

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: 515469 144808

TITLE: MINERALS/WASTE MO/2016/1563

SUMMARY REPORT

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

The installation of perimeter security fencing consisting of 2 metre (m) high Heras fencing and 3m high deer fencing; an office and wc at the site entrance; and office, welfare accommodation, water fuel and a generator, all ancillary to and in association with appeal decision APP/B3600/A/11/2166561 dated 7 August 2015.

Planning permission exists at land at Bury Hill Wood for an exploratory wellsite granted on appeal under appeal decision ref: APP/B3600/A/11/2166561 granted on 7 August 2015. The applicant has a period of three years to implement that decision and once implemented, has to complete all works on the site (commissioning, drilling, decommissioning and restoration) within a period of 18 weeks. Since the Appeal Decision was made in August 2015 circumstances have changed at the application site and a protest camp has been established at the entrance to the exploratory well site just off of Coldharbour Lane and also on the exploratory well site itself within the woodland.

The applicant is seeking planning permission to erect two fences on land at Bury Hill Wood to surround the exploratory well site and access track into the exploratory wellsite. The applicant states the two fences, which would have a patrol zone of 2m between the fence lines, is necessary to ensure the health and safety of the protestors and also of the contractor staff who would be working within the exploratory wellsite when it is operational. The 2m high Heras fencing would run along the same line (except for the western boundary) as the post and wire fence that was proposed as part of the original planning application MO09/0110 which was permitted on appeal. The 3m high deer proof fencing would be positioned at least 2m away from the Heras fencing and run along the same line and would also form the western boundary.

The proposal also includes the provision of welfare facilities for the security staff that would patrol the 2m wide patrol zone in between the two fence lines. This is to provide 24 hour/ 7 day a week security. The majority of the welfare facilities would be placed along the western boundary placed directly onto an existing forestry commission trackway. A security office and WC would be positioned in a compound area adjacent to the access track that goes towards Coldharbour Lane. This compound area would be set back from Coldharbour Lane approximately 20m. The fence lines would also go up to Coldharbour Lane whereby a gate would be positioned facing towards Coldharbour Lane, set back 1m from the highway. An Environmental Statement was submitted in May 2017 and an Environmental Statement Addendum was submitted in August 2017.

The application site is located within the Metropolitan Green Belt where policies of restraint apply; and the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). A strip of land immediately west of the application site is currently identified on the Ancient Woodland Inventory as Plantations on Ancient Woodland Sites (PAWS). In terms of bringing the fencing and welfare facilities onto the application site, the application site would be accessed via Coldharbour Lane which is a D class road with ancient sunken lanes in parts alongside width constraints.

It is necessary to consider the proposal against European, National, and Development Plan policies and assess the potential environmental and amenity impacts against those policies, the advice provided by statutory and non-statutory consultees and the views expressed by other bodies, groups and individuals. Key issues in determining this application are the need for the development, the impact on the Green Belt and the impact on the AONB. The Authority must also be satisfied that the potential impacts arising from the development are acceptable in terms of the nearest residential properties and the local environment and amenities. The report covers such environmental and amenity issues as noise, ecology, noise, highways and traffic, rights of way, lighting and hydrology.

To date 371 letters of representation have been received on this proposal, 23 supporting. No technical objection has been raised by consultees. Capel Parish Council, Leith Hill Action Group and Westcott Village Association object to the proposal on a number of grounds.

This planning application was originally submitted in September 2016 without an Environmental Impact Assessment (EIA). A Screening Opinion had been adopted with regards to the 18 week security fencing and welfare facilities proposal by the County Planning Authority in May 2016 concluding that the development did not require an EIA. Following the submission of the planning application the applicant requested a Screening Direction from the Secretary of State (SoS) to confirm that the proposed development would not constitute EIA development, and received confirmation that the SoS agreed with the County Planning Authority's opinion (not EIA).

Following this the applicant submitted a new, separate planning application (MO/2017/0222) in December 2016 seeking planning permission to erect two lines of fencing and welfare facilities in the same positions as those shown for this planning application (MO/2016/1563), however the timescale for their retention would be **longer** (for a period of up to 52 weeks). The County Planning Authority issued a Screening Opinion for planning application MO/2017/0222 in January 2017 stating that an EIA would be required on the basis that the proposal would be in place for a period of 52 weeks and that the presence of fencing and security facilities at the permitted wellsite for that length of time had not been previously assessed in the earlier Environmental Statements (ES) submitted for the hydrocarbon development permitted on Appeal. The applicant requested a Screening Direction from the SoS on this matter in response to which the SoS confirmed in writing in February 2017 that an EIA would be required for that application (MO/2017/0222). Following this, a second SoS Screening Direction was issued on 20 March 2017 for **this** application, in which the SoS determined that EIA was required in respect of the proposed installation of security fencing and welfare facilities for a period of 18 weeks.

