

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 22 February 2017  
**BY:** PLANNING DEVELOPMENT TEAM MANAGER  
**DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL **ELECTORAL DIVISION(S):**  
Dorking Hills  
Mrs Watson  
Dorking & The Holmwoods  
Mr Cooksey

**PURPOSE:** FOR DECISION **GRID REF:** 515484 144822

**TITLE:** MINERALS/WASTE MO/2016/1848

### SUMMARY REPORT

Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey RH5 6HN

Details of a pre and post development condition survey (method statement) pursuant to Condition 20 (ii) of appeal ref: APP/B3600/A/11/2166561 dated 15 August 2015.

Planning permission was granted on appeal (ref: APP/B3600/A/11/2166561) for the construction of an exploratory well site, including plant, buildings and equipment with preliminary short-term drill stem test for one exploratory borehole, the erection of security fencing and associated works to an existing track on 7 August 2015. This was subject to 23 conditions.

Condition 20 is with respect to the condition of the highway of Knoll Road and the section of Coldharbour Lane from the application site to Knoll Road; and the condition is in several parts. The applicant is seeking to discharge Condition 20(ii) of that condition which is for a Method Statement on how damage to the carriageway or highway verge, which may be inadvertently caused as a result of the development, will be made safe and remediated by the developer. Condition 20(i) is not for consideration at this point in time as this is for the carrying out of a pre-development condition survey which can only be carried out immediately prior to the commencement of development. Additionally, Condition 20 states that the Method Statement should include steps to be taken to minimise the impact of damage (in the event of damage) to the banks (the sunken lanes) of Coldharbour Lane.

The proposal should seek to comply with prevailing standards and development plan policies to ensure protection of the public highway and the sunken lanes.

The submitted Method Statement provides details of reporting methods should any damage to the public highway occur, of what would happen should any damage that requires immediate attention occur, that all Heavy Goods Vehicles (HGVs) would be fitted with CCTV cameras with forward facing capability and the capability to cover the width of the carriageway to monitor driving along the approved access route; and that twice daily surveys of the road would take place (before and after the working day) to report any incidents of damage.

Officers recognise that damage to the sunken lanes is irreparable and this was also recognised by the Planning Inspector at the Appeal for this application site. The Inspector at the time commented that prevention would be the best mitigation for the sunken lanes. The use of CCTV cameras and daily inspections of the sunken lanes would provide for this prevention. In addition as part of the Appeal decision, banksmen are to be used to escort HGVs along Coldharbour Lane to assist in avoiding damage.

No objection is raised by Mole Valley District Council, the County Highway Authority or the National Trust. Leith Hill Action Group have commented that whilst they have no objection to the Method Statement they are concerned that there may be a presumption that no damage would occur from the proposal rather than the approach that there will be damage from HGVs. 12 letters of representation have been received raising concerns with regards to the principle of the development and the information provided.

Officers, having reviewed the submitted Method Statement are satisfied that the Method Statement provides the information required for Condition 20(ii) and also sets out information on how to minimise damage to the sunken lanes.

**The recommendation is to APPROVE**

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## **APPLICATION DETAILS**

### ***Applicant***

Europa Oil & Gas Ltd

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

10 November 2016

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

5 January 2017

### ***Amending Documents***

Road Condition Survey Rev C January 2017

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## **SUMMARY OF PLANNING ISSUES**

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

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
The Method Statement – carriageway and verges	Yes	49-54
Minimising Damage to the Sunken Lane	Yes	55-65

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## **ILLUSTRATIVE MATERIAL**

