

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 18 OCTOBER 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: 515489 144822

TITLE: MINERALS/WASTE MO/2017/0911

SUMMARY REPORT

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

Details of a Traffic Management Scheme pursuant to Condition 19 of appeal ref: APP/B3600/A/11/2166561 dated 7 August 2015.

This planning application was presented to the Planning and Regulatory Committee at the 2 August 2017 committee seeking approval for the details of a Construction Traffic Management Plan (CTMP). A wide-ranging discussion took place with regards to the content of the CTMP and following this a recommendation was tabled and carried, to defer the planning application subject to the submission of further information from the applicant on four matters. These being:

- a. to take into consideration any information that arose from Mole Valley District Council's committee meeting that was held on the evening of 2 August (Mole Valley District Council objected to this planning application at their meeting of 2 August and this is covered at paragraph 47 onwards),
- b. detail of the substance of the terms of agreement for the use of Ryka's Car Park,
- c. the system of communications which can be relied upon to ensure all parties affected by the terms of the CTMP remain in contact,
- d. confirmation of the type of surfacing material to be used at the site

The applicant has submitted a revised CTMP version 11 (v11) to cover these points. In addition to this and to aid Members concerns, CTMP v11 also includes information about driver delay times for both non-site Heavy Goods Vehicles (HGVs) and cars/ vans travelling along Coldharbour Road at the same time as site HGVs in either northbound/ southbound directions. CTMP v11 also includes information about travel times for site HGVs to travel to the site at various speeds and also includes some information on the modelling work that was carried out as part of the Planning Appeal in 2015.

The principle of the development was given on appeal in August 2015. The purpose of this CTMP is to provide more detail on the proposed routing of the HGVs accessing the site for each different stage of the hydrocarbon proposal. This application is for the approval of details required by Condition 19. Any later approval must be within the confines of the permission which has been granted and it is not possible to go back on the principle of the permission at this stage.

Leith Hill Action Group have raised concerns that CTMP v11 does not provide enough information on 3D modelling for site HGVs travelling to the site safely, that the CTMP should be subject to an Environmental Impact Assessment (EIA), that the driver delay time assessment is inadequate and

incorrect and there is no information provided as to the impact of the proposal on Dorking town centre. To date, 16 letters of representation have been received on CTMP v11 raising concerns with regards to risk to cyclists and equestrians, impact on Dorking town centre, impact on residents in terms of emergency services and ability to work in the area, the impact on the sunken lanes and the trees now subject to a Tree Preservation Order.

Officers are also aware since 2 August Committee, Mole Valley District Council have granted a Tree Preservation Order (TPO) for 20 trees positioned along Coldharbour Lane around Robbing Gate and this is a material consideration in the consideration of this application. However Officers are also aware that the presence of a TPO does not prohibit the granting of planning permission (or approval in this case) but that a separate process should be carried out for any works to a tree covered by a TPO.

Officers are also aware that a requirement of approving planning application MO/2017/0740 was that all four recommendations of the Road Safety Audit should be set out within the CTMP. The CTMP v11 does that.

Officers consider that CTMP v11 provides the further information that was stipulated as being required by Members at the 2 August 2017 including the points above and the Road Safety Audit information. Officers consider the applicant has provided sufficient clarification on driver delay and site related HGV travel times to the site to demonstrate that the number of HGVs travelling to site can be met within the confines of the hours of working stipulated by Condition 17 of the Appeal Decision.

The recommendation is to APPROVE planning application MO/2017/0911

APPLICATION DETAILS

Applicant

Europa Oil and Gas (UK) Ltd

Date application valid

10 May 2017

Period for Determination

5 July 2017

Amending Documents

Construction Traffic Management Plan Rev 11 dated 21 September 2017 including plans and appendices.

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.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Environmental Impact Assessment	Yes	36 – 45

Construction Traffic Management Plan	Yes	46 – 70
Tree Preservation Order	Yes	71 - 79

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

1. At their meeting on 2 August 2017, the Planning and Regulatory Committee considered the Officers report on the above planning application and the submitted CTMP, and resolved that the planning application be referred back to the applicant requiring the submission of further information and consideration on the following grounds:
 - a. to take into consideration any information that arose from Mole Valley District Council's committee meeting that was held on the evening of 2 August
 - b. detail of the substance of the terms of agreement for the use of Ryka's Car Park
 - c. the system of communications which can be relied upon to ensure all parties affected by the terms of the CTMP remain in contact
 - d. confirmation of the type of surfacing material to be used at the site
2. This report provides additional information with regards to the matters outlined above a – d, and should be read in conjunction with the original report which is appended to this report. In addition to this, this report also considers the matter of a Tree Preservation Order having been made by Mole Valley District Council for the protection of 20 trees along Coldharbour Lane at Robbing Gate.

THE ADDITIONAL INFORMATION

3. The applicant has submitted a revised Construction Traffic Management Plan (CTMP) version 11 (v11) in September 2017. This document provides the following new and revised information:
 - a. Confirmation that the Cobham Motorway Service Area (MSA) would be used as the holding area prior to site related Heavy Goods Vehicles (HGVs) travelling to Knoll Road. **Please note this means that Rykas Café is not proposed to be used by the applicant.** The CTMP v11 states the time it would take a HGV to travel from the Cobham MSA to Knoll Road would be 22 minutes and 44 seconds and acknowledges that whilst it is further away there are sections of dual carriageway that allows vehicles to travel together in convoy or to allow site related HGVs to come together again if separated. The CTMP v11 confirms that consent has been sought from, and granted, by the management company operating Cobham MSA for its use.
 - b. Information on what communications system would be relied upon to ensure all parties affected along Coldharbour Lane are kept informed. This is in the form of satellite phones and a landline for residents to use to call the site and visa versa. Site operatives would use radios to liaise with banksmen. Appendix A to CTMP v11 provides information on this.
 - c. Confirms that aluminium trackway would be used for surfacing the site and most of the access track to the wellpad¹. The CTMP v11 confirms that two areas of the application area would use stone because of gradients. These being the slope on the access at the southeast corner of the drilling platform and the access track to the flare area. The aluminium trackway would be bolted into position after layers of impermeable membranes and protective geotextiles are laid in position.
4. In addition to this, CTMP v11 includes information on proposed driver delay times that could be experienced by cars/ vans and non site related HGVs waiting to travel along Coldharbour Lane in either a northbound/ southbound direction if a site related HGV were to be travelling on Coldharbour Lane. The attached plan 4100 CTMP 15 shows this information and shows the maximum driver delay would be 5 minutes and 30 seconds. CTMP v11 provides information on travel times to the application site from Knoll Road for site related HGVs at varying speed limits from 20 miles per hour (mph) – 30 mph. CTMP v11 acknowledges that slow walking could occur at 4mph and provides an estimated time for site related HGVs travelling to the site being 35 minutes. CTMP v11 also provides some information on the modelling carried out for the Public Inquiry in 2015 in relation to the capacity of Coldharbour Lane to accommodate site related HGVs.