In May 2017 the applicant submitted an overarching ES in accordance with Regulation 17 of the EIA Regulations 2011 to cover three planning applications: MO/2016/1563 ([this application](#)), MO/2017/0222 and MO/2017/0255. This ES contains one technical chapter this being on Landscape and Visual Impact (LVIA) which the various fencing schemes (18 week, 52 week, and reptile fencing), in combination with the permitted exploratory wellsite, were considered to have potential significant environmental impacts upon. The ES also includes information on traffic and transport, hydrology and hydrogeology, ecology; and waste. The County Planning Authority wrote to the applicant in June 2017 requesting further information under Regulation 22 of the EIA Regulations 2011 in respect of the LVIA and requesting further clarification on matters of hydrology and hydrogeology, traffic and ecology. The applicant submitted an ES Addendum in August 2017. The Environmental Assessment team have reviewed the ES Addendum and

comment that for this planning application it satisfies the requirements of the EIA Regulations 2011.

As stated above the application site is within the Green Belt however Officers consider the proposal is directly associated with the exploratory wellsite and therefore need not be inappropriate development in the Green Belt in principle subject to it not compromising the openness of the Green Belt or any of the five purposes of the Green Belt as set out in paragraph 80 of the National Planning Policy Framework (NPPF). Officers recognise that the proposal would bring onto site further development that was not anticipated as part of the Appeal Decision and that this proposal would allow for further development at land at Bury Hill Wood of 0.2 hectares. In doing so this would create some harm to the openness of the Green Belt. Officers also recognise that the proposal would not safeguard the countryside from encroachment being that it is for development on an area which has been free from development up until the point that the protest camp has been established.

However whilst Officers recognise that the proposal would not preserve openness or safeguarding the countryside from encroachment, Officers are mindful of the temporary and short term nature of the development proposal given it is in association with the exploratory wellsite which is limited to a period of 18 weeks. Furthermore the site would be reinstated and restored to forestry use on cessation of operations returning the site to a woodland setting. Officers are therefore of the view that whilst there would be some harm to the Green Belt whilst the development is in situ, this harm is mitigated by the temporary and short term nature of the development and therefore the harm is reversible and that in doing so the long term characteristics and purposes of the Green Belt would not be materially compromised such to make the development proposal inappropriate development.

The application site is located in a particularly attractive landscape but is relatively well screened. All of the items proposed would be below the height of the tree line. The application site is located within the Surrey Hills AONB where development proposals are required to be considered against paragraph 116 of the NPPF in terms of whether a development proposal is 'major' development. There is no definition of what constitutes 'major' with regards to assessments for the AONB. In considering this proposal, Officers conclude that taking into account the limited duration of the proposal and the limited size of the application site individually and in combination with the exploratory wellsite, that the proposal does not constitute 'major' development for the purposes of Paragraph 116. Officers also consider that the limited harm to the AONB and any adverse visual and landscape character impact do not amount to grounds for refusal of planning permission.

The items which form part of this planning application would have to be delivered to site by Heavy Goods Vehicles via Coldharbour Lane. This has caused concern within representations received due to the narrow nature of Coldharbour Lane which has overhanging trees and is bounded in parts by high banks that form a hollow way and ensuring damage does not occur to these elements. Nevertheless the County Highway Authority have raised no objection to the proposal on transportation grounds providing the Construction Traffic Management Plan (CTMP) which has to be submitted under Condition 19 of the Appeal Decision ref: APP/B3600/A/11/2166561 includes the vehicle numbers associated with this proposal; and that measures are in place such that vehicles are not waiting in Coldharbour Lane waiting to gain access on to the access track.

Officers are satisfied that there is a need for the proposal to assist in minimising disruption from protestors so that the development can be carried out within the planned 18 week period as keeping to the 18 week period is important to the protection of the AONB. Officers are satisfied that the proposal should enable high environmental standards to be maintained and the site to be well restored.

