm Road are distorted and do not give a true picture because Mr. and Mrs. Coward were away at the time of the survey. Had they been at home the figures would have been very different, not only in terms of their cars, but also deliveries and visitors
- The applicant's drawing show lorries exiting to the north and arriving from the north at the same time, but only achieving this by the outgoing lorry crossing the centre line, even if only marginally. There is no room for error and in practice it is likely that two lorries will be able to pass without one having to give way. The drawings show perfect drivers in an ideal world, but it is unlikely in practice that the path show will be achieved with any regularity
- In the case of lorries entering from the south and lorries exiting in the north, the situation is difficult. If the path of a lorry entering from the south is superimposed on to the plan showing a lorry existing to the north, it become clear that the two lorries cannot pass – the lorry coming from the south would have to stop and give way to the lorry coming out and turning north
- The Traffic Management Strategy proposed by the applicant is complicated and there is enormous dependence on vehicles arriving at nicely spaced out intervals. The feasibility of what is being proposed will depend very much on the vigilance and efficiency of the Check-in-Office Controller, and on whether the CCTV cameras give the coverage described. There is considerable doubt as to whether a vehicle could actually be detected in time to instruct it not to enter the site. If a lorry is in a stream of traffic, it may be difficult to identify, and by the time the angle is sufficient to allow identification, there will not be enough time to instruct it not to enter the site because there is a vehicle waiting. Further it is not clear how the instructions will be given to the driver. The view to the south is even more restricted – virtually no meaningful view to the south
- The applicant's submission that there could be a constant run round time calculated in minutes makes no consideration for unfavourable weather conditions, or traffic jams on the A24, which is a regular occurrence, particularly if there has been an accident. Also, no consideration has been given to the fact that all the machinery in the quarry, at some time, may have reliability problems, or break down. In any or all these events the A24 would become congested with no place to go for the lorries
- No information appears to have been provided as to where the lorries will be coming from or going to. If the surrounding B roads, such as Coles Lane, the road to Rusper off the Clarks Green roundabout and the road through Capel to Newdigate are used as short cuts, they will be decimated very quickly. The surrounding B roads were not intended to handle 8-wheeler lorries every 5 minutes

Road condition

- There are verges along Knoll Farm Road, but with the frequency and size of lorries, these are bound to get cut up when vehicles must pass
- Has any research been conducted on what damage extra HGV traffic would have on the integrity of the roads or railway bridge to the south of the site?
- What about the issue of mud and clay left on the road surface thus affecting motorbike and pedal cycles stability? How will this be addressed? Dangerous and foolhardy decision. Please do not do this
- The pavement of the A24 is in urgent need of re-construction south and north of the site, with quite dangerous undulations already occurring on parts of its length

Dirt from the road

- Our property is slightly dropped down from the A24 and the increase in pollution and dirt on the road will mean that our children won't be able to use our front garden as they would be at risk.
- Trucks will deposit dirt on the A24 adding to the dangers that already exist. A road sweeper should be mandatory.

Public Footpaths

- My clients, who own Knoll Farm Road, would not wish to see a fence erected on their road, which is narrow enough as it is. Any fence or path would have to run along the land to the north of Knoll Farm Road, which would require the agreement of the landowner concerned. Any segregation arrangement will require a formal footpath diversion order. In addition, the erection of a fence would prevent access rights of the land to the north over Knoll Farm Road. It is therefore important to ensure that any proposals are practicable, perhaps by legal requirement that the footpath diversion is in place before any other development works are commenced;
- The footpath along Knoll Farm Road is popular with locals for walking and exercising their dogs. For the period of operation proposed this route will no longer offer the amenity it currently does not withstanding the footpath separation proposed;
- I am in favour of the proposed segregation of the footpath and the access road;
- I am genuinely scared for my children if this project goes ahead as there is already very limited visibility of vehicle movement from Knoll Farm let alone with an increase in large vehicles.
- It is proposed to erect a barrier on the north side of the lane to segregate pedestrian and HGV movements. With the barrier in place there would be little room for the footpath.

Hours of operation

- We did not move to the countryside to be plagued by a monotonous noise, dust and inconvenience and we recommend that restriction on times when work can be carried out from Monday to Friday giving us all two break days from the operation. Start of working day no earlier than 0730 hours and day end by 1700 hours. No HGVs arriving before 0730 hours and leave the site by 1630 hours
- There should be no working on a Saturday as this will increase noise pollution and mean there would only be one day without working. I have a child with autism and ADHD and having weekend working would be a sensory nightmare. Weekdays are fine but not weekends.
- If the application cannot be refused the working hours should be restricted to the quieter times on the road between 0930 – 1600 hours.
- The hours of working are not conducive to those who live in this area and to those who live to the south and north of this part of the A24 as there is a constant traffic movement between 0600-1800 each day.

Visual and Landscape Impact

- Whilst not the prettiest of roads, Knoll Farm Road does serve as a predominantly rural backdrop for pedestrians using the public footpath and a rural setting for entrance to Knoll Farm itself. The intensification of traffic and operations will change this to a predominantly industrial backdrop with constant traffic intrusion, excavation operations and 12m high spoil heaps.
- We trust the landscaping will be kept in harmony with the surrounding countryside and be returned to a pleasant and attractive countryside beyond the Green Belt.
- The stockpiles are likely to be in the site could give rise to unpleasant and inconvenient height within the site.
- There have been public meetings with the applicant and local community who would be affected and the outcome was to recommend no such stockpiles over 3m in height be allowed for the sake of health and welfare.
- Will there be trees to the front of Knolls Farm Lane to replace those that have been removed to form the access road?

Air Quality

- There is no assessment of the potential impact of the additional lorries on air quality. The 148 HGV movements proposed per day exceeds the indicative criterion of 100 HGV movements per day. However, the applicant's TAA states that because of the low background concentrations of PM10 and NO2, professional judgement was applied to the screening criteria and the need for further assessment of HGV movements was scoped out. It is questioned whether this approach is justified in the circumstances, particularly in view of the significant increase in the proposed number of HGVs travelling along this stretch of the A24;
- There would be pollution to the environment from not only the 100 plus HGVs that will be coming and going from the site each day but also from the machinery which will be working on the site six days a week, all of which run on diesel fuel;
- The prevailing westerly and south-westerly winds will whip the dry soil off the stockpile and the bund across residents' properties with the likelihood of it falling on drying laundry, garden furniture etc. This is experienced annually when crops are harvested.
- Increased dust levels may exacerbate asthma or related conditions of any local sufferers;
- To mitigate dust emissions stockpiles should be located in the south-west throughout phases 1 to 3 and moved only once for phase 4;
- Stockpile heights should be reduced below 12m in height;
- The mixed and constant dust being blown from the works on the site will mean that the likelihood of being able to use our garden which was a major point in us buying the property only four weeks ago will mean that we will probably not be able to use our garden for the period of the proposed works and will not be able to even dry clothes outside and will need to have the windows shut to the house constantly even during the hottest periods of the Summer months;
- My two children who are 8 and 3 will not be able to play outside for my fear that they could get respiratory problems.

Pollution

- The approval of ground excavation, clay extraction and continuous movement of top soil will dramatically increase the amount of silt/slurry/pollutants making their way into our stream/ponds/lake which will change the whole environmental dynamic, beauty and bio-diverse nature of the present area of countryside;
- The disruption the huge increase in HGV movements will bring in the form of increased dust, noise and carbon/nitro oxides pollution will directly impact our health. If we now wanted to avoid the most hazardous routes which the Auclaye Brickworks would bring, we would now only be able to venture out via a bridleway westward, meaning we will not now be able to exercise in/around Capel village and its environ. I would certainly not allow my children to cycle along the A24 pavement into the village for groceries or to visit their friends anymore.
- It is currently believed in the community that there is every intention to bring any waste material onto the site not no proposals from the County Council as to how this will be prevented.
- The proposed opening hours for nearly 6 years will mean we're almost constantly be subjected to more noise, dust/ dirt in the air and on the road and this will impact our lives and our neighbours.
- A 2m high bund and then acoustic fence will not stop the noise and dust from impacting our homes and gardens.

Flooding

- Flooding is also a concern, since the sight has been partially prepared already the water just runs off the area and regularly floods the access roads/ bridleway leading down to Osbrooks as it goes under the railway line.

- Our garden is lower than the field at the rear and water runs down to the road and into ditches. Once the field is excavated the houses will be above the level of the water which could cause the clay beneath our houses to dry out.

Ecology

- The area to be excavated is proven to contain grass snakes, slow worms, great crested newts and many frogs. A variety of other wildlife is also said to be resident on the existing site. To safeguard them they are to be corralled into an area immediately behind the gardens of the nearest residents to the site. Increasing the likelihood of these animals venturing into those gardens in search of territory/habitat and increasing the risk they are killed by our lawn mowers or strimmers as we keep our gardens tidy. It is therefore vitally important that a more appropriate physical barrier is located between residents' properties and the translocation site.
- I cannot believe that the works would not affect the local wildlife dramatically, maybe even killing off a species certainly to our local area/ natural habitats will be destroyed.
- An application for an incinerator was turned down at the Clockhouse Brickworks site due to the fact that there were rare wildlife living on the surrounding land which would be endangered if the proposal were to go ahead. The Clockhouse site is no more than 100 yards from my property, which to my mind would mean that we would have the same wildlife that live on the Auclay Brickworks site.
- The site is a SNCI and borders ancient woodland.

Stability

- The applicant's additional information suggests a risk of land slip if the pit is not filled within 6 months of clay extraction. It also seems to recognise that this would present a risk of damage to neighbouring properties;
- In a recession period the source of infill material can quickly dry up. The Brexit uncertainty may well lead to such an eventuality as well as removing demand for the excavated material. The additional information fails to address this concern;
- It would not be appropriate to approve the proposed model for excavation but to require an amended one that moves the eastern edge of the excavation away from the neighbouring properties. It should also require a less steep slope for the excavation pit sides;
- Neighbouring properties should be surveyed before work commences, during, and after to establish if the works have damaged properties so as to facilitate damage claims against the applicant.

Surface Water Drainage

- There needs to be greater certainty about the surface drainage proposals so that risks to the stability of the excavation pit walls are removed;
- The lower end of the site frequently floods – we do not want our land to be encroached by seeping water from the site which will mean clay will penetrate our land and spoil our garden and soil, and clog up the ditches;
- Please explain how surface water and groundwater is to be controlled as there is no mains drainage in the area so water can only go onto the farm, the railway line or towards the road which already suffers flooding in heavy rains;
- The site drains to the south towards and area of swampy woodland adjoining Osbrooks Farm Road. In exceptional weather conditions, it overflows onto the road. The run-off accumulates along the east side of the railway embankment and under the bridge. Through the winter, the bridge passage resembles a ford. The water depth rarely falls below 10cm and a sustained level of 20cm is common. It is difficult to use the public footpath at such times and vehicle access is sometimes risky. Further deterioration would be unwelcome. These features are consistent with flood risk maps.

Geological SSSI

- It seems to me that if this site has been designated as a SSSI for fossils found there, then the excavation of clay at the site will irreversibly remove any artefacts of interest.

General Comments

- The site was clearly abandoned in 1979/1980 as it was not a feasible operation to continue. The applicant must therefore demonstrate the need and intent that the site has not been abandoned. The application should be refused on the basis the site is derelict and has been abandoned.
- Do not consider any conditions will make this enterprise safe.
- The proposed works cannot be carried out with causing significant adverse harm to the environment and amenities of the surrounding area and residents.
- Clay reserves are now estimated as being suitable for 280 million bricks which when extracted over the 5 ½ year period proposed would be equivalent to 50 million bricks per annum. Extraction of this scale would likewise represent a 16-fold increase over the previous limit with all the noise, dust, and intrusion into the environment that this implies
- How much demand is there for clay?
- Clockhouse Brickworks should be filled first as the access is safe into that site
- The applicant's proposed conditions should be modified to keep the operations at or near the originally permitted level. This would maintain the existing value of the site, so presumably not give rise to a claim for compensation, whilst minimising traffic and environmental problems
- The applicant's proposals will impact to an unacceptable degree on the residential amenities of the occupants of Knoll Farm and the adjoining properties, as well as other nearby residents
- What is now being proposed is entirely different from that originally approved and the scale of traffic impact is of a completely different order
- No reference to the screen bund being planted to reinforce its integrity and reduce dust in dry conditions
- The applicant should be required to establish a community liaison group to which the MPA and local County Councillor are invited along with all residents of this stretch of the A24 with recorded minutes that are published
- The proposal will not benefit the local community. This area will never be an amenity to the local residents, especially when seeing and suffering the extraction of clay, the noise emission, the dust emission and the disruption of the HGVs will all add to the noise, dust, smell and general unpleasantness during the working times until completion day;
- The proposed development will have a seriously detrimental effect on our already frail health and mental wellbeing
- There is an incinerator at the Holbrook site which may well increase HGV traffic as well as cars to the site which both would travel along the A24
- The clay extraction site did not come up in any of my land searches when I brought this property.
- How will the inert waste be policed and controlled such that it does not cause problems in the future.
- The site borders an AONB.
- What benefit is there to the community from this?
- The dates of the surveys are very old and the EIA cannot be easily identifiable from the volumes of documents available so it is unclear how it meets the requirements from an ecological/ environmental perspective.
- There is no information on what will happen to the land once the clay has been removed.
- Unclear why a ROMP application cannot be refused. Should the application be successful, will SCC have powers to constantly review the terms and conditions?

- There is an oil pipeline going through the site to Gatwick Airport (*NB Officer comment: there is no oil pipeline through the site nor any pipeline which intersects the site on the way to Gatwick Airport*).

Potential Legal Challenge

86. The CPA has received notice of a potential legal challenge to determination of the subject ROMP application. The claimant contends that: (a) no application can be made under section 96 and Schedule 13 of the Environment 1995 Act in relation to the 1975 permission; and (b) the current proposals clearly constitute a material change of use from the previous use, requiring planning permission, and cannot be entertained let alone granted under Schedule 13. Accordingly, the claimant asserts that Surrey County Council ('SCC') would be acting unlawfully if they determine the subject ROMP application. In summary the claimant submits that:
- a) The 1975 development permitted by consent Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site does not constitute "minerals development". The claimant suggests that the definition of "minerals development" is exclusive — "means" not "includes". Second, it means development "consisting" of the winning and working of minerals. Note: "consisting" not "including". Third, the draftsman has considered whether there is any other activity which can be included in the concept and has provided that the activity of the depositing of mineral waste can be included. Note — no other activity i.e. making of bricks. Accordingly, the claimant submits that Schedule 13 of the Environment Act 1995 is not available for present purposes, and the present application cannot be entertained as a ROMP application. SCC should state as such to the applicant and take no further action on the application.
 - b) Not only is there the cessation of one of the elements of the composite use i.e. the making of bricks (seen by the minerals planning authority as the principal use) but there is a truly massive intensification of use i.e. weekly HGV movements will rise from 50 to some 814, that is to say, in excess of 16 times that generated by the 1975 development. With the enormous increase in HGV's, the shortened and therefore more intensive timescale, and the inevitable on-site and off-site effects, the proposal amounts to a material change in use from the previous use permitted by the 1975 consent and the contrary could not seriously be argued.
87. The CPA has sought advice from leading Counsel in respect of the matters discussed in paragraph 86 above. In respect of (a) Officers have set out the CPA's position, as informed by leading Counsel's opinion, in respect of the validity of the subject ROMP in paragraphs 30 – 34 above. The matters raised in respect of (b) are discussed in the context of the Access and Highway Matters conditions proposed by the applicant at paragraphs 143 to 145 below.

Planning considerations

88. The principle of working the clay from this application site and its restoration was granted by planning permission Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site. This permission was implemented following which clay extraction and brick making ceased after 1985. The site was classified as dormant in 1996³⁰ as part of a requirement under Schedule 13 of the Environment Act 1995 to classify old mineral planning permissions granted in the 1950s, 1960s and 1970s

³⁰ The Environment Act placed a requirement that by 31 January 1996 every Mineral Planning Authority must prepare a list of all dormant and active Phase I and Phase II mineral sites in their area distinguishing between the different sites. The Mineral Planning Authority advertised this list and notified the relevant land and mineral owner.

as Phase I, Phase II or dormant sites. A dormant site is defined in the Environment Act 1995 as “a Phase I or Phase II site in, on or under which no mineral development has been carried out to any substantial extent at any time in the period beginning on 22nd February 1982 and ending with 6 June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site”. As clay extraction and brickmaking ceased after 1985, Auclay Brickworks fell into the classification of ‘dormant’. Minerals development for the purpose of this definition, is defined as the winning and working of minerals or involving the depositing of mineral waste.

