

TO: PLANNING &amp; REGULATORY COMMITTEE

DATE: 2 AUGUST 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: 515487 144824

**TITLE: MINERALS/WASTE MO/2017/0740 - LAND AT BURY HILL WOOD,  
 COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN**

## SUMMARY REPORT

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

#### **Details of a traffic survey and a safety audit pursuant to Condition 18 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. This application addressed Condition 18.

Access to the application site is to be gained via Coldharbour Lane travelling southwards from Knoll Road in Dorking. Coldharbour Lane is a rural road which has restricted width and is a sunken lane in places. The sunken lane nature of Coldharbour Lane can be seen in the attached photographs. Coldharbour Lane's width varies from greater than 5.5 metres (m) wide (suitable for two HGVs passing each other) to less than 4.8m width (not suitable for a HGV and car to pass). A number of rights of way networks join with Coldharbour Lane and Logmore Lane connects to it approximately half way down. Given the nature of the operation proposed and the size of the vehicles required to facilitate it, accessing the site presents significant and unique difficulties.

Evidence produced at the Public Inquiry held for the appeal in 2015 showed that the route along Coldharbour Lane had become popular for cyclists since the planning application had been originally submitted in 2008. This was considered to be in part due to the Olympics and the popularity from the Prudential Ride London annual events. The Planning Inspector raised specific concerns about the lack of data of these cyclists on Saturdays within the information submitted for the appeal (the Inspector considered sufficient data was presented with regards to cyclists on Coldharbour Lane on weekdays for him to make an assessment). Consequently the Inspector in imposing Condition 18 required further information in respect of leisure uses on Saturdays, particularly cycling in the form of a traffic survey to be carried out. Condition 18 also requires that a Safety Audit to be conducted for Coldharbour Lane from the junction of Knoll Road and Coldharbour Lane to the application site. The Inspector wished for the results of that Safety Audit to then be used in informing the Construction Traffic Management Plan that is to be submitted for Condition 19. It should be noted that requesting a Safety Audit as part of a condition such as this is unusual as Safety Audits are used for new road schemes and on highway improvement schemes on local roads and not simply a "check on standards".

The applicant has submitted details of four surveys carried out (three in 2016 and one in 2017). The survey points are along Coldharbour Lane including at the junction of Knoll Road and

Logmore Lane. They surveys include pedestrians, cyclists, equestrians and motor traffic. The details of the surveys have been presented in a report.

The applicant has carried out a Safety Audit which includes four recommendations for the Construction Traffic Management Plan (CTMP) for Condition 19. The Safety Audit has been reviewed by the Safety Audit team within the County Highways Authority who have raised no objection or concerns with regards to it. Condition 18 states that the recommendations of the Safety Audit be taken forwards into Condition 19 and Officers will look to ensure this is done as part of Condition 19 therefore Members should be satisfied with that approach.

The documentation submitted also includes a Risk Assessment which discusses the findings of the surveys carried out and accords a corresponding level of risk to users of Coldharbour Lane on Saturdays (when the survey was carried out). Leith Hill Action Group (LHAG) have raised concerns and criticised the Risk Assessment included. However this Risk Assessment is only for highway users on Saturdays and the applicant has now amended the CTMP to removal all references to HGVs accessing the application site on Saturdays therefore the risk to highway users on Saturdays is now nil.

The County Highway Authority have also reviewed the traffic surveys and whilst raising no concern about the way the surveys have been conducted or the information gathered, note the high number of cyclists on Coldharbour Lane recorded on Saturdays and recommend that all proposals for HGVs to use Coldharbour Lane on Saturdays in the CTMP are removed. Whilst Condition 19 is not part of the remit of this application, Members should note that the CTMP has been revised to exclude all HGV movements to/ from the application site on Saturdays except for emergencies during the drilling phase.

11 letters of representation have been received raising concerns about the use of Coldharbour Lane for the development proposal.

Officers consider that the surveys carried out by the applicant meet the requirements of Condition 18 in terms of the focus and the times of the surveys. Officers also consider that the applicant has met the requirement of conducting a Safety Audit for Coldharbour Lane. Officers recognise that a Risk Assessment has been included in the document but that this is now superseded by the applicant's commitment in the revised CTMP (July 2017) that no HGVs (unless in an emergency during the drilling phase) will travel to the site on Saturdays.