### **Aerial Photographs**

Aerial 1: Land at Bury Hill Wood, Coldharbour Lane, Holmwood

Aerial 2: Land at Bury Hill Wood, Coldharbour Lane, Holmwood

### **Site Plan**

## Site Photographs

Photo 1: Knoll Road

Photo 2: Coldharbour Lane

Photo 3: Coldharbour Lane

Photo 4: Coldharbour Lane

Photo 5: view of the sunken lane in Coldharbour Lane

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## BACKGROUND

### *Site Description*

1. The permitted drill site is located in a rural area at Bury Hill Wood, part of Abinger Forest, within the Metropolitan Green Belt and in the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). The site lies some 3.5 kilometres (km) to the south west of Dorking, west of South Holmwood and approximately 700 metres (m) to the north of the Village of Coldharbour. The Anstiebury Camp, a Scheduled Monument, is found some 800m south of the site between Abinger Road and Anstie Lane.
2. The 0.79 hectare (ha) site is located within an elevated part of the Greensand Hills, which divide the North Downs from the Low Weald and is some 2.4km north east of Leith Hill. The site is defined on the southern and western boundaries by well established gravelled tracks. The proposed site contains uneven ground; it is situated at a height of 236m Above Ordnance Datum (AOD). The site is found within a plantation managed by the Forestry Commission, with rising land to the east and north. The western part of the site falls within the Abinger Forest Ancient Replanted Woodland. There are a number of 'dells', former quarries thought to date from the 18<sup>th</sup> or 19<sup>th</sup> century on, and in, the vicinity of the site. The land to the west drops to a valley that has Coldharbour Village at its southern end. The site would be situated at approximately the same elevation as Coldharbour Village. Although no public rights of way are directly affected by the proposal, the public has open access to the Forestry Commission land and the woods are used for informal recreational purposes.
3. Access to the site would be gained via Coldharbour Lane and utilise an existing Forestry Commission entrance and 250m of existing access track. The access with Coldharbour Lane (D289) is approximately 600m north of the junction with Anstie Lane (D297)/Abinger Road (D289) and 1.5km south of Logmore Lane (D288). Coldharbour Lane links to the A24 via Knoll Road (D2841) and Flint Hill (A2003) to the south of Dorking.
4. There is a residential property known as Lower Meriden some 520m north west of the site and about 35m lower in elevation. The properties known as White Cottage, Ranmore Cottage and Ivy Cottage at the eastern end of Coldharbour Village and within its Conservation Area are some 512m from the southernmost end of the site. The Coldharbour Village Conservation Area extends from the junction of Coldharbour Lane, Abinger Road and Anstie Lane in a band that includes the majority of the village properties and ends just short of The Landslip to the west of Coldharbour.
5. There are two important aquifers present in the Dorking area, the Chalk and the Lower Greensand. The primary aquifer, the Chalk, is not present in the proposed borehole location. The secondary aquifer, the Lower Greensand, is exposed at surface and would be penetrated by the upper part of the proposed exploratory borehole.

## PLANNING HISTORY

6. Planning application ref: MO09/0110 was refused by Surrey County Council (SCC) on 30 June 2011 for the following development: "Construction of an exploratory drillsite to include plant, buildings and equipment; the use of the drillsite for the drilling of one exploratory borehole and the subsequent short term testing for hydrocarbons; the erection of security fencing and the carrying out of associated works to an existing access and track all on 0.79 ha, for a temporary period of up to 3 years, with restoration to forestry." At the Planning and Regulatory Committee on 25 May 2011, Members had earlier resolved to refuse the application for the following reasons:
- (1) *The proposed exploratory drilling development will have a significant adverse impact on the Area of Outstanding Natural Beauty (AONB) in the setting of Leith Hill which cannot be mitigated and where exceptional circumstances including the public interest have not been demonstrated to justify the grant of planning permission. The proposal is therefore contrary to Government Planning Policy as set out in Minerals Policy Statement 1 (Planning and Minerals) November 2006 and Planning Policy Statement 7 (Sustainable Development in Rural Areas) August 2004, The South East Plan May 2009 Policy C3 (Areas of Outstanding Natural Beauty); the Surrey Minerals Plan 1993 Policy 1 (Environmental and Amenity Protection) and the Mole Valley Local Development Framework Core Strategy 2009 Policy CS13 (Area of Outstanding Natural Beauty and Area of Great Landscape Value).*
- (2) *There is insufficient evidence to demonstrate why the proposed exploratory drilling development cannot be located beyond the boundary of the Area of Outstanding Natural Beauty (AONB) designation. The proposal is therefore contrary to Government Planning Policy as set out in Minerals Policy Statement 1 (Planning and Minerals) November 2006 and Planning Policy Statement 7 (Sustainable Development in Rural Areas) August 2004 and Surrey Minerals Local Plan 1993 Policy 15 (Environmental & Ecological Impact of Hydrocarbon Development).*
- (3) *It has not been demonstrated to the satisfaction of the County Planning Authority that the proposed traffic management measures are adequate to protect the character of Coldharbour Lane; where the nature of the traffic activity would have the potential to irreversibly damage the historic banks and trees and lead to the industrialisation of the character of a quiet rural road; or adequate to protect the amenity of highway users and residents in Knoll Road, Coldharbour Lane and the broader vicinity; contrary to the Mole Valley Local Plan 2000 Policy MOV2 (The Movement Implications of Development) and Surrey Minerals Local Plan 1993 Policy 1 (Environmental and Amenity Protection).'*
7. The applicant then made an appeal to the Secretary of State against the refusal. The above reasons for refusal were subsequently amended by Surrey County Council in the run up to the first appeal Public Inquiry, with the second reason for refusal withdrawn and the third amended to read as follows: *'It has not been demonstrated to the satisfaction of the County Planning Authority that the proposed traffic management measures are adequate to protect the character of Coldharbour Lane; where the nature of the traffic activity would lead to the industrialisation of the character of a quiet rural road; or adequate to protect the amenity of highway users and residents in Knoll Road, Coldharbour Lane and the broader vicinity; contrary to the Mole Valley Local Plan 2000 Policy MOV2 (The Movement Implications of Development) and Surrey Minerals local Plan 1993 Policy 1 (Environmental and Amenity Protection).'*
8. The appeal was subsequently dismissed by the Secretary of State's Inspector on 26 September 2012. However, Europa Oil and Gas Ltd then successfully challenged the Inspector's decision in the High Court, and on 25 July 2013 the judge quashed the earlier appeal decision. Leith Hill Action Group, which was a defendant to the proceedings in the High Court, then appealed against the judge's decision. This appeal was dismissed