89. Paragraph 180³¹ of the National Planning Policy Guidance (NPPG) states that dormant sites cannot lawfully commence minerals development (the winning and working of mineral), until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the Minerals Planning Authority.

CONDITIONS

90. The conditions and reasons submitted are considered to require modifications and additions. The recommendation contains a table setting out the applicant’s proposed conditions, as they were submitted in 2017 in column one, alongside the recommended conditions incorporating modifications and additional conditions in column two. The reasons have all been updated to include references to Development Plan policies or other documents to accord with current requirements. Consideration is now given to the conditions, any changes proposed and new conditions.
91. The NPPG does not provide guidance on what conditions can or should be imposed on a ROMP application. Paragraph 194³² states that “*The appropriate types of conditions to impose will vary on each particular case, but regard should be had to all material planning conditions including:*
- *type of mineral;*
 - *nature and extent of existing working;*
 - *the location of the site;*
 - *the length of time that minerals extraction has taken place at the site;*
 - *land quality and proposed after-use; and*
 - *the availability of suitable restoration materials”.*
92. All the proposed conditions have been reviewed against the six tests for planning conditions as set out in paragraph 003¹³ of the NPPG.

Copy of the Decision Notice

93. Condition 1 (Approved Documents and Plans) proposed by the applicant is acceptable to the CPA subject to minor amendment to the wording of the same. This is a standard condition and reflects good practice.

Plans and Drawings

94. Condition 2 (Approved Plans) proposed by the applicant is acceptable to the CPA subject to including a comprehensive list of approved application plans and drawings. This is a standard condition and reflects good practice. This condition has been amended to reflect the required detail.

Commencement of Development

³¹ Paragraph: 180 Reference ID: 27-180-20140306

³² Paragraph: 194 Reference ID: 27-194-20140306

95. Condition 3 (Commencement of Development) proposed by the applicant is acceptable to the CPA subject to minor amendment to the wording of the same. This is a standard condition and reflects legislation and good practice and reflects the wording in paragraph 180 of the NPPG.³³

Duration

96. Proposed Condition 4 sets an end date for the cessation of mineral extraction and the deposit of waste at the application site by 21 February 2042. This is in line with paragraph 186³⁴ of the NPPG and Schedule 5 of the Town and Country Planning Act 1990, which states that “Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the [winning and working of minerals or the depositing of mineral waste] must cease not later than the expiration of the period of 60 years beginning with the date of the permission” i.e. 2042. As the original permission MO75/1175 has no condition which sets a time limit for the site, the time limit in paragraph 186 is applied in this case.
97. Proposed Condition 5 is recommended to ensure that if there is a cessation of working at the site before the achievement of the proposed restoration scheme, a scheme for the reclamation and aftercare of the application site reflecting this situation is submitted to the County Planning Authority for approval. This is a new condition and not one that the applicant had proposed. The reason for such a condition is to enable the CPA to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Surrey Minerals Plan 2011 Core Strategy (SMPCS) Policy MC17.
98. Proposed new conditions 6 and 7 are to ensure that should working of the site cease before 21 February 2042 and that if the approved restoration scheme can therefore not be implemented, a new revised restoration scheme should be submitted and then implemented to ensure the site is restored in accordance with Policy MC17 of the Surrey Minerals Plan 2011. The applicant did not propose such conditions as part of the planning application submission and there are no similar conditions on the earlier permission. However, the applicant agrees to the imposition of these conditions.

Programme of Working

99. Condition 8 provides for a programme of working and restoration at the site. The applicant had proposed a condition (applicant’s condition 8) however, Officers consider this condition is not precise. When planning guidance was introduced for the handling of ROMP applications within MPG14 (now withdrawn, the illustrative guide to conditions included making provision for a working programme which would include the provision of information as to how the application site would be worked for the life of the site. This would include information such as excavation limits, phasing, location of mineral waste deposits, placement of overburden, the location of soil stockpiles and soil making materials, and methods of soil stripping. Working programmes should be produced for all sites to ensure that operations are designed in such a way to protect areas of environmental and ecological importance and the amenity of nearby residential and other sensitive property. This can include the provision of buffer zones. However, conditions limiting the extraction area, or the depths of working are not generally appropriate where they affect the economic viability of the operation.

³³ Paragraph: 180 Reference ID: 27-180-20140306

³⁴ Paragraph: 186 Reference ID: 27-186-20140306

100. Officers seek to impose Condition 8 to ensure a scheme of working and restoration of the site is forthcoming. A detailed scheme was not included in the planning submission. Paragraph 015³⁵ of the NPPG states mineral operators should look to agree a programme of work which considers the potential impacts on the local community and local environment, proximity to properties, and legitimate expectations over the duration of operations. This is what Condition 8 seeks to achieve for all the phases of working at the application site. The information sought in proposed Condition 8 for the winning and working of minerals is standard and reflects best practice.

Condition 8a

101. Officers consider it necessary and reasonable to have information provided on the amount of clay and overburden to be extracted during any one phase as part of a working programme for the site to maintain control as to how the site is worked and understand the process of mineral extracted at the site. The provision of such schemes are best practice. The EIA chapter 14 (as referred to in the applicant's Condition 8) and drawing AB/103 ref G does not contain this information.

Condition 8b

102. As part of the working of the site, Officers consider it necessary and reasonable to request information on the volume of infill material that would be required for the restoration of any one phase at the application site (to be submitted for that particular phase of working) and for information to be provided as to where that material maybe stockpiled on site (if that is to occur). Whilst drawing AB/108 rev E indicated a location per phase where a stockpile would be located, it is unclear from this drawing if this stockpile location is for clay/ overburden or imported infill material. Officers consider this information is necessary to understand where such material would be placed on site whilst awaiting deposition.

Condition 8c

103. This part of the condition is requested as it would apply to any restoration phase and the restoration materials (e.g. capping cover, landscaping material, growing media and restoration soils) imported for the purposes of delivering the approved restoration plan under this application. The condition does not apply to the waste material (itself) being brought in to restore the phases as it is expected this would be covered by the Environmental Permit. The reason for inclusion of this is because there could be areas/ phases within the ROMP application which fall outside of the Environmental Permit boundary however until the Environmental Permit is issued, this is unknown and therefore Officers consider this aspect is retained unless and until the Environmental Permit is issued that would demonstrate these matters are covered within it.

Condition 8h

104. Officers recognise that conditions limiting the rate of extraction or the rate of deposition of mineral waste cannot be imposed. However, as part of the working of the site Officers consider it necessary and reasonable to request information as to the locations of subsoil, topsoil, mineral waste, overburden, excavated clay and imported waste materials so that these locations can be assessed and agreed upon.

The remaining items of Condition 8

105. The remaining items of Condition 8 include best practice requirements for a scheme of working taken from the superseded MPG 14 with regards to conditions for working

³⁵ Paragraph: 015 Reference ID: 27-015-20140306

schemes and to ensure that when a phase within the application site is worked, it is done as to protect areas of environmental importance and the amenity of nearby residential and other sensitive property.

106. Recommended Condition 9 is based on the applicant's proposed condition 29 and is amended in a minor manner with the applicant's agreement.

Hours of Operation

107. The County Noise Consultant (CNC) has advised that under PPG guidance, the noise limit would be background noise level plus 10dB, up to a maximum level of 55dB(A) LAeq, 1hr (Free-field) during normal working hours (0700 to 1900 hours). Based on the applicant's survey data, this would result in a noise criteria of 55dB(A) LAeq, 1hr (Free-field) during normal working hours. Under current SCC guidance, the noise limits would be background noise level plus 5dB during the shoulder periods (0700 to 0830 hours and 1700 to 1830 hours) and background noise level plus 10dB during normal working hours (0830 to 1700 hours). Based on the applicant's survey data, this would result in a noise criteria of 53dB(A) LAeq, 30min (Free-field) during the shoulder periods and 55dB(A) LAeq, 30min (Free-field) during normal working hours.
108. In the circumstances it is reasonable to accept a noise criteria of background noise level plus 10dB, up to a maximum level of 55dB(A) LAeq, 1hour (Free-field) Monday to Friday and Saturday mornings during normal working hours. Although representations from interested parties are noted, there would appear to be no special circumstances, such as very low background or ambient baseline levels, which would require more stringent criteria than currently advocated in the PPG.
109. Accordingly, the CNC advises that no operations or activities shall be carried out except between the following times: 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday with no working on Sundays, Bank, Public or National Holidays. Proposed condition 10 reflects this position. The CNC also advised that operations and activities should not take place away from residential properties at the eastern end of the application site before 0830 hours and after 1700 hours Monday to Friday where possible.
110. The County Highway Authority (CHA) consider that HGV access to the site should be restricted to between the hours of 0900-1600 only so as to avoid peak times on the A24. Having regard to the advice of the CHA and the CNC, Officers propose to amend the applicant's wording of condition 10 to include a restriction on vehicle access to the quarry between the hours of 0900 to 1600 hours Monday to Friday and 0900 to 1300 hours on Saturday. The condition does state these hours do not prevent the operation of pumps necessary for the control of water, the operation of electrical generating equipment of the main supply interruption, routine maintenance such as lubrication of plant and equipment, or emergency repairs to machinery. This condition is agreed with the applicant.
111. A new condition was proposed by the CNC that requires operations and activities to take place away from residential properties at the eastern end of the application site before 0830 hours and after 1700 hours Monday to Friday where possible. However, Officers do not consider such a condition to be precise or enforceable. It does not therefore meet at least two of the tests for conditions as prescribed by the PPG.
112. The proposed amendments to the applicant's condition 10 are to enable the CPA to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.

Access and Highway Matters (Conditions 11 -13)

113. The applicant's conditions 4, 5, 6 and 7 (Access and Highway Matters) proposed by the applicant are not acceptable to the CPA and require amendment, or are otherwise not necessary, having regard to the advice provided by the County Highway Authority (CHA) in the context of Policy 15 of the Surrey Waste Local Plan 2020 (SWLP2020) and Policy MC15 of the SMPCS2011, and considering the representations made by interested parties. The applicant's Condition 6 (proposed Condition 11) (Vehicle Numbers) is proposed to be amended to reflect the daily limit on HGVs recommended by the CHA; and new proposed conditions 12 (Traffic Management Plan) and 13 (Access Improvements) are proposed by Officers. Consequently, the applicants proposed conditions 4 (Access Enhancement), 5 (Waiting and Turning Areas), and 7 (Public Access) are not necessary.
114. In respect of re-establishing modern-day workings on the application site, the main impact from a highway position relates to the large increase in HGV daily vehicle movements being proposed, in connection to the significantly constrained access into the site from the strategic highway network. In correspondence from 2017, these aspects have been raised multiple times culminating in a list of six bullet points outlined by the CHA in May 2018, which has formed the basis of further assessment by the applicant. Each time, the applicant has provided further information that the CHA has considered the same.

Baseline

115. The key area that the CHA consider is an important baseline starting position relates to the previously approved works at the quarry as provided for by consent Ref. MO75/1165 and its associated s52 legal agreement. The works permitted in 1976 were restricted in terms of its commercial vehicle movements to no more than 50 per week or 16 per day. Some 43 years ago the traffic volumes along Horsham Road (A24) would have been lower than today. The CHA has confirmed that traffic growth is around 1.0 percent per annum. The CHA consider that these factors remain a key baseline consideration for the subject ROMP application as the 1976 limitation provided a level of protection to the public highway network, both in context of the volume of HGVs using Horsham Road but also in relation to the constrained site access. The limitation for 50 vehicles per week and 16 per day, is based on an eight-hour day which would have equated to one HGV every 30 minutes. The CHA are of the opinion that this restriction remains a valid baseline consideration in relation to the current ROMP application which seeks to re-establish modern working and restoration operations, and that this level of contemporary HGV movement would not cause any significant adverse impact on the public highway or its users.
116. In terms of the physical environment, Knoll Farm Road and the land along the edge of the A24 where Knoll Farm Road connects to the strategic network (the A24/Horsham Road), is outside of the applicant's control. Horsham Road land is a combination of highway land and Common land; and Knoll Farm Road is private and designated as Public Footpath 178. Knoll Farm Road is also a constrained single access driveway no more than 3.2 metres in width. Horsham Road is a 7.0 metre wide primary 'A' class road, with a speed limit of 50mph, with the site access driveway located in a more winding section between Clarkes Green and Kingsfold.
117. In determining the baseline in relation to traffic flows, the applicant commissioned a week long traffic survey for Knoll Farm Road and Horsham Road in September 2017. The traffic survey information detailed that Knoll Farm Road has a low level of daily usage, with around 23 two-way vehicle movements recorded over the period of 0800-1800. In comparison, Horsham Road operates with circa 17,000 two-way vehicle movements over a full day, including around 300 two-way HGV movements for the same period. The level of vehicle movements along Knoll Farm Road is considered representative, as this

currently serves as the access for residential and agricultural land-uses without restriction. Although interested parties suggest otherwise, the traffic surveys submitted by the applicant, undertaken in 2017 by Modal Data, are generally considered reliable by the CHA as these were undertaken in a neutral month over an extended week long period.

Assessment of Effects

- 9
118. The applicant has applied the Institute of Environmental Management and Assessment ('IEMA') guidance to identify the key receptors, but it is noted that only the total traffic changes have been relied upon, which has informed the assessment criteria to Horsham Road and Knoll Farm Road. The CHA note that the IEMA criteria relating to the change in HGV traffic has not been taken account of in detail.
 119. In a detailed review of the information that has informed the key receptors, the CHA have noted a discrepancy with the HGV figures contained in the Environmental Statement (Table 7.8). These are not comparable to the Junction Capacity Assessment dated April 2019³⁶, presented in Table 1.1, which relate to the existing weekday traffic flows (baseline). The figures in the April 2019 document are considered representative as these closely match the traffic survey data submitted in support of the application, relating to the traffic surveys undertaken in September 2017. The figures in the Environmental Statement that have been used to identify impact of the proposals, would appear to relate a much older traffic survey for Horsham Road undertaken in 2015 by The Safety Forum, which is considered a snap-shot on one partial day in March. The discrepancy in data source is noted as this refers to the 2017 traffic survey data (which is contained in the Appendix referenced), but the numbers cannot be matched. This is specifically raised in connection to the 598 two-way HGV movements quoted over the 0700-1900 period. The highest figures noted for HGV numbers, using the traffic survey data from 2017, is no greater than 300, even over the full 24-hour period. This discrepancy is highlighted as this relates directly to the key receptors identified and the determination of impact and level of significance being reported on the highway network.
 120. In considering the proposed operations, the Transport and Movement, Chapter 7 of the Environmental Statement for the Review of Minerals Permission, includes Table 7.7. This outlines that the daily level of HGV movement being sought ranges from 61 two-way movements for an initial seven month extraction period, through to a maximum of 149 two-way HGV movements for the final six month import period, it is noted by the CHA that the proposed HGV movements are based on a nine hour day with no time restrictions. In comparison to the restriction imposed in 1976, this maximum HGV volume of 149 would equate to an HGV vehicle every three to five minutes throughout the day. This represents an increase of over 900 percent over the previous working and restoration operations which were restricted to a maximum of 16 HGVs per day, 50 over a full week. In relation to Knoll Farm Road, the HGV movements being sought would result in a 647 percent increase in the volume of total traffic, just on the HGV component.
 121. This significant increase in the number of HGV vehicle movements is an overriding issue for the CHA, in particular in context of the constrained and restricted nature of Knoll Farm Road and its relationship to the strategic highway network of Horsham Road (A24) and the public rights of way network.

Assessment

³⁶ Application document titled "Junction Capacity Assessment of A24/ Knoll Farm Road Junction", April 2019

122. As identified above, as the CHA noted a discrepancy in the traffic data reporting the receptor impact significance, the CHA has undertaken a comparison of their own, detailed in Table 1 below. The traffic flows are taken from the same traffic survey information presented, but for Wednesday 13th September 2017, considered a neutral day. The traffic survey data is presented as Appendix 7.1 of the Environmental Statement, which appears again in the Transport Assessment Addendum, dated February 2018 by RGP³⁷. The table provides a general overview of the one-way and two-way traffic flows along Horsham Road, for various times periods connected to the operation hours being sought.
123. It is noted that the maximum HGV movements being sought, of 149 per day (0700-1900), would equate to an increase of 69 percent in the number of HGV movements travelling along the A24. During the proposed AM peak period, 0700-0900 would result in a 100 percent increase. In the PM peak period 1500-1700, this rises to 142 percent. The greater increase in the PM peak period reflects the lower level of background HGV traffic travelling on the wider highway network.