**The recommendation is APPROVE planning application MO/2017/0740.**

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## **APPLICATION DETAILS**

### ***Applicant***

Europa Oil and Gas (UK) Ltd

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

25 April 2017

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

20 June 2017

### ***Amending Documents***

None

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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>
Traffic Surveys	Yes	54-60
Safety Audit	Yes	61-71

## **ILLUSTRATIVE MATERIAL**

### **Site Plan**

Plan

### **Aerial Photographs**

- Aerial 1: Bury Hill Wood
- Aerial 2: Bury Hill Wood
- Aerial 3: Bury Hill Wood
- Aerial 4: Bury Hill Wood rights of way network and access to the site
- Aerial 5: Bury Hill Wood: route to site

### **Site Photographs**

- Figure 1: Knoll Road Looking Westwards towards Coldharbour Lane
- Figure 2: Knoll Road Looking Eastwards
- Figure 3: junction of Knoll Road and Ridgeway Road where the holding bays would be
- Figure 4: upper part of Coldharbour Lane having just left Knoll Road
- Figure 5: the sunken lane section of Coldharbour Lane
- Figure 6: the sunken lane section of Coldharbour Lane
- Figure 7: the sunken lane section of Coldharbour Lane
- Figure 8: the sunken lane section of Coldharbour Lane
- Figure 9: Coldharbour Lane
- Figure 10: site entrance

## **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 permission was granted on Appeal (ref: APP/B3600/A/11/216561) in August 2015 subject to 23 conditions. The decision was preceded by two Public Inquiries which is set out below in the following paragraphs. 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 DOWNDIP 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 eight 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/2016/1752 – details of a landscape and restoration plan pursuant to Condition 14. This application was approved in March 2017.
  - Application ref: MO/2016/1292 – details of Groundwater Monitoring pursuant to Condition 15. This application was approved in October 2016.
  - Application ref: MO/2016/1848 – details of a pre and post development condition survey method statement pursuant to Condition 20(ii). This application was approved in March 2017.
  - Application ref: MO/2017/0344 – details of a Noise Monitoring Plan pursuant to Condition 8. This application was approved in June 2017.
  - Application ref: MO/2017/0911 – details of a Traffic Management Scheme pursuant to Condition 19. This application has yet to be approved and is another item on this Planning and Regulatory Committee agenda.
11. The applicant has also submitted three further planning applications relating to fencing which await determination and are matters separate to the consideration of the current scheme subject of this report.
- a) 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 for a period of 18 weeks.
  - b) Ref: MO/2017/0222 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 for a period of 52 weeks.
  - c) Ref: MO/2017/0255 for the installation of a 1.1 metre high reptile fence at the application site.
12. With regards to application MO/2017/0222, this application was screened under Regulation 7 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 (the 2011 'EIA' Regulations) by the County Planning Authority (CPA) in January 2017 which concluded that the proposal would require an EIA of the development proposal. The applicant sought a Screening Direction from the Secretary of State (SoS) on this decision and in February 2017 the SoS issued a Screening Direction concluding that *"the environmental effects of this, albeit temporary and reversible, development on the character and appearance of the Surrey Hills AONB have not been subject to formal assessment through the EIA process to cover all components of the whole project. The Secretary of State concludes that the proposed security fencing and welfare facilities are inextricably linked to the main exploratory well-site works and the need to examine the potential impacts justify the need to update the existing environmental statement"*.
13. Following this, the SoS then chose to re-screen planning application MO/2016/1563 (which had been previously screened in November 2016) and in combination with planning application MO/2017/0222 also resolved that planning application MO/2016/1563 should be subject to an EIA.
14. Consequently the applicant has chosen to submit an overarching Environmental Statement for planning applications MO/2016/1563, MO/2017/0222 and MO/2017/0255. This Environmental Statement was submitted to the CPA on 11 May 2017 and

underwent consultation in accordance with Regulation 17 “Publicity where an environmental statement is submitted after the planning application” of the 2011 EIA Regulations (this falls to the applicant to carry out the publicity rather than the CPA). This included notifying residents.

15. Following this, the CPA has written to the applicant under Regulation 22 “Further information and evidence respecting environmental statements” of the 2011 EIA Regulations requesting further information and clarification on a number of matters in terms of the Environmental Statement. The further information requested has yet to be submitted.
16. For the avoidance of doubt the detailed scheme submission subject of this report is not subject to any further information requirements with regard to the previously submitted EIA in support of the 2015 Appeal decision or the subsequent EIA for the fencing applications.

