

MO/2016/1848

Planning & Regulatory Committee 22 February 2017

UPDATE SHEET**MINERALS/WASTE MO/2016/1848****DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL**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.****CONSULTATIONS AND PUBLICITY*****Additional key issues raised by public***

Six further letters of representation (including two from the same person) have been received on this application raising the following concerns:

1. The post development survey is scheduled within 3 months from the end of the exploration. Why so long? And reparation will take longer. Is there a final date for reparations to be completed?

Officer comment: the timescale for the post development survey is set out within Condition 20 which was written by the Planning Inspector for the Appeal. There is no date or timescale set within the condition for when reparation work should be complete by.

2. Are there contingency plans if the drilling firms go bankrupt? This happened to two firms who worked the Brockham site.

Officer comment: the applicant is a registered company under UKOOG (United Kingdom Onshore Oil and Gas) which represents the onshore oil and gas industry. Planning permission runs with the land and therefore should any tangible asset be found at the application site this would remain should another company wish to take that on.

3. Are there width restrictions on the actual loads carried by lorries, as opposed to the lorries themselves? I do not see how cabins, for example, can travel along Coldharbour Lane without damaging the banks. The wide loads will cause damage and destabilise the sides of the ancient lane.

Officer comment: the issue of lorry widths was covered as part of the Appeal application and the Public Inquiry as a list of the widths of the lorries to be used as part of the proposal was provided as part of the Environmental Statement. This is the same as height clearance. Additionally the Environmental Statement says that the movement of abnormal loads has to be notified to the relevant Police and Highway Authorities prior to their movement and the crane and drilling rig would require such notifications. Furthermore, the issue of the width of the lorries themselves and ensuring they can travel the full width of Coldharbour Lane will be dealt with by Condition 19 the Traffic Management Survey.

Consideration of the widths of the lorries is considered at paragraph 71 of the Appeal Decision which states that "*Although the Lane is narrow, and extremely so in places, it is never of a width less than an HGV, with reasonable clearance*". The Inspector who presided over the Appeal was satisfied that even though Coldharbour Lane is narrow that sufficient width would be capable for lorries to access the application site including their loads and that this would be satisfactorily covered by Condition 19. As outlined in the Officer report and in the Appeal decision, protection of the banks would be by the careful traversing of lorries along Coldharbour Lane assisted by banksmen.

4. Are there height restrictions on loads carried by lorries? I see that low branches will be removed, but the camber of the road is uneven and in places lorries lean over quite considerably. A friend videoed a log lorry travelling along the road and the load was perilously close to the banks & exposed tree roots at a fairly high level. If the load had been a couple of feet higher there would definitely have been damage. Has this been taken into consideration particularly with movement of the actual oil rig, but also with other items, such as the cabins?

Officer comment: the issue of the height of lorries and having sufficient clearance from trees and telephone cables was dealt with at the Public Inquiry as the applicant had carried out a study, including photographic evidence, that sufficient height clearance could be obtained along Coldharbour Lane.

5. With this in mind will the various surveys cover the height of the banks?

Officer comment: strictly speaking the banks are outside of the jurisdiction of a road condition survey because they do not carry any traffic. The applicant states that given the interest shown in this aspect of the site access route, it is prudent to record the condition of the banks. The survey will be a visual survey that will use both video and still photographs that will include the banks. The height of the bank is irrelevant because any instability at the time of the pre-commencement survey will be recorded. If there is no damage to the banks caused by vehicles, there should be no de-stabilisation of the banks.

6. Para 22 (of the Officers report): Repair states: *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.*** To my mind, 'without delay' and 'within 48 hours' are incompatible. It is easy enough to use a mobile phone for immediate reporting. Why would it take the Supervising Engineer 48 hours to inform County Highways? Surely this could be done before a site visit from the Engineer?

Officer comment: the 48 hours is a maximum period and does not state that notification should wait until 48 hours. Notification will depend on the severity of the incidents.

7. Para 30 (of the Officer report) states: ***the acceptability of the proposed approach depends critically on its actual implementation.*** This comment was made by Capel Parish Council and I think is a realistic assessment. ***There could be seen to be a conflict of interest for the applicant's contractors in identifying such damage and agreeing on its repair.*** Will the Council have to rely on information from concerned local residents, as happened at Brockham?

Officer comment: the County Highway Authority will agree on the repairs required therefore there would be no conflict of interest.

8. What precautions are being taken to ensure that deposits from the site – both liquid and solid – are not left on the road? This happened at Brockham, where liquid pooled in tubes was also seen.

Officer comment: Condition 22 'Wheel Cleaning' deals with the matter of ensuring no deleterious matter enters on to the public highway from the application site and that the public highway is cleaned should liquids or solids be left on the public highway as a result of this development proposal.