Time (13/09/17)	A24 Northbound	A24 Southbound	Total two-way	Proposed Maximum HGV movements	Percentage HGV Impact
0700-0800	1021	435	1456	20	1.4%
0800-0900	933	481	1414	20	1.4%
0700-0900	20 HGVs	20 HGVs	40	40	100%
1500-1600	463	586	1049	20	1.9%
1600-1700	490	848	1338	10	1.0%
1700-1800	493	1012	1505	0	0.00%
1500-1700	14 HGVs	7 HGVs	21	30	142%
0700-1900	6477	6893	13370	149	1.1%
0700-1900	115 HGVs	99 HGVs	214	149	69%
0000-0000	8380	8412	16792	149	1.0%
0000-0000	160 HGVs	123 HGVs	283	149	52%
0700-0900	20 HGVs	20 HGVs	40	8	20%
0700-1900	115 HGVs	99 HGVs	214	42	20%

TABLE 1 – COMPARISON OF TRAFFIC FLOWS ALONG HORSHAM ROAD

124. From Table 1.0, it is noticeable that the change in HGV traffic would be in excess of 90 percent. This is the upper level trigger point in the IEMA guidance that defines a major impact, covering the headings of driver delay, driver severance, pedestrian amenity, accidents and safety and fear and intimidation. So, although the overall impact in terms of total traffic number is below the minor threshold, due to the greater volume of car and LGV traffic, the change in HGV traffic is the more significant aspect for the CHA.
125. In response to the CHA concerns around the HGV increase, further assessments and information have been undertaken by the applicant's transport consultant, to identify suitable mitigation and capacity considerations, relating to the impact of significantly increasing the HGV movements at the Knoll Farm Road junction. This information was

³⁷ Application document

presented by the applicant in April 2019, which included junction modelling results. However, in the review of the capacity results, a number of assumptions are factored into the modelling results; the CHA questions the results presented. By way of example, the traffic flow data entered is considered to travel in a uniform and predictable way, there are suitable and evenly spaced gaps in the traffic flow over the time period modelled for the HGVs to turn and Knoll Farm Road is a standard width access with unconstrained two-way working available.

126. Having reviewed the modelling results, it is noted that these consider up to a maximum of 10 vehicles per hour entering and exiting the site access. Although it is noted that the majority of movements are included as right turning, there is no left movement modelled, which is not consistent with the Environmental Statement assumptions. However, the main overriding consideration is that the traffic model is unable to fully consider the impact of the HGV movements. HGVs take up more road space, travel at a slower speeds, will be looking for a defined access into the site, not small constrained driveway access (which is proposed to be managed), having to gap seek in-between cars that are travelling along the 'A' class road at speeds up to 50mph, on a bend and factoring in other road users being confronted with a stationary or turning HGV, which is not within character in this location.
127. The CHA consider that these assumptions are not reflected in the modelling scenario, to an extent that the capacity modelling cannot be relied upon. An alternative approach is to consider the two-way traffic flows recorded between 0700 – 0800 hours. Taking the opposing traffic flow figure as 1,021 vehicles, this would equate to one vehicle passing the entrance of Knoll Farm Road every fifteen seconds in that one-hour period (if all vehicles are evenly spaced). The CHA are not of the opinion that an HGV can safely turn across a traffic lane in the time gap, and not between traffic travelling at up to 50mph. An arriving HGV, arriving during a peak hour period would be required to wait for a suitable gap to appear, stop on Horsham Road creating an unsafe situation as other vehicles travelling along Horsham Road would not be expecting to encounter a stationary vehicle in this location, waiting to access a driveway.

Significance

128. The major change in the HGV traffic levels is considered an overriding issue, as the applicant does not have sole use over the driveway access to the site, the access does not provide for two-way working and has limited control over the land along Horsham Road. The CHA considers that even encountering one vehicle unconnected to the site operations would result in Knoll Farm Road being partially blocked, with HGVs entering/exiting every 3 to 6 minutes, as the applicant has no control over the existing residential movements.
129. The CHA also highlight that the significance impact is only presented for the strategic highway network, relating to the total traffic volumes. When compared to the lower flow levels along Knoll Farm Road the HGV changes are much greater, as there is no significant level of defined HGV traffic movements along Knoll Farm Road in the existing situation. All proposed HGV movements would be considered 'new' along Knoll Farm Road for the modern-day working considerations. When the proposed maximum number of HGV movements, 149 two-way, are added to Knoll Farm Road traffic levels, the total would be increased by over 647 percent on any one weekday, during the hours of 0700 - 1800.
130. As Knoll Farm Road is not being proposed to be widened, it will remain a narrow single-track driveway access, suitable to accommodate one vehicle at a time (irrespective of size or direction of travel). This position is further highlighted in the relation to the position that Knoll Farm Road also serves as a public right of way, FP178, which links into Footpath 187.

131. As detailed above, any increase over 90% in the change of HGV traffic is considered a major impact in relation to the IEMA guidance. If the CHA take the considered previous maximum HGV figure approved of 16 HGVs per day, then the worst case impact would be a 931 percent uplift in the daily HGV movements being sought.
132. The applicant's approach remains that Knoll Farm Road is a dedicated two-way access road only serving the site and not the minimal width private access drive way that it functions as. As outlined above, the analysis undertaken by the applicant contains a number of assumptions that the applicant is unable to control, which provides no leeway for any problems that may be encountered. This analysis does not fully represent the physical constraints of the site, with no safe passing space (either on the A24 or along Knoll Farm Road) instead reliance is being placed on a significant level of management. The only passing space is within the site boundary, some 110m from the access entrance. The CHA has previously advised the applicant that the overall volume of vehicle movements should be reduced to reflect the constraints at this access as no highway infrastructure improvements were being proposed, and that HGV movements should take place outside the peak network hours, when lower traffic flows have been recorded.

Impact Summary

133. The volume and frequency of HGV movements proposed to use this quiet access driveway, would result in a major impact connected to severance, amenity and intimidation issues for all users. Although the applicant has presented further timing information and put forward a management regime for HGV movements and pedestrian protection, the CHA do not consider that these respond on the key environmental considerations, with the technical analysis being based on capacity only and including a number of assumptions and controls being in place that applicant has no direct control over. The public right of way would remain in place, resulting in a running lane for HGVs of 1.98m (this reflects the 1.2m wide right of way being removed from the 3.2m wide driveway width). This puts pedestrian movements almost in direct conflict with the increased volume of HGV movements, with no protection. Although the applicant refers to an 'alternative route' this is still along Knoll Farm Road within the verge and drainage ditch on the northern edge. In relation to the volume and frequency of HGV movements being sought, this is considered to result in a level of fear and intimidation being experienced by any pedestrians using this footpath over the period that the modern day workings are proposed.
134. Based on all the submitted information and taking account of the number of constraints present for this site, it is considered that these limit the applicant's ability to safely accommodate the volume of HGV movements being sought at the junction of Knoll Farm Road with Horsham Road. The applicant would have limited control over ensuring the visibility distances are available at all times, or to have control over the use of the Knoll Farm Road, as this is a shared access connected to existing residential and agricultural land-uses and Public Footpath 178 and is not a dedicated quarry access. Further, the applicant's ability to suitably mitigate the significant increase in HGV movements is also limited, such as being unable to widen Knoll Farm Road to accommodate an unobstructed two-way movement access or to provide a right turn segregated lane into Knoll Farm Road from Horsham Road. These two infrastructure features are highlighted, as they represent mitigation measures that have been implemented or are already available for other comparable mineral site operations in Surrey, which operate or have operated with the same high volume of HGV movements being sought for the application site.
135. In relation to the A24 junction with Knoll Farm Road, it is recognised that the applicant has sought to present a number of possible mitigation measures at this junction to manage the impacts. However, the CHA consider that the introduction of mitigation measures relating to the volume of traffic and the land required to support these is

outside the applicant's control. Having reviewed the information submitted, the CHA conclude that there remain some fundamental assumptions, unknowns and significant site constraints that do not provide the CHA with the required level of certainty that the level of development would not have a severe and significant adverse impact on the strategic highway network.

Consideration

136. The CHA recognise that the site previously supported clay operations on the application site, but with a restricted level of HGV movements of 16 per day. If this same level of operation were re-instated, this would result in an impact below 10 percent – reducing the significance to minor. Taking into account the updated IEMA guidance considerations, balanced against the site constraints noted in the response, the CHA have considered a level of HGV traffic that could be supported. The CHA consider that a daily HGV volume of 42 movements could be supported (an increase on the previous 16 daily maximum). The daily level reflects a greater time between the HGV vehicle arrivals of up to 15 minutes (this is double that stipulated in the previous restriction). This would enable one vehicle to arrive and depart before the next vehicle potentially arrives. This proposed HGV level also reflects a minor impact level on both Horsham Road and Knoll Farm Road. The HGV impacts would be significantly lower at around 20% along Horsham Road, as highlighted in Table 1.0 (bottom two rows). Knoll Farm Road would also benefit from a reduced level of HGV movements, in support of the route as a public footpath.
137. Overall, it is considered that although the applicant has gone a considerable way to address the concerns raised by the CHA and interested parties, the CHA remain of the opinion that there are fundamental issues with what is being proposed in terms of frequency and timings connected to the number of HGV vehicle movements. Accordingly, the CHA recommends that:
- i. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily and shall make these available to the MPA on request.
 - ii. HGV access to the site will be restricted to between the hours of 0900-1600 only with the final egress of a HGV being 16:30 hours.
 - iii. Notwithstanding the submitted information, prior to the commencement of the enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; the applicant shall submit for the written approval of the CPA and in agreement with the CHA a Traffic Management Plan containing details of a package of measures for the safe management of the site. Once agreed the approved measures the applicant shall implement and maintain the Traffic Management Plan to the satisfaction of the CPA. The CHA have detailed that the Traffic Management Plan should contain information on the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials, storage of plant and materials, a programme of works, provision of boundary hoarding, HGV deliveries and hours of operation, vehicle routing, measures to prevent the deposit of materials on the highway and monitoring of damage on the highway verge within 100m of the site in either direction, before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; and on site turning for construction vehicles.
 - iv. No vehicle related to this application shall access Knoll Farm Road from the A24 unless and until the proposed vehicular / pedestrian / cycle / modified access to along Knoll Farm Road and the junction of the A24 has been constructed and

provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the CPA and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high. The exception to this would be vehicles associated with the construction of the modified access and vehicles directly associated with the carrying out of surveys in connection with ecology or contaminated land.

- v. Subject to the agreed Traffic Management Plan measures and any resulting works being required within highway limits at the applicant's expense, the applicant shall enter into a S278 Agreement under the terms of the Highways Act 1980 for any agreed off-site mitigation works proposed to the junction of Knoll Farm Road and associated highway signage. An Informative has been inserted with regards to this matter.
138. Consequently, Officers will seek to impose the above amended and new conditions and informatives on any consent issued so that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the SWLP2020 Policy 15. The reasons for requiring approval of a Traffic Management Plan and modified access prior to any enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; is to ensure that appropriate traffic management measures (including appropriate wheel washing facilities) are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road; and the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same.
139. In respect of cumulative highway impacts arising from the proposal, it needs to be borne in mind that the A24/Horsham Road is a strategic road and as such is considered suitable to accommodate a large volume of traffic (both car and heavy vehicles). From previous assessments carried out by the applicant detail that the road as a whole is operating within its capacity. Further, HGV volumes can be up to 10-15% of the total traffic volume before being noticeable – in this instance there is a relatively low volume of HGVs usage of the A24/Horsham Road at the moment at around 3%. So, although the proposed HGV movements (up to 150 per day) will double this percent impact on the A24/Horsham Road, it is generally within the limits for a strategic road. Consequently, an increase of some 42 HGVs per day along the A24/Horsham Road would not give rise to an unacceptable cumulative impact.
140. Officers are aware, however, that the land owner of Capel Landfill site, located approximately 500m along the A24 from Auclaye, are intending to submit a planning application seeking to restore the former quarry void area through the importation of approximately 1,332,000 tonnes of inert waste materials over a period of 10 years. The Screening Opinion request document submitted by the applicant states that all material would be imported by road via the existing access; based on an average payload of 15t per HGV, this equates to around 33 HGVs per day (66 movements) based on a five and a half day week. However, it is likely that material would be imported in campaigns (from specific construction projects) which would mean that the daily number of HGV movements could be higher. Officers are therefore aware that this could have a cumulative traffic impact on the A24. However, with regards to this application Officers are of the opinion that no further information on HGV movements is required to be submitted by the applicant because the cumulative impact of the two schemes would be addressed in the submission for the proposed works at Capel Landfill Environmental Statement as that application has yet to be submitted or assessed.
141. Representations received have requested that traffic leaving the site turn left toward Clarkes Green roundabout and then travelling to their destination so to avoid traffic delays on the A24. Whilst Officers have no objection to this point raised, Officers

consider this measure would be appropriately covered within the Traffic Management Plan and the package of measures that would accompany that document, to detail the routing of HGVs leaving the application site and how that would be managed to ensure traffic on the A24 is not impeded in any way.

142. In terms of the railway bridge which straddles the A24/Horsham Road to the south of the quarry, this infrastructure is owned and maintained by Network Rail. They have not raised any concern about the impact of additional HGV vehicles travelling over the bridge.
143. Notwithstanding the above, the CHA considers that subject to conditions a daily maximum of 42 HGV movements (21 in and 21 out), an increase on the previous 16 daily maximum (8 in and 8 out), is a reasonable, proportionate and an otherwise acceptable increase in HGV movements accessing the quarry via Knoll Farm Road and its junction with the A24/Horsham Road. It amounts to a 162% daily increase in HGV movements to and from the quarry compared to the situation which existed when the quarry and brickworks were operating under the 1976 consent and its associated legal agreement.
144. Leading Counsel has advised the CPA that a material change of use requires ‘*a material change in the definable character of the use of the land*’. In the present case, the former brickmaking area of the application site (within the north-west quadrant) is not to be used for clay extraction and the clay working area is likely to be the same envisaged in 1976. Bricks will not be made on site from the clay extracted. However, the 1976 consent and its associated legal agreement did not restrict the use of clay to the brickworks or vice versa nor did it prohibit the export of clay from the site. The principal and material change to the works permitted in 1976 as proposed by the applicant relates to the proposed speed of working and restoration, and therefore the rate of clay extraction (and export) and import of restoration material with the consequent daily HGV movements this would involve.
145. In this regard although the daily HGV movement limit, as recommended by the CHA, will increase by some 160% the character of the land-use will remain unaltered. It will remain predominantly a temporary clay pit from which mineral is to be won and the land restored. No brickmaking will take place and clay will be exported. However, these methods of working were not previously prohibited by consent Ref. MO75/1165 or its associated legal agreement. For these reasons Officers do not consider that the proposed development, subject to the conditions recommended by the CHA, on a fact and degree basis would amount to a material change from that permitted in 1976.
146. The applicants proposed Condition 9 (Construction Management Plan) is not considered necessary due to the controls imposed by proposed Conditions 2 (Approved Plans) and 10 (Working Times), and 12 (Traffic Management Plan).

General Development Procedure Order Rights (Condition 14)

147. Proposed Condition 14 restricting the Permitted Development Rights of the application site is a new condition not proposed by the applicant. The NPPG paragraph 020³⁸ states that permitted development rights can be removed by the local planning authority by means of a condition and will vary on a case-by-case basis. Paragraph 186³⁹ of the NPPG states that “*conditions maybe used to withdraw any outstanding permitted development rights only if there are exceptional and sound planning reasons for doing so*”. In this case, Officers consider there are exception and sound planning reasons for imposing such a condition to safeguard the environment and protect the amenities of the

³⁸ Paragraph: 020 Reference ID: 13-020-20140306

³⁹ Paragraph: 186 Reference ID: 27-186-20140306

locality in accordance with Policies MC3 and MC14 of the Surrey Minerals Plan 2011 and Policy 14 of the Surrey Waste Plan 2020.

