

Planning & Regulatory Committee 26 October 2022 Item No

UPDATE SHEET

MINERALS/WASTE MO/2017/0953/SCC

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

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

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

CONSULTATIONS AND PUBLICITY

Additional key issues raised by public

A further 10 letters of representation have been received raising the following issues:

- Overriding concern is the number of HGVs anticipated on the dangerous section of the A24 with bends close to the entrance to the proposed site. Surrey Highways and the Policy took this list into consideration in declaring it to be a dangerous section of road and as a result the speed limit was reduced from 50 mph to 40mph.
- The Highway Authority has expressed concern over the access and egress of the proposed 185 HGVs. The new conditions reduce the number and the operating hours for this and the residents welcome this reduction.
- If the ROMP is granted we would want to see these conditions are applied and enforced.
- The proposed traffic that the site will generate will have a massive impact on the usability of the A24, particularly for local residents. Adding an HGV to the road approximately every 7 minutes will inevitably cause disruption to the traffic flow. Given that the A24 is a single carriageway in this area and is strategic for the north/south flow of traffic between Sussex and Surrey it is not suited to the proposed development. The proposed use is approximately 3x greater permitted traffic than the original usage cap, which given that the A24 is now significantly busier, is a massive increase in original permitted use. The noise pollution is also likely to be significant.
- The proposed lorry traffic flow is 3 times higher than originally envisaged and arrangements for vehicles travelling to the site from the north at Clarkes Green turning right appear completely unsatisfactory with large HGVs blocking the traffic flow for long periods at busy times with the danger that vehicles travelling south behind an HGV leaving Clarkes Green will try to overtake at high speed before reaching the turning to the site where they will be stuck behind the stopped lorry. The proposal could be made safer if the A24 was widened to provide a dedicated right hand turn lane and/or traffic light control but the applicant does not appear prepared to make the necessary investment. The recent reduction in the speed limit from 50mph to 40mph only makes matters worse as drivers will now be more impatient about being held up behind a turning lorry stopping the traffic flow.
- Even with washing facilities on site, it is not clear that the HGVs will be able to effectively remove the clay effectively without bringing substantial quantities to the road which is likely to make the road less safe.
- The proposed intrusive and noisy mineral working development will be extremely detrimental to the currently pleasant rural environment carrying a public footpath

adjacent to the site and these noisy and destructive works will drive large numbers of birds and small mammals out of this unspoiled rural environment.

- There are significant safety concerns given the number of serious accidents that have occurred on the stretch of road that is most impacted by the HGV movement. Even with the mitigating design suggestions that have been proposed for the entry onto the A24, it is likely that the slower vehicles will lead to impatience and risk taking on the part of drivers.
- I have concerns regarding the impact on traffic congestion that this enterprise will have on the local area. Traffic at the Clarkes Green roundabout on the A24 is already high at certain times of the day, and very difficult to join from the minor roads that join, and the noise pollution is high (due to the deteriorating road surface). All the additional HGVs that this enterprise will have will have had significant delays to journeys on the A24 and increase the noise pollution. The single carriage way section is already a bottleneck and would only be exacerbated.
- Even a simple risk assessment based on the additional lorry traffic, shows that the likelihood of a collision between lorry and car is significantly increased as is the likelihood of a collision between a lorry and a cyclist. Under risk assessment terms the consequences of such a collision are a high risk for serious injury or death. Any risk assessment that concludes with a risk of death deems the proposal as unacceptable, with ALL those responsible for approving it as culpable in the event of a resultant death.
- The site is part of a SSSI that "is important for its fossils of Mesozoic insects, with many well preserved bodies from several orders dating to the Lower Cretaceous period. It has produced new species of aculeata (wasps, ants and bees) and crickets" and it would appear that the content of this SSSI is under major threat of substantial damage and/or complete elimination by the proposed clay extraction works. Also I am unclear of the date of the original SSSI designation so does it post date the granting of the original planning permission at this site in 1976 and if so has the existence of that SSSI been fully taken in to account by the County Council?
- The destination and/or lorry routes of the up to 149 additional lorry movements a day from this site is unknown until after the permission is granted I am very concerned that if one of the customers for the clay excavated from the Auclay site was the brickworks in Ewhurst that lorries travelling between the Ewhurst Brickworks and the Auclay site outbound when empty would then need to make the dangerous and space limited (on the central reservation) right hand turn across the A24 from Coles Lane that is not of a suitable construction for frequent transits by large HGV vehicles. Hence if planning permission is to be granted the routes that can be taken by lorries carrying clay to and from the site need to be defined so that they cannot travel on unsuitable rural lanes such as the B2126 Coles Lane to reach the site and serious consideration should probably be given to a width restriction on Coles Lane to prevent lorries using that route and making the dangerous (for large lorries able to carry substantial loads of clay) right hand turn across the A24 at Coles Lane.
- I am concerned about the potential flood risks and the adequacy of drainage at the proposed Auclay clay extraction site as this does not appear to be properly covered or considered in the original 1976 planning permission.

Matters pertaining to highways, traffic movements and highway safety are dealt with in the Officer report paragraphs 113 – 146.

Matters pertaining to drainage are at paragraphs 162 – 167.

Matters pertaining to the geological SSSI are at paragraph 173- 178.

CONDITION WORDING

Condition 3 should be re-worded to:

Clay extraction 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.

Condition 4 should be re-worded to:

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 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.

Condition 7 should be reworded to include the following:

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 **after which 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.**

Condition 17 has a typo:

All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the **manufacturers** 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.

Condition 18 should be reworded to include the following:

Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities **(likely temporary activities to be listed)**, proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received. The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.

Condition 27(b) is missing the word ‘planting’ at the end and should read:

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 **planting**

Condition 38 the tailpiece should be removed as follows:

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.**

Condition 43 should have the following wording added:

No material other than:

- a. imported waste to infill/ restore the site to top of landfill cap; and
- b. site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap.

Shall be used **in the backfilling and restoration** at the application site.

Condition 44 should be reworded to:

Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a written scheme of works for the management of land stability at the site **shall be 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:

Condition 49 should refer to condition 31 (LEMP) not 30.

Condition 50 drawing number should be corrected to:

Trees located along the western boundary of the application site as shown on **Drawing Ref. "AB/102 Site Location Plan Rev D" dated February 2017 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.