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## THE PROPOSAL

17. The applicant has submitted details to satisfy Condition 18 of Appeal Ref: APP/B3600/A/11/2166561 which is with regards to a traffic survey. Condition 8 states:

*Condition 18 Prior to the submission of the Traffic Management Scheme a traffic survey shall be undertaken of all vehicles and pedestrians using Knoll Road and Coldharbour Lane on Saturdays between the hours of 0800 and 1400. This survey should cover all recreational activities, including cycling, which currently take place in Knoll Road and Coldharbour Lane. The results of this survey, combined with those of the traffic survey conducted in late 2014, supplemented by any pedestrian counts to fill in gaps, shall be used to produce a safety audit for the junction of Knoll Road and Coldharbour Lane and for the length of Coldharbour Lane between Knoll Road and the site access. The results of this audit shall be used to inform the Traffic Management Scheme required by Condition 19 below.*

18. During the planning appeal the Inspector noted concerns had arisen about the increase use of Coldharbour Lane by cyclists. At paragraph 67 of the Inspectors report he stated that “*an increase in the use by cyclists was reflected in the update report produced in March 2015, but this excluded information at weekends, when most cyclists are said to traverse the Lane*”. The Planning Inspector went on in paragraph 68 to outline the benefits of removing HGV traffic from Saturdays due to a potentially large number of cyclists. The Inspector went on to outline that a survey would furnish the necessary information to inform any decision and that this would be covered by condition.
19. Condition 18 requires two activities to be carried out: traffic surveys of all vehicles and pedestrians using Knoll Road and Coldharbour Lane on Saturdays between the hours of 0800 and 1400; *and* for a safety audit to be carried out for the junction of Knoll Road and Coldharbour Lane and the length of Coldharbour Lane from Knoll Road the application site using the recent survey data and that conducted in late 2014.

### Traffic Surveys

20. The applicant has conducted four surveys on different Saturdays: 3 in 2016 and one in 2017. The surveys were not carried out by traffic counters but recorded manually by people standing at set positions for the duration required. The same personnel were used for all the surveys for consistency. These surveys included cyclists, pedestrians, equestrians and vehicles. The survey positions were chosen to address concerns raised at the Inquiry namely:

- Cycle traffic entering the east end of Knoll Road and turning into the tennis courts located south of Knoll Road
- Cycle traffic using Coldharbour Lane
- Cycle traffic crossing Coldharbour Lane whilst using cycle tracks within the wooded areas of Bury Wood; and
- Pedestrian traffic in Coldharbour Lane.

21. The positions chosen for carrying out the survey were:
- the junction of Flint Lane and Knoll Road
  - the junction of Knoll Road with Coldharbour Lane and Ridgeway Road
  - the junction of Coldharbour Lane with Logmore Lane
  - the entrance to the application site on Coldharbour Lane.
  - Robbing Gate on Coldharbour Lane

#### *Pedestrians*

22. The survey outlined that the earlier surveys conducted for the proposal did not record any pedestrian traffic on Coldharbour Lane. However in the March survey this identified three pedestrians in the time period heading southwards from Knoll Road into Coldharbour Lane. The survey outlines that pedestrian traffic was greatest from Ridgeway Road northwards across the junction of Knoll Road with Coldharbour Lane to head north up Coldharbour Lane towards Dorking. Dog walkers form 50% of the pedestrian traffic on Knoll Road. No pedestrian traffic was recorded at the site entrance with a single pair of walkers at Robbing Gate car park. The survey concludes that the dominant pedestrian flow is between Ridgeway Road and the north part of Coldharbour Lane but that this pedestrian traffic had no impact on the usage of the junction of Knoll Road and Coldharbour Lane.

#### *Equestrians*

23. No equestrian traffic was recorded along Knoll Road or across the junction of Knoll Road with Coldharbour Lane; and no equestrian traffic was recorded travelling along Coldharbour Lane between survey positions. One single horse crossed Coldharbour Lane at established crossing points. The survey found that equestrian usage was slight.