by the High Court on 19 June 2014 and a new Public Inquiry was held in the spring of 2015. The Inspector issued his decision (ref: APP/B3600/A/11/2166561) on 7 August 2015 and allowed the appeal with the following formal decision reason: *'Having regard to the evidence presented to the inquiry, the written representations and visits to the appeal site and surroundings, I am convinced that the short-term harm to the identified interests of acknowledged importance would be clearly and demonstrably outweighed by the fully reversible nature and the benefits of the scheme in national and local terms...Accordingly, and having taken into account all other matters raised, this appeal succeeds'*. This Appeal Decision has 23 Conditions which are required to be complied with, some of which require the submission of detail for approval by the County Planning Authority.

9. In addition to the above, the applicant submitted a planning application for an underground drilling corridor of an exploratory hydrocarbon borehole (ref: MO/2014/1006) which was permitted, subject to four conditions, on 25 September 2015. This application will include the drilling of an underground drilling corridor from land at Bury Hill Wood (the land which is the subject of this planning application) to land under Coldharbour Village. The borehole would be drilled to an anticipated total depth of 1,450m true vertical measured depth in order to target the Dwindip Portland Target, with a 'deviation tolerance zone' of 8.5 hectares. The underground route of the drilling operation was not included within the earlier planning application refused by SCC (see above, ref: MO09/0110 – allowed at appeal), which sought planning permission for the over ground exploratory drill-site operations.
10. The applicant has submitted five other planning applications seeking approval of details pursuant to conditions on appeal decision ref: APP/B3600/A/11/2166561. These are:
  - Application ref: MO/2016/1009 - details of a Dust Suppression Scheme pursuant to Condition 7, details of a Method Statement for the geochemical baseline soil testing pursuant to Condition 12, details of a Method of Construction / Reinstatement Statement pursuant to Condition 21, details of measures necessary to keep the public highway clean pursuant to Condition 22, and details of in-cab cameras / CCTV pursuant to Condition 23. This application was approved in December 2016.
  - Application ref: MO/2016/0981 - details of Light Management Plan pursuant to Condition 11. This application was approved in December 2016.
  - Application ref: MO/2016/1194 - details of an Ecological Monitoring and Management Plan pursuant to Condition 9. This application has yet to be approved.
  - Application ref: MO/2016/1292 – details of Groundwater Monitoring pursuant to Condition 15. This application was approved in October 2016.
  - Application ref: 2016/0194 – details of a landscape and restoration plan pursuant to Condition 14. This application has yet to be approved.
11. The applicant has also submitted a planning application (ref: MO/2016/1563) for the installation of perimeter security fencing including 2m high heras fencing and 3m high deer proof fencing around the appeal site alongside an office and WC at the site entrance; and office, welfare accommodation, water, fuel and a generator. This application has yet to be determined.

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## THE PROPOSAL

12. The applicant has submitted a planning application seeking to discharge Condition 20(ii) from appeal decision ref: APP/B3600/A/11/2166561. The condition is as follows:

- Condition 20(ii)*
- Details of a pre and post development condition survey (method statement)*
- No works shall comment unless and until:*
- i. A pre-development condition survey of Knoll Road and the section of Coldharbour Lane from the application site to Knoll Road (the route for HGVs agreed in the Traffic Management Scheme) has been carried out and submitted to the County Planning Authority and approved in writing*
  - ii. A method statement has been submitted to the County Planning Authority and approved in writing identifying how any damage to the carriageway or highway verge, which may be inadvertently caused as a result of the development, will be made safe and remediated by the developer*

*In the event of damage to the banks (as opposed to verges) of Coldharbour Lane (which it is agreed cannot be repaired), the method statement shall include steps to be taken to minimise the impact of the damage.*

*A post development condition survey of Knoll Road and the section of Coldharbour Lane from the application site to Knoll Road (the route for HGVs agreed in the Traffic Management Scheme) shall be undertaken by the developer and submitted to the County Planning Authority within three months of the completion of the development hereby approved. As part of this survey, a scheme, including the method of payment at the developer's expense, for the remediation of any damage to the public highway and its verges resulting from the passage of relevant vehicles (as defined in Condition 16) shall be submitted to and approved in writing by the County Planning Authority.*