Safety Audit

5. The CTMP presented to the August Planning and Regulatory Committee included the provision that no site related HGVs would travel to/ from the application site on Saturdays following the findings of the cycle surveys carried out as part of Condition 18 and the safety audit which found that due to a high level of cyclists on Saturdays there would be a corresponding higher level of risk to cyclists from HGVs traversing along Coldharbour Lane. The Safety Audit also set out four recommendations these being:

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

6. The applicant has provided details of the sign to be provided.

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

¹ Paragraphs 1.5 and 1.15 of the CTMP

7. The applicant has provided details of the signage to be provided.

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

8. The HGV driver card includes this requirement.

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

9. 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.

FURTHER CONSULTATIONS AND PUBLICITY

10. Following the submission of CTMP v11, a round of consultation with statutory and non-statutory consultees has taken place.

11. **District Council**

12. Mole Valley District Council : No comments received

Consultees (Statutory and Non-Statutory)

County Highway Authority

13. Transportation Development Planning: Considers the CTMPO meets the requirements of Condition 19.

14. British Horse Society :Object on the following basis –

- The site is adjacent to bridleways and footpaths used by members of the public who wish to enjoy the peace and quiet of the countryside.
- There would be significant noise and disruption caused by machinery and the movement of large lorries transporting materials to and from the site plus the enormous amounts of diesel exhaust fumes and dust from the movement of stone. This air pollution would be bad for the environment, ecology, wildlife and anyone wishing to enjoy the countryside. .
- Access to the site is totally impracticable and along very narrow, ancient sunken lanes, which are totally unsuitable for such heavy traffic. These historic lanes will be ruined as they were never designed for such traffic.
- How would access be available for emergency vehicles when roads are frequently closed? Especially if an accident occurred on an adjacent bridleway.
- How would anyone in the area on a horse, bicycle or on foot approaching from a nearby path be aware that the roads were closed?
- This is not suitable or safe when the bridleways are regularly used by many horse riders from all areas, not just the immediate locality. .
- The area is designated AONB/Green Belt and this type of inappropriate development is surely designated as "Industrial".
- This whole planning application has been treated with disdain by Europa Oil & Gas.

15. Forestry Commission : No comments received

16. National Trust : No comments received

17. AONB : No comments to make

18. Ecologist : No comments received

19. Rights of Way : The proposal affects roads where a number of public rights of way meet. Consider the measures proposed to provide advisory signage for path

users exiting onto the road are adequate and therefore raise no objections or further comments.

20. Surrey Fire and Rescue : Previous comments given still apply

Parish/Town Council and Amenity Groups

21. Capel Parish Council : No comments received.
22. Holmwood Parish Council : No comments received
23. Frack Free Surrey : No comments received
24. Cycling UK : No comments received
25. Ramblers Association : No comments to make
26. CPRE : No comments received
27. Westcott Village Association : No comments received
28. Wotton Parish Council : No comments received
29. Leith Hill Action Group (LHAG): Make the following comments –
- a. The use of aluminium trackway is welcome and will bring a significant reduction in HGV movements during site construction and reinstatement phases.
 - b. The workability of the scheme needs to be assessed during the periods where the concentration of HGV movements is greatest which is in the drilling phase. The aluminium trackway will make no difference to that.
 - c. The revised TMP driver delay analysis is flawed and based on unjustifiable assumptions. The assessment is simplistic.
 - d. Statements that residents on Coldharbour Lane can get to and from their properties cannot be borne out in logic about maximum waiting times.
 - e. The P&R committee asked for a 3D analysis of the HGV route and this is ‘not considered necessary’ by the applicant. The one presented at the appeal was 2D and showed plan and elevation views but not side views. We cannot say with certainty that larger loads will definitely hit a tree as this information has not been provided and it should be.
 - f. Note that Mole Valley District Council objected to the previous version of the TMP as it did not assess the impact on Dorking town centre. This has not been done in this revised CTMP.
 - g. There was a degree of confusion about the number of HGV movements at the 2 August P&R committee. Table 5.1 in the current CTMP uses loads which is not helpful.
 - h. If there is to be 9 loads (18 movements) of HGVs per day for the drilling phase, as they would have to travel singularly this would extend the proposal beyond the 18 week permitted programme set out in Condition 4 of the appeal decision.
 - i. Where is the evidence that the capacity of the road is acceptable to cope with this traffic?
 - j. There is an assumption that site traffic and other traffic can pass each other at any point on Coldharbour Lane where the width is greater than 4.8m. Given 50% of the traffic during the drilling phase would be 2.8m wide this would not be the case.
 - k. There is an assumption that site HGVs can pass each other at the Logmore Lane junction but what happens when 2 HGVs are each followed by a non-site vehicle of more than 2m wide.
 - l. There is an assumption that site vehicles would travel consistently at 30 mph along the whole length of the route including passing other vehicles and makes no allowance for slowing down
 - m. There is an assumption that no cyclists would be encountered.
 - n. There is an assumption that no other slower moving traffic would be encountered.
 - o. How can a made with a stop/ go board and a radio control a 3 or 4 way junction
 - p. Having a meeting with residents to agree a workable protocol once the TMP is accepted is like ‘putting the cart before the horse’.
 - q. This CTMP includes traffic volumes in the drilling period which are significantly different to those considered at appeal but contains little clarification as to the way the Plan is supposed to work.