Noise (Conditions 15 – 19)

148. The applicant's proposed Condition 11 (Noise Limit) is acceptable to the CPA however requires amendment to reflect the revised working times proposed in relation to condition 10 (Hours of Working), to refer to 'normal day-to-day activities', and to reflect PPG and SCC guidance. Additionally, the CNC has recommended that a new condition is imposed on any determination so as to control the noise arising from 'temporary activities' such as bund construction and emergency operations which are generally noisier, unavoidable and time-limited operations. This is reflected in proposed Condition 16. The reason for such a condition is to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.
149. Officers also propose Condition 17 in relation to the maintenance of plant and machinery. This is to ensure that such items run efficiently and effectively and not lead to whines or tonal changes. Such a condition is proposed to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14. The condition also requires the use of silencers to enable the CPA to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.
150. In addition to this, the CNC has recommended a Noise Management Plan (NMP) be submitted. Officers consider the NMP should be submitted before clay extraction commences at the site. Such a condition is necessary so as to comply with the terms of the application, minimise disturbance and avoid nuisance to the locality, and to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14. Moreover, it is necessary to require the NMP to be submitted to and approved by the CPA prior to commencement of any clay extraction at the site to ensure that an appropriate NMP will be in effect at the start of the winning and working of clay which will facilitate compliance with the noise limits for normal and temporary activities, and so that acceptable procedures are in place to monitor noise emissions and address exceedances and complaints as appropriate.
151. Notwithstanding the above, Officers note that interested parties have raised several concerns in relation to the noise implications of the development including the applicant's noise assessment methodology, working times, acoustic properties of the screen bund and fence, and reversing alarms of vehicles and plant. The CNC has not raised any concern about the veracity of the applicant's assessment (save for seeking clarification in relation to the Public Footpath 178 and existing baseline conditions in June 2017). The noise limits and working times proposed by Officers are in accordance with PPG guidance and a range of other measures are recommended to ensure that noise arising from working and restoration are mitigated to acceptable levels in accordance with a NMP which is to be submitted to the CPA for approval prior to the extraction of clay commencing at the site. The NMP would also provide for appropriate management procedures to effectively monitor noise arising from working and restoration and deal with any complaints received in relation to same.
152. To assist in mitigating noise from the application site, the applicant proposed a condition (applicant Condition 15) which is for the placement of a noise attenuation bund with a fence on top, along the extraction area's eastern boundary. The placement of the bund is

acceptable to the CPA in principle however Officers consider the condition requires amendment and this is proposed Condition 19. The application, including the visual mitigation offered in the form of, inter alia, a 2m high bund with a 2m high fence on top along the eastern boundary of the quarry, was originally assessed by the County Landscape Consultant who advised the CPA that the applicant has suitably demonstrated the effectiveness of a bund and fence in screening potential views from neighbouring properties to the east so long as the total height of the bund (and fence) from 'Rosemead' to the south of 'Knoll Bungalow' is increased to between 5/6.5m. The County Landscape Consultant has also advised the CPA that the bund should be graded/profiled to an appropriate slope and be constructed using suitable materials such that it can be seeded with an appropriate grass mix and support the 2m high acoustic fence. The County Landscape Consultant suggested that these details can be provided as part of a condition.

153. Officers proposed to amend the condition so that details relating to the bund, including its construction and deconstruction, and the acoustic fence that is proposed to be placed on top of the bund, are provided to the CPA for approval prior to commencement of any clay extraction from Phase 1. This would provide the certainty necessary to ensure that the location and dimensions of the bund (and the acoustic fence) will be effective in mitigating the noise and visual impacts arising from the development to acceptable levels particularly in relation to the properties to the east of the quarry; and that no winning and working of clay can take place until the scheme is submitted and approved. Officers also consider the bund and acoustic fence should be in place before the winning and working of clay commences again to safeguard the residential amenities of those properties to the east. Officers also consider it necessary to secure details of bund seeding and planting including the maintenance of the same for the life of the works. During working and restoration, the proposed bund is a key mitigation measure to be employed by the applicant in respect of noise and visual impact to the east. It is also necessary to ensure that the soil bund is appropriately seeded and planted to prevent unnecessary dust emissions.

Environmental Protection (proposed Condition 20)

154. The applicant's proposed Condition 12 (Depth of Working) is acceptable to the CPA but requires amendment to reflect the data produced by the applicant's boreholes installed in and around the quarry in 2016 and the advice provided by the County Geological Consultant (GCG) and to refer to Drawing Ref. AB/103 "Location Plan Slope Stability and Proposed GI" dated 19 October 2017. The amendment is also necessary to ensure that the condition is precise and enforceable. The condition will require that clay excavation only take place within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of borehole (BH) A (north); 81.00m AOD for BH B (east); and 84.80m AOD for BH C (south); or as revealed by local geological variation in the depth of the top of the first siltstone layer. This is shown in proposed Condition 20.

Dust Management Plan (proposed Condition 21)

155. The applicant's Condition 13 (Dust Management Plan) is acceptable to the CPA but requires amendment so that it refers to the applicant's Environmental Impact Assessment where dust mitigation and control measures are outlined.
156. The applicant has conducted a dust risk assessment which follows the recommended guidance (Institute of Air Quality Management's 'Guidance on the assessment of mineral dust impact for planning' (May 2016)) and contains the required elements. This assessment has been reviewed by the County Air Quality Consultant (CAQC). The CAQC has not raised concern about the veracity of the applicant's assessment (save for clarification relating to assessed receptors and the location of proposed mineral

extraction within the site boundary; the frequency of potentially dust winds for each receptor; and ecological receptors within 250m of the quarry boundaries, which has been provided). The applicant's assessment demonstrates that the effects on air quality from residual dust impacts, with appropriate controls and mitigation in place, are likely to be 'not significant'. The CAQC agrees with this conclusion subject to a condition requiring the formalisation of control and mitigation measures within a Dust Management Plan.

157. The applicant has proposed a range of control and mitigation measures to bring dust emissions arising from working and restoration to acceptable levels. Such measures include and relate to seeded screen bund creation; stockpiles; haul road; tips and mounds; exposed areas of quarrying; wheel washing; road sweeping; paved parking areas and metalled haul road; sheeted HGVs; retention of perimeter woodland (to the west and south); complaints procedure; staff training; dust monitoring including visual inspections, flux monitoring and real-time PM₁₀ monitoring, and consideration of dust concentrations at different wind directions and speeds; baseline dust deposition monitoring for a period of three-months before commencement of extraction operations; community liaison including meetings and publication of dust monitoring audit results; soil handling best practice; vehicle speed restrictions; the use of a water bowser; and minimisation of mineral handling and drop heights.
158. Officers are satisfied that the mitigation and control measures detailed above can be incorporated into a Dust Management Plan and this should be submitted prior to the commencement of extraction of clay from the site to ensure the measures are in place before such works begin and should address the concerns raised by interested parties in respect of dust emission arising from working and restoration.
159. With regards to air quality impacts arising from the movement of HGVs associated with this proposal, Table 10.4 of Chapter 10 (Air Quality) of the applicant's Environmental Statement summarises the site details and states that 149 maximum daily HGV movements are proposed as part of the development. Paragraph 10.4.2 acknowledges that, since the production of the relevant Scoping Opinion (2015), the 2015 Environmental Protection UK and Institute of Air Quality Management '*Land-Use Planning & Development Control: Planning for Air Quality*' document⁴⁰, setting out a more stringent indicative screening criterion of 100 (rather than 200) HGV movements for an assessment of air quality impacts. Paragraph 10.4.3 of the applicant's Environmental Statement states "*as the background PM₁₀ and NO₂ concentrations are so low, professional judgement has been applied to the screening criteria. As such the Scoping Opinion response by the County expert has been followed and the need for a further assessment of HGV movements has been scoped-out*".
160. The CAQC has reviewed the proposal in the context of vehicle emissions and advised that "*the background nitrogen dioxide (NO₂) and suspended particulate matter (PM₁₀) concentrations are given in Table 10.3. The background concentrations for both pollutants are less than 40% of the Air Quality Objectives. Given this "headroom", and the fact that the maximum number of HGV movements does not significantly exceed the indicative screening criterion, we agree that it is reasonable to scope-out a further detailed assessment of vehicle emissions*". Even though the 2015 IAQM document has now been replaced with a 2017 document, the 2017 document does not change the screening criterion of 100 HDV movements for an assessment nor the Air Quality Objectives. Therefore, these comments remain valid with regard to the proposal not exceeding the screening criterion.
161. Officers suggest that the contents of the paragraphs above are sufficient to address the concerns about the need for a further assessment of vehicle emissions raised by

⁴⁰ Now superseded by the Land-Use Planning and Development Control: Planning for Air Quality January 2017 document.

interested parties. It should also be noted that the restriction on daily HGV movements recommended by the CHA and proposed by Officers is significantly lower than the indicative screening criterion for further assessment of vehicle emissions. No conditions are proposed specifically in relation to vehicle emissions.

Surface Water Drainage (proposed Conditions 22 – 24)

162. The applicant's Conditions 14 and 16 (Surface Water Drainage) are acceptable. However, they do require amalgamation and significant amendment to formalise the details of the proposed surface water drainage scheme prior to commencement of the development.
163. Surface water run-off and rainfall accumulating in the base of the quarry will need to be effectively managed as part of the development such that it does not adversely affect surrounding land. The topography around the quarry slopes from the north-west towards the south, therefore any surface water is likely to flow into the quarry from its northern boundary. As part of the works a temporary drainage ditch would be excavated around the northern perimeter of the quarry and would be extended along the eastern and western boundary of the same as the phased extraction progresses. Water from this drainage ditch would be routed into a temporary storage ponds, which will attenuate the flow of water and allow discharge, like the existing rates, into the existing ditch in the woodland to the south. Any water collecting in the base of the excavations could also be pumped into these storage ponds to maintain reasonably dry working within the quarry. This drainage network would be retained following restoration of the quarry. This drainage detail is shown on plan within the submitted Flood Risk Assessment as part of the Environmental Statement.
164. The Lead Local Flood Authority ('LLFA') has assessed the applicant's outline surface water drainage scheme against PPG guidance and National Non-Statutory Technical Standards for Sustainable Drainage Systems ('SuDS') and concluded that it meets the requirements set out in these standards subject to details being submitted to the CPA for approval prior to commencement of clay extraction and following restoration works. This to ensure that the surface water drainage scheme is properly designed, implemented, and maintained throughout the lifetime of the development. Additionally, the CGC has assessed the applicant's outline surface water drainage scheme in the context of land stability and groundwater and reached the same conclusion as the LLFA. Network Rail commented in 2017 that, during excavation of the quarry, the current flood risk to the road under the railway bridge towards Osbrooks and Osbrooks Cottage is likely to be reduced because the surface water would be stored within the quarry. However, Network Rail have in 2021 raised concern with regards to the proposal to construct a drain and a water attenuation pond in clay material between the slope crest and the boundary of the railway. This due to the drain and pond being a potential source of water into the underlying clay and promoting a slip. Network Rail have requested their concerns are addressed by condition.
165. Accordingly, Officers propose Condition 22 which encompasses the advice received by the LLFA, the CGC and also Network Rails concerns. The condition requires the details to be submitted before any clay extraction can commence at the application site and are to ensure that the surface water details approved are implemented and maintained. Conditions 16 and 17 are new conditions requested by the LLFA to ensure the scheme proposed in condition 15 is implemented and that reports are provided to the CPA to demonstrate this. The wording of proposed Conditions 22, 23 and 24 are necessary to ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment, ensures protection of the railway line; and meets the technical standards for SuDS in accordance with paragraphs 152 to 169 of the National Planning Policy Framework 2021, Policy MC14 of the SMPCS 2011, and Policy 14 of the SWLP2020.

166. The Environment Agency ('EA') have requested that a condition be imposed prohibiting infiltration of surface water drainage into the ground other than with the written consent of the MPA. Given the conditions to be imposed to secure a detailed surface water drainage scheme and verification of the same Officers do not consider the EA's condition necessary.
167. The surface water drainage details to be provided by the applicant and the additional conditions proposed by Officers will address the concerns raised by interested parties.

Archaeology (proposed Condition 25)

168. The County Archaeologist has advised that the majority of the application site has an unknown potential for the presence of Heritage Assets of archaeological significance and therefore there is a need for further work (over and above the desk based assessment undertaken as part of this planning application) in the form of trial trench evaluation that will aim to determine, as far as is possible, the location, extent, date, character, condition, significance, and quality of any archaeological deposits that may be present, so enabling suitable mitigation measures to be proposed. This evaluation should comprise a 5% sample, by area, and should target the proposed extraction areas outside the footprint of the 'Clay Pit' shown on the 1991 Ordnance Survey Map, 1:10,000. It should also target any other areas of proposed development impacts (compounds, access routes etc.) outside of that footprint. The provision of geotechnical data and/or geophysical survey may allow specific areas to be excluded from evaluation or for the sample level to be reconsidered. The evaluation will need to be carried out in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the CPA.
169. The applicant had proposed a condition with regards to archaeology (the applicant's Condition 17), and this is acceptable in principle to the CPA. However, it requires amendment to reflect the advice provided by the County Archaeologist and to afford the CPA a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the SMPCS2011 and Policy 14 of the SWLP2020. The condition requires such archaeological works to be carried out before any development takes place at the application site ensure that an appropriate archaeological scheme is in place before the commencement of excavation works which expose archaeological remains.

Ecology and Biodiversity (proposed Condition 27)

170. As outlined above, the proposal would involve the loss of habitat at the site in the form of trees and reptile habitat. The proposal does not propose to encroach on the SNCI or ancient woodland. The applicant proposes to mitigate this loss by the provision of replacement habitat to be provided before Phase 2 and 3 commencement of clay extraction. The applicant details that an area immediately to the east of the clay extraction area, to the rear of residential properties, has been identified as an ecological receptor site and would be some 4265m² in size. It is currently used as agricultural land and is not in the applicant's ownership but is leased to the applicant for use. The applicant proposes to improve this area of land and install hibernacula and refugia to create a suitable habitat into which reptiles can be translocated. The applicant states these works would be carried out during Phase 1.
171. Following this and before clay extraction in Phase 3 commences, the applicant would then provide further ecological mitigation measures in the northern part of the application site where clay extraction and landfilling would have taken place (Phase 1) and have been completed. This area would be planted with a mosaic of habitats including areas of bare ground, native scrub and appropriate grassland mixes. This is to ensure there are no biodiversity losses at the site over the life of the development. Officers wish to ensure

these works are provided and that further detail is provided on how this would be delivered and what it would entail. Proposed condition 27 sets this out and requires the submission of a detailed scheme for how this work will be carried out and what it would involve to ensure the ecological enhancements are delivered before works commence in Phase 2 and 3. The applicant did not propose such a condition and did submit a phasing plan to accompany the planning application to show the phasing. However, this phasing plan has no plan reference number so it cannot be relied upon. Further the applicant did provide information on ecology within the Environmental Statement however this document does not provide the level of detail that is required for the scheme as it is at a higher level. Officers consider the proposed condition is necessary and relevant and reasonable to ensure sufficient detail on the works is provided.

172. The applicant did propose condition 18 (Bird Nesting Season) in their scheme. However, such a condition is outside the remit of the CPA. Wildlife offences, such as the deliberate disturbance of nesting birds, falls to the Police to investigate and prosecute as appropriate. For this reason, the applicant's proposed condition 18 is not necessary or relevant to the planning regime and instead, Officers recommend that an informative is imposed on any consent granted drawing the applicant's attention to the bird nesting season.

Geological SSSI (proposed Conditions 28 and 29)

173. The applicant proposed Condition 19 (Geological SSSI) and this is acceptable to the CPA but requires significant revision to capture and secure the relevant details agreed between the applicant and Natural England and to reflect the advice of the CGC.
174. The Auclaye Geological SSSI covers an area of 0.6ha and has a status of 'live'. The Geological SSSI is designated for the well-preserved bodies and wings of insects of the Lower Cretaceous age. The citation for this SSSI states that the Weald Clay here contains concentrations with remains attributable to several insect orders, including the *Odonata*, *Orthoptera*, *Blattoidea*, *Neuroptera*, *Trichoptera*, *Diptera*, *Coleoptera* and *Hymenoptera*. The site has produced a new Gryllid and is locally of importance in studies of Mesozoic insect faunas. Natural England list what operations are likely to damage the SSSI special interest including dumping, spreading or discharge of any materials; introduction of or changes in trees or woodland management, modification of watercourse, extraction of minerals, storage of materials; or modification of natural features. The SSSI is listed as unfavourable and declining due to the lack of access to the interest features on the site and vegetation encroachment⁴¹.
175. Paragraph 174(a) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued sites of geological value.
176. The extent and treatment of the SSSI has been previously agreed with Natural England ('NE'). This includes proposed alteration to the SSSI area, such that it is shortened at its southern end, significantly extended at its northern end and made narrower. The ditch that runs through the centre of the SSSI is a key feature and the western side of this ditch is of particular importance as it has been cut into undisturbed geology and is where insect fossils have previously been discovered. The eastern side of ditch is in made ground and is of little interest. NE has therefore agreed that the western bank of the ditch is to remain unaltered, and that part of the eastern bank is extended upwards until the restoration level is achieved. It has also been agreed that new sections of the Weald Clay exposed in the excavations will be made available to NE or other interested parties for recording and sampling purposes; periodic access to the SSSI would be provided by the landowner; a designated storage area will be provided for the nodules/concretions

⁴¹ [SSSI detail \(naturalengland.org.uk\)](https://naturalengland.org.uk)

that may contain fossils both during the operating life of the quarry and once quarrying and restoration operations are complete; appropriate resources to be made available by the landowner to keep the SSSI clear of vegetation and debris; the SSSI will be fenced with a defined pedestrian route for the viewing of geological exposures by Natural England and members of any geological associations; interpretation/information boards will be provided adjacent to the SSSI. Additionally, NE have recommended a separate condition to be imposed on any consent given which prohibits the removal of tree stumps or roots in and around the SSSI.