The recommendation is PERMIT subject to conditions

APPLICATION DETAILS

Applicant

Europa Oil & Gas (UK) Ltd

Date application valid

27 September 2016

Period for Determination

27 December 2016

Amending Documents

Planning Statement version 3 (December 2016), Planning Form dated 19 December 2016, email dated 24 January 2017, email dated 24 January 2017 entitled 'traffic', Plan 4100 RF 03 Rev A, Plan 4100 F 04 Rev C, Plan 4100 F 02 Rev D, Plan 4100 F 03 Rev C, Document entitled "Queries Raised"; Environmental Statement dated May 2017 and its Non Technical Summary; letters dated 18 July and 15 August 2017, Environmental Statement Addendum dated August 2017 and its Non Technical Summary and Figure 5.4A, Planning Statement version 4 (August 2017),

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	59 – 65
Need	Yes	66 – 71
Transport, Traffic and Access	Yes	72-92
Hydrology and Water	Yes	95-103
Ancient Woodland and Trees	Yes	104-106
Lighting	Yes	107-109
Noise	Yes	110-113
Ecology	Yes	114-127
Area of Outstanding Natural Beauty, Landscape Character and Visual Impact	Yes	128-161
Green Belt	Yes	162-179

ILLUSTRATIVE MATERIAL

Site Plan

Site Location Plan

Aerial Photographs

Aerial 1: Bury Hill Wood

Aerial 2: Bury Hill Wood

Aerial 3: Bury Hill Wood

Aerial 4: Bury Hill Wood

Site Photographs

Photo 1 – Site access with Coldharbour Lane

Photo 2 – Site access with Forestry Commission barrier set back from site access

Photo 3 – The existing track

Photo 4 – View across the proposed site from the northern boundary

Photo 5 – Site of the proposed flare pit

Photo 6 – View towards proposed site from the roadside opposite Ivy, White and Ranmore View Cottages

Photo 7 – View of Coldharbour Lane within the sunken lane

Photo 8 – Protestor dug tunnel entrance

Photo 9 – Protestor tunnel location

Photo 10 – protestor constructed structure

BACKGROUND

Site Description

1. The permitted drill site (hereon referred to as “the appeal 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 18th or 19th 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. 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.
4. 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 hydrocarbon

exploratory borehole location. The secondary aquifer, the Lower Greensand, is exposed at surface and would be penetrated by the upper part of the proposed hydrocarbon exploratory borehole. The application site for the perimeter security fence itself is around the perimeter of the appeal site including the site access from Coldharbour Lane and a Forestry Commission track to the west. The application site also includes an area close to the entrance from Coldharbour Lane for security facilities.

Planning History

5. 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).'

6. 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).'*

7. 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'*.
8. 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 proposed hydrocarbon exploratory borehole would be drilled to an anticipated total depth of 1,450m true vertical measured depth in order to target the Dwindip Portland Target, with a 'deviation tolerance zone' of 8.5 hectares. The underground route of the drilling operation was not included within the earlier planning application refused by SCC (see above, ref: MO09/0110 – allowed at appeal), which sought planning permission for the over ground exploratory drill-site operations.
10. The applicant has submitted nine 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/2016/1752 – 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 February 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/2017/0740 – details of a traffic survey and a Safety Audit pursuant to Condition 18. This application was approved in August 2017.
 - Application ref: MO/2017/0911 – details of a Construction Traffic Management Plan pursuant to Condition 19. This application was reported to the 2 August 2017 Planning and Regulatory Committee where it was resolved to refer the application back to the applicant for further information.
 - Application ref: MO/2017/1291 – details of a road condition survey (in pictures and video) pursuant to Condition 20(i). This application was approved in September 2017.

11. The applicant has also submitted two further planning applications. These are for:
- The installation of perimeter fencing consisting of 2 metre (m) high Heras fencing and 3m high deer fencing, on office and WC at the site entrance; and office, welfare accommodation, water, fuel and a generator, for a period of 52 weeks (application ref: MO/2017/0222)
 - The installation of a 1.1 metre high reptile fence for an area of 0.016 hectares (application ref: MO/2017/0255)

These applications have yet to be determined however the overarching Environmental Statement submitted in May 2017 and the Environmental Statement Addendum August 2017 refers to both these applications alongside this application. There is more detail of this below.