- r. The environmental information presents is inadequate to assess the environmental effects of the development for the following reasons:
- i. To suggest that the TMP was approved in principle in 2015 is not true. The Inspector left the whole issue of Transport and Traffic to the County Council to consider
 - ii. The Traffic and Transport section of the May 2017 Environmental Statement² refers back to the 2014 document only adding details associated with the proposed fencing.
 - iii. The TMP now proposed is of a different scale to the 2014 proposal. The 2014 scheme proposed some 1100 movements this is now 1500-1600 proposed and the timescale is shorter.
 - iv. The TMP is different in methodology as the 2014 scheme proposed traffic lights and this now proposed stop/ go boards.
 - v. No mitigation measures are proposed for equestrians
 - vi. The TMP will be modified to incorporate recommendations from the Safety Audit.
 - vii. All further information required should be framed as a Regulation 22³ request
 - viii. The TMP should be based on modelling to estimate transit times and driver delay not assumptions
 - ix. Indirect effects of the TMP should be assessed.
 - x. An EIA of the TMP should be carried out
30. Dorking & District Preservation Society : No comments received

Summary of publicity undertaken and key issues raised by public

31. Following the submission of the CTMP rev 11 in September 2017, a total of 739 owner/occupiers of neighbouring properties were directly notified by letter of this revised document. 22 letters of representation have been received following this re-notification raising the following comments:

- Object

Coldharbour Lane

- As 20 trees have TPO status it will be a contradiction to allow large vehicles along this sunken lane where there is no room for another vehicle to pass
- There are no details about protecting trees
- A speed of less than 1mph will be required for the HGVs to avoid damage to the trees and the CTPM should be modelled on that
- Coldharbour Lane is unsuitable for Heavy Vehicles as it is not wide enough
- Coldharbour Lane will effectively be closed to non-site traffic for the duration of the development
- The sunken lanes will be trashed
- 1000+ number of movements is unimaginable
- The 1000+ lorries will impact on my ability to work from home

The CTMP document

- The revision does not address the shortcoming highlighted at the August committee
- The journey time hasn't been calculated to take into account other road users
- The marshalling of HGVs at 4 separate points along Coldharbour Lane was deemed unworkable by the Inspector & this CTMP is the same
- The CTMP is no different from the one submitted to the Inquiry
- More analysis/ an independent analysis of the traffic management plan needs to be done/ There should be detailed modelling of movements

² This Environmental Statement is for planning applications MO/2016/1563, MO/2017/0222; and MO/2017/0255

³ Regulation 22 of the Environmental Impact Assessment Regulations 2011

- Concerned lorries will end up at the end of Coldharbour Lane which meets the one way system
- Saying SCC endorse the use of aluminium trackway lacks credibility
- If aluminium trackway proves unworkable then a new CTMP will need to be submitted for stone
- The site is accessed by sunken lanes. How will the CTMP protect the banks of the sunken lane?
- Concern the CTMP would allow HGV movements through Dorking during rush hour and school arrival/ leaving times
- Cannot see how this scheme is safe
- The CTMP does not consider the impact from lawful, democratic protest - the applicant must act responsibly
- Cannot see how this scheme is safe

Impact on residents

- The knock on effect on alternative routes will be chaotic and expensive
- The impact of those living on the route will be unacceptable/ It will totally inconvenience those of use who work and live in the area
- The proposal will adversely affect my business
- People will be trapped in their homes
- The existing levels of traffic in Dorking are too high for this proposal
- Why are residents in Ridgeway Road not being involved in the letter drop?
- People won't have access or will have delayed or reduced access to emergency services

Knoll Road

- How are you going to get lorries along Knoll Road which already has traffic problems
- It is inappropriate to use Knoll Road
- Parking on Knoll Road is difficult enough with the HGVs
- Knoll Road will experience heavy traffic, noise, air pollution and damage from the proposal
- Consequences of an accident on Knoll Road would be disastrous
- The junction from Knoll Road to Horsham Road is limited - chance of an accident is high

Pedestrians, Cyclists and Equestrians

- There will be a risk to pedestrians
- There will be a risk to cyclists - the CTMP does not address this
- The report does not take into account the number of cyclists on weekdays
- The proposal will affect my cycling
- There will be a risk to equestrians

Pollution

- The slow manoeuvring of vehicles will cause higher exhaust fumes

General Comments

- The proposal will affect the recreational value of Leith Hill
- The site is within the AONB and will permanently damage it
- The site is in a SSSI and that needs careful consideration
- The drilling will cause serious impact
- The exploratory drilling could be undertaken elsewhere
- Concerned that the Greensand by the site is valuable and the company will start quarrying it
- What financial compensation is being offered?

32. Officer comment: a representation has asked why Ridgeway Road is not included in the letter drop. The letter drop is meant to inform those residents along Knoll Road and the southern part of Coldharbour Lane of the access arrangements as those residents are directly on the approved access route or would be directly affected. Residents on other roads which connect to the roads listed as receiving a letter would be informed by signage which is considered appropriate.

PLANNING CONSIDERATIONS

33. 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.
34. The application has been submitted to comply with the requirements of Condition 19. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for managing and mitigating any environmental impact of this aspect of the development are satisfactory. In this case the main planning considerations are whether the CTMP v11 meets the requirements of the condition.
35. 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.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Environmental Impact Assessment

36. LHAG request an EIA should be carried out for the CTMP and that any further information requested following on from the August Planning and Regulatory Committee should have been requested under Regulation 22 of the EIA Regulations 2011. Given that this is a subsequent application, submitted in response to a condition attached to the original Appeal decision (ref. APP/B3600/A/11/2166561), the process set out in Regulation 8 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the 'EIA Regulations') applies in this instance.
37. Regulation 8 of the 2011 EIA Regulations applies where it appears to the planning authority that:
- The application before them is a subsequent application (Reg 8(1)(a)(i));
 - The application in question has not been the subject of a screening opinion or direction (Reg 8(1)(a)(ii));
 - The application is not accompanied by an ES (Reg 8(1)(a)(iii); and
 - The original application was accompanied by an ES (Reg 8(1)(b)(i)).
38. This application satisfies these requirements, and can therefore be classified as a subsequent application within the meaning of Regulation 8 of the 2011 EIA Regulations. Consequently, the question that needs to be addressed in respect of the current application is that posed by Regulation 8(2), which states:

“Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the environmental effects of the development, they shall take that information into consideration in their decision for subsequent applications.”