177. However, the GCG has commented that the applicant's Improvement, Conservation, Access and Management Plan relating to the SSSI (Appendix 8.2 of the Environmental Statement) is somewhat vague on conservation, access and management of the SSSI, particularly after working and restoration have been completed. Accordingly, it is advised that further details are secured in respect of access and how this access is to be maintained and controlled; and how the SSSI will be physically maintained in the long-term including provision of information boards etc. For this reason, Officers propose to amend the applicant's condition 19 (now proposed condition 28) to require a scheme of works for the 25-year management of geological conservation at the site including listing all the details necessary for the positive management of the SSSI during and after working and restoration. Condition 20 will also be prior to the extraction of clay at the application site to ensure that appropriate management arrangements are in place before excavation and filling works commence such that the SSSI can be secured, managed and enhanced in the public interest. Given that proposed condition 28 will require management of the SSSI for some 25-years following restoration of the quarry a legal agreement will need to be put in place to secure the details approved pursuant to this condition. A draft Heads of Terms are attached to this Officer report outlining these details.
178. Proposed condition 29 is a new condition to prohibit the removal of tree stumps/roots in and around the SSSI as requested by NE.

Landscape (proposed Conditions 30 - 33)

179. The applicant has undertaken a Landscape and Visual Impact Assessment ('LVIA') in respect of the proposed development (Chapter 6 of the Environmental Statement). This assessment, and subsequent amendments, has been reviewed by both the County Landscape Architect (CLA) and also the County Landscape Consultant (CLC) (this was between 2017 and 2018). The applicant has submitted information on trees but this will be covered in the following section. The applicant's LVIA concludes that due to the character of the surrounding landscape which is a mixture of woodland and mature hedgerows, and the retention of the existing landscape features, the scheme will have minimal impact in the wider landscape during excavation. The CLA agrees with this conclusion.
180. The highest level of adverse visual effects of the development during excavation would be on the residents along the A24/Horsham Road to the east. To mitigate this impact, a 4m high bund (2m high bund with 2m high fence on top) is proposed to be constructed to screen views of the operations from residents. This aspect of the development is discussed in paragraphs 148 and 149 above.
181. The applicant proposed a condition with regards to provision of a planting schedule to be submitted (the applicant's condition 25). Having reviewed the planning submissions, Officers are of the view that the condition wording should be amended and should require the submission of a landscape restoration scheme to ensure planting of the application site and full details of how this would be implemented.
182. Following the recent re-consultation in 2021, the CLA has reviewed the application and the previous landscape comments from the CLC. The CLA raises no concerns with

regards to the proposed conditions in respect of landscape issues and recommends that a provision is made to Condition 25 requiring the replacement within the first 5 years of failed plantings on a like-for-like basis and that the standard biosecurity informative is attached to any condition schedule. With regards to the visual mitigation measures included within the proposals and draft conditions, the CLA comments that these focus on the residential properties to the east of the site and footpath 178 to the north. The CLA understands that the two properties to the north of the application site remain disused and are unlikely to be brought back into residential use and as such these properties were not assessed within the submitted Landscape and Visual Impact Assessment. The CLA has no further comments to make.

183. The applicant's proposed Condition 20 recommends the submission of a Landscape and Ecology Management Plan (LEMP) and this is acceptable to the CPA subject to amendment and is now proposed condition 31. The amendments include the requirement for details of aims and objectives for all phases, management of the compartments for each habitat and landscape type, new planting and hibernacula, aftercare and management; and specific measures for enhancing habitat quality or specific species. As with proposed condition 20 and geological conservation being within a Legal Agreement, given the length of time the LEMP would be in place for the applicant is willing to enter into a Legal Agreement also for the LEMP.
184. The applicant had proposed a condition (condition 21) for the height of the bunds not to exceed 5m in height. The CPA propose not to take this condition forward as details of what bunds (in terms of height, location and duration) is captured within proposed Condition 8 (Working Programme). Furthermore, the noise attenuation and screening bund is captured in proposed condition 19 which requires details specifically relating to that bund.
185. Proposed Condition 32 is a new condition. This condition specifically deals with the erection of hoarding fencing that the applicant proposes to install along Knoll Farm Road and footpath 178 to safeguard users of the footpath from the operations proposed at the application site. The condition is proposed to ensure the hoarding fence is installed within the location proposed and that it would remain for the duration of the proposal, that it would be close boarded or similar so that it creates an effective barrier; and that it shall be painted dark green to provide some mitigation. In addition to this, the condition requires the planting of a hedge in front of the fence to assist in softening the presence of the fence in that location.
186. The applicant proposed a condition that material stockpiles within the site should not exceed 12m in height and that there should be no stockpiles within 5m of the boundary of any residential property (applicant's proposed condition 22). Officers have amended this condition (proposed condition 33) lowering the height of the stockpiles within the site to 4m in height and that no stockpile should be located east of the noise attenuation and screening bund. The applicant agrees to this amendment.

Tree Protection (proposed Conditions 34 - 36)

187. As described above, the application site is surrounded by trees and woodland along the western and southern boundaries. There are no Tree Preservation Orders on any trees on the site. There is a group of trees that run down the centre of the application site for approximately 166m. The applicant provided as part of this planning application an Arboricultural Impact Assessment (AIA) and Arboricultural Report alongside Tree Survey drawings which identified all the trees that are on the application site (47 individual trees, 18 groups and 3 wooded areas). Of these, the AIA identified 24 individual trees, 3 groups and 3 wooded areas as being category B grade trees of moderate quality, 23 individual trees and 15 groups categories as C grade trees of low quality. No A grade or U grade trees were found on the site. the most common tree species within those surveyed was

silver birch along with goat willow. Oak was also found on the site and comprises the highest quality of trees on site.

188. The proposal would result in the loss of 2 B grade trees, 10 C grade trees, 9 C grade groups and a section of 1 C grade group in the centre of the site, an area of woodland along the southern boundary and an area of woodland along the north western boundary. This can be seen in the attached Tree Protection Plan to this report. The applicant states that extensive tree replacement planting would be provided as part of the restoration of the site, and this is detailed above.
189. To protect the roots of the trees that are remaining but are near the application site, the AIA outlines that root protection areas (RPA) would be provided. The AIA states that should it prove necessary for machinery and materials to pass through the RPA of retained trees they should be restricted to existing roadways and entrances designed to bear the weight of vehicles or specialist ground protection methods should be used. The AIA recommends that an arboricultural method statement (AMS) be produced before any enabling/ access works commence on site to safeguard trees which are to be retained. The AIA outlines that the AMS must specify working procedures and methods of protection and must be adhered to for the duration of the development.
190. The applicant proposed condition 23 as part of their submission. This required tree protection measures to be implemented in accordance with the AIA. Because the AIA specifically states that an AMS should be provided and details which trees are to be removed and those that will require works, Officers consider it necessary to amend the applicant's proposed condition wording to require the submission of an AMS in accordance with sections 4 and 5 and the recommendations in section 6 of the AIA. The proposed Condition 34 also provides detail that the protective measures should be in place before any works start on site as even enabling/ access works could impact on the tree roots and/ or canopy.
191. The County Landscape Architect (CLA) noted that plan AB-108 rev E which is for the location of the site compound and stockpile location, that part of the visitor parking and vehicle turning area required to facilitate the proposal would encroach on to a group of trees (Group 2) which are to be retained thereby conflicting with them and their protection measures. To protect these trees, Officers propose new condition 34 which requires details of how Group 2 trees would be protected from damage and harm from this particular part of the proposal. This condition is necessary to safeguard these trees and their contribution to the local landscape and is reasonable given the submitted plan identifies this conflict.
192. The AIA identifies that Japanese Knotweed was found in the southern section of tree group G2 and in a strip within tree group G6 (both in the centre of the application site). The AIA suggests that the presence of Japanese Knotweed in multiple locations indicates importation of the plant and movement of soil. Whilst not illegal to have this non-native invasive plant on site, it is illegal to allow it to spread outside the site either by movement of plant materials, contaminated soil or by underground spread of rhizomes. As such the applicant had proposed a condition (applicant's condition 26) for the eradication and disposal of the Japanese Knotweed and a 10m buffer zone to be installed. Officers have modified the wording of this condition (proposed condition 36) requiring the submission of a method statement and phasing plan for the control and eradication of the Japanese Knotweed to be provided to include monitoring of the site. The applicant agrees to this wording.

Soil Movement and Storage (Conditions 37 and 38)

193. The proposal would involve the stripping of soils from the application site so that the clay could then be won and retaining them on site for their use in the restoration phase. Paragraph 174 of the NPPF states that planning decisions should protect and enhance

soils. Paragraph 002⁴² of the NPPG states that soil is an essential natural capital asset that provides important ecosystem services. Defra has produced a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and whilst this proposal would not involve construction in the traditional sense, the document does provide advice on the use and protection of soil in construction projects, including the movement and management of soil resources. The application site is classified as Agricultural Land Grade 3 (good to moderate) which is classified as best and most versatile agricultural land. Whilst the site extends to 9.5ha, the agricultural land extends to around 4.1ha with the remaining land being overgrown by scrub and not in agricultural use.

194. The applicant proposed condition 27 that the stripping and storage of soils would be carried out in accordance with the Soil Resources Plan (SRP) within chapter 8 of the EIA report, to ensure the avoidance of damage to and loss of the resource. The SRP states that soils would be stripped and handled in accordance with the Defra Code cited above, that soils would be handled in a dry and friable condition and would be stored to 2m in height. It should be noted that the applicant has chosen to strip soils from the eastern half of the application site already, and these are stored within the bund along the northern boundary as shown in photographs accompanying this report.
195. Proposed condition 37 was proposed by the CGC. This is because whilst the chapter refers to various documents, it does not commit to following the requirements of the codes of practice referred to. BS 8601 (subsoil) and BS 3882 (topsoil) also contain requirements for handling soil. The CGC also commented the soil chapter did not contain robust enough information on the monitoring, reporting and approval process. As such, proposed condition 36 is proposed to address these matters and to ensure the protection of soils on the site.
196. Proposed condition 38 ensures that topsoil and subsoil remain on the application site and for their intended use.

Contaminated Land (Condition 39 – 41)

197. The applicant provided a Geoenvironmental Desk Study as part of the Environmental Statement which provided information in relation to the historic use of the site and potential for contamination in accordance with the requirements of the NPPF. Paragraph 183(a) states that planning decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from contamination and that this includes risks arising from former activities such as mining and any proposals for mitigation including land remediation.
198. The applicant's Geoenvironmental Desk Study identifies that there are moderate contamination risks at the site which stem from made ground and storage, Japanese knotweed (this is covered above and is not covered in this section) and ground gas. The Desk Study recommends that as the proposal would involve significant ground works, the risks at the site would need to be addressed and would require mitigation. The applicant's condition 28 recognises this point and recommends a Remediation Method Statement be submitted for approval by the CPA.
199. The CGC has reviewed the Desk Study and commented that the document addresses the minimum requirements under the NPPF for land potentially affected by contamination. The CGC goes on to say that the Desk Study recommends a targeted ground investigation to determine the need for a scope of mitigation during the proposed earthworks and the CGC recommends this alongside further risk assessments and as required, the preparation of a remediation and/ mitigation strategy, earthworks, materials handling strategy and verification reporting is secured via a condition. Proposed

⁴² Paragraph: 002 Reference ID: 8-002-20190721

Condition 39 sets out these requirements and that the details be submitted and approved before clay extraction commences in Phase 1. This should ensure that no activities take place that could lead to potential risks to human health before this programme is submitted and approved.

200. Proposed Condition 409 is a new condition and is a standard condition imposed to ensure that if contamination that was not previously identified is found at the site, a scheme is submitted to the CPA for how such contamination would be dealt with.
201. Proposed Condition 41 is also a new condition and seeks to protect the water environment from the proposal and any potential for spillages of oils, fuels or chemicals.

Limitations (Conditions 42 and 43)

202. Proposed Conditions 42 and 43 are new conditions recommended by Officers. Condition 42 stipulates that no screening or crushing of material shall take place at the application site to safeguard residential amenity and the environment. The Planning Statement states that restoration of the site would be undertaken by the importation of inert waste and that is what Condition 43 seeks to achieve by ensuring material brought to the site for restoration of the excavation area is inert, uncontaminated material.

Stability (Conditions 44 – 50)

203. The applicant did not advance any conditions on stability as part of their submission but did provide a Slope Stability Analysis as part of the Environmental Statement. As with contamination above, the NPPF paragraph 183(a) requires that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from instability with any proposals for mitigation included. Paragraph 184 of the NPPF states that where a site is affected by land stability issues, responsibility or securing a safe development rests with the developer and/ or landowner. The proposal is to excavate clay from the application site. Weald Clay (with its very low permeability of 1×10^{-9} m/sec or lower), when excavated will contain a short to medium term negative pore water pressure or suction. This increases the short to medium term stability of the slope. However, with time the material “relaxes” and these negative pore water pressures dissipate due to stress relief from unloading (swelling), drainage effects and weathering. This overall effect has the potential to reduce the stability of the slope. Therefore, most cutting faces in stiff over-consolidated clay or mudstone can stand unsupported in the short to medium term but their stability cannot be guaranteed in the long term. Furthermore, the presence of higher permeability layers within the clay can act to alter the pore water pressure within the slope.
204. The stability of quarry faces and spoil heaps during the operational phase of the quarry will be regulated by the Mines and Quarries Inspectorate and the stability of any waste deposited will come under the Environmental Permit regime. It is the long-term stability of the final restored quarry faces and soil slopes forming the restored and landfilled areas and ensuring there would be no potential impact on the landscape or third party property or persons that is of concern to the Mineral Planning Authority.
205. The CGC reviewed the stability work undertaken in support of the application and commented it was preliminary in nature. The CGC recognises that while the site is operational, stability of temporary pit faces is covered by the Quarry Regulations, and these should not be duplicated. However, the CGC raised concerns about the western face of the application site and the railway line; and the eastern face of the noise bund being near the gardens of residential properties. The CGC recognises that some boreholes have been drilled at the site, the testing and slope stability analysis that should have been undertaken from these boreholes has not been submitted. The CGC recommends that detailed stability work including investigation, testing monitoring and a detailed stability assessment should be the subject of a condition before work

commences on site. The CGC comments that the likelihood of failure under effective stress drained conditions needs to be assessed and this depends on how long the excavation would be open as, as stated above, the stability of over-consolidated clay or mudstone cannot be guaranteed in the long term. Proposed Condition 44 addresses this point. The CGC has gone on to say that information demonstrating the slope buttress with a wedge of fill placed against the cut face at a shallow slope angle is required and that buttressing the eastern face adjacent to the residential properties as soon as possible after any new excavation should take precedence over filling the central areas.

206. Network Rail have raised similar concerns with regards to the slope stability of excavated faces in proximity to the railway line and that open, unstable faces along the western flank could cause slippage of the land and the railway track. Network Rail have requested the imposition of a condition to address this matter which is proposed Condition 45. Network Rail have also requested that suitable volumes of materials should be maintained in Phases 3 and 4 of the quarry excavations at all times to form a buttress to the western flank of the railway property. Proposed Condition 45 addresses this point. And finally, Network Rail have requested a condition be imposed that no tipping or buildings be erected between the western boundary of the application site and the railway boundary. Proposed condition 47 deals with this point.
207. Proposed Condition 48 deals with a situation/ situations where the Quarry Regulations do not apply to the application site that a Geotechnical Stability Assessment be undertaken to ensure stability of long term non-operational slopes. The applicant agrees to this condition. Proposed Condition 49 requires the submission of a final stability and settlement review report for the restored site to ensure stability of the slopes when in aftercare. Condition 50 is a condition requested by Network Rail to ensure trees within the application site do not cause a hazard to the railway line. The applicant raises no objection to the imposition of these.