THE PROPOSAL

Fencing

12. The applicant has submitted a planning application seeking planning permission for the installation of temporary perimeter security fencing around the perimeter of the appeal site. The proposed perimeter security fencing would comprise of two types of fences which together the applicant states would provide security for the appeal site during the 18 week development. The fences proposed are:
- An outer fence consisting of 2m high Heras fencing. Heras fencing is made from steel mesh. The Heras fencing would be along the northern boundary of the drill site, the eastern boundary of the drill site, along the northern and southern boundary of the access track, and along the southern boundary of the drill site.
 - An inner fence consisting of 3m high deer proof fencing. The deer proof fencing would follow the same lines as the Heras fencing but it would also run along the western boundary to the west of an existing Forestry Commission track. The western boundary of the appeal site would be formed of a single 3m high deer fence so there would be no Heras fencing. Deer proof fencing is made from wooden posts and wire mesh.
13. There would be a 2m wide patrol zone between the Hera fencing and the deer proof fencing where the two fences are running parallel to each other (i.e. not along the western boundary) to allow security personnel to walk along/ patrol. The extent of the patrol area would be some 430m in length. There would be access gates into the patrol zone from the site access. There would be no materials brought onto the site for the patrol walkway. The walkway surface would be the existing ground surface.
14. The fencing would be installed as part of the construction phase and removed during the decommissioning phase.

Welfare Facilities

15. The applicant is also seeking temporary planning permission to install welfare facilities along the western boundary of the appeal site. These would include two accommodation cabins and a canteen/office for security personnel, two water tanks, a fuel tank and a generator to support the accommodation cabins and canteen/office. The cabins and canteen would be 6.5m x 2.5m x 2.5m in height. The fuel cell would be 1.5m x 1.5m and the generator would be 2m x 1.5m.

Security Facilities

16. The applicant is seeking permission to install a compound area close to the entrance of the access road where it meets Coldharbour Lane. This compound would measure some 4.5m (width) by 6m (length) and the applicant proposes to install an office (2.5m x 3m) and WC within this compound for security personnel use.

Internal Ramp

17. The applicant also proposes that a ramp be provided which would spur off from the access road into the well site area. The ramp is proposed to facilitate safe vehicle movements in and around the exploratory well site by allowing for a one way system whereby vehicles enter the site via the ramp and leave from the west access point.
18. The applicant has explained the security fencing is required at the appeal site as “*the prevailing security environment surrounding conventional onshore oil exploration wells has changed in recent years*”. The applicant sets out that without the security fencing there is a risk that the 18 week timescale to undertake the required exploratory works at the appeal site could be jeopardised and there could be safety issues.

CONSULTATIONS AND PUBLICITY

19. This application was originally submitted in September 2016 and underwent consultation with statutory and non-statutory consultees. Following the submission of an Environmental Statement (this is discussed below), the planning application and Environmental Statement underwent consultation again in accordance with Regulations 17 and 22 of the Environmental Impact Assessment Regulations 2011. Comments from consultees for both consultations are set out below:

District Council

Mole Valley District Council

- | | | |
|--------------------------|---|----------------------|
| 20. Planning | : | No objection |
| 21. Environmental Health | : | No comments received |

Consultees (Statutory and Non-Statutory)

22. Countryside Management and Biodiversity Manager :

2016 - No objection but requests a check for badgers on site prior to the commencement of development and completion of the fencing and if any badgers are found that a one way badger gate is installed in the fence to allow them to leave.

2017 – No additional comments to make

23. County Landscape Architect :

2016 - No landscape objection to the proposal providing the installations are removed at the end of the temporary period.

2017 - satisfied with the information provided within the LVIA

24. Natural England :

2016 - the proposed development is for a site within or close to a nationally designated landscape the Surrey Hills AONB. Advise that you consult with the Surrey Hills AONB Partnership. Lighting should be kept to the minimum level to both respect dark skies and wildlife. Fencing should include routes through for badgers and other mammals to prevent trapping between the two barriers.

2017 – Please refer to previous comments

- | | | |
|---------------------------------------|---|--------------------|
| 25. Surrey Wildlife Trust | : | No comment to make |
| 26. The Environment Agency South East | : | |

2016 - No objection

2017 – the groundwater assessment in the Environmental Statement May 2017 was incorrect and requires revising. The Environmental Statement addendum August 2017 corrects this and

now adequately reflects the vulnerability of the groundwater and links to the Hydrogeological Risk Assessment. No further comments to make.