39. Officers are therefore required to consider if the information submitted in the original ES, all subsequent updates and amendments made to that document, and the information provided as part of the applications for subsequent consent, is sufficient to meet the requirements of the EIA Regulations, with reference to the likely significant effects of the current application.
40. With reference to the further detail that has been provided in the current application about the number of vehicles that would be generated by the development permitted on appeal (ref. APP/B3600/A/11/2166561), it is noted that the maximum number of daily HGV traffic movements that is now expected to arise from the development is 23 per day, during phase 3 of the operation (drilling of the borehole). That represents a level of daily traffic movements that is lower than the level that was predicted when the appeal decision was made (paragraph 53 (p.11) of the Appeal Decision report which cites a maximum of 30 HGV movements in any given day). As the number of the highest rate of daily HGV movements predicted under the current application is lower than the highest rate of daily HGV movements considered at the Appeal, on the basis of the information provided in the original ES, it is reasonable for that ES to be relied upon for the determination of the current application. The CTMP was required by condition under the Appeal decision specifically as the means of managing the traffic and highways impacts of the site construction and drilling operations, which were acknowledged by the Inspector, and discussed at some length in the Appeal decision report (paragraphs 51 to 76, pp.11-15).
41. With reference to the concerns that have been raised in respect of the socio-economic impacts of the CTMP on the local community, including in relation to effects on the local bus service, on the local public house (the Plough Inn), and on the motoring costs incurred by local residents having to use diversion routes, such effects were taken into account by the Inspector at appeal, on the basis of the information provided in the application documents, which included the original ES, at paragraphs 89 (pp.17-18) and 95 (pp.18-19) of the Appeal Decision report:

“89. Penultimately, there are some objections on the basis that the road management and closures would cause businesses and customers inconvenience. The submissions on this point are largely subjective, with no independent assessment of the likely economic effects. First off, it would be silly to say that there would be no effects. Even so, as said before, people and businesses would manage the inconvenience. Other than for the two 3-day closures of Coldharbour Lane, when access might be more difficult, though not denied, businesses and customers would have unfettered access during the peak hours. As such, there may be a small level of inconvenience that constitutes a negative factor, but not of itself crucial.”

“95. Turning to other matters, the traffic, ecology, effects on businesses and visitor enjoyment are all topics that raise negative quotients in the balancing equation. Notwithstanding, taken individually or cumulatively, I have found these not to be compelling. Even the traffic protocols can be made to work effectively and safely through the TMP. In particular, because the duration of the project is so short, I am certain local people, visitors and businesses would manage the inconveniences that would occur as best they can. No doubt the experience would prove irritating, but not life changing. The raft of conditions proposed would mitigate much of the feared harm.”

42. Whilst the submitted CTMP includes more detail than that submitted in the original application for the well-site and on appeal, the key principles of managing the traffic remain unchanged, and include: two three day closure periods for the rig to be brought on to the site (and then removed); a shuttle service of three HGVs at a time in convoy along Coldharbour Lane during the construction period and the decommissioning / restoration period; a holding area for three HGVs on Knoll Road, prior to them travelling in convoy down Coldharbour Lane; and, the route to the site being defined as via the A24 – Flint Hill – Knoll Road and Coldharbour Lane.
43. Officers consider that as the CTMP proposed by the current application is consistent with the key aims of the traffic management plan submitted as part of the original application, and as the questions of socio-economic effects of the proposed traffic management measures had been taken into account by the Inspector, as reflected in paragraphs 89 (pp.17-18) and 95 (pp.18-19) of the Appeal Decision report, that no further assessment is required to inform the determination of the current application. Officers note that the CHA has no objections to the discharge of condition 19, notwithstanding the application of a condition precluding HGV movements on Saturday mornings expect in an emergency.
44. Officers consider that the environmental information already before them in respect of the current application, which includes that provided by those making representations about the proposed CTMP, as well as that provided by the applicant, is sufficient for the planning authority to take account of the environmental effects of the development and the implementation of the CTMP, in line with the advice given by the then Justice Sullivan in paragraph 68 (see below) of the judgement for *Blewett v. Derbyshire CC* (EWHC (Admin) 2775 (2003)):
- “68. I have dealt with it in some detail because it does illustrate a tendency on the part of claimants opposed to the grant of planning permission to focus upon deficiencies in environmental statements, as revealed by the consultation process prescribed by the Regulations, and to contend that because the document did not contain all the information required by Schedule 4 it was therefore not an environmental statement and the local planning authority had no power to grant planning permission. Unless it can be said that the deficiencies are so serious that the document cannot be described as, in substance, an environmental statement for the purposes of the Regulations, such an approach is in my judgment misconceived. It is important that decisions on EIA applications are made on the basis of "full information", but the Regulations are not based on the premise that the environmental statement will necessarily contain the full information. The process is designed to identify any deficiencies in the environmental statement so that the local planning authority has the full picture, so far as it can be ascertained, when it comes to consider the "environmental information" of which the environmental statement will be but a part.”*
45. For the avoidance of doubt, there has been no material change in the scope or quantum of the impacts that would be reasonably expected to arise from the traffic generated by the permitted scheme, or from the management of that traffic, with reference to those effects considered at the Appeal, such that further environmental impact assessment would be required prior to a decision being taken on the proposed CTMP. Indeed the scheme before Members represents a reduction in the number of HGVs considered acceptable by the Inspector.

Further information received in CTMP v11

46. As outlined above, the CTMP reported to the 2 August Planning and Regulatory Committee was deferred on four grounds as set out above and considered below in relation to CTMP v11.

- a. *to take into consideration any information that arose from Mole Valley District Council's committee meeting that was held on the evening of 2 August*
47. Mole Valley District Council considered the planning application on the evening of 2 August 2017 and resolved to object to the proposal as they considered it to be wholly inadequate with regard to the impact of the development on traffic congestion in Dorking town centre and to school children in particular. They had further concern about the ability and safety of HGVs turning into Knoll Road and parking restrictions on Knoll Road. They wished for reassurance from the Development that mobile phone signals would be adequate for both convoys and local residents and questioned whether radio signal contact had been considered for the vehicle convoy/ site personnel. Mole Valley District Council were particularly concerned about enforcement of the CTMP and asked what was being proposed by Surrey County Council to supervise it, would CCTV be considered to monitor and capture data? Mole Valley District Council wanted to ensure that the Applicant's proposal for no deliveries on Saturdays to be "locked in" to any revision of the CTMP.
48. The CTMP does not propose deliveries on Saturdays for any phase of the development except in an emergency during the drilling phase. In terms of supervision of the CTMP, there is a requirement by condition for all HGVs to be fitted with CCTV cameras to record them driving along Coldharbour Lane. Information on how residents would communicate with the site office has been provided in the CTMP version 11 and this is discussed below. The matter of manoeuvrability of HGVs turning into Knoll Road from both Flint Hill and Coldharbour Lane was a consideration as part of the appeal decision process and this is also true of the parking restrictions for the waiting area at the western end of Knoll Road (paragraphs 59 – 61) therefore that matter was considered acceptable at the time the principle of the proposal was granted planning permission on appeal.
49. With regards to the wider impacts on traffic congestion on Dorking town centre and to school children, consideration of the proposal in principle in terms of allowing the number of HGVs for the duration proposed and along the routes proposed was considered at appeal. The Inspector at paragraph 75 pointed out that with regards to site related HGV movements that *"it is certain they would not go unnoticed. There would be an increase in HGV movements and this would cause some inconvenienced and, almost certainly, local irritation. This is a negative aspect to be weighed in the balance. Even so, the introduction of a TMP and additional reinforcing conditions where necessary would minimise the levels of interference, inconvenience and risk. Once again, it has to be remembered that this would be for the short duration of the exploratory scheme. As said, when faced with potential disruption people are invariably adept at managing their lives to minimise the inconvenience to themselves"*. The proposal now includes a sizeable reduction in the number of HGVs for the construction and decommissioning phase, a phase which given the number of stone lorries proposed the Inspector noted would generate some 30 movements per day. Whist Officers note that Mole Valley District Council required the CTMP to consider impact on Dorking town centre, the requirements of Condition 19 does not and the Inspector did not raise this as a concern within his report.
- b. *detail of the substance of the terms of agreement for the use of Ryka's Car Park*
50. As outlined above, the applicant is no longer proposing to use Ryka's Café car park but to use the parking facilities at the Cobham MSA on the M25 Motorway. The CTMP v11 acknowledges this is further away from the application site than the Ryka's Café Carpark but has timed the length of time to travel from the Cobham MSA to Knoll Road being 22 minutes and 44 seconds. Furthermore much of the road network from the Cobham MSA consists of dual carriageway which would allow scope for the HGVs to travel together. However as the CTMP v11 is now proposing to use aluminium trackway to create the surfacing at the site, except for 20 movements associated with stone delivery, many of the movements to and