#### *Cyclists*

24. The survey found cycle traffic numbers for all routes (except Coldharbour Lane) to be in single figures including Knoll Road and Logmore Lane. The survey found the cycle traffic figures for Coldharbour Lane to be high, with an average over the surveys of 189 northbound and 147 southbound. Most of the cycle traffic was bunched, with few single cyclists. Groups of cyclists were normally five strong with some groups up to 15 cyclists. The survey states these figures are consistent with the result of the ATC count carried out in September 2014. The traffic survey states that the main finding is that cycle usage is considerably higher on Saturdays than during the week.

#### *Motorcycles*

25. Six motorcycles were recorded in the March 2017 with none having previously been recorded.

#### *Private cars and vans*

26. The traffic survey found that there were 850 movements during the survey period at the Knoll Road/ Ridgeway Road/ Coldharbour Lane junction and 329 movements at Robbing Gate. The traffic survey states the high levels of traffic at the Knoll Road/Ridgeway



Road/ Coldharbour Lane junction is due to the flow across the junction from Ridgeway Road northwards to Dorking and form Knoll Lane northwards to Dorking.

*Risk Assessment*

- 27. In addition to the traffic surveys carried out for the above, the applicant has included a Risk Assessment in the documentation which assesses the level of risk to cyclists, pedestrians and equestrians from HGVs travelling along the proposed route on Saturdays only as the traffic surveys required by Condition 18 are only required for Saturdays between the hours of 0800 and 1400.

Safety Audit

- 28. The second component of Condition 18 requires the results of the Saturday surveys to be combined with those of the traffic survey carried out in 2014, supplemented by any pedestrian counts to fill gaps to produce a safety audit for the junction of Knoll Road and Coldharbour Lane and for the length of Coldharbour Lane between Knoll road and the site access. The applicant has provided a copy of a Safety Audit carried out by SCP Transport Planning. The Safety Audit having assessed the proposal makes four observations subsequent recommendations:
  - a) Provide advance signing on Flint Hill north and south of its junction with Knoll Road warning drivers that there are restrictions on movements along Coldharbour Lane so that drivers/ users of the route are aware of the traffic management scheme in place
  - b) Provide signing specifically advising cyclists to wait for the signal to go when on Coldharbour Lane as they may not be aware that they need to comply with the traffic management scheme restrictions
  - c) Advise escort vehicle drivers that they should stop if they encounter cyclists coming towards them to allow them to safely pass as in some sections of Coldharbour Lane there is insufficient width to comfortably allow a HGV to pass a cyclist travelling in the opposite direction
  - d) Provide signs at the start and end of the shuttle working sections with the text “At traffic control follow convoy vehicle” as drivers at the start and end of the shuttle working scheme may not be aware that they are required to follow a shuttle vehicle and either set off before it or try and overtake it en-route.

**CONSULTATIONS AND PUBLICITY**

***District Council***

- 29. Mole Valley District Council : No comments received – await publishing of Officers report for 2 August committee.

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

- 30. Rights of Way : No comments received
- 31. Transportation Development Planning : In consultation with the Safety Audit Team is satisfied with the information provided.
- 32. Surrey AONB Office : No comments received
- 33. National Trust : Do not wish to make comments.

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

- 34. Capel Parish Council : That all the Environmental Regulation procedures be followed. There is too short a timescale for receiving the revised CTMP and the committee date, it is unlikely members will have had the opportunity of appraising what is likely to be significant. Consideration should be given to:

- The existing public transport network
  - Increased activity within the revised work period
  - Notification procedures to residents
  - Coldharbour Lane and alternative routes (narrow roads)
  - Tourist activities during the summer months
  - Cyclist activities all year round
35. Holmwood Parish Council : No comments received
36. Frack Free Surrey : No comments received
37. Cycling UK : No comments received
38. Ramblers Association (Mole Valley Group) : No comments to make
39. CPRE : No comments received
40. Westcott Village Association : No comments received
41. Wotton Parish Council : No comments received
42. Leith Hill Action Group (LHAG) : make the following comments-
- there seems to be a fundamental misunderstanding from the applicant as to what constitutes a risk assessment and mitigation exercise. They seem to think that just because they didn't spot many of each type of road user e.g. pedestrians, equestrian users, motor cyclists, when they undertook their surveys, that no risk mitigation actions need to be put in place in respect of these user groups. A risk assessment identifies all the possible risks to all possible parties, including the likelihood of occurrence and the severity if it does occur, and appropriate mitigating actions are taken in advance to deal with these risks, or if they can't be mitigated against, the development must not proceed.
  - The focus is on the impact on cyclists at the weekend, but there are also a number of cyclists that use the lane during the week. Identification of the impact on that group of users has not been undertaken, and consequently appropriate risk mitigation measures have not been identified.
  - The report and its conclusions are inadequate. The survey findings and resulting report in no way address the risk to various groups of road users by identifying appropriate actions that will be taken to manage those risks.
  - There is the safety of pedestrians crossing Knoll Road when HGVs are parked there that is the issue.
  - It is ridiculous to extrapolate the findings from a couple of surveys where few equestrian users were spotted to say that "HGV traffic on a Saturday would not have an impact on equestrians."
  - Again the fact that few motorcyclists were spotted when the surveys were undertaken does not mean that the effect on their amenity will be low. The impact on the amenity of the motorcyclists affected will in fact be high.
  - Once again, just because no HGVs or large vehicles were spotted during the survey times, does not mean that none use the lane.
  - It is unacceptable that all of the materials that may be required for the development are not identified and brought to site in the agreed timescales.
  - Due to the large number of cyclists that use the lane on a Saturday morning, as well as heavy usage of the lane by Coldharbour residents it is unacceptable for there to be any HGV movements on Saturday mornings.
  - Why are the number of HGV movements estimates? This should be known and carefully planned for, not guessed at.
  - Pedestrian usage of Coldharbour Lane is not nil. The survey itself identifies some on-foot users of the lane. It is ridiculous to say that there is no risk to pedestrians by HGV usage of the lane on Saturday mornings. No description is given as to how a banksman being there will increase the safety of those pedestrians and no other mitigating action is proposed to be taken.
  - We do not agree that the increased risk to pedestrians of HGVs is minimal. HGV drivers are high up in their cabs with much poorer visibility than car drivers.
  - We disagree that the risk of an accident involving cyclists is "no higher than normal". These are substantially bigger vehicles than normally use the road; they are higher up with poorer visibility and the impact of a collision with a cyclist would be far worse than that of other vehicles. Signs must be erected. Personnel should also be positioned to

warn cyclists and other road users. Cyclists take a long time to get up the hill and there is a constant stream of them on Saturday mornings.

- What if rig mobilisation and de-mobilisation does not take place on a Saturday (as per our request)?

43. Dorking & District Preservation Society : No comments received

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

44. The application was publicised by the posting of six site notice. A total of 428 owner/occupiers of neighbouring properties were directly notified by letter. 11 letters of representation have been received raising the following concerns:
- The report concludes that there is no or little use of Coldharbour Lane by other large HGVs. As someone who has used Coldharbour Lane regularly for decades I can confirm this is not the case. Other users include deliveries to the Plough Pub in Coldharbour, oil and other utility deliveries, waste removal vehicles, Forestry Commission vehicles, horse boxes, emergency vehicles, grocery vehicles by Ocado and Tesco.
  - Livelihoods and possibly lives could be at risk
  - The assessment made has not revealed the true picture of the situation.
  - There appears to be no guarantee there will not be HGV deliveries on Saturdays. This is a high risk to cyclists.
  - The report outlines that the width of the road is not wide enough for two HGVs or a HGV and a car to pass each other which demonstrates the unsuitability of Coldharbour Lane for the proposal.
  - The traffic survey and safety audit is inadequate in scope and appreciation for the true danger of sending dozens of lorries up and down an ancient track through the forest.
  - The proposal does not reflect use of cyclists on weekdays.
  - The report does not address traffic management issues for protection of the character of the lane from HGVs.
  - The report does not recognise the extent to which Coldharbour Lane is used by pedestrians for example Duke of Edinburgh Award young people.
  - The proposal will put undue pressure on the surrounding road network like Anstie Lane.
  - Any delays to HGV deliveries may result in extending the length of time of the project, extending the operating hours or increasing the frequency of deliveries.
  - The information in the report for traffic management issues on Saturdays is insufficient.
  - The proposal will be a transport nightmare and impact negatively on the social and environmental and public safety impacts.
  - The proposal will lead to casualties and accidents.
  - There will be damage to flora and fauna.
  - The impact on Dorking will be more serious than previously envisaged.
  - Knoll Road is frequently used for free parking by workers in Dorking.
  - The proposed timings for movements during the week are not workable as school traffic begins as early as 2:30pm and school buses use Knoll Road. A 2pm deadline would be much more suitable.
  - An alternative route to the site from the A24 is via Anstie Lane and it is highly likely emergency services would be delayed getting to the village using that route.
  - Object to the proposed drilling as the site is within the AONB

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## **PLANNING CONSIDERATIONS**

45. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs. In considering this application the

acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 and Mole Valley Local Plan 2000.

46. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. 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: the appropriateness of the surveys and the outcome of the safety audit.
47. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development but recognises at paragraph 12 that the starting point for decision making should be the Development Plan. Paragraph 12 goes on to state that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF outlines that it is guidance for Local Planning Authorities and is a material consideration in determining planning applications.

#### *Planning Policy and Guidance*

48. The Surrey Minerals Plan 2011 (SMP2011) recognises that one of the most significant impacts of mineral working in Surrey, and the one that usually causes the most public concern, is the lorry traffic generated from transporting the minerals. This is recognised in para 7.1 of the SMP2011 which states that lorries are used for transportation in the overwhelming majority of cases. Paragraph 7.7 recognises the importance of ensuring maintaining the safety of the highway network with regards to mineral related traffic movements; and that highway safety is not compromised with the needs of pedestrians, cyclists and horse riders needs being considered in decision making. Paragraph 7.9 states that it is important to ensure the effects of mineral related traffic on local communities, the environment and the local road network, are carefully considered.
49. With regards to routing, paragraph 7.10 recognises that many sites do not have direct access to the primary highway network and therefore attention should be given to the routing of vehicles between the proposed development and the primary route network.
50. Policy MC15 recognises the above points by stating that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management. and that mineral development involving transportation by road will be permitted only where:
  - a) there is no practicable alternative to the use of road based transport that would have a lower impact on communities and the environment;
  - b) the highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and
  - c) arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.
51. Policy MOV2 of the Mole Valley Local Plan 2000 states "*Development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character in the area, having regard to all forms of traffic generated by that development [...].proposals for major developments will only be permitted where it can be demonstrated that in order to accommodate the traffic generated by that development appropriate measures are made to obviate the environmental impact*". The policy also requires appropriate provision for:
  - a) vehicular access and egress and movement within the site;
  - b) capacity on the transport network and in the vicinity of the development

- c) *access and egress to be obtained, or improved, to and from the primary route and distributor road networks*
- d) *pedestrians and cyclists*
52. The policy supporting text for Policy MOV2 outlines that the scale, type and location of development needs to have regard to the capacity of the existing road system in Mole Valley and its ability to accommodate more traffic in the short to medium term. The text goes on to state *“The Plan therefore seeks to ensure that new development should be integrated as satisfactorily as possible within the transport network and that improvements to the network should be made where necessary as part of those developments”*. The text outlines further that the aim will be to ensure that all proposals for new development in the District accords with the principle of maintaining a high environmental quality and that proposals will be assessed in relation to their impact on the environment and the sensitivity of that surrounding environment to accommodate the traffic generated.
53. With regards to transportation, paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment; and that decisions should take account of whether: safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

## TRAFFIC SURVEYS

54. The applicant has carried out a series of traffic surveys as required by Condition 18 covering Saturdays and for the time period requested. The surveys cover pedestrians, cyclists, equestrians, motorcycles and private cars/ vans to address the point in the condition that the survey should cover all recreational activities that could use the access route. In paragraphs 67 and 68 of the Inspectors Report highlighted the Inspectors concerns with regards to HGV movements traversing Coldharbour Lane on Saturdays and that there had been a marked increase in cyclists on Saturdays. The Inspector commented that *“Although restricting HGV movements totally on Saturdays would mean that there would have to be a correspondingly higher number of movements during the week there may be a balance of advantage in this. [...] However, only a survey would furnish the necessary information to inform this decision and this can be covered by condition”*. It is clear from this paragraph and the requirements of Condition 18 that a survey only of Saturday mornings was required and the Inspector was concerned about the lack of data on Saturdays. The applicant has undertaken 4 surveys.
55. The County Highway Authority (CHA) has reviewed the submitted traffic survey information and has commented with regards to the cycle survey information although there are some variations on cycle usage, they are broadly similar and it is therefore considered that the information submitted on road usage is robust and a reasonable basis on which to determine mitigation. The CHA has gone on to comment that it is quite clear from the submission that cycling on a Saturday morning on Coldharbour Lane is a popular pastime, with an average of 300+ using it between 0800 and 1400 over the survey days. This is likely to result in part from the use of the road during the 2012 Olympic road race and, subsequently, in the annual Ride London professional race.
56. The applicant initially within the Construction Traffic Management Plan (CTMP) proposed no HGV movements on a Saturdays during the construction and reinstatement phases only, except in emergencies; and to avoid HGV movements on Saturday mornings where possible during the drilling and test phases. The road will be closed during the rig mobilisation and demobilisation so if it were to occur at the weekend, there would be no conflict. However, having reviewed the CTMP the CHA raised concerns with regards to the level of risk posed to cyclists from HGVs travelling on Coldharbour Lane on Saturdays during the other phases of the development and requested that no HGV