13. As can be seen above Condition 20 includes a number of parts. Part (i) requires the submission of a pre-development condition survey. This survey would be to establish what the condition is of the public highway (i.e. the road and the verges) at that point in time. This type of survey is normally conducted immediately prior to the commencement of development to have as close to accurate account of the condition of the public highway on commencement of development. Because of this, the pre-condition survey required by Part (i) will be submitted at some stage in the future and is not for consideration now.
14. The second part of Condition 20, (ii) requires a Method Statement to be submitted to outline how damage, which may be inadvertently caused as a result of the development, will be made safe and remediated. As this part of the condition is not time restrained, the applicant has submitted this Method Statement now for approval from the County Planning Authority and its detail is set out below.
15. In addition to this, Condition 20 also requires the submitted Method Statement to include steps to be taken to minimise the impact of damage to the banks of Coldharbour Lane, the sunken lanes. The submitted Method Statement seeks to address this point and is covered below.
16. The final part of Condition 20 is that a post development condition survey of the public highway be submitted to the County Planning Authority for approval. The post development survey would be conducted to see if any damage to the public highway had occurred as a result of the development after it is completed, and if there is damage how it would be remediated and how it would be paid for. This part of Condition 20 cannot be carried out until the development has commenced and finished therefore it will be submitted at a later stage and is not for consideration now.
17. The only aspect of Condition 20 that is for consideration as part of this submission is the Method Statement as required by Condition (ii) and in relation to minimisation of damage

to the banks. And there is no requirement for the County Planning Authority to wait for the pre and post condition surveys or to delay in approving this application.

*Survey*

18. That a survey of the public highway including the verges and the sunken lanes would be carried out prior to the development and this would be a joint survey with Surrey County Council including a video survey of the road and verges. This would help identify areas where existing damage is, which would be recorded and photographed. Following this, a report would be compiled which would be submitted to Surrey County Council for approval. A watching brief would then be in place in the interim period between the survey date and the commencement of the site operations so that any additional defects can be documented and notified to the County Highway Authority.
19. Following completion of the development proposal, another survey would take place and the condition of the highway recorded in the same way as for the initial pre-entry survey. The Method Statement states that this survey would be carried out within 2 weeks of the completion of the development.

*Minimisation of damage*

20. During the lifetime of the development proposal, all HGVs and any vehicle bringing in parts of the drill rig would be fitted with CCTV cameras with forward facing capability and the capability to cover the width of the carriageway and immediate highway verges/banks to monitor and record driving along Knoll Road and Coldharbour Road.
21. Condition 20 does outline that the method statement shall include steps to be taken to minimise the impact of any damage that may inadvertently be caused to the banks of the sunken lane. It is accepted that any damage to the sunken lane cannot be repaired. The Method Statement outlines that the condition of the banks and carriageway in the sunken lane would be viewed at least twice each working day, before and after the working day, with additional inspections should an incident occur. Minimisation of damage to the sunken lanes will also be provided through the use of CCTV in cab cameras.

*Repair*

22. The Method Statement outlines that the driver of the escort vehicle which would accompany the vehicles bringing in the rig, will be instructed to report any incidents of damage to the Supervising Engineer without delay. Where incidents of damage occur, the Supervising Engineer for the applicant would inform the County Highway Authority within 48 hours of the incident taking place. The Method Statement also covers the programme of repairs that may be needed to make good any damage that may arise as a result of the development proposal. For example any displacement of kerbs would be rectified by lifting and re-bedding the kerbs on completion of development; where a pothole develops it would be temporarily patched and then fully reinstated at the end of the development. The Method Statement does say that any overrunning of verges that is attributable to development traffic would be remediated by rebuilding and reseeding.

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## CONSULTATIONS AND PUBLICITY

### *District Council*

23. Mole Valley District Council : No objection

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

24. County Biodiversity and Ecology Manager : Requests that paragraph 2.7 is amended to say that a schedule of repairs should be drawn up with both the County Highway Authority and County Planning Authority.  
Officer comment: this paragraph has been amended.

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| 25. | Transportation Development Planning | : | No objection subject to the imposition of a condition  |
| 26. | Rights of Way                       | : | No comments received   |
| 27. | Surrey Hill AONB Office             | : | No comments to make  |
| 28. | Forestry Commission                 | : | Requests Natural England's and the Forestry Commission Standing Advice is taken into account |
| 29. | National Trust                      | : | No comments to make  |