9. Your report mentions a sweeper, will this vacuum up any deposits or simply push them to the edge of the road?

Officer comment: the details provided in Condition 22 say that should any dirt be taken onto the public highway from the application site that the deposit would be cleaned away using shovels and a road brush; or water spraying depending on the severity of the deposit. Additionally a road sweeper will be on standby at all times to be used if required. Any potential debris on the road would be removed from the highway and not brushed to the side.

10. I am also concerned about the effects of vibration. Lorries will necessarily travel slowly and in low gear up steep hills; banks could collapse suddenly and well after any lorry has passed, as a cumulative result of vibrations over a period of time. Will this be attributed to the oil-rig lorries?

Officer comment: should any banks in the sunken lane collapse during the time period of the development proposal then given the number of lorries accessing the application site over the short duration then it is likely the damage could be attributable to those lorries. However other lorries do use Coldharbour Lane for access including deliveries and Forestry Commission logging vehicles.

11. What will happen if there is an actual collapse of part of the banks? This should be considered very carefully. Traffic would need to be stopped immediately and the bank's structure assessed very carefully. The thought that it would take up to 48 hrs for the Highways Authority to be informed is deeply worrying.

Officer comment: the period of 48 hours is a maximum period for notification and should works require immediate attention this would be carried out.

12. There would be a conflict of interest for the Council to allow the applicant to monitoring the ecological monitoring.

Officer comment: it is normal practice for an applicant to carry out monitoring as part of a development proposal and BS 42020: 2013 'Biodiversity Code of practice for planning and development' says in their recommendations that the process of monitoring should be done by the applicant and their ecologist and there would be no conflict of interest.

13. Does the Council/ the Environment Agency be able to cope with continuous monitoring. Recommend that monitoring goes on for a period of 50 years as there is an inadequate understanding of the long terms effects of unconventional drilling.

Officer comment: this application deals with the condition of the public highway and steps to minimise any damage to the banks of the sunken lane. This application does not deal with the principle of exploration works at Bury Hill Wood.

14. If oil is found will the Council allow many trucks a day to be frequenting Leith Hill?

Officer comment: this application deals with the condition of the public highway and steps to minimise any damage to the banks of the sunken lane. This application does not deal with the outcomes of the exploratory phase.

15. If there will be traffic lights on Coldharbour Lane, what will be the waiting times.

Officer comment: this matter is to be dealt with by Condition 19 and an agreement between the applicant and the County Highway Authority.

16. If permission is given to go ahead with the drilling this goes against our commitment to bring down carbon imprint.

Officer comment: this application deals with the condition of the public highway and steps to minimise any damage to the banks of the sunken lane. This application does not deal with the principle of exploration works at Bury Hill Wood.

17. Feel strongly that Condition 20 follows on from the preceding conditions relating to the Traffic Management Plan and the applications should have been submitted in that order. Do not understand how a condition survey can be fully assessed objectively without a clear understanding of the Traffic Management Plan.

Officer comment: this is dealt with at paragraph 41 of the Officer report.

18. There is no mention of the protection and repair to the ancient flint or sandstone walls along the haul route and in the absence of this information there are gaps in this proposal.

Officer comment: Any flint or sandstone walls that support the road or hold back a bank next to the public highway would be covered in the pre-development condition survey and would be monitored during the course of the works. In the unlikely event of any damage being caused by

development traffic this would be repaired to return either wall to its original function and appearance. The repair is covered as part of Paragraph 3.6 of the Method Statement.

19. The CCTV will not cover the rear or sides of the vehicle where any damage to the banks or trees would occur. There would be no video evidence of any damage occurring, meaning incidents are more likely to be missed, go unreported and therefore, not remediated.

Officer comment: condition 23 of the Appeal Decision does not require the CCTV cameras to cover the rear or the side of the vehicle therefore there is no requirement for this. When travelling in a convoy, the vehicles behind will cover those in front. However, the larger rig components will be guided through the more confined areas and prevented from causing damage.

20. The escort vehicle will be in front of the load and will be in no position to monitor for damage caused by the vehicle behind it. Suggest the use of two escort vehicles monitoring not only forward but sideways visibility.

Officer comment: the applicant has commented that they believe this would serve no useful purpose and increase the number of vehicle movements.

21. The mitigation measures do not address how damage to the ancient hedge bank or trees roots along the sunken lane will be avoided or repaired/ compensated for. You cannot reseed an ancient tree and any damage done will be slow and irrevocable.