movements occur on Saturdays for any of the phases. In response to this, the applicant has modified the CTMP accordingly to remove all references to HGV movements on Saturdays unless in an emergency for the drilling phase. An emergency during the drilling phase is defined as human or operational risk such as an unexpected change in pressure within the well. By removing the reference to HGV movements on Saturdays for all phases of the development (except in an emergency) this meets the requirements and concerns of the CHA.

57. The applicant is proposing to notify local cycling clubs of the traffic management scheme in advance in order to ensure that they are informed.
58. LHAG are critical of the Risk Assessment provided within the details submitted for Condition 18 saying that it does not appropriately identify the level of risk and that consequently the correct level of mitigation cannot be identified and therefore the scheme should not go ahead. The Risk Assessment provided specifically focuses on the risk posed from HGVs travelling to the site along Knoll Road and Coldharbour Lane on Saturdays only between the hours of 0800 and 1400. This is because the surveys conducted only covered Saturdays between those hours as required by Condition 18. Condition 18 does not require a Risk Assessment nor does it require any consideration of risk or traffic movements Monday – Friday.
59. Whilst LHAG raise concerns about the Risk Assessment provided it should be noted that the comments made in the Risk Assessment have now been superseded by the applicant proposing as part of the CTMP for Condition 19 to exclude all HGV movements to/ from the application site on Saturdays for all of the phases of development except in an emergency during the drilling phase. Consequently whilst LHAG may disagree with the level of risk identified in the Risk Assessment for pedestrians, equestrians and cyclists from HGV movements on Saturdays, the removal of HGVs on Saturdays as such means there is no level of risk for these groups.
60. Officers are satisfied that the applicant has carried out the traffic surveys as required by Condition 18.

## **SAFETY AUDIT**

61. It is highly unusual in Surrey for a safety audit to be undertaken in these circumstances as a safety audit would only usually be required in respect of highway engineering works. The Institute of Highways and Transportation (CIHT) “Road Safety Audit” document (2008) also sets out that safety audits should be undertaken on new road schemes and on highway improvement schemes on local roads and not simply a “check on standards”. It does state that road safety audits be concerned with determining interactions between road users leading to potential collision types. In this particular case, there are no highway engineering works proposed nor any highway improvement works proposed.
62. The submitted safety audit was produced by an independent company and has been reviewed by the County Council's internal Safety Audit Team. Whilst they requested a number of amendments to the Traffic Management Scheme (required under condition 19 and therefore not part of this application), they did not require any amendments to the safety audit. The Safety Audit Team are satisfied with the safety audit carried out and the documentation produced.
63. In terms of the recommendations made in the Safety Audit to be taken forward to the CTMP, whilst the CTMP will be discussed in the report for Condition 19, Officers outline below how the applicant has sought to address the four recommendations:

Recommendation 1: provide advance signage on Flint Hill north and south of its junction with Knoll Road warning drivers that there are restrictions on movements along Coldharbour Lane

64. The applicant has agreed for such a sign to be provided.

Recommendation 2: provide signing specifically advising cyclists to wait for the signal to go

65. No specific signage is to be provided for cyclists waiting for the signal to go as it is considered that the proposal already involves a large number of signs and adding further signs that are specifically for cyclists may add confusion motorists as the signs would be similar to the other signs provided. Furthermore as a road user, cyclists should adhere to the highway code in the same manner as motorists and this would include adhering to any signs placed along the highway route warning and advising motorists of the traffic management scheme.