27. Transportation Development Planning :

2016 - No objection in principle. The main impact will be during the set up and removal of the fencing. It is not clear from the submission whether the importation and collection of the fencing and the security/ welfare facilities are included in the Construction Transport Management Plan (CTMP) required under Condition 19 of the appeal decision. given the constraints of the highway network and the size of the vehicles likely to be involved, it is considered that these should be subject to the traffic management measures outlined in the CTMP. No objection subject to the inclusion of the delivery and collection vehicles in the CTMP.

2017 – No further comments to make on this application.

28. The AONB Office :

2016 - the positioning of the fence and entrance office and WC in greater public view for those passing along Coldharbour Lane is regretted. However it is difficult to substantiate an AONB objection for two reasons. The Appeal Inspector made clear that because of the temporary nature of the well site, the impacts on the AONB would not be significant. The second reason is that the works are intended to minimise disruption from protestors so that the development can be carried out within the planned 18 weeks and not have to extend because of disruption. Keeping to the 18 week period is important to the AONB. The County Planning Authority is asked to satisfy itself that the location of an ugly office building and WC in public view close to Coldharbour Lane is necessary.

2017 - the protester activity which has already taken place and risk it might increase has resulted in this application for additional security development over the 18 week period of the permission for exploratory drilling. As the need for it is appreciated and it would be for a limited period of 18 weeks under this application, there is no AONB concern.

29. Forestry Commission : No comments received
 30. National Trust : No comments received
 31. Rights of Way :

2016 - Do not consider any public footpaths would be affected by the proposal

2017 - The proposal does not impact on any public right of way but does affect land designated as Open Access. Suggest the applicant ensures all necessary permissions to fence such land is in place before proceeding.

32. County Noise Consultant :

2016 - No objection

2017 – No objection subject to condition

33. County Air Quality Consultant : No comments to make
 34. County Archaeological Officer : No archaeological concerns
 35. East Surrey Badger Group : Note that the badger setts in the site area are no longer active and the nature of the fencing could allow badgers to dig underneath the fence and that as a result badger gates are 'no longer required' and concurs with this statement. No further ecological observations to make.
 36. Gatwick Airport : No objection
 37. Historic Buildings Officer : No objection
 38. Historic England : No comments to make
 39. County Geological Consultant : the groundwater assessment in the Environmental Statement May 2017 was incorrect and requires revising. The Environmental Statement addendum August 2017 corrects this and now adequately reflects the vulnerability of the groundwater and links to the Hydrogeological Risk Assessment. No further comments to make.

- 40. Environmental Assessment Officer : The Environmental Statement for this application is acceptable.
- 41. Surrey and East Surrey Water : No comments received
- 42. Surrey Fire and Rescue : No comments received
- 43. Thames Water : No comments received

Parish/Town Council and Amenity Groups

- 44. Capel Parish Council :
 - i) the starting point is to understand why the additional perimeter space which creates the new red line as the environmental implications will cause adverse impact. With the original red line (approved) boundary the environmental consideration would have taken into account the areas beyond the application. In such circumstances an identical criteria must now be applied as the ground conditions (flora/fauna) and the proximity of structures the adjacent vegetation has the potential of causing wide area of harm. The cabins must be contained within the approved site area.
 - ii) Why can't the buildings be contained within the approved red line boundary. As such they would be ancillary. The new proposal would not enjoy such planning benefit. In our view the whole area must be considered as the structure would not be provided in isolation. To satisfy the Parish Council all of the building structures must be contained within the approved red line.
 - iii) The third point has regard to visual impact and the potential harm to wildlife. From Coldharbour Lane a security building would be imposing and detrimental to the users of the AONB.
 - iv) Regarding the double fence if animals were to breach the type of fencing they are likely to become stressed with the potential for injury. The only fencing required is the deer protection fence which should follow the approved red line. Only a single fence link should be erected.
 - v) If security measures (a security office) is required it should be set back as described at the apex of the main site entrance adjacent to the ramp.
 - vi) The footpath – it is a well used established footpath and can only be diverted if the required legislative process is followed. It is not lawful to divert and block the footpath as proposed by Europa. A footpath diversion order must be obtained.
 - vii) In terms of the added area and proposed additional traffic movements would be generated to deliver materials. Whatever strategy is pursued all works and movement must be contained within the 18 week window.
 - viii) The applicants have no justification for seeking security risk as a reason for the application. The patrol zone must not be permitted absent any proof of need.
 - ix) The Screening Opinion is not accepted.
- 45. Holmwood Parish Council : No comments received
- 46. Wotton Parish Council : No comments received
- 47. Leith Hill Action Group (LHAG) :