Officer comment: avoiding damage to the ancient banks is to be dealt with by routing the vehicles along Coldharbour Lane in a manner to avoid damage to the banks and trees. It was acknowledged in the Inspectors Report that any damage to the ancient sunken lane could not be repaired or protected and hence the focus would be on avoiding the banks altogether. Condition 20 does not require a methodology for avoidance of the banks but *in the event of damage to the banks[...] steps to be taken to minimise the impact the impact of the damage* i.e. for it not to get worse. It is accepted that the ancient banks cannot be reseeded and para 3.5 of the Method Statement refers to the highway verges not the ancient banks, again as stated in Condition 20.

22. If damage occurs what immediate action will be taken? Will traffic be stopped?

Officer comment: Section 2.7 of the Method Statement states "*in the unlikely event of any damage being caused at any stage of the development by vehicles servicing the Development, a schedule of repairs will be drawn up as necessary and agreed with the County Planning Authority and County Highway Authority prior to being carried out*". The immediacy of that action will depend on the amount of damage that may occur which is the same as the rest of the public highway network.

23. Request that a survey of Coldharbour Lane's camber at pinch points be undertaken.

Officer comment: Condition 20 requires a survey of the condition of the road. This would include the camber of the road. Condition 20 does not require a survey of the shape of the camber.

24. What would happen if the survey reveals instability of banks or tree roots? Will traffic be stopped to deal with this instability? Who will receive the daily reports?

Officer comment: if the instability of tree roots is such that it would lead to a dangerous situation then the road would be closed. The reports will be collected at the traffic coordination office on site.

25. There is no mention of prevention of damage to power lines, telephone cables and street lighting at risk from the transportation of a large drilling rig. How will this be monitored and repaired?

Officer comment: this is covered in paragraph 41 of the Officers report.

26. How will damage to tree branches be dealt with?

Officer comment: A foliage survey was provided as part of the Environmental Statement for the original application that would have formed part of consideration for the Public Inquiry. This

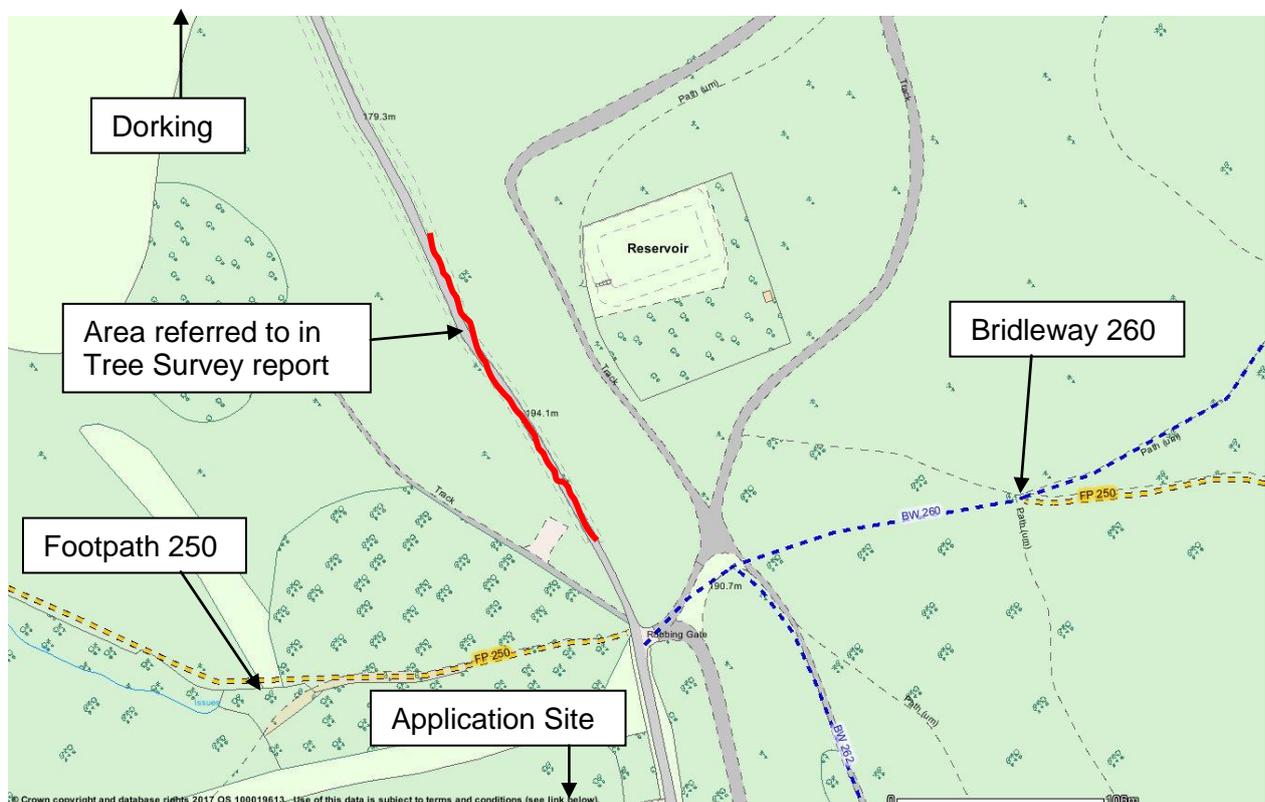
document says that all necessary trimming works would be carried out prior to the start of construction works and would be carried out by experienced and qualified arboriculturalists. This should ensure there are no overhanging branches that could be impacted on by the development proposal. Furthermore Condition 20 deals with the condition of the public highway and ensuring any damage to the banks is not made worse. It is not meant to deal with overhanging branches from trees.