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

30. Capel Parish Council : Comments that the acceptability of the proposed approach depends critically on its actual implementation. Comment that the implementation seems to be based on the proactive engagement of the applicant's contractors to identify and bring to the attention of the Council any damage that has been caused or is in danger of being caused. Consider that a third party, such as Capel Parish Council, would have an inspection role on the grounds. There could be seen to be a conflict of interest for the applicant contractors in identifying such damage and agreeing on its repair. Capel Parish Council also want an undertaking from the County Highway Authority as to their active involvement. Unless these monitoring conditions are resolved to the satisfaction of Capel Parish Council they object to the submission.
31. Officer comment on Capel Parish Council comments: Surrey County Council is the Highway Authority with responsibility for Coldharbour Lane. It is for the Highway Authority to determine the extent of any damage and the extent of any repairs necessary. If Capel Parish Council wish to monitor damage for their own purposes, they are entitled to do that, but as they have no statutory role in respect of the highway, it would not be reasonable to include them in the methodology.
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|-----|--|---|---|
| 32. | Holmwood Parish Council                                | : | No comments received  |
| 33. | Dorking & District Preservation Society National Trust | : | No comments received  |
| 34. | Westcott Village Association                           | : | No comments received  |
| 35. | Wotton Parish Council                                  | : | No comments received  |
| 36. | Leith Hill Action Group (LHAG)                         | : | Concern is not with the detail of the document but with Officer's acceptance of its underlying implication that damage is unlikely. Damage is not at all "unlikely"; indeed it is a near certainty. All literature on the subject suggests that pavement damage, particularly fatigue cracking, is proportional to at least the fourth power of axle weight. And CCTV might show that damage has been caused to the pavement, but it will not show it being caused. We therefore suggest that if the document is accepted in its current form, officers take the approach of assuming damage to the road <u>will</u> be caused and organise their inspections according to this assumption. |
37. Officer comment on LHAG comments: Officers recognise that given the number of HGVs generated, there is a higher than average probability that, if there is damage, it will have been caused by the applicant. As service vehicles to and from Coldharbour village plus Forestry Commission vehicles servicing the woodlands also use this route, it is unreasonable to suggest that any damage should automatically be attributed to the applicant. Absolute proof will be difficult in respect of potholes and other damage to the road surface but this will be picked up on the CCTV and in the twice daily visual inspections. Officers consider that the greatest likelihood of damage will occur when the rig and other articulated vehicles are driven down to the site (and the road is closed to other vehicles so it will be clear who caused it) and if vehicles meet one another on Coldharbour Lane and are unable to pass without driving on the banks/ verges/haunches of the road. However, the vehicles accessing the site will be escorted and the Method Statement states that 'the driver of the escort vehicle will be instructed to report any incidents of damage to the Supervising Engineer without delay' (paragraph 2.5). This, in

combination with the twice daily inspections and the CCTV record should be sufficient to attribute damage.

38. CPRE : No comments received  
 39. Frack Free Surrey : No comments received

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

40. The application was publicised by the posting of eight site notices. A total of 291 owner/occupiers of neighbouring properties were directly notified by letter. 12 letters of representation have been received in relation to this proposal raising the following concerns:
- a. The applicant must not be allowed to appeal the conditions [imposed on the Appeal Decision] and [the applicant] must comply with their work.
  - b. The applicant is seeking to eliminate the pre and post development condition survey requirements and this should not be allowed to happen
  - c. The condition is of vital importance to the ancient sunken lane of Coldharbour Lane being of historic and environmental significance. It is inevitable that the lane will be damaged by the number of HGV movements planned. The work must be planned to ensure the least damage to this lane.
  - d. Work should not proceed if the applicants will not ensure that damage to Knoll Road and Coldharbour Lane will not be adequately recompensed.
  - e. Leith Hill is an AONB.
  - f. None of the residents want this [the drilling] to happen and the drilling will harm the aquifer
  - g. A celebrated landmark destroyed and an attraction for cyclists and horse riders ruined.
  - h. HGVs and cyclists cannot co-exist on narrow roads of Leith Hill. The lanes leading to it are extremely narrow and unfit for HGVs
  - i. The HGVs are going to do great damage to Coldharbour Lane
  - j. Condition 20 follows on from conditions 18 and 19. There is a logical dependency of the former on the latter and they should be submitted in this order. This application should not be determined until the Traffic Management Plan is submitted.
  - k. The proposal only deals with ground level damage to the road surface, kerb and verges. What about damage to power lines, telephone cables, street lighting. What about damage to tree branches which could then cause danger to subsequent road users. How would such damage be monitored and remedied?
  - l. What about temporary damage to the road from vehicles returning onto the road from site and leaving large soil deposits over the tarmac.
  - m. What would happen if liquids leak onto the road surface?
  - n. If excess water is on the road surface as a result of cleaning up a soil deposit, and the temperature drops below freezing, how would this be monitored
  - o. The applicant is proposing twice daily inspections will be performed "before and after the working day". Is this within the hours stipulated in Condition 17. How would the daily surveys be conducted? The applicant should submit daily video archives of either paired HGV/escort vehicle footage showing the state of the road before and after each HGV passage or else they should submit a daily archive of the first run survey; all time coded.
  - p. The large number of HGV movements up and Coldharbour Lane is not appropriate for the narrow rural road. Some damage to the ancient banks of the sunken lane will occur.
  - q. The survey should include information on the dimensions of the rig, the largest HGV, the Lane and demonstrate vehicles can use the Lane without irreparable damage.
41. Officer comment: (j) The Traffic Management Plan (conditions 18 and 19) are to regulate the passage of HGVs to/ from the application site however this application is with regards to repair to the public highway should damage occur. They are not interdependent. (k) There is a sequence of photographs taken by the applicant's consultant at points down the lane showing the available clearance (submitted as part of the planning application). These photographs were able to demonstrate that, at that time, there was sufficient clearance for the drilling rig. This current application does not

concern itself with powerlines, telephone cables, street lighting and tree branches as these were covered as part of the planning appeal. (l and m) Planning application ref: MO/2016/1009 (approved December 2016) provides details for ensuring the highway is kept clean including the use of a sweeper. (o) The daily surveys would involve viewing the banks and carriageway. (q) the dimensions of the proposed rig were provided as part of the Public Inquiry for the planning appeal. The sizes and weights of all the vehicles were rigorously examined during the Public Inquiries and the Inspectors at both inquiries were satisfied that there were no issues about load sizes and weight that merited further investigation or action.