from the application site would be singular and not require travelling together or waiting at Knoll Road which had been envisaged during the appeal when a larger number of HGVs bringing in stone was proposed.

51. The appeal decision at paragraphs 135 and 136 discuss the requirement for more detail of the holding area and that an area such as a large car park or depot area could be used. The CTMP v11 now includes confirmation of that location and that an agreement has been entered into with the MSA owners/operators.

c. *the system of communications which can be relied upon to ensure all parties affected by the terms of the TMP remain in contact*

52. The CTMP rev 11 states that residents will be supplied with a fixed line or satellite phone number to enable contact with the site office to enquire about traffic movements or discuss any concerns. The CTMP includes at Appendix 1 a Communications Assessment. This document states that the site is not supported by fixed line infrastructure however a telephone pole is situated near to the site entrance making it possible for one to be provided. With regards to mobile signal the report acknowledges that whilst Dorking is well served with mobile voice and data services, coverage at the site can be patchy due to the terrain constraints. The report discusses that the this reliability could be improved with a booster to signal presence at the site but even with this, the report comments that performance of this could be affected by network congestion. The report recommends the use of radio systems as a reliable and effective communication platform for between vehicles. For communication with residents the report recommends that satellite services to provide voice and data service. In conclusion the report states that a fixed line or satellite phone services would provide the most reliable phone coverage at the site; and for communications between vehicles the use of radios.

53. The applicant has also commented that a proactive system of information will also be put in place which could include a webpage/ twitter to inform residents of traffic movements. This is in addition to the requirements set out by Surrey County Council Works Communication Team 'Customer and Stakeholder Engagement Plan'.

d. *confirmation of the type of surfacing material to be used at the site*

54. The applicant has confirmed within the revised CTMP v11 that aluminium trackway would be used to surface the application site and most of the access road. This will be instead of using stone. The applicant states that stone would only be used as part of the slope on the access at the southeast corner of the drilling platform and potential reinforcement of the sloping access track approaching the flare area. The proposed vehicle numbers are now as follows and does not include an either or approach for aluminium trackway or stone.

Table 1

Description	Weight	Vehicle dimensions			Number of loads	Number of movements
	Tonnes	Length (metres (m))	Width (m)	Height (m)		
<i>Site Construction Phase (6 weeks)</i>						
Fencing, security cabins and welfare	32	5.61	2.38	4.0	7	14

HGV vehicles ⁴	32	7.32 (18.3 ⁵)	2.43	4.0	31	62
Excavator on low loader	49.5	12.19	2.59	3.6	6	12
Total for this phase						88 (approx. 3 movements per day)
<i>Rig mobilisation phase (3 days)</i>						
100 tonne crane	60	13.63	2.75	3.9	2	4
Articulated lorry	32	15.5	2.6	4.0	4	8
Drilling rig	50	14.1	3.17	4.26	1	2
Rig loads on flat bed trailers	32	15.5	2.60	4.20	47	94
Rig loads on low loaders	32	12.1	2.59	3.50	7	14
Total for this phase						122 (approx. 40 movements per day)
<i>Drilling and testing (6 weeks)</i>						
Water tanker	20	12.19	Maximum width 2.80	4.30	116	232
Pipe supplies on flat bed	32	15.5	2.60	3.50	20	40
Mud/cement supplies	32	15.5	2.6	4.0	16	32
Cuttings	32	5.61	2.38	32	52	104
Misc skips	32	5.61	2.38		8	16
Flare	32	15.5	2.6	4.0	20	40
Total for this phase						464 (approx. 16 movements per day)
<i>Rig de-mobilisation phase (3 days)</i>						
100 tonne crane	60	13.63	2.75	3.9	2	4
Articulated lorry	32	15.5	2.6	4.0	4	8
Drilling rig	50	14.1	3.17	4.26	1	2
Rig loads on flat bed trailers	32	15.5	2.60	4.20	47	94
Rig loads on low loaders	32	12.1	2.59	3.50	7	14
Total for this phase						122 (approx. 40 movements per day)
<i>Site Restoration (6 weeks)</i>						

⁴ This includes 5 loads (10 movements) for aluminium trackway including trailer, 10 loads (20 movements) for stone, 5 loads (10 movements) for concrete, 2 loads (4 movements) for geotextiles; and 9 loads (18 movements) for other.

⁵ This length includes the trailer length

Fencing, security cabins and welfare	32	5.61	2.38	4.0	7	14
HGV vehicles ⁶	32	7.32 (18.3 ⁷)	2.43	4.0	31	62
Excavator on low loader	49.5	12.19	2.59	3.6	6	12
Total for this phase						88 (approx. 3 movements per day)
Total for 18 week operation				442 loads in total	884 movements in total	

How the information provided meets the requirements of the Road Safety Audit

55. Members at the Planning and Regulatory Committee expressed concerns that it appeared not all of the measures outlined in the Road Safety Audit (undertaken as part of Condition 18) were brought forward in to the CTMP. The following describes how the recommendations of the Road Safety Audit have been incorporated within the CTMP.

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

56. The applicant has agreed to provide this signage at this junction to this affect.

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

57. The applicant has agreed to provide this signage for cyclists.

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

58. The HGV control cards have been amended to incorporate this requirement.

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

59. 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.