2016 - Object to the proposal on the following grounds

- i) Unacceptable visual/ landscape impact on the AONB
- ii) Insufficient information to assess ecological impact
- iii) Insufficient information to assess traffic impacts
- iv) Unlawful closure of a public right of way
- v) The need for the development has not been demonstrated
- vi) The proposed development is inextricably linked to development permitted by Appeal Decision APP/B3600/A/11/2166561 and MO/2014/1006¹ both of which were subject to EIA because, inter alia, of the location of the development in a designated Area of Outstanding Natural Beauty (“AONB”). The proposed development would increase the area of the AONB directly occupied by the project by more than 25%, with as yet unassessed increased effects on landscape, ecology and lighting.

¹ Planning application for underground drilling corridor of an exploratory hydrocarbon borehole

- vii) The proposed development would also significantly alter the nature of the visual/landscape impact of the overall project. The Appeal Decision states (at Para 41) “I am in no doubt that the effects of the development for the duration of the exploration on both the landscape character and visual presentation would be significant in the immediate vicinity of the proposed compound”, but (at Para 42) “the direct effect on landscape character and visual impact would diminish very rapidly with distance. The compound could not be seen from Coldharbour Lane”. With the proposed additions, the compound could all too easily be seen from Coldharbour Lane: there would be some 35 metres of steel fencing and gates along the side of the road. This impact has not been subject to Environmental Impact Assessment.
- viii) Common sense dictates that if a development is so potentially damaging as to require full Environmental Impact Assessment, an addition to that development which materially increases the site area and creates new and un-assessed impacts cannot be considered in isolation. It is not the incremental impact which must be assessed, it is the impact of the project as a whole.
- ix) At the request of the applicant, the Secretary of State (“the SoS”) has issued a Screening Direction to the effect that the proposed development does not require formal Environmental Impact Assessment. Referring to visual amenity, the Screening Statement says: “The Secretary of State is satisfied that the likely impacts were all addressed as part of the Environmental Impact Assessment carried out as part of the operation for the temporary oil and gas appraisal well-site”. In reaching this decision, the SoS was informed only by the submissions of the applicant and the Screening Opinion (to the same effect) of SCC.
- x) A further application (SCC/2016/0232, “0232”) for security fencing on the site has been received by the Council. This is physically identical to this application, SCC/2016/0170; the only difference is that it is for a longer period. The Council has issued a Screening Opinion to the effect that this new application, 0232, is EIA development. With the exception of the change in “temporal extent”, every word of this applies equally to the application under consideration here, 0170. The last sentence directly contradicts para 34 of the Screening Opinion on 0170 and the statement in the consequent Screening Direction that “the likely impacts were all addressed”.
- xi) We say that the County Council in its Screening Opinion on 0170, and consequently the Secretary of State in his Screening Direction, have failed to consider the impacts of the project as a whole. Those impacts could not have been assessed before this application was made because their nature and extent was not known. The SoS’s Screening Direction is unlawful. The Council has been advised of an intention to challenge the Screening Direction in the courts if this application is approved by SCC without Environmental Impact Assessment.
- xii) It is difficult to see any practical reason why planning application 2016/0170 (this application) should be determined before application 2016/0232 (the application for a fence for 52 weeks). The additional period sought in 2016/0232 occurs explicitly before the main drilling project. Environmental Impact Assessment is required for 2016/0232, and, since 0232 is physically identical to 2016/0170, the only difference in terms of environmental impact is the duration and timing of those impacts. So the EIA on 2016/0232 will necessarily include all the impacts of 2016/0170. If the Committee were to refrain from deciding 0170 until the Environmental Statement on 2016/0232 is available, and were to take account of that information in deciding 2016/0170, then (i) all the information needed for the Committee to make a valid decision on 2016/0170 would be available, (ii) whatever decision might be reached by the Committee, there would be no impact on the start date of the development, and (iii) recourse to the courts, with all the associated expense, would be unnecessary.

2017 - The ES fails to identify if it is an addition/ modification to the original application or a standalone application. If it is a modification then there is a contradiction with Conditions 1, 4 & 6 of the appeal decision. There is no information on the need for the 52 week application. The baseline for the ES is wrong in terms of reducing tranquillity.