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## PLANNING CONSIDERATIONS

42. The guidance on the determination of planning applications, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraphs. In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 (SMP2011), the Mole Valley Local Plan 2000 (MVL2000) and the Mole Valley District Core Strategy 2009 (MVCS2009). Additionally consideration should be given to the Surrey Hills AONB Management Plan 2014 – 2019, the Forestry Commission guidance and also the Standing Advice on Ancient Woodland. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
43. Coldharbour Lane (D289) is an unclassified rural road that links the village of Coldharbour to the south, with Dorking to the north. The lane undulates and has a number of bends along its length. There are sections along the lane north of Logmore Lane where there is a verge, however in other places the road is a sunken lane with high, steeply sloping vegetated banks. There are trees and hedgerows alongside the lane and areas where the tree canopy has grown across to cover the highway. In some instances, tree trunks have grown out over the carriageway. The most constrained section of the lane can be found in the 1.74 km section south of the Logmore Lane junction. Lanes of this type are a characteristic features of the AONB.
44. Much concern was raised with regards to the potential impact and permanent damage from HGVs using Coldharbour Lane to access the application site, on the sunken lanes. Additionally that the sunken lanes had inadequate capacity to accommodate the traffic being proposed.
45. Coldharbour Lane varies in width along its length, ranging from 5.93m to 3.8m. It is generally accepted that two goods vehicles can pass one another with care within a carriageway width of 5.5m. Similarly, a car and a goods vehicle can pass one another within a carriageway width of 4.8m. Quite clearly, with a carriageway width that varies between 5.93m and 3.8m, there are sections of Coldharbour Lane that cannot accommodate even a car and an HGV passing and most certainly not two HGVs. As part of the original planning application, the applicant measured the road at intervals of approximately 150 m and from this has identified the areas with adequate width to allow two HGVs to pass, areas where an HGV and car can pass and the sections of the road where only cars can pass. A tree foliage survey was also undertaken to identify constraints posed by overhanging trees and branches. This was all taken into consideration as part of the Appeal.
46. Forestry Commission vehicles do access the site from time to time to remove felled trees and these large articulated trailers therefore use Coldharbour Lane. Delivery vehicles accessing the village of Coldharbour also utilise Coldharbour Lane. It is therefore accepted that the proposed route is used by HGVs from time to time, but normally not at the intensity proposed for the short period in the application.

47. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are whether the submitted Method Statement meets the requirements of Condition 20(ii). Condition 20 also requires a pre-commencement condition survey of the highway and a post-completion condition survey, both of which are time sensitive and cannot be completed at this stage but, with regards to the pre-commencement survey, will be submitted at a point close to commencement of development; and for the post development survey when the development proposal has ceased. The consideration here is for the Method Statement component of Condition 20 which can be considered in advance of the highway condition survey being carried out.
48. What should be noted is that Condition 20, as imposed by the Planning Inspectorate, on requires a survey to be carried out of the condition of the Knoll Road and the section of Coldharbour Lane from the application site to Knoll Road; and for details of how any damage to the carriageway or highway verge would be remediated. Condition 20 does outline that in the event of damage to the banks of the sunken lane (as opposed to verges) that the Method Statement include details of steps to be taken to minimise the impact of the damage as it was agreed at the Public Inquiry that any damage to the banks of the sunken lane could be not repaired. Therefore in assessing the detail in the Method Statement, consideration should be given to whether the information provided satisfies the requirements for repairing and remediating the carriageway and verges; and the minimisation of damage to the banks in the sunken lane.

### **The Method Statement including repairing and remediating the carriageway and verges**

#### **Surrey Minerals Plan 2008**

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 – Transport for minerals

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

Policy MOV2 – Movement Implications of Development

49. Policy MC14 of the SMP2011 seeks to reduce the adverse impacts of mineral development requesting sufficient information be provided so that the mineral planning authority can be satisfied that there would be no significant adverse impacts arising from the development. The policy says that in determining the planning application for mineral development, potential impacts with regards to traffic generated by the development will be considered. Policy MC15 specifically deals with highway matters. The policy states that mineral development involving transportation by road will be permitted where arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on the environment or effective operation of the highway network. The policy supporting text outlines that it is important that mineral development does not compromise highway safety and where costs for improvements are incurred, these are met by the mineral operators rather than the community.
50. Policy MOV2 of the MVLP2000 states development will only be permitted where it can be demonstrated that the proposal can be made compatible with the environmental character of the area. The policy requires developers to contribute to transport initiatives or highway works. There is no relevant policy within the MVCS2009.
51. The applicant has submitted a Method Statement to meet the requirements of Condition 20(ii) and detail of its content is provided above. The County Highway Authority having reviewed the submission, consider the submission is an appropriate approach for the applicant to take and raise no objection to its content in terms of how the relevant public highway would be surveyed, monitored and (if required) remediated.
52. The County Highway Authority have reviewed the submitted Method Statement and commented that the methodology proposed is sound and contains adequate provision to

deal with any damage arising in both the short and longer term. It contains the commitment from the developer to meet the cost of any damage attributable to their works and therefore there should be no cost to the Council Tax payers of Surrey. The ability to require developers to pay for this type of 'extraordinary maintenance' is enshrined in Section 59 of the Highways Act 1980 and it is right that the applicant should meet the cost.