Modelling – journey times for HGVs to get to site

60. The applicant has provided as part of the CTMP v11 details and scenarios on the capacity of the route along Coldharbour Lane having regard to the proposed number of vehicles serving

⁶ This includes 5 loads (10 movements) for aluminium trackway including trailer, 10 loads (20 movements) for stone, 5 loads (10 movements) for concrete, 2 loads (4 movements) for geotextiles; and 9 loads (18 movements) for other.

⁷ This length includes the trailer length

the development and their speed of travel. This is in the form of a table and as diagrams. The table is set out below and the diagram is appended to this report:

Table 2

Section of road		Travel speeds for an HGV			Approx. length of section (metres)
From	To	32 kph (20 mph)	40 kph (25 mph)	48 kph (30 mph)	
Knoll Road junction	Home Farm	0m 47s	0m 41s	0m 30s	400m
Home Farm	Chadhurst Lodge	2.5m	2m 40s	2m 20s	1320m
Chadhurst Lodge	Logmore Lane	1m 12s	1m 05s	0m 57s	1800m
Logmore Lane	Robbing Gate Reservoir	0m 52s	0m 49s	0m 36s	400m
Robbing Gate	Site entrance	1m 54s	1m 48s	1m 16s	1040m
Knoll Road	Site entrance	7m 07s	6m 23s	5m 35s	3800m

61. Based on the information provided above and in figure 4100 CTMP 15, Officers are satisfied that the HGVs required to travel to the site for the construction, decommissioning and restoration, drilling and testing phases can be accommodated within the hours stipulated in Condition 17 of the appeal decision. Officers note the most intensive phase of the development proposal is the rig mobilisation and de-mobilisation phases however during those phases the road would be closed to all other through traffic. For the next most intensive phase, the drilling phase, Officers are satisfied that the number of HGV movements proposed can be accommodated within the hours stipulated in Condition 17. This could be accommodated by there being two HGVs on site at any one time and that the escort vehicle once it has escorted one HGV to site being able to leave immediately from site back to Knoll Road with another HGV thereby keeping to a minimum the amount of time between a HGV arriving and then leaving the application site. Officers calculate this would equate to approximately four HGV movements per hour on Coldharbour Lane during this phase. There would only be one site HGV travelling along Coldharbour Lane at any one time i.e. there would not be a HGV travelling northwards and HGV travelling southwards at the same time.
62. In terms of driver delay impact figure 4100 CTMP 15 shows a number of scenarios for a HGV travelling to and from the site and what the approximate time delay would be for a car or other public HGV travelling along Coldharbour Lane whilst a site HGV is traversing Coldharbour Lane. Figure 4100 CTMP 15 shows the longest driver delay (with a site HGV travelling at 30mph) would be experienced as:
63. Site HGV travelling southwards
- public HGV driver delay of 5 minutes 30 seconds as public HGV held at the site to allow site HGV to travel along length of Coldharbour Lane
 - car/ van driver delay of 2 minutes 49 seconds – this would be when a site HGV is travelling Chadhurst Lodge southwards to the site. Prior to the site HGV arriving at Chadhurst Lodge, there would be no driver delay for cars/ vans.
64. Site HGV travelling northwards

- public HGV driver delay of 2 minutes as public HGV held at Knoll Road until site HGV is at Chadhurst Lodge after which two HGVs can pass each other between Chadhurst Lodge and Home Farm
 - car/ van driver delay of 1 minute 50 seconds at Logmore Lane when site HGV has left the site.
65. Officers consider that the driver delay times as shown in 4100 CTMP 15 are not significantly adverse in terms of amenity or transportation. Even when considering the drilling phase of the proposal which Officers assess to result in approximately 4 site HGVs traversing Coldharbour Lane per hour, this would not result in any further driver delay than figure 4100 CTMP 15 shows as vehicles travelling behind the site HGV would travel onwards to their destination before the escort vehicle could leave site with another site HGV; and vehicles having waited for site HGVs to complete their journey would travel onwards once the site HGV is in the site/ on Knoll Road. The applicant does not propose to have more than one site HGV/ site HGV convoy on the road at any one time therefore there would not be the possibility for a public vehicle to experience multiple delays when travelling along Coldharbour Lane to their destination.
66. The Inspector was mindful of this within the Appeal Decision where at paragraph 53 he states “*There is no doubt that a relatively large volume of HGVs – some 1,100 movements, would use the Lane during the construction and dismantling of the drill-rig site and compound. However, this would be spread over a period of 12 weeks, with a predicted maximum of only some 30 movements in any sing day*”. Whilst the Inspector only refers to the construction and decommissioning phases in this paragraph, at the time these phases were the most intensive of the development, it should be noted that the Inspector considered some 30 movements to be acceptable in planning terms to traverse Coldharbour Lane on a daily basis. The applicant proposes now 16 movements in the drilling phase, this being less than what the Inspector considered reasonable at appeal.
67. LHAG have commented that the driver delay information is inadequate and poor. They comment that during the drilling phase the assumption that site HGVs and other traffic can pass each other any point on Coldharbour Lane where the width is greater than 4.8m is incorrect as over half of the site HGVs during the drilling phase would be 2.8m wide. It is correct that approximately 55% of vehicles during the drilling phase would be 2.8m wide. Figure 4100 CTMP 15 shows that once a site HGV has passed Chadhurst Lodge, vehicles travelling northbound would be held at the site to avoid conflict in the narrowest section of Coldharbour Lane. The majority width of Coldharbour Lane north of Chadhurst Lodge is above 4.94m with two sections at 4.68m and 4.83m wide. The maximum legal width of a standard haulage vehicle is 2.55m

Modelling - 3D Surveys (capacity for HGVs to get to site)

68. Members queried the use of 3D surveys at the 2 August Planning and Regulatory Committee in terms of whether the applicant has carried out this work. However the request for 3D surveys was not documented as one of the reasons why the application was referred back to Officers. LHAG have also commented that 3D modelling should be provided and this has not been forthcoming. Nevertheless Officers requested the applicant provide some information on this point. To assist this point, Officers provide a table outlining the narrowest sections of Coldharbour Lane:

Table 3

X miles south of Knoll Road	Width of the road	Location indicator
0.2 – 0.3 miles	4.68m wide	Travellers site Brambledown caravan park,