Rights of Way

208. Footpath 178 runs along the northern boundary of the application site. Proposed Condition 51 seeks to provide protection to users of the footpath whilst the development is taking place to reduce conflict with HGVs and ensure suitable signage is in place.

Human Rights Implications

209. 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.
210. Decision makers must weigh any adverse impacts of development for which planning permission is sought against the benefits of that development for the public at large. This application is not for a new planning permission but relates to the review and updating of planning conditions for an existing development. Officers consider the introduction of modern planning conditions to the mineral extraction development granted in 1975 should ensure that adequate operational standards are met and will secure restoration and landscaping to an afteruse that will key in with the surrounding landscape. Officers do not consider the proposals for working, restoration and landscaping and scale of any impacts are sufficient to engage Article 8 or Article 1 and that potential impacts will be mitigated through the mitigation measures incorporated into the proposals and through the recommended conditions and other regulatory regimes. This proposal is not considered to interfere with any Convention right.

Conclusion

211. This application seeks to impose modern conditions at Auclaye Brickworks which was classified as a dormant site following the enactment of the Environment Act 1995. Paragraph 180 of the NPPG states that minerals development (the winning and working of minerals) cannot lawfully commence until the applicant has submitted an application for appropriate mineral conditions and conditions have been agreed by the mineral planning authority. The applicant has submitted a proposed schedule of conditions. Having taken consultees views and the environmental information provided in the Environmental Statement into consideration, Officers consider the submitted conditions as modified and the additions are necessary and should ensure modern standards of environmental control are maintained for the working of the mineral and subsequent restoration of Auclaye Brickworks.
212. Highway matters are a concern with this proposal as evidenced by the number of objections and concerns raised within letters of representation on this particular topic. The applicant has proposed within their conditions a daily average of 149 HGV movements when measured over a 6 month period. The County Highway Authority are not in agreement with this figure and propose a lower level due to the inadequacy of Knoll Farm Road to accommodate the high frequency of HGV movements the applicant proposes. The reasons for this are set out above and Officers are satisfied that the approach taken to establish the total daily HGV movements have been established in a fair and objective manner.
213. Officers have assessed the proposal based on relevant guidance and methodologies alongside evidence provided by the applicant and available to officers. Officers also have to consider Schedule 13 of the Environment Act 1995 regarding the restriction of working rights and not impose conditions which effectively affect to an unreasonable degree either the economic viability of operating the site or the asset value of the site.
214. Officers consider that the modified highway conditions, other modified conditions and proposed new conditions do not restrict the working rights of the site in respect of the size of the area which may be used for the winning and working of minerals or depositing of mineral waste, the depth to which any operations may extend, the height of any deposit of mineral waste, the rate at which any particular mineral may be extracted, the rate at which any particular mineral waste may be deposited, the period of expiry; or the total quantity of minerals which may be extracted from or of mineral waste which may be deposited. Officers also consider that those conditions that have not been agreed by the applicant do not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site given the evidence advanced by the applicant.

Recommendation

The recommendation is to **APPROVE** the conditions as proposed by the applicant, with modifications and additional conditions as set out in Column 2 of "The Table of Conditions" and informatives subject to the prior approval of a Section 106 Legal Agreement to secure: a) for a 25 year Landscape and Ecological Management Plan and b) a 25 year Management of Geological Conservation Agreement.

Column 1 APPLICANT'S PROPOSED CONDITIONS	Column 2 RECOMMENDED CONDITIONS
<p>1. From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.</p>	<p>Copy of the Decision Notice</p> <p>1. From the date that any works commence in association with this decision notice until the cessation of the development/completion of the operations to which it refers, a copy of this notice including all documents hereby approved and any documents subsequently approved, shall be available to the site manager, and shall be made available to any person(s) given the responsibility for the management or control of operations.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>2. The development hereby approved shall be carried out in accordance with the following approved plans and drawings: [To be Confirmed]</p> <ul style="list-style-type: none"> • AB 102 • AB103 Section Location • AB 104 Cross Sections • Landscape Master Plan 3440 / DR/001 	<p>Plans and Drawings</p> <p>2. The development hereby permitted shall be carried out in accordance with the following plans and drawings:</p> <ul style="list-style-type: none"> • Drawing Ref. AB/90 Land Ownership Rev. 1 dated March 2015 • Drawing Ref. AB/99 Existing Contours dated January 2017 • Drawing Ref. AB/102 Site Location Plan Rev. D dated February 2017 • Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated 21 December 2017 • Drawing Ref. AB/103 rev 00 Location Plan Slope Stability and Proposed GI dated 19 October 2017 • Drawing Ref. AB/104 Quarry Cross Sections Rev. A dated September 2016 • Drawing Ref. AB/105 Proposed Restoration Contours Rev. B dated January 2014 • Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017 • Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017

	<ul style="list-style-type: none"> • Drawing Ref. DR-L-0001 Proposed Sections Rev. P03 dated 18 December 2017 • Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev. B dated October 2015 • Drawing Ref. 3440_DR_002 Tree Survey Drawing Sheet 1 of 2 Rev. A dated October 2015 • Drawing Ref. 3440_DR_003 Tree Survey Drawing Sheet 2 of 2 Rev. A dated October 2015 • Drawing Ref. 3440_DR_004 Indicative Landscape Restoration Cross Sections dated October 2015 • Drawing Ref. 3440_DR_005 Tree Protection Plan Rev. B dated 20 October 2017 • Drawing Ref. 2016-D1153-SK301 Drainage Strategy • Drawing Ref. 2016-D1153-SK302 Drainage Strategy Reinstatement Phasing Plan Rev. B dated October 2016 • UK16087-DRG-02 rev 0 Fig 8.1 Stability Cross Section Locations dated 28 November 2016 • Drawing Ref. 2015/2516/010 rev G "Proposed Access Arrangement and Highway Works" dated April 2019 • Drawing Ref. 2015/2516/012 rev D "Swept Path Analysis" dated April 2019
<i>Reason: For the avoidance of doubt and in the interested of proper planning.</i>	
<p>3. The development hereby permitted shall begin before the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.</p>	<p>3. The development hereby permitted shall begin before the expiration of 3 years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 working days of the commencement of development.</p>
<i>Reason: 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.</i>	
	<p>Duration</p> <p>4. Extraction of minerals and operations involving the deposit of waste hereby permitted shall cease and all buildings (with the exception of those shown on Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015), plant, machinery, sanitary/welfare/office facilities and their foundations and bases, together with any internal haul roads and vehicle</p>

	parking shall be removed and the site shall be restored in accordance with the plans and documents listed in condition 2 above and subsequently approved pursuant to condition 30 below by no later than 21 February 2042.
<i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	5. In the event of a cessation of winning and working of minerals prior to the achievement of restoration or part restoration, which in the opinion of the County Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, or subsequent versions or similar replacement legislation; or where the developer has written to the County Planning Authority giving written notice of their intention of cease operations; a scheme including details of restoration, landscaping and aftercare shall be submitted for approval to the County Planning Authority within 3 months of the County Planning Authority issuing an order of suspension of winning and working of minerals or the cessation of working. The approved scheme shall be fully implemented and maintained within 2 years of its written approval.
<i>Reason: In order to secure the proper restoration of the site in the event of premature cessation of the quarrying activities to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	6. In the event that mineral working is temporarily suspended for a period exceeding 2 years, within 3 years from the date of suspension an interim reclamation scheme for the site and timetable for its completion shall be submitted to the County Planning Authority for approval in writing. The approved interim reclamation scheme shall be implemented and maintained within 2 years of its written approval.
<i>Reason: In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	7. If mineral working is suspended for a period of 6 months or more, within 7 months of the date of suspension of mineral working, the operator shall give

	written notification to the County Planning Authority of the date upon which mineral working was suspended.
<i>Reason: In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
8. The working of minerals hereby approved shall be carried out in accordance with the approved phasing drawing AB/10 and the quarry extraction methodology described in the EIA chapter 14.	<p>Programme of Working</p> <p>8. Prior to the commencement of clay winning and working and the restoration of any individual Phase (1, 2, 3 and 4) as shown on Drawing AB/103 Rev G dated 21 December 2017, a scheme of working and restoration of that individual phase shall be submitted for approval in writing to the County Planning Authority for that individual phase. The scheme should include:</p> <ul style="list-style-type: none"> a. volumes of material to be extracted (clay and overburden); b. volumes of infill material to be used and settlement rate with the detail of likely broad locations of any stockpiling delineated on a drawing to be provided as part of the submitted scheme; c. Unless otherwise provided for under the provisions of the Environmental Permit, the Scheme of Working and Restoration shall include, for all areas outside the Environmental Permit boundary, a scheme using off site and onsite inspection, testing, and verification, that demonstrates all materials imported on to the site for any purpose including capping, cover, landscaping, drainage and growing media during restoration are suitable for their intended purpose in respect of their chemical characteristics and the site environmental conditions and proposed after-use, and also in consideration of the baseline condition of the ground and groundwater chemistry on or below the site; d. method of working; e. cross section profile drawings; f. detailed plans showing final pre-settlement levels for that phase g. methods of soil handling (movement, storage and replacement (including topsoil and subsoil depths and remedial treatments e.g. ripping and drainage)); h. locations and heights of topsoil, subsoil, mineral waste and excavated clay stockpiles and imported waste materials as referred to in Condition 43 within the quarry associated with working and restoring of each individual phase;

	<ul style="list-style-type: none"> i. details of what overburden and subsoil ripping would take place within that phase and where within that phase; j. a plan showing the locations or positions of any screen bunding alongside any phasing and repositioning of the screening bunds during any individual phase, the shape and angles of the screen bunding, the grassing up of the screening bunds including seed mix and application rates, weed control and any other maintenance; and information on their duration; and k. a timeframe for implementation and completion of each individual phase. <p>The winning, working and restoration of each phase shall be carried out in accordance with the scheme as approved.</p>
<p><i>Reason: To comply with the terms of the application, to secure restoration to the required standard and assist in absorbing the site back into the local landscape and enable the County Planning Authority to exercise control over the development in accordance with Policies MC2, MC3, MC14 and MC17 of the Surrey Minerals Plan 2011 Core Strategy and Policy 14 of the Surrey Waste Plan 2020.</i></p>	
<p>Restoration</p> <p>29. The extraction and restoration of the site shall be carried out in stages progressively as the extraction proceeds in accordance with the approved Quarry Phasing Plan (AB/103 Rev D) and Quarry Phasing Programme Gantt Chart.</p>	<p>9. No operations hereby approved shall take place except in accordance with the details of working, filling, restoration, and aftercare comprised in the application and the conditions in this decision notice.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Policy 14 of the Surrey Waste Plan 2020.</i></p>	
<p>Hours of Operation</p> <p>10. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:</p> <p>0730 and 1800 hours Mondays to Fridays 0800 and 1300 hours on Saturdays</p>	<p>Hours of Operation</p> <p>10. No lights shall be illuminated nor shall any other operation or activities authorised or required by this decision notice be carried out except between the following times:</p> <p>0730 to 1800 hours Monday to Friday 0800 to 1300 hours on Saturday</p> <p>No operations or activities shall be undertaken on a Sunday or Public, Bank or National Holiday.</p>

<p>There shall be no working on Sundays, Bank Holiday or National Holidays.</p>	<p>Notwithstanding the above times, HGV access to and egress from the application site shall only be between the following times:</p> <p><u>HGV access</u> 0900 to 1600 hours Monday to Friday 0900 to 1300 hours on Saturday</p> <p><u>HGV egress</u> 0900 to 1630 hours Monday to Friday 0900 to 1300 hours on Saturday</p> <p>This condition shall not prevent the emergency operations including (a) operation of pumps necessary for the control of water; (b) operation of electrical generating equipment in the event of mains supply interruption; and (c) emergency repairs to plant and machinery. Such emergency operations are to be notified to the County Planning Authority in writing within 5 working days.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>Highways, Access and Transport</p> <p>4. Before extraction operations are commenced, the access enhancement works set out in the Transport Assessment: Proposed Access Arrangement 2015/2516/006 shall be provided, with visibility splays in accordance with the Transport Assessment: Existing Access Arrangement and Visibility Splays 2015/2516/002.</p>	<p>This condition is not taken forward.</p>
<p>5. The HGV waiting and turning areas relating to the private access track, as set out in Plan AB/107, shall be implemented prior to any extraction operation on site.</p>	<p>This condition is not taken forward.</p>

<p>6. The development hereby permitted shall give rise to no more than a daily average of 149 HGV movements when measured over any 6 month period. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.</p>	<p>Highways, Traffic and Access</p> <p>11. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the, site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily for a period of up to 12-months at any one time and shall submit these to the County Planning Authority on a quarterly basis in April, July, October and January each year.</p>
<p><i>Reason: So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>7. Safe public access will be maintained throughout the period of mineral extraction and restoration in accordance with the Transport Assessment and the Proposed Access Arrangements plan 2015/2516/006. These details shall then be implemented for the duration of the works.</p>	<p>This condition is not taken forward.</p>
	<p>12. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 and drawing AB-108 rev E "Site Compound and Stockpile Location" dated 22 February 2018, a Traffic Management Plan containing a package of measures for the safe management of vehicle movements to and from the site via Knoll Farm Road shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented and maintained for the duration of quarrying operations and until completion of restoration operations.</p>
<p><i>Reason: To ensure that appropriate traffic management measures are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	

	<p>13. With the exception of vehicles associated with the construction of the A24 junction and visibility splays, and vehicles directly associated with the carrying out of surveys required for Conditions 27, 28 and 39; no vehicle associated with the development shall access Knoll Farm Road from the A24 unless and until the junction of Knoll Farm Road and the A24 has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained together with the visibility zones which shall be kept permanently clear of any obstruction over 0.6m high.</p>
<p><i>Reason: To ensure that the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>9. Development shall proceed in accordance with the submitted Construction Management Plan. The Construction Management Plan explains:</p> <ul style="list-style-type: none"> • the site working compound and wider works area, including ancillary temporary buildings, • staff parking areas • stockpiles, areas of plant and machinery parking • Site traffic management • HGV haul route • On site turning areas • Management protocols for the extraction of the minerals and arrival of restoration material. • Time of operation <p>The approved Construction Management Plan shall thereafter be implemented during the extraction and restoration period of the site.</p>	<p>This condition is not taken forward as it is covered by other conditions.</p>

	<p>General Development Procedure Order</p> <p>14. Notwithstanding any provision to the contrary under Schedule 2, Part 17, Class A and Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order:</p> <ul style="list-style-type: none"> - No plant, building, machinery or structure whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics.
<p><i>Reason: To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>Noise</p> <p>11. Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m and at the property boundary of a residential property that faces the site shall not exceed 55 LAeq for any 1 hour period during 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays.</p>	<p>Noise</p> <p>15. For normal day-to-day activities, the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed the existing background noise level by more than 10dB, up to a maximum noise level of 55dB(A) LAeq, 1 hour (free-field) during normal working hours as set out in condition 10 above.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>16. For temporary activities (bund construction, emergency operations etc.), the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed 70dB(A) LAeq, 1 hour (free-field), for period of up to 8 weeks in a year, during normal working hours as set out in condition 10 above.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

	<p>17. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufactures specification at all times and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations at all times. Any damage, breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the equipment affected should be taken out of service.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>18. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 and drawing AB-108 rev E "Site Compound and Stockpile Location" dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities (likely temporary activities to be listed), proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received.</p> <p>The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>15. The noise attenuation and amenity bund proposed shall be implemented in accordance with Plan AB/103.</p>	<p>19. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 and drawing AB-108 rev E "Site Compound and Stockpile Location" dated 22 February 2018, details of the noise</p>

	<p>attenuation and screening bund (2m high bund with 2m high acoustic fence on top located along the eastern boundary of the quarry as shown on plan AB-107 rev C "Location of 2m bund with 2m high fence" dated 3 October 2017) shall be submitted to and approved in writing by the County Planning Authority. Such details to include:</p> <p>(a) The location and dimensions of bund (including a gradual increase in total height of the bund [including fence] from 'Rosemead' to the south of 'Knoll Bungalow' from 4m to between 5/6.5m</p> <p>(b) Timings and method of bund construction</p> <p>(c) Details of material used to construct bunds</p> <p>(d) Details of bund seeding and planting including maintenance measures</p> <p>(c) The specification (including colour) and height of acoustic fencing to be installed on top of bunds</p> <p>(b) Phased deconstruction programme during restoration operations.</p> <p>The approved details shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the visual amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>Environmental Protection</p> <p>12. The extraction of minerals shall not exceed the contour depth as set out in Plan AB/103. The restoration of the site shall accord with plan AB/105 and shall not exceed a height of the proposed contours on this plan.</p>	<p>Environmental Protection</p> <p>20. Clay excavation shall take place only within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes as shown on Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of BH A; 81.00m AOD for BH B; and 84.80m AOD for BH C; or as revealed by local geological variation in the depth of the top of the first siltstone layer.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>13. Prior to the commencement of development, a Dust Action Plan (a document describing the</p>	<p>Dust Management Plan</p>