27. Would the daily inspections take place outside of the HGV movement hours?

Officer comment: Yes, before the start of those times and after deliveries had finished for each day.

Tree Survey

A Tree Survey has also been submitted to accompany two letters of representation. This tree survey has been provided identifying vulnerable trees along the narrowest stretch of Coldharbour Lane on the stretch known as Boar Hill approximately 175m in length commencing some 55m north of Robbing Gate (where footpath 250 joins Bridleway 260) as can be seen below:



The Tree Survey outlines damage to trees and their roots can be from physical contact including with vehicles, machinery or fire; and excavation of the root area. It also states that five or six mature trees have been removed from Coldharbour Lane by the Forestry Commission to improve access on Coldharbour Lane. The Tree Survey refers to BS 5837:2012: 'Trees in relation to design, demolition and construction – recommendations' which gives clear and current best practice recommendations and guidance on principles to be applied to achieve a satisfactory juxtaposition of trees with structures.

The Tree Survey states it is probably that trees will suffer from direct damage from large vehicle passage; and that it needs to be understood that the trees must be monitored during this process.

The Tree Survey sets out the following recommendations:

- *That the utmost care is taken maintaining percentage of undisturbed roots as damage to trees cannot be undone*
- *Should the need arise to inspect or take action on the trees, this must be done by qualified arborist's and in accordance with the British Standard 3998*
- *Affected roots should be pruned using loppers to ensure a clean cut and minimise risk of fungal infection*
- *The main requirement is that the trees are not damaged by the large vehicle movements*

The conclusion is “*subject to appropriate Tree Protection Measures the proposed works are probably to impact on the health or stability of the retained trees if extreme care is not taken by the large vehicle drivers*”.

The applicant has confirmed that the whole traffic management scheme is geared to avoidance of damage to the trees. Given that most of the trees are rooted at a height well above the carriageway the potential for damage to the roots is much reduced. In the unlikely event that damage is caused by the vehicles serving the development, the applicant would apply best practice (that encompasses BS 3998) in taking appropriate action and a trained arboriculturalist would be employed.

Condition 19 states:

19. No development (save for anything done pursuant to Condition 15 (Ground and surface water monitoring) shall take place until a Traffic Management Scheme has been submitted to and approved in writing by the County Planning Authority.

The Traffic Management Scheme shall include:

- i. the provision, implementation and monitoring of traffic management measures (including details of the HGV holding area) to regulate the passage of relevant vehicles (as defined in Condition 16) travelling to and from the site and these measures shall take account of the road safety audit. Any mitigation measures should be subject to the road safety audit process;*
- ii. details of the temporary road closures, the management of traffic, including emergency vehicles, during the road closures;*
- iii. details of temporary warning signs for rights of way users at the point at which the rights of way meet Coldharbour Lane;*
- iv. details of temporary signs and any appropriate road marking prohibiting all relevant vehicles from parking or waiting in Knoll Road other than in three temporary marked parking places;*
- v. details of the publicity and prior notification signs to be provided to Capel, Holmwood and Wotton Parish Councils and to residents in Coldharbour Lane, Knoll Road, Abinger Road, Leith Hill Road, Lake Road, Broome Hall Road and Hen Hurst Cross Road in advance of and during the works;*
- vi. banksmen and escort details, including management of the progress of HGVs along Coldharbour Lane to protect trees and banks.*

The Traffic Management Scheme shall be implemented as approved and continue for the duration of the contract.

Condition 23 states:

All relevant vehicles (as defined in Condition 16) shall be fitted with a camera or CCTV within the cab. This feature shall be fitted to give a forward view from the cab and capable of covering the width of the carriageway and immediate highway verges/banks. The cameras shall be running at all times the relevant vehicles are traversing the route of Knoll Road and Coldharbour Lane in either direction. The film/tapes shall be retained without deletion of content and made available to the County Planning Authority for a period to be agreed in writing with County Planning Authority, before commencement of the development hereby permitted.