		Stable House, The Stone House, Home Farm
0.8-0.9 miles	4.94m wide with a narrower gap of 4.53m	
1.0 – 1.1 miles	5.76m wide with a narrower gap of 4.51m	Chadhurst Lodge, Brookmead, Chadhurst Farm Cottages, Chadhurst Farmhouse, Chadhurst Farm
1.1 – 1.2 miles	4.51m	Foxhill
1.5 – 1.6 miles	4.88m wide narrowing to 4.53 and 4.49m wide	South of Logmore Lane
1.6 – 1.9 miles	4.10m wide narrowing to 3.74m at narrowest point	Robbing Gate, Robin Gate Cottage and TPO area
1.9 – 2.2miles	4.12 – 4.35m wide	
2.3 – 2.4miles	4.39m narrowing to 4.23m wide	Application site entrance

69. The CTMP rev 11 outlines that 3D surveys were carried out along Coldharbour Lane in 2011 and were updated to reflect the removal of a tree by the Forestry Commission in 2012. The data of these surveys was presented in 2D in drawings that accompanied the Highway Proof of Evidence to the Public Inquiry in 2015. The use of, and the suitability of, the 3D surveys to demonstrate the ability of HGVs to access the site was therefore considered acceptable by the Planning Inspector in his decision making process as part of the Public Inquiry.
70. The applicant has provided information that was presented at the appeal in 2015 which was computer generated swept path analysis for the rig mounted vehicle HGVs travelling along Coldharbour Lane. The rig mounted vehicle is the bulkiest of the vehicles that are proposed as part of the hydrocarbon development being not only tall but wide. The computer generated swept path analysis presented demonstrated this vehicle could traverse Coldharbour Lane and where there were points along Coldharbour Lane that were particularly narrow, great care would be taken in terms of a slower speed. It should be noted that currently HGVs utilise Coldharbour Lane for a number of different reasons and these HGVs do not have a traffic management system in place to management traffic to avoid conflict.

Tree Preservation Order

71. On 16 June 2017, a 2,700 signature petition from the local group 'A Voice for Leith Hill' (AVLH), was presented to Mole Valley District Council to make a Tree Preservation Order (TPO) covering twenty trees along the narrow sections of Coldharbour Lane, between Robbing Gate and Logmore Lane. The AVLH raised concerns that trees would be further damaged by additional heavy vehicle movements as a result of the proposed oil exploration works at Bury Hill Wood by the applicant. AVLH feel could lead to the loss of trees to the detriment of the character and appearance of the historic environment and considered that a TPO would be appropriate and that the District Council was the appropriate authority to make such an Order. The petition was accompanied by a tree report which looked at the condition of twenty trees along the narrowest section of the highway. The petition included a Tree Condition Report.
72. In the Tree Condition Report it outlines that the trees are generally in a 'fair' and 'healthy' condition with only minor deadwood present. Many of the trees in question have exposed roots and stems growing out over the highway and have been and could potentially be further damaged by large vehicles leaving the trees with exposed wounds. The report goes on to say that they are aware of six trees being removed by the Forestry Commission to improve access along the lane. The report finalises by recommending that the trees and traffic should be monitored to ensure that proper physical tree protection measures can be implemented as necessary in order to protect against vehicle damage and to ensure that correct remedial works can be undertaken if need be.

73. Coldharbour Lane is under the control of Surrey County Council Highway Authority (CHA) and the land either side is owned by the Forestry Commission. This means all of the trees in question are located on the 'Public Forest Estate' and 'General Public Estate'. It should be noted that whilst this proposal would involve a considerable number of HGVs travelling along Coldharbour Lane for 18 weeks, Coldharbour Lane is also used by other HGVs accessing land or sites both along Coldharbour Lane and Coldharbour village including Forestry Commission vehicles, delivery vehicles, refuse collection vehicles and highway maintenance vehicles. As a material planning consideration, forethought should be given to the TPO and whether the trees' are protected when the HGVs are traversing along Coldharbour Lane.
74. A number of representations have raised the issue of the TPO being granted with one representation saying "*This TPO has been made because the trees are at risk of being cut down, pruned or damaged. This risk should now be mitigated to its fullest extent and avoided if possible*" and that the CTMP cannot be given approval as this "*could lead to a breach of the TPO*". Another representation has commented that the CTMP pays no regard to the presence of the TPO for the 20 trees.
75. To provide background to the TPO process, a TPO is an order made by a local planning authority (LPA) in England to protect specific trees, groups of trees or woodlands in the interests of amenity. A TPO makes it a criminal offence to the cutting down, topping, lopping, uprooting, willful damage; and willful destruction of trees without the LPA's written consent. A written consent can be given by a local planning authority for those actions and the consent can be subject to conditions⁸. Consequently the TPO does not prohibit the cutting down, topping or lopping of trees which have a TPO on them, but that consent is required from the LPA *in advance* of those works being carried out. In determining an application for works on a tree that has a TPO upon it, consideration can also be given to whether an exception can be made necessary to implement a planning permission⁹, or highway operations¹⁰. An exception which can include: on dead trees and branches, on dangerous trees or branches. The existence of a TPO will not necessarily prevent development.
76. The NPPG makes clear that where trees are on land owned or managed by the Forestry Commission (as is the case here), that LPAs should liaise with the Forestry Commission when making a TPO but that the Regulations¹¹ will have no effect in respect of anything done by, or on behalf of, the Forestry Commission on land it owns or manages¹². A TPO comes into effect on the day the authority makes it. This provision lasts for 6 months, unless the local planning authority first either confirms the Order to provide long-term protection or decides not to confirm it.
77. Policy ENV54 of the MVLP states that the Council will use its powers to protect trees and woodland that have an important public amenity value and in considering applications to fell or lop trees subject to a TPO, the Council will have regard to the health and safety of the tree(s), to the public amenity of the tree(s) and the existence of overriding practical problems which may be caused by the tree(s). This policy relates to applications being made to Mole Valley District Council for works to a tree(s) which is covered by a TPO and not to the determining of planning applications. However the policy supporting text is useful in saying "*The Council will wish to ensure that adequate protective measures are made for the*

⁸ Paragraph: 001 Reference ID: 36-001-20140306 of the NPPG.

⁹ However consent *is* required for work on trees which are subject to a TPO where it is not necessary to carry out works on protected trees in order to implement a full planning permission for example the planning permission does not require the specific removal of a tree.

¹⁰ Paragraph: 060 Reference ID: 36-060-20140306 of the NPPG.

¹¹ Town and Country Planning (Tree Preservation)(England) Regulations 2012

¹² Paragraph: 014 Reference ID: 36-014-20140306 of the NPPG

preservation of trees of amenity value during construction on development sites by attaching conditions to planning permissions”.