<p>techniques to be used to prevent or minimise the release of dust from the site) shall be submitted to and approved in writing by the County Planning Authority. The dust control and mitigation measures set out in the Dust Action Plan shall then be implemented for the duration of the development.</p>	<p>21. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018, a Dust Management Plan (DMP), in general accordance with Section 10.6 of Regulation 22 Request Addendum to EIA Ref. 2017/0004 dated February 2018, shall be submitted to and approved in writing by the County Planning Authority. The approved DMP shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>14. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and mitigation for drainage management set out in the FRA and EIA Chapter 9.</p>	<p>Surface Water and Drainage</p> <p>22. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 a scheme of works for the management of surface water and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall cover the extraction, restoration and aftercare phases of the development and include but not be limited to:</p> <p>(a) A drainage design that satisfies the SuDS Hierarchy and follows the principles set out in the Flood Risk Assessment Ref. 2016/D1153/FRA1.3 dated October 2017;</p> <p>(b) The current drainage arrangements including the point of discharge to any receiving watercourse;</p> <p>(c) Drawings and details clearly showing the proposed phasing of the works and the proposed drainage strategy for each phase including details of the Land Drainage Consents granted;</p> <p>(d) Details of surface water management proposals, including construction details of the proposed drainage arrangements and water attenuation arrangements between the western flank of the quarry excavation and the railway boundary; such design to ensure (1) water does not flow on to National Rail property, including during flood events and (2) the minimum of seepage from the drainage ditch into</p>

	<p>the underlying ground so as not to present a ground stability risk to the adjacent railway line;</p> <p>(e) Pumping rates and location of any proposed discharge points during the extraction and filling phases;</p> <p>(f) Detailed drawing showing drainage layout, long or cross sections of each drainage element, pond sizes; details of flow control devices and invert levels;</p> <p>(g) Appropriate drainage design calculations to support the sizes of the various elements and how the relevant local and national SuDS standards have been met;</p> <p>(h) Details of the measures proposed to safeguard water quality, including suspended solids and spillages;</p> <p>(i) Details of who will undertake the long-term inspection and maintenance of the surface water drainage system and the proposed maintenance regimes during the operational phases of the quarry, aftercare period, and for the restored site in the long-term;</p> <p>(j) Proposals for verification and periodic reporting to the County Planning Authority as drainage systems for each interim phase of the works are put in place and decommissioned.</p>
<p><i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>23. The drainage aspects of clay extraction and restoration operations at the site shall be carried out strictly in accordance with the scheme of works for the management of surface water and drainage approved pursuant to condition 22 above, and reports shall be submitted to the County Planning Authority for approval in writing as required by and approved pursuant to condition 22(j) above.</p>
<p><i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>24. Upon completion of the construction of the surface water drainage scheme for the final restored site a construction verification report shall be submitted to the</p>

	County Planning Authority to demonstrate that the SuDS system has been constructed as per the details approved pursuant to condition 22 above.
<i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i>	
16. Surface water management shall be carried out in accordance with the Drainage Strategy Reinstatement Phasing Plan 2016-D1153-SK302 Rev B found in the Hydrology and Drainage chapter of the EIA. The surface water management plan shall be implemented for the duration of the development.	This condition is not carried forward.
17. The archaeological recommendations set out in the EIA shall be implemented. This shall include the opportunity for visual inspections of the geological areas of interest.	Archaeology 25. No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the County Planning Authority.
<i>Reason: To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i>	
	26. No development shall take place until an Historic Building Record (Level 2 of Historic England's Guidance – Understanding Historic Buildings) of the existing architectural and historic features of the former brickwork buildings has been submitted to and approved in writing by the Local Planning Authority
<i>Reason: To accord with paragraph 205 of the National Planning Policy Framework to ensure that a record is made of the heritage asset before it is demolished and in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i>	

	<p>Ecology and Biodiversity</p> <p>27. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, details of habitat enhancement works as shown on plan 3440/DR/001 rev B dated 28 October 2015 to be carried out for the whole application site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:</p> <ul style="list-style-type: none"> a) The timing of delivery of all habitat enhancement across the application site by phase and season and habitat b) The works to be carried out including the creation of hibernacula and refugia piles for reptiles, the grass cutting regime, installation of any reptile fencing along the perimeter of the area, waterbodies for newts and frogs, hedgerow planting, grassland and native shrub c) Identification of where reptiles would be trapped on the site and when d) Seed mixes and planting species e) A maintenance regime f) A plan identifying the phasing of habitat enhancement with timescales and detail of what would take place within each phase <p>The scheme shall be implemented and maintained in accordance with the approved details.</p> <p>Phase 2 shall not commence until the habitat enhancement as detailed within the scheme has been implemented and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.</p> <p>Phase 3 shall not commence until the habitat enhancement is established on Area A as shown on drawing AB/103 Rev G dated 21 December 2017 and the County Planning Authority have signed off their instalment.</p>
<p><i>Reason: To ensure protected species identified on the site are protected and suitable replacement habitat is provided in a timely manner, in the interests of amenity and wildlife conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Plan 2020 Policy 14.</i></p>	
<p>18. All tree works and removal of scrub shall be conducted outside of the bird nesting season unless a full breeding bird survey is conducted immediately prior to</p>	<p>This requirement to be subject to an informative as the same falls outside the remit of the County Planning Authority.</p>

<p>commencement of the works by a suitably qualified ecologist which confirms that no birds are nesting. Where a full breeding bird survey is prepared this must be submitted to and approved by the Council prior to commencement of any tree and shrub removal works.</p>	
<p>19. Prior to the commencement of Phase 3, the improvements to the Auclaye SSSI shall be undertaken, as described in Chapter 8 of the EIA.</p>	<p>Geological Conservation</p> <p>28. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, a scheme of works for the 25-year management of geological conservation at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:</p> <ul style="list-style-type: none"> (a) An improvement plan for the geological SSSI present on site, defining the area and vertical extent of the exposure outcrop area to be conserved and justification thereof; (b) A detailed description of the measures that will be put in place to reverse the current decline and improve the condition of the SSSI (currently listed by Natural England as ‘unfavourable declining’); (c) A maintenance plan so that the ‘improved’ long-term condition of the SSSI is maintained for the duration of the Landscape and Ecology Management Plan period approved; (d) A procedure for recording (before filling takes place) the geological information from the area of the existing SSSI that will be filled; (e) An access statement in respect of the new clay excavations in the overall working extraction area subject of this planning consent, describing the controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI. For instance Natural England, British Geological Survey, Geological Society, or other geoconservation stakeholders and geological researchers; (f) A procedure for the segregation, recovery and long-term storage of nodules from the clay excavation extraction area to allow for their safe examination;

	<p>(g) Measures for ensuring that no root or stump of any tree or shrub in the course of vegetation clearance associated with the SSSI is removed from the ground;</p> <p>(h) An access statement for the exposure outcrop area of the SSSI to be improved and conserved/maintained under (a) and (b) above, providing details as to how the site will be secured, how access for the general public will be maintained (gates and footpaths etc.), and the education facilities such as interpretation/information boards etc. that will be put in place;</p> <p>(i) An implementation timetable and a verification plan providing details of the monitoring and reporting that will be adopted to demonstrate compliance to the County Planning Authority.</p> <p>The scheme of works for the 25-year management of geological conservation shall be implemented and maintained as approved.</p> <p><i>*To Note: The approved scheme of works for management of geological conservation is to be secured by a s106 agreement. Accordingly, the officer recommendation will be subject to such an agreement being entered into by the relevant parties.</i></p>
<p><i>Reason: 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 and Policy 14 of the Surrey Waste Local Plan 2020.</i></p>	
	<p>29. No root or stump of any tree/shrub shall be removed from the earth in the course of vegetation clearance associated with the SSSI.</p>
<p><i>Reason: To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 009 Reference ID: 8-009-20190721, 010 Reference ID: 8-010-20190721, 011 Reference ID: 8-011-20190721, 013 Reference ID: 8-013-20190721, 014 Reference ID: 8-014-20190721 revision date 21 07 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
24. The landscaping scheme including the after use of the site shall be implemented as set out	Landscape

<p>on the Landscape Master Plan (Ref:3400/DR/001) and described in Chapter 6 of the EIA.</p> <p>25. Within 6 months of the commencement of extraction a Planting Schedule shall be submitted to and approved by the council. The schedule shall include plant locations and specification (type and size). Planting shall be implemented in accordance with the phased restoration plan hereby approved and if any plants should die within the first 5 years, these should be replaced on a like for like basis.</p>	<p>30. Within six months of the date of these conditions taking effect, a landscape restoration scheme shall be submitted for approval in writing by the County Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> a) Be in general conformity with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 and Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated September 2016; b) Take account of the location of the site within the 'WW8: Cranleigh to Charwood Wooded Low Weald' landscape character area; c) Include a detailed plan showing exact make-up, extent and location of new planting, seeding, and habitat areas; d) Include written specifications for cultivation, other operations associated with planting and grass establishment, implementation, and phasing; e) Include full schedules of and timetables for planting and seeding detailing native species of local provenance (including beech and oak and excluding ash), sizes, numbers, and densities; f) Include details of any fencing, gates and hard surfacing (where appropriate); g) Detailed plans showing final pre-settlement levels; h) Cross section profile drawings; i) Volumes and depth of topsoil and subsoil to be used within the agricultural area and nature conservation areas and other landscape elements; j) Provide for an appropriate maintenance regime and arrangements for implementation, monitoring, and remedial measures (where appropriate) during the course of the development. <p>The approved scheme shall be implemented in accordance with the phasing as shown on Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated September 2016 and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To comply with the terms of the application and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>Landscape</p> <p>20. The development shall not commence until a Landscape and Ecology Management Plan</p>	<p>31. Within six months of the date of these conditions taking effect, a 25-year Landscape and Ecology Management Plan (LEMP) (5-year aftercare and 20-year management for ecological areas, and 5-year aftercare for agricultural</p>

<p>(LEMP) has been submitted and approved by the Local Planning Authority. This plan should include details of how the geological interests at the site will be managed, the management of flora and fauna during the quarrying and restoration phase and the biodiversity enhancement.</p>	<p>land) shall be submitted for approval in writing by the County Planning Authority. The LEMP shall:</p> <ul style="list-style-type: none"> a) Set out aims and objectives (and the management options to achieve these aims and objectives) of the LEMP for the completion of all phases of restoration and the subsequent aftercare and management periods; b) Include a detailed plan showing management compartments for each habitat or landscape type; c) Describe and evaluate features including any new planting and hibernacula; d) Identify any constraints which may influence aftercare and management; e) Set out any specific measures aimed at enhancing habitat quality or specific species including details of management for undesirable species or alien invasive species for all management compartments; f) Provide detailed prescriptions for management actions including mitigation, enhancement, and vegetation removal and replacement; g) Demonstrate how new planting is to develop from newly planted to established habitat; h) Set out how the landscape will be maintained including tree aftercare and replacement; i) Include detailed work schedules for progressive restoration phasing including a matrix providing timings of annual operations; j) Provide detail of and specifications for any fencing or gates; k) Set out the resources to be used in and personnel responsible for implementation of the LEMP; l) Specify steps to be taken and the period during which they are to be taken for an annual meeting between the operator, the County Planning Authority, and other interested parties; m) Be in general accordance with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 and Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated 21 December 2017. <p>The approved LEMP shall be implemented immediately following its approval and maintained as approved.</p>
<p><i>Reason: In the interests of amenity and nature conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

21. Bunds for amenity and noise mitigation purposes shall not exceed 5m in height.	This condition is not carried forward.
	<p>32. Prior to any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 Rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, details of the temporary 2m high hoarding fence to be installed from the north east corner of the site for some 120 metres along Knoll Farm Road and Public Footpath 178 as shown on plan AB-108 rev E “Site compound and stockpile location” dated 7 April 2017 and a permanent hedgerow in front of it, shall be submitted to and approved in writing by the County Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> a. Site layout drawing(s) (to a suitably detailed scale) showing the location of the hoarding fence and hedgerow; b. Information on the construction, appearance and colour of the hoarding fence; c. Information on the species composition for the hedgerow, planting numbers/densities and ongoing maintenance of the hedgerow; d. Details of protection measures (including fencing) to retained trees, including groups G1C2 and G2C2 as shown on plan 3440_DR_005 Rev B “Tree Protection Plan” dated 30 October 2017, from damage and harm including to tree roots and canopies. <p>Sufficient room shall be provided between Knoll Farm Road and the hoarding fence for the planting of the hedgerow. The hedgerow shall be a double staggered row configuration and shall be planted in the next available season following the approval of these details. In the event of the failure of any hedgerow planting in the first five years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species and size by not later than the end of the first available planting season following the failure, damage or removal of the planting. The fence shall be constructed and maintained in accordance with the details as approved.</p>

<i>Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i>	
22. The height of material stockpiles within the site shall not exceed 12 metres and stockpiles and areas of mineral extraction shall not occur within 5m of the boundary of any residential property.	33. No stockpile within the site shall exceed 4m in height nor shall any stockpile be located east of the noise attenuation and screening bund(s) (as shown on drawing AB-107 rev C "Location of 2m bund with 2m high fence" dated 3 October 2017).
<i>Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i>	
23. Prior to commencement of the first phase of extraction, tree and hedgerow works including tree protection measures shall be implemented in accordance with Arboricultural Report.	<p>Tree Protection</p> <p>34. Prior to the enabling/ access works commencing on site (including any plant or materials being delivered to the site, tree and hedgerow works including tree protection measures being undertaken and installed), an Arboricultural Method Statement shall be submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall be prepared pursuant to Chapters 4, 5 and 6 of the Arboricultural Impact Assessment Ref. 3440_RP_005 dated 21 November 2016 and Drawings Ref. 3440_DR-002 Tree Survey Drawing Sheet 1 of 2 Rev.A dated 29 October 2015; 3440_DR-003 Tree Survey Drawing Sheet 2 of 2 Rev.A dated 29 October 2015; and 3440_DR-005 Tree Protection Plan Rev.B dated 20 October 2017; and shall include measures for a pre-commencement site meeting with the County Arboricultural Officer.</p> <p>The tree protection measures and works within the construction exclusion zone shall be carried out strictly in accordance with the approved Arboricultural Method Statement.</p> <p>Only the trees as identified in paragraphs 3.5 – 3.7 of the Arboricultural Impact Assessment shall be removed or pruned. No plant, machinery or materials should pass through or be placed on the root protection areas unless and until specialist ground protection methods such as those detailed in Section 4 of the Arboricultural Impact Assessment have been implemented. The line of protective barriers and ground protection boards within the site must be in place as shown on drawing 3440_DR-005 Tree Protection Plan Rev.B dated 20 October 2017.</p>

Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

Reason for pre-commencement: To ensure that appropriate measures are in place to protect trees and hedgerows to be retained on or around the site before any works are undertaken which may adversely affect the same.

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| | <p>35. Prior to the construction of the access road, vehicle turning area and visitor parking area and the installation of the site office in Phase 1 (Part 1) as shown on plan AB-108 Rev E “Site Compound and Stockpile Location” dated 22 February 2018, details of how the visitor parking area shall be constructed so to protect tree group G2C2 as shown on plan 3440_DR_005 Rev B “Tree Protection Plan” dated 30 October 2017 from damage and harm including to tree roots and canopy shall be submitted to and approved in writing by the County Planning Authority. The details shall include information on what tree protection fencing shall be used and measures employed for protection of the trees. The details of the visitor parking area shall be implemented and maintained as approved.</p> |
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Reason: To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity to retain tree cover and screening in accordance with the NPPF paragraph 109 and Surrey Minerals Plan Core Strategy 2011 Policy MC14.