53. The County Highway Authority has commented that the applicant needs to take account of the RideLondon requirements for Coldharbour Lane in their programming of any works for all development phases. Coldharbour Lane is part of the route for RideLondon when the professional peleton cycle along the road as part of the 'Classic' event. The road surface will need to be in the same condition as when initially surveyed - or improved upon – when this annual event takes place. The 2017 date for the event is Sunday 30th July and it is generally held around this date. The County Highway Authority comment that no repairs should be at any interim stage, that all will need to be permanently reinstated and that such repairs should have been completed one week before the event at the latest in order to allow a Surrey re-inspection of any repairs made pre event. The road should also be clear of any site-related detritus. Consequently the applicant will need to schedule their works around this. The County Highway Authority raise no objection to the Method Statement submitted to satisfy Condition 20(ii) but request a condition be imposed that the applicant should ensure that any works required should not conflict with the RideLondon event and the surface of the road is in the same condition as that when initially surveyed when the event takes place.
54. Officers agree with the County Highway Authority's request with regards to the RideLondon event and consider that the imposition of a condition on any approval of these details is necessary to ensure the public highway is of a standard suitable for this event. Officers consider such a condition would be relevant to the proposal and to planning and would meet the six tests as required by para 003<sup>1</sup> of the NPPG.

### Minimising Damage to the Sunken Lane

#### Surrey Minerals Plan 2008

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 – Transport for minerals

#### Mole Valley Core Strategy 2009

Policy CS15 – Biodiversity and Geological Conservation

55. As Condition 20 states that "*in the event of damage to the banks (as opposed to verges) of Coldharbour Lane (which is agreed cannot be repaired), the method statement shall include steps to be taken to minimise the impact of the damage*" it is relevant to consider as part of this application to measures and steps the applicant proposes to minimise the damage to the sunken lane and banks.
56. Policy MC14 of the SMP2011 states that mineral development will only be permitted where sufficient information has been provided to demonstrate the proposal will not result in significant adverse impacts arising from the development with regards to the natural environment. Policy MC15 of the SMP2011 states that mineral development involving transportation by road will be permitted only where traffic generated by the development would not have any significant adverse impacts on the environment. Policy CS15 of the MVCS2009 states that biodiversity will be protected and enhanced; and that trees should be retained. Ancient woodland is referred to within the policy supporting text as part of this requirement.
57. The NPPF paragraph 118 states "*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including*

<sup>1</sup> Paragraph 003 Ref ID: 21a-003-20140306

*ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*". The NPPG paragraph 022<sup>2</sup> recommends that the Forestry Commission be consulted on proposals that are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites; and that the Standing Advice is consulted.

58. The Standing Advice sets out what Ancient Semi-Natural Woodland is and that potential impacts to such woodland can include damaging or destroying the trees or woodland, damaging or killing veteran trees or parts of them, damaging roots or soils as well as the understorey, polluting the ground, changing the woodland's water table or drainage; and damaging archaeological features. The Advice goes on to outline that development nearby can include effects on the trees and woodland where there is compacting of the soil around tree roots, breaking up or destroying connections between woodland, reducing the amount of habitat next to ancient woodland, changing the water table and drainage, increasing the amount of pollution, increasing disturbance to wildlife from traffic, increasing light pollution; and changing the landscape character of the area.
59. The Standing Advice outlines that the starting point is to avoid by redesigning the scheme. However if this cannot be done, to then look to appropriate mitigation or compensation. However compensation should not form part of the benefits of the proposal.
60. The Method Statement required by Condition 20(ii) is to focus on the public highway and if damage were to occur to the public highway, i.e. to kerbs, creating potholes or failure of pavements; that these would be repaired. The relevant component of the Method Statement that could affect Ancient Woodland could be the potential for damage to the verges or sunken lanes the damage. Ancient woodland lines the northern part Coldharbour Lane to the west at the Fir Plantation and then along both sides of Coldharbour Lane from the junction with Logmore Lane to the application site.
61. The Inspector acknowledge the need for mitigation and management of the HGVs travelling along Coldharbour Lane with regards to the sunken lane and the banks requiring protection from 'erosion' caused by passing vehicles. The Inspector also made reference to the understorey of the trees along Coldharbour Lane being cleared to provide adequate visibility but that such vegetation would regenerate. The Inspector was clear at paragraph 70 that the key would be prevention to avoid harm to the banks and consequently also, the ancient woodland. The Inspector stated this would be provided due to Coldharbour Lane being wider than a HGV. The Inspector also acknowledged that some preventative measures could cause more harm than good. The Inspector commented "*the potential for damage to the banks on the section of sunken lane, though the risks of damage could be reduced by the installation of in-cab cameras*" (page 9<sup>3</sup>).
62. The Inspector went on to say "*the banks of Coldharbour Lane are of a particularly important feature of sunken lane and need to be protected from 'erosion' caused by passing vehicles. Crucially prevention is key. No-one could advance a realistic solution for remediation of the banks following damage. Having said this, it is necessary to be realistic about the level of risk that would be caused by the HGV movements etc to and from the appeal site*" (page 14<sup>4</sup>). The prime methods of prevention the Inspector considered necessary for this proposal was the provision of in-cab cameras to record activity from the HGVs accessing and egressing the site; and the use of banks men.
63. The Method Statement outlines that HGVs and any vehicle carrying parts of the drill rig would be fitted with in-cab CCTV with forward facing capability with the capability to cover the width of the carriageway and immediate highway verges/ banks to monitor