78. With regards to this planning application, the TPO is a material planning consideration. However the TPO trees in question are not on the application site, to which most guidance relates to, but the access route to the application site. Under circumstances where trees protected by a TPO are not on a public highway, a consent order to carry out works to that tree/ trees would be made to the LPA, in this case Mole Valley District Council. However in this situation, the trees are on Forestry Commission land and/ or County Highway Authority land therefore any requests for work to be carried out on those trees would need to be made to either the Forestry Commission or the County Highway Authority as the relevant public body. This is a separate consent and decision making regime to consideration of this application.
79. Officers are aware of the TPO that is in place for the 20 trees along Coldharbour Lane however Officers are also aware that the applicant has the opportunity to apply for consent to carry out works to those 20 trees in terms of lopping which would be in accordance with TPO legislation and that such a request would be carried out prior to the commencement of the development. The CTMP states at paragraphs 3.1 and 6.1 that all relevant consents would be sought from relevant authorities prior to commencement, including with the Forestry Commission and the County Highway Authority. The purpose of the CTMP is to ensure protection of Coldharbour Lane including the trees and Officers consider that provided relevant consent is sought for any works to the 20 trees covered by the TPO for the purpose of facilitating movement of HGVs along Coldharbour Lane, this material consideration would be met and there is no contraction to Policy ENV54 or TPO legislation.

HUMAN RIGHTS IMPLICATIONS

80. The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
81. In the case of this application it is recognised that the HGV traffic generated by the development and measures in the traffic management scheme will inevitably cause disruption and some delay to local residents and users of the public highway over the temporary period it would be operational. In addition the three day road closures for rig mobilisation and demobilisation will also cause disruption to users of Coldharbour Lane. These issues have been discussed within the report and given the scale and temporary nature of the impacts they are not considered sufficient to engage Article 8 or Article 1. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

82. Officers reported planning application MO/2017/0911 to the 2 August Planning and Regulatory Committee. At that meeting it was resolved that the application be deferred and referred back to the applicant for the consideration of four points (outlined above) and for the Road Safety Audit measures to be adhered to. Officers are satisfied that the submitted CTMP v11 does this.
83. Therefore in determining this application it should be considered whether the information provided in CTMP v11 meets the requirements of Condition 19 of the appeal decision and whether the proposal meets the Development Plan unless other material considerations state otherwise. Working backwards, with regards to Condition 19(vi), CTMP v11 provides details of how banksmen and escort vehicles would be used. Officers note LHAG's comment that

traffic light systems were previously proposed yet not anymore and they have reservations that a banksman can adequately manage traffic at junctions however the use of banksmen cannot be seen as a disadvantage for example given they can notify other banksmen along the route should a non site vehicle choose not to wait and proceed up the road. With regards to the protection of trees and banks along Coldharbour Lane, the purpose of the CTMP is to provide this protection by ensuring both non site and site related traffic are held at key positions along Coldharbour Lane to avoid conflict of vehicles and the potential for damage to the trees and banks. Currently there is no such management in place for the passage of vehicles.

84. With regards to Condition 19(v) the CTMP v11 provides details of what publicity would be carried out before operations were to commence and Officers note LHAG's comment that they consider meeting residents once this application is determined as retrograde. CTMP v11 provides details of signage to be used. With regards to Condition 19(iv) CTMP v11 provides 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.
85. With regards to Condition 19(iii) CTMP v11 provides information on what warning signs would be in place for rights of way users at points where rights of way meet Coldharbour Lane. Officers note the concerns of the British Horse Society and comments by LHAG regarding equestrians however site related HGVs would travel along Coldharbour Lane at a speed slower than the currently set speed limit and the Condition does not require any further measures.
86. With regards to Condition 19(ii) CTMP v11 provides information on what road closures would be in place and how traffic would be managed, including emergency vehicles, during those road closures and that phase of development. With regards to Condition 19(i) CTMP v11 includes provision for the Road Safety Audit recommendations, includes information on how site related HGVs would travel to the application site and how they would be managed alongside non-site related traffic. CTMP v11 now includes information travel times to and from the site alongside driver delay information. The applicant has confirmed that modelling for HGVs accessing the site was carried out as part of the Appeal.
87. Officers are satisfied that the applicant has advanced a CTMP that meets the requirements of the criteria set out in the Road Safety Audit and Condition 19. Officers recognise that concern has been raised by LHAG that further 3D modelling should be carried out however Condition 19 looks to how traffic is to be managed to allow for HGVs to traverse Coldharbour Lane and not to rehearse the physicality of the HGVs using Coldharbour Lane as this was covered by the Appeal. Whilst the aluminium trackway HGV is longer in totality than was discussed at Appeal, this is not a rigid length as there would be a hinge point between the HGV and the trailer such that the vehicle would equate to two HGVs following in convoy. With regards to driver delay and travel times the applicant has provided this information. Officers consider that the details submitted meet the requirements of Development Plan policy MC15 of the Surrey Minerals Plan 2011 and policy MOV2 of the Mole Valley District Plan 2000.

RECOMMENDATION

The recommendation is that the details of the CTMP submitted pursuant to Condition 19 of Appeal Decision APP/B3600/A/11/2166561 dated 7 August 2015 contained in application ref: MO/2017/0911 be approved.

Informatives:

1. The applicant is reminded to use aluminium trackway whenever possible for the duration of the exploratory programme.
2. In determining this application the County 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, 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. Issues of concern have been raised with the applicant including impacts of traffic and on residential amenity and highway safety, 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.
3. The applicant is requested to place signs on the public highway network to the south of Coldharbour village stating that businesses operating within Coldharbour village are open for business as usual whilst the three day part closures are in force.
4. The applicant is reminded to contact Mole Valley District Council, the County Highway Authority or the Forestry Commission should any works be required to the 20 trees that are subject to the Tree Preservation Order on Coldharbour Lane depending on whether the trees are on Forestry Commission land or the public highway.
5. The applicant's attention is drawn to the requirements and recommendations set out in the email of 26 September 2017 from the Surrey Fire and Rescue Service.

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](#)

National Planning Practice Guidance

The Development Plan

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

Mole Valley Local Plan 2000

Other Documents

Planning Appeal Report for APP/B3600/A/11/2166561 dated 7 August 2015

(<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=2166561>)

Mole Valley District Council Tree Officer report to the Development Management Committee, 6 September 2017 ([http://www.molevalley.gov.uk/media/pdf/k/b/Agenda_\(Final\)_6_September_2017.pdf](http://www.molevalley.gov.uk/media/pdf/k/b/Agenda_(Final)_6_September_2017.pdf))

The Arboricultural Association <https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-legislation-for-trees>