48. Westcott Village Association :

Object on the following grounds

- Although the proposed drilling site lies just outside of Westcott’s boundaries, the effects of the drilling would be felt throughout the village and would materially prejudice the amenities of Westcott’s residents
- The development is inappropriate within the Surrey Hills AONB and conflicts with the character and stated policies of the AONB. This is even more compelling given the much larger size of the subject site
- The harmful effect on the Green Belt causes great concern and is at odds with the firm commitments given by government. There are no special circumstances to justify this greatly increased scheme and no sustainable public interest grounds
- The increased size of the site is of great significance. It is nearly one third larger than the site of the original application. The Inspector may well not have granted permission for so greatly increased area. At the least WVA consider a fresh Environmental Impact Assessment should be undertaken.
- It was argued by the developers that the earlier application would not be visible from Coldharbour Lane. This is clearly no longer the case.
- The new scheme entails greatly extended lighting requirements.
- WVA has previously raised concerns about the impact of greatly increased traffic on a road structure that is wholly inadequate. These concerns are felt all the more now that the applicants are proposing such a significantly extended scheme. The impact will be felt by local residents, motorist, cyclists, pedestrian and riders as well as the visitors who come to enjoy the benefits of this outstanding area of natural beauty. There are no exceptional circumstances to warrant this extended scheme. WVA believe this scheme is most definitely not in the public interest.
- WVA is alarmed by the likelihood of yet more trees being felled
- WVA does not access that changes are needed because of a worsened security environment for onshore oil development since the original application was lodged in 2008. The EIA was written only last year. What has changed since then? If it is truly thought that the “worsening” has been ongoing since 2008 why was this not argued last year? [at the Public Inquiry of 2015].

- 49. CPRE : No comments received
- 50. Frack Free Surrey : No comments received
- 51. Dorking and District Preservation Society : No comments received
- 52. Ramblers Association : No comments to make on this application.

Summary of publicity undertaken and key issues raised by public

- 53. The application was originally publicised by the posting of five site notices. A total of 216 owner/occupiers of neighbouring properties were directly notified by letter. 123 letters of representation were received including 1 letter of support. Following this a further round of notification was carried out in January 2017 whereby all those who had been originally notified and those that had subsequently made representations, were notified. A further 88 letters of representation were received including new representation addresses and those who had previously made comments bringing the total number of representations to 371.
- 54. In accordance with the requirements of Regulation 17² (3) of the Environmental Impact Assessment Regulations 2011, the applicant placed site notices on and around the site informing the public that an Environmental Statement had been submitted to the County Planning Authority. The applicant also wrote to all neighbours and those that had made representations previously informing them of this. Then following this on submission of the Environmental Statement Addendum in August 2017, in accordance with the requirements of Regulation 22³ of the Environmental Impact Assessment Regulations

² Publicity where an environmental statement is submitted after the planning application

³ Further information and evidence respecting environmental statements

2011 further publicity and notification of representations and neighbours took place. A total of 530 neighbours/ representations were notified and 147 further letters of representation were received. The following issues and concerns have been raised within these letters:

Object

- Object to the proposal
- Object – the planet cannot survive the use of fossil fuels
- Agree with LHAG's comments
- Central government is making decisions that impact us at the local level

Site Area

- Is the proposal in the appeal site area
- The proposal is looking to increase the site area by 28% from the original application
- How will the additional area require surfacing?
- The walkway will require surfacing
- The containers will need a surface to sit on
- The tanks will require bunding
- Having a cafeteria is not necessary for the 18 weeks
- A larger site means more workers and more rubbish
- The application extends the development to 21 or 55 weeks

Officer comment: the walkway will not require surfacing. That the cabins and canteen would be located on an existing access track and would not require surfacing. The office and WC would require some stone to create a surface. The exploratory well site is 0.79ha. This proposal is 0.2ha.

