

CAPEL PARISH COUNCIL

BEARE GREEN, CAPEL AND COLDHARBOUR

Mrs Janet Russell
Clerk to the Council

Capel Parish Office
55a The Street
Capel
Surrey RH5 5LD

Email: capelpc@btconnect.com
Tel: 01306 712447

04 July 2017

By email only
Samantha.murphy@surreycc.gov.uk
Distin.lees@surreycc.gov.uk

Samantha Murphy
Dustin Lees
Planning and Development Team
Surrey County Council
County Hall, Penryn Road
KINGSTON UPON THAMES KT1 2DY

Dear Ms Murphy and Mr Lees

Auclaye Brickworks, Horsham Road, Capel
Review of Planning Permission MO/75/1165
Mole Valley Planning Reference MO/2017/0953
SCC Planning Reference SCC 2017/0064

Capel Parish Council considered the application to review permission 75/1165 dated 30 July 1976 at the Parish Council meeting held on 3 July 2017.

The meeting was attended by local residents and the applicant Mr Normal Marshall. Five residents spoke in relation to the proposal (all against) and the applicant. The local residents included two farmers, who own adjoining land.

The objections identified included:

- Safety along the A24/Accident record
- Environment impact (dust and noise)
- Impact of rain on farm land
- Flooding
- Stock piling on site
- Nature conservation (protected species/safeguarding)
- Traffic management
- Impact upon adjacent residential properties

The applicant referred to the history of the site and his proposal to seek a use other uses have not come to fruition.

Consideration by Capel Parish Council

1. The first point is that the application is not subject to the provision of Town and Country Planning Act as the development approved pre-dated the Planning Act and this a ROMP (Review of Old Minerals Permission) application.

BACKGROUND

2. The earliest consent to work the land concerned was granted in October 1948 reference DH/R13. The consent allowed for “existing and future clay workings at Brickworks, Horsham Road, Capel” subject to two conditions (i) 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 (ii) 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.
3. In 1960 modifications were proposed to the 1948 permission. The applicants had regard, in particular, to the London-Worthing road (A24). This report will make reference to the A24 and prevailing highway issues having regard to (a) the present level of traffic movements in and out of the site now proposed (75 per day – 149 overall).

THE APPLICATION

4. The application is for the extraction and restoration of clay. It is subject to three phases. At the completion of each phase restoration is required.

PROPOSED PLANNING CONDITIONS

5. The applicants have proposed 4 ‘key’ conditions. Conditions 4, 5 and 7 refer to access off the A24. Condition 6 refers to the 75 truck movements.
6. Traffic safety is fundamental as well as being a mechanism to prevent truck movements into The Street. (The traffic calming proposals of Capel Parish Council may be crucial in this regard).
7. Highways conditions are central to safety issues. Site lines to the south cannot be satisfied. Land ownership is an issue, given the alignment of the A24 which cannot be resolved.
8. Compounding the site line issues are traffic speeds and the added burden of ‘familiar’ road conditions by users of the A24 (south of Capel) as the Auclaye site has not been used for decades. In simple terms, HGVs are not expected.
9. In September 1959, Public Inquiry considered a diversion to the A24. In December 1959, a Modification Order (modifying Application DH/R.13) was made to exclude clay working from the diverted A24.

THE PLANNING CONDITIONS 4-7 (PROPOSED) BY THE APPLICANTS

10. In summary, they are:

- (4) Visibility Splays
- (5) HGV waiting and turning areas
- (6) Maximum daily movements (149 measured over six months)
- (7) Safe public access

IMPROVEMENTS TO A24

11. The ability to implement access requirements associated with the proposed truck movements wholly depends upon the widening of the A24 from Clarks Green to the Surrey/Sussex border.

While a scheme is included in the Surrey LTP up to 2026 no funding has been allocated. Furthermore, the corridor improvements, including the realignment of the carriageway before 2019 (safety around the Clockhouse bends) will not happen (absent the funding).

As these highway improvements cannot be envisaged the prospect of implementing the applicant's strategy to extract clay cannot be conceived as being safe in highway terms.

12. Traffic Movements at peak times indicate the following

Time	Southbound	Northbound	Total
0700-0800	657	344	1004
0800-0900	830	738	1568
0700-0900	183 HGVs	193 HGVs	569
1500-1600	453	318	831
1600-1700	672	385	1057
1700-1800	1024	462	1486
1500-1800	452 HGVs	280	732

13. The A24 Factor. Notwithstanding the basis of the highway strategy being linked to the widening of the carriageways it has now been established (and this was confirmed by the applicant's consultants) there is **no prospect** of the improvements being implemented.

14. Absent the ability to improve (widen) the carriageway it is accepted when HGVs are required to turn into the site, traffic would come to a standstill.

15. A further factor is that the destination of HGVs with the extracted clay would be unknown. Given the scenario it would neither be possible or predict demand nor movements to the north or south as need would depend on the location of development sites.

16. The predicted maximum traffic (149 two way) is based upon an end use assumption in five years. The initial demand would be (estimated) at 61 (two way) movements per day.

17. In paragraph 12 peak hours movements along the A24 are detailed. It is inevitable that absent the provision for vehicles to pass turning vehicles a major unacceptable impact would result along the highway. Conditions have worsened following development in Horsham.

ACCIDENTS

18. The added burden of accident along the A24 further emphasises the weight to be given to the highways/transport issue.

SUMMARY

19. (i) There is no identified or established demand for the extraction of clay, this notwithstanding, the permitted use;

(ii) Highway improvement to the A24 are not planned for implementation;

- (iii) No regard has been taken of the impact HGVs will have on the significant traffic movements along the A24;
- (iv) There is no accurate prediction of daily movements to and from the site, nor the likely destination of the HGVs. Indeed, this lack of predictability would be ongoing.
- (v) Highway safety is a fundamental and overriding consideration which cannot be resolved now or in the future.
- (vi) The management of the development to extract clay at Auclaye may show it as being feasible BUT given the comprehensive inability to resolve safety to the A24 and absent any traffic management solutions the only recommendation is that the proposals cannot be implemented with the A24 factor being overriding as a standalone objection.
- (v) The clay is not intended to contribute to the manufacturing of bricks.
- (vi) The ability of vehicles to cross along the 'Knoll Farm' road within ownership constraints and, without impact upon farm traffic cannot be resolved.
- (vii) With traffic speeds along the A24 (north and south) being 60mph the 'emerging' junction (given the carriageway configuration) will be a safety hazard. Lorries leaving the farm road will be slow moving.
- (viii) Employment. Local employment opportunities in the rural area would relate to excavation and recover, not HGV traffic. The benefit cannot therefore be estimated given the unknown factors.
- (ix) Proposals would have to satisfy the requirements of the Environment Agency(EIA) and have regard to the provision of the Environment Act 1995.

Recommendation of Capel Parish Council

The core issues relating to the proposals are Highways Safety considerations along the A24.

While the Parish Council is not against the aim of the applicants to review and restore clay extraction the overriding and unsurmountable issue is highways safety.

As set out in this letter highway safety issues cannot be resolved within the constraints of the application. Accordingly, the ROMP proposals cannot be implemented. The proposal details cannot there be permitted from implementation on highways safety grounds.

Yours sincerely

Paul Garber
Chairman Planning Committee
Capel Parish Council

C.c.
County Councillor Helyn Clack (helyn.clack@surreycc.gov.uk)
And Mrs Jenny Margetts, Planning officer, Mole Valley District Council
planning@molevalley.gov.uk