<sup>2</sup> Paragraph 22 Ref ID: 8-022-20160519

<sup>3</sup> Appeal Decision APP/B3600/A/11/2166561

<sup>4</sup> Appeal Decision APP/B3600/A/11/2166561

driving along Coldharbour Lane where there is ancient woodland. This requirement accords with the Inspectors requirements and would assist in recording activity from the HGVs.

64. Officers consider the best approach to protecting the sunken lanes and the ancient woodland is prevention i.e. driving at slow speeds, the use of banks men and using cameras. Officers recognise and accept that any damage that may occur to the sunken lanes would not be repairable. Condition 20 requests steps to be provided as to minimise the impact of the damage to the banks in the event of damage occurring and the submitted Method Statement outlines that there would be twice daily surveys of Coldharbour Lane to record any such damage which would be reported to the County Highway Authority. In such instances that damage may occur to the sunken lanes, the twice daily surveys would record such damage such that future HGV movements along Coldharbour Lane should not seek to exacerbate that situation.
65. As outlined above, Officers recognise that whilst damage to the sunken lanes would be irreparable, not exacerbating that damage is imperative. Officers are satisfied that the Method Statement as put forward sets out measures to protect the sunken lanes from damage in the first instance and then secondly through the carrying out of twice daily checks. Officers consider the applicant has provided information sufficient to satisfy the requirements of the condition.

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## HUMAN RIGHTS IMPLICATIONS

66. 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.
67. In this case, it is the Officers view that whilst damage to the sunken lanes is irreparable that the Method Statement as submitted is not considered sufficient to engage Article 8 or Article 1. As such, this proposal is not considered to interfere with any Convention right.

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## CONCLUSION

68. The applicant has submitted a Method Statement to comply with the requirements of Condition 20(ii) to identify how any damage to the carriageway or highway verge which may be inadvertently caused will be made safe and remediated. The submitted Method Statement sets out information to address this including the carrying out of twice daily inspections of the banks and sunken lane; and that should any damage occur that a schedule of repairs would be drawn up. The Method Statement also sets out measures should any damage require immediate restoration such as displacement of kerbs or potholes.
69. In addition to this, Condition 20 requires that the Method Statement include steps to be taken to minimise the impact of damage to the banks of the sunken lane. Officers recognise that damage to the sunken lanes is irreparable and the Method Statement outlines preventative measures to ensure the lanes would not be damaged including the provision of in-cab cameras and reporting any incidents of damage without delay so as not to exacerbate any damage. Banksmen will also be provided to walk alongside the HGVs.
70. Officers are satisfied that the Method Statement submitted provides the information as required by Condition 20(ii). Officers are also satisfied that the Method Statement provides information as to how damage to the sunken lanes would be minimised.

## RECOMMENDATION

That application **MO/2016/1848** be approved.

### Conditions:

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:  
Drawing 4100 RS 01 "Extent of Road Condition Survey Condition 20", June 2016
2. The applicant shall ensure that works do not conflict with the RideLondon event in any year and that the road surface is in the same condition as when initially surveyed - or improved upon – when this event takes place. No repairs should be at any interim stage - all will need to be permanently reinstated. Such repairs should have been completed one week before the event at the latest in order to allow a Surrey re-inspection of any repairs made pre event. The road should also be clear of any site-related detritus.

### Reasons:

1. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to Surrey Minerals Plan 2011 Policy MC14
2. To ensure the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Minerals Plan 2011 Policy MC15.

### Informatives:

1. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance, providing feedback to the applicant where appropriate. Further, the Minerals Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues. Issues of concern have been raised with the applicant including impacts of and on traffic/ecology and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

### CONTACT

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### BACKGROUND PAPERS

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

#### Government Guidance

[National Planning Policy Framework 2012](#)  
[Planning Practice Guidance](#)

#### The Development Plan

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)  
Mole Valley Local Plan 2000  
Mole Valley Core Strategy 2009

**Other Documents**

Standing Advice for Ancient Woodland and Veteran Trees, Forestry Commission England and Natural England, 2014

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