Recommendation 3: Advise escort vehicle drivers that they should stop if they encounter cyclists coming towards them to allow them to safely pass

66. This concern relates to the matter that on some sections of Coldharbour Lane there is insufficient width to comfortably allow a HGV to pass a cyclist travelling in the opposite direction therefore it is a matter for the HGV driver. Officers are concerned that should a HGV be made to stop every time it encountered a cyclist on Coldharbour Lane, including when the width of the road is not so narrow that a cyclist and HGV cannot pass, that this could cause delay and also confusion to not only the convoy/ the HGV but also any traffic behind the convoy/ HGV. As such the HGV driver card which is to be issued to every HGV driver travelling to/ from the application site and is to be adhered to; includes the line that HGV drivers should be aware and alert to cyclists travelling on Coldharbour Lane.

Recommendation 4: Provide signs at the start and end of the shuttle working sections with the text 'AT TRAFFIC CONTROL FOLLOW CONVOY VEHICLE'.

67. This requirement has been added into the HGV driver card but with the words "DO NOT PROCEED ALONG COLDHARBOUR LANE IN EITHER DIRECTION UNTIL INSTRUCTED TO DO SO." The HGV driver card also outlines that HGVs should wait in the demarcated area at the western end of Knoll Road whilst waiting to leave Knoll Road.

## CONCLUSION

68. Officers are satisfied that that the applicant has provided the information specified in Condition 18. With regards to planning policy, Officers are satisfied that Policy MC15(a) is not relevant to this proposal as this matter would have been considered as part of the Public Inquiry and the principle of the development. With regards to MC15(b) the matter of the highway network being of a suitable standard was also discussed at the Public Inquiry with regards to the width of Coldharbour Lane's carriageway and the matter of HGV numbers to be generated by the proposal. Policy MOV2 covers points similar to MC15(a) and (b) therefore comments relating to MC15(a) and (b) correspond to MOV2.

69. With regards to MC15(c) and MOV(d) the surveys undertaken highlight that there is a high number of cyclists that use Coldharbour Lane on Saturday mornings and the Safety Audit recommends measures to accommodate this. However the applicant has amended the CTMP to removal all references to HGVs using Coldharbour Lane on Saturdays (except in an emergency during the drilling phases) thereby seeking to address the concerns and outcomes of the surveys and Safety Audit. Officers consider in doing so, this condition meets this requirements of Policy MC15(c). Officers consider that the proposal meets the requirements of Policies MC15 and MOV2.

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## HUMAN RIGHTS IMPLICATIONS

70. 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.
71. The proposal involves the approval of details pursuant to Condition 18 of Appeal Decision APP/B3600/A/11/2166561 dated 7 August 2015. The principle of the development has already been established and associated impacts considered acceptable when the appeal decision was granted. The issues by way of this proposal are assessed in the report but relate to the carrying out of surveys and producing a Safety Audit. Having considered the limited effects of this proposal on public amenity and the local environment, it is the Officers view that the potential scale of the impacts associated with the proposal are not considered sufficient to engage Article 8 or Article 1 of the protocol. As such Officers do not consider that the proposal would interfere with any Convention right.

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## CONCLUSION

72. Officers consider that the details submitted pursuant to Condition 18 in the form of four surveys carried out on Saturday mornings between the hours of 0800 – 1400; and the carrying out of a Safety Audit meets the requirements of Condition 18. Officers take into account the representation made by LHAG and recognise that a Risk Assessment has been submitted to accompany the details of Condition 18. However Condition 18 did not require a Risk Assessment and it would be unreasonable to determine the application on this basis. In any event, details of the Risk Assessment are now superseded by the applicant's commitment within the CTMP for Condition 19 not to have any HGVs travelling along Coldharbour Lane on Saturdays save for emergencies during the drilling phase. Officers recommend the details pursuant to Condition 18 be approved.

## RECOMMENDATION

The recommendation is that the details of the traffic survey and Safety Audit submitted pursuant to Condition 18 of Appeal Decision APP/B3600/A/11/2166561 dated 7 August 2015 contained in application ref: MO/2017/0740 be approved.

### Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: 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 County 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; and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on highways 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.

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## 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:

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**Government Guidance**

National Planning Policy Framework 2012

**The Development Plan**

Surrey Minerals Plan Core Strategy Development Plan Document (DPD) 2011

Mole Valley Core Strategy 2009

**Other Documents**

Appeal Decision APP/B3600/A/11/216561 dated 7 August 2015

The Institute of Highways and Transportation (CIHT) "Road Safety Audit" document (2008)

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