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| <p>26. Prior to the commencement of the first phase of extraction, Japanese Knotweed shall be eradicated and disposed of in accordance with Chapter 5 of the EIA report. Should eradication overrun into excavation phases, a 10m buffer shall be installed around each stand in order to prevent further spread.</p> | <p>36. Prior to the extraction of clay from Phase 1 as shown on drawing AB/103 Rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, a method statement and phasing plan for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the County Planning Authority. The method statement shall be in general accordance with paragraph 5.2.5.4 of ‘Environmental Statement, Auclaye Clay Quarry dated January 2017’ and paragraph 5.4.2 of the Phase I Geoenvironmental Desk Study by Burohappold Engineering dated 4 March 2016 and include post-treatment monitoring of the site to ensure continuous 12-month period of where no Japanese Knotweed is identified growing on the site. Following this first continuous 12 month period a written report shall be submitted to the County Planning Authority detailing the effectiveness of the treatment and whether the treatment should be extended in time and geographical area. In the event that any Japanese Knotweed is identified as growing during the 12-month monitoring period then treatment shall resume and continue until a 12-month period where no growth of Japanese</p> |
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	<p>Knotweed occurs. Following a period of 12-months in which no Japanese Knotweed is identified as being present in any area of the site, a written report shall be submitted to the County Planning Authority that demonstrates that no growth of Japanese Knotweed is occurring at the application site.</p>
<p><i>Reason: To control the spread of invasive plant species and comply with the terms of the application, and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>27. Soil Methodology/protection –Stripping and storage of soil resource will be carried out in accordance with the Soil Resources Plan within chapter 8 of the EIA report.</p>	<p>Soils</p> <p>37. Prior to any further disturbance or stripping of soils on the site (including those currently placed with the bund adjacent to Knoll Farm Road) or the creation of any further bunds in association with the proposal as shown on drawings AB/103 “Excavation and Restoration Phasing Plan” Rev G dated December 2017, AB/107 rev C “Location of 2m bund with 2m high fence” dated October 2017 and AB-108 Rev E “Site Compound and Stockpile Location” dated February 2018, a written scheme of works for the management and conservation of soil resources at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:</p> <ul style="list-style-type: none"> a) An assessment of the topsoil and subsoil resources present on site by a suitably qualified and experienced soil scientist or agronomist; b) A soil resources management plan describing the procedures that will be adopted to excavate, identify, transport, store (stockpile), maintain (quality), and re-use the topsoil and subsoil resources present on site; c) A detailed description of the measures that will be put in place to conserve topsoil and subsoil resources when handling, re-using and, if necessary, treating (mechanical treatment and/or fertilising) the soils present during restoration to agricultural use in accordance with the details approved pursuant to condition 30 above; d) Verification and reporting procedures to demonstrate compliance to the County Planning Authority. <p>The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works and verification/ reporting procedures.</p>

Reason: To conserve, contribute to and enhance the natural and local environment by protecting and enhancing soils in accordance with paragraph 174 of the National Planning Policy Framework 2021; MHCLG Planning Practice Guidance on the Natural Environment: Paragraph 025 Reference ID: 8-025-20140306, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.

38. 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.

Reason: To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC17.

30. Materials used for the amenity bunds and for the restoration of the site shall comprise suitable waste materials including topsoils and subsoils.

This condition is not taken forward.

28. Within 12 months of the commencement of extraction, a Remediation Method Statement shall be submitted to and approved by the council to address the potential risks identified in the Phase 1 Geo-environmental Desk Study (Ref. 034145).

Contaminated Land

39. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 and drawing AB-108 rev E "Site Compound and Stockpile Location" dated 22 February 2018, a programme of land contamination investigation works, assessment and, if necessary, remediation and/or mitigation shall be undertaken at the site. The programme of works shall incorporate the recommendations of the Phase 1 Geo-environmental Desk Study Report (Buro Happold dated 4 March 2016) and include:

(a) The submission of a written scheme (Method Statement) of intrusive ground investigation, testing, monitoring and risk assessment for the written approval of the County Planning Authority before commencement of the programme of land contamination investigation works.

(b) The investigation shall be completed, and the results of the risk assessment, and if necessary, a remediation and/or mitigation strategy, a programme of works, and Implementation and Verification Plan shall be submitted to the County Planning Authority for approval in writing.

	<p>The enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay shall be carried out strictly in accordance with the approved remediation and/or mitigation strategy, programme of works and verification plan.</p>
<p><i>Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.</i></p>	
	<p>40. In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, details of the unexpected contamination shall be submitted to and approved in writing by the County Planning Authority including:</p> <ul style="list-style-type: none"> (a) A survey of the extent, scale and nature of the contamination; (b) An assessment of the potential risks to previously identified receptors, and; (c) If necessary, an appraisal of remedial and mitigation options, and the submission of the proposed remediation strategy and an Implementation and Verification Plan to the County Planning Authority for approval in writing. <p>The remediation or mitigation works shall be completed in accordance with the approved remediation strategy and the Implementation and Verification Plan.</p>
<p><i>Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.</i></p>	
	<p>41. Within three months from the date of these conditions taking effect, details of any facilities for the storage and usage of oils, fuels, lubricants or chemicals associated with the development shall be submitted for approval in writing by the County Planning Authority. The details shall include:</p>

	<p>(a) secondary containment that is impermeable to both the oil, fuel or chemical and waste, with no opening used to drain the system;</p> <p>(b) a minimum volume of secondary containment of at least equivalent to the capacity of the tank plus 10% and if there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of total tank capacity, whichever is the greatest;</p> <p>(c) all fill points, vents, gauges and sight gauges to be located within the secondary containment;</p> <p>(d) the allocation of a dedicated hard surfaced compound area outside the area of extraction for the fuelling and maintenance of all plant and vehicles with a suitable containment and drainage system incorporating fuel/ oil interceptors etc and a programme of regular inspection and maintenance;</p> <p>(e) associated above ground pipework protected from accidental damage;</p> <p>(f) below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks;</p> <p>(g) all fill points and tank vent pipe outlets designed to discharge downwards into the containment;</p> <p>(h) a written scheme of contingency action for dealing with any hydrocarbon or chemical spillage.</p> <p>The approved details shall be implemented prior to any storage of oils, fuels on site, and thereafter maintained in accordance with the manufacturer and installer recommendations.</p>
<p><i>Reason: To ensure that the proposed activities do not harm ground or surface water resources in line with paragraph 170 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>Limitations</p> <p>42. No form of material screening or crushing shall take place on site under any circumstances.</p>
<p><i>Reason: To comply with the terms of the application and in the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

	<p>43. No material other than:</p> <ul style="list-style-type: none"> a. imported waste to infill/ restore the site to top of landfill cap; and b. site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap. <p>Shall be used at the application site.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p>Stability</p> <p>44. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a written scheme of works for the management of land stability at the site has been submitted to and approved in writing by the County Planning Authority. The scheme of works shall incorporate the recommendations of the Buro Happold Engineering Slope Stability Design Review dated 30 October 2019 and shall include but not be limited to:</p> <ul style="list-style-type: none"> (a) The submission of a slope buttress stability design report and volumetric assessment of the buttress fill needed and its required geotechnical properties; (b) An excavation and filling operational plan for the slope buttressing work, compacting specifications for engineering the buttress fill and a programme of works; (c) An evidence base that the applicant/operator has access to the required buttress fill and a programme of works; (d) The submission of a scheme of slope stability and groundwater inspection and observation (Stability Monitoring Plan) including early warning stability decision trigger criteria and a Contingency Action Plan with mitigation and/or remedial measures as appropriate, together with a periodic review and reporting procedure such that the buttress design and the Stability Monitoring Plan can be amended as necessary based on the actual stability conditions observed; (e) Implementation and Verification Plan.

	The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works, programme and Verification Plan.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	45. No clay extraction shall take place within 50 metres of the western boundary of the site as shown on drawing ref: AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 until a geotechnical appraisal of slope stability of the western quarry flank (Phases 3 and 4) has been submitted to and approved in writing by the County Planning Authority. The geotechnical appraisal shall include the ground investigation factual report, ground investigation interpretative report, the characteristic values selected for design, the ground model, the proposed design in section and plan and outputs of the slope stability showing compliance to relevant standards. The appraisal needs to have regard to the type of material to be used for the infill slope buttress and the compaction specification.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	46. Sufficient volumes of suitable materials shall be maintained within Phases 3 and 4 of quarry excavation as shown on drawing AB/103 rev G "Excavation and restoration phasing plan" dated 21 December 2017 at all times to form a buttress so that the toe of the western flank of the railway property boundary is suitably buttressed following three months of clay extraction.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	47. No soils, restoration soils or overburden shall be tipped nor any buildings erected or haul roads constructed between the edge of the excavation of Phases 3 and 4 as shown on drawing AB/103 rev G "Excavation and

	restoration phasing plan” dated 21 December 2017 and the railway boundary until such time as the excavation has been infilled to the final restoration levels.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	<p>48. In all circumstances where the Quarry Regulations 1999, subsequent versions, or similar replacement legislation does not apply, Geotechnical Stability Assessments shall be undertaken initially (within 3 months of the date of identification that the Quarry Regulations do not apply to any part of the development site), and thereafter at intervals not exceeding 2 years for a period to be agreed in writing with the County Planning Authority. The initial and periodic assessment reports shall be submitted to the County Planning Authority for approval in writing.</p> <p>For the avoidance of doubt such ‘circumstances’ shall include any spatial areas or zones of the permitted development subject of this consent that may be outside the operational quarry working area defined for the purposes of the Quarry Regulations, and any areas or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.</p> <p>The general scope and content of the Geotechnical Stability Assessments required under this condition shall be as set out and defined in the Quarry Regulations 1999 and its Schedules, subsequent versions or similar replacement legislation, and HSE Document L118 (second edition) 2013, Quarry Regulations 1999 Approved Code of Practice.</p> <p>The Geotechnical Stability Assessments so defined shall include all waste, soil or rock slopes within the permitted development site boundary, whether temporary faces, slopes under restoration, restored final slopes, or temporary stockpile or spoil heap slopes, and whether inward or outward facing.</p>
<i>Reason: For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and</i>	

aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.

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

Reason: For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.

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

Reason: For the management of potential hazards to the railway line from the application site in accordance with Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.

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

(a) Details of the temporary constriction of Footpath No. 178 including the proposed width of the remaining footpath (minimum of 2m to be made available for use by members of the public);

(b) Details of surface treatment (e.g., rough metalled with road plainings or type 1);

	<p>(c) Details of how the potential for conflict between users of the footpath and HGVs are to be managed including protection measures to prevent vehicles moving off the track and across the footpath;</p> <p>(d) Details of suitable signage to warn users of the footpath and HGV drivers of hazards associated with the mineral working.</p> <p>The approved details shall be implemented before any material is imported to or exported from the site in HGVs and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To protect the users of Footpath No. 178 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

Informatives

1. Subject to the agreed traffic management plan measures (see proposed condition 12) and any resulting works being required within highway limits at the applicant's expense (see proposed condition 13), the decision hereby issued shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
2. In respect of Condition 12 above, the Traffic Management Plan measures should include the following: parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management); provision of boundary hoarding behind any visibility zones; HGV deliveries and hours of operation; vehicle routing; measures to prevent the deposit of materials on the highway and monitoring of damage along highway verge; within 100 metres of the site in either direction; before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; no HGV movements to or from the site shall take place between the hours of 0900-1630 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in or along the A24 during these times; and on-site turning for construction vehicles; and a list of what vehicles would be associated with the construction of the visibility splays and access works.
3. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council contactable by email on tdpmolevalley@surreycc.gov.uk.
4. The applicant and operator are reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
5. The rate of excavation of the external clay faces and the length of the open face excavated partially or completely at any one time shall be commensurate with the supply

of incoming inert buttress quality fill such that the slope buttress can be placed against the face within a 3 month period or otherwise agreed in writing by the Mineral Planning Authority. Any section or part of a clay face shall not stand unsupported by a buttress for more than 3 months or otherwise agreed in writing by the Mineral Planning Authority. Buttress quality fill is defined as fill achieving the geotechnical strength and density parameters required to support the faces (proposed condition 44(a) above) and having suitable properties to meet the compaction specification (proposed condition 44(b) above).

6. In respect of proposed condition 44 above, the supply availability of incoming inert buttress quality fill shall be under constant review and clay excavation shall cease if the anticipated supply of incoming inert buttress quality fill is insufficient to buttress and support the slope within a 3 month period.
7. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on SuDS@surreycc.gov.uk. Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
8. The applicant's attention is drawn to the need to enter into discussions with the Environment Agency in respect of an Environmental Permit which is required for the development and prior to the commencement of any works. Information on Environmental Permits can be obtained from the Environment Agency's website.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders (Highways Act 1980 Section 131, 148, 149).
10. All vehicle drivers visiting the site should be made aware of the Site Rules.
11. The definition of 'cessation' as referred to in proposed condition 5 is as per the definition in the Town and Country Planning Act 1990 Schedule 9 Section 3(2).
12. Attention is drawn to the requirements of Section 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 5810: 1979) or any prescribed document replacing that code.
13. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by: providing pre-application advice including identification of material considerations; resolving validation issues pertaining to the application; assessing the proposal against the National Planning Policy Framework 2021 including its associated planning practice guidance and European Regulations; liaising and facilitating meetings with the County Highway Authority and other statutory consultees on behalf of the applicant in order to resolve identified issues; providing timely and constructive feedback to the applicant in respect of consultation responses received; providing the applicant with early and ongoing sight of amended and new planning conditions; and providing the applicant with a draft schedule of conditions and heads of

terms for the s106 legal agreement for consideration and comment. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

14. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.
15. Condition 47 shall not preclude access to the gap between the edge of the excavation and the railway line for minor landscaping and placement of shallow restoration soils, ditch construction or surface water management in accordance with approved design details and planting.
16. The applicant's attention is drawn to SES Water's letter dated 2 November 2021 with regards to safe digging practices near their water main, the attached plan; and Avoiding danger from underground services publication by the Health and Safety Executive (2014).
17. The applicant's attention is drawn to the requirement to inform Southern Gas Network should any extraction/ quarrying take place within 100 metres of their mains pipeline; and to the Southern Gas Network Safety Advice – Valves document and the need to contact the Safety Admin Team on 08009121711 for further information, the Southern Gas Network 'Dig Safely: Measures to avoid injury and damage to gas pipes' document; and the Southern Gas Network "Know what's below: Protection you and your family" document.
18. The applicant's attention is drawn to UK Power Networks letter dated 2 November 2021 and its attachments and the advice contained within it with regards to safe working practices in the vicinity of their electrical lines/ plant.

Contact Samantha Murphy

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Town and Country Planning Act 1990 – guidance on the determination of planning applications

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports. Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to [National Planning Policy Framework](#) (NPPF) was updated in July 2021. This revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide

consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) [waste](#); [traveller sites](#); [planning for schools development](#); [sustainable drainage systems](#); [parking](#) and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications, the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted 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 as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

Human Rights Act 1998 Guidance For Interpretation

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of their possessions and that no-one shall be deprived of their possessions except in the public interest.

Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed

development will affect the peaceful enjoyment of such possessions. These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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 register. Mole Valley District Council planning register entry for this application can be found under [MO/2017/0953](#).

Other documents

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

Legislation

[Environment Act 1995](#)

[The Planning and Compensation Act 1991](#)

Government Guidance

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

The Development Plan

[Surrey Waste Local Plan 2019-2033](#)

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

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

[Mole Valley Core Strategy 2009](#)

[Mole Valley Local Plan 2000](#)

Other Documents

[Pioneer Aggregates \(UK\) Ltd v SoS for Environment \(1985\)](#)

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

[Institute of Air Quality Management's 'Guidance on the assessment of mineral dust impact for planning', May 2016](#)

[Environmental Protection UK and Institute of Air Quality Management 'Land-Use Planning & Development Control: Planning for Air Quality', January 2017](#)

Draft Heads of Agreement October 2021

Natural England Auclaye Geological SSSI Sites View: [SSSI detail \(naturalengland.org.uk\)](#)

ANNEX A - GLOSSARY

Economic viability – “Economic viability in the context of review of mineral permissions means the ability of a site to produce sufficient revenue to cover all of its operating costs (including finance costs and depreciation) and produce an appropriate return on capital. The key test is the extent to which the further restrictions imposed by new conditions would cause extra operating costs or restrict revenue to the extent that economic viability would be prejudiced adversely to an unreasonable degree” (NPPG).

Asset value – “Asset value of the site is value of the remaining minerals in the ground for which planning permission exists and stockpiled material, together with the land, buildings and fixed plant and machinery. The key test is whether a significant quantity of workable material would be lost relative to the amount of workable material in the site for which planning permission exists” (NPPG).

Mineral waste – waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine or from the treatment or the preparation for sale, consumption or utilisation of minerals from the mine.

ANNEX B – Flowchart: overview of review of mineral planning conditions (source NPPG)**ANNEX C – Draft Heads of Terms**