Principle and Procedure

- This proposal is different to the one the Inspector determined
- The additional information should have formed part of the original application
- The County Council should stand up to the energy company and leave it in the ground
- Question why it has been left so late to make this change and why it was not done at the Public Inquiry
- The increase pushes the boundary of the site over 1ha and should now be defined as 'major' development
- Any fencing is premature and will cause unnecessary damage
- The site is inappropriate for this sort of development
- The proposal should not be considered a 'new' application as it is a material amendment
- The proposal is increased creep from the original application
- Sadness your going ahead with the drilling
- The proposal is for fracking
- Given the era of climate change, the application should not go ahead
- Represents the total negation of our countryside for the pursuit of oil & gas
- The County Planning Authority are making decisions on the conditions without taking this application into account

Environmental Impact Assessment

- The proposal should be EIA development
- The proposal is salami slicing of the development
- If this goes ahead without an EIA I expect a Judicial Review

Appeal Conditions - The appeal conditions should take into account this new application

Traffic

- Bringing in surfacing materials will result in more traffic [to the development overall]
- The traffic assessment is inadequate

- No traffic management plan will ever be suitable.
- Where will construction vans park?
- Site is unsuitable for access by HGV, the ancient sunken lanes are narrow and high banked
- There will be an impact on local roads and safety

55. Officer comment: the security office and WC would require the ground to be levelled locally and a thin layer of stone laid on a geotextile membrane. This would result in two loads in addition to the 28 loads for this proposal. The cabins and canteen, fuel cell and generator would all be placed on existing hardstanding (the existing Forestry Commission track along the western boundary of the appeal site). No extra loads of stone would be needed for this area.

Ecology and Wildlife

- The application should be refused on wildlife grounds
- The application will destroy ancient woodland
- The area is a SSSI
- Trees will need to be felled

Officer comment: no trees will need to be removed to install the fencing or the welfare facilities. The deer fence would comprise posts that can be driven into position to avoid tree roots and root protection zones. The welfare facilities within the western part of the application site would be placed on an existing Forestry Commission track. The security office and WC are to be placed where there are no trees. The application site does not lie within a SSSI.

Green Belt

- The proposal is an industrialisation of the Green Belt
- The proposal is inappropriate development in the Green Belt
- The special circumstances of energy security is redundant as there is no proof that the untapped energy reserves are big enough to be worth extracting and maintaining the UK dependency on fossil fuels

Area of Outstanding Natural Beauty

- The application should be refused on grounds of it being within an AONB
- The proposal is major development in the AONB
- Expansion into unspoilt AONB/ Absolutely ridiculous in an AONB
- The proposal entirely contradicts the purposes of the AONB
- The proposal will bring no benefit to the community/ no public interest

Visual Amenity

- The original application points out nothing would be visible from Coldharbour Lane whereas this application does and would question if the Inspector would have granted
- The fence should be set sufficiently far back from the edge of the carriageway so that sightlines in both directions are given
- the original application if that had been the case
- If the site is made larger it would be an eyesore
- At the Public Inquiry the Inspector considered viewing 1 and this application would change this position
- The proposal includes a downslope facing across the valley towards Coldharbour
- The fencing should meet the Forestry Commission Fencing Technical Guide and use a less intrusive style of fence
- To stop the fencing being distracting to visitors and wildlife, it should be painted dark green
- The fencing is industrial and will be out of keeping with the environment and will be unsightly

Need

- There is no need [for the application]
- Were there not security issues in 2014/2015 [the time when the Public Inquiry was held and considered]
- The elements of the proposal are not just for security

Right of Way

- The application cuts off a customary right of way
- The area is used by local walkers, cyclists, runners and game shooters - negatively impact on my experience

Amenity – Noise and Lighting

- The generators will cause lots of noise pollution
- The proposal will have additional lighting [to that specified in the Light Management Plan]

Policing - The development will cost a lot in tax payers money to police

Slippage - The bigger area that is disturbed the more likely slippage will occur

Water

- East Surrey Water were concerned about the supply of water
- There is the potential for impact on Pipp Brook
- There will be contamination to the aquifers (acid and oil leakage)/ the proposal extends towards waterways
- The drilling could release Natural Occurring Radioactive Material into the water as well as acid.
- If the drilling goes ahead and there is an accident [in relation to the aquifer] there are concerns as to whether it [the aquifer] can be remedied

Misc

- Concerns about the financial viability of the company
- The protest has been peaceful and this extra precaution is unnecessary
- Proposal will affect house prices
- The company does not have the assets to carry out suitable remedial works
- The company cannot demonstrate a safe impact free exploration record
- How this has got so far is despicable
- Having the site close to two schools close to active flaming and air pollution is risky

Support

- Support the application as security fencing is needed to enable the company to carry out its lawful activities.
- No objection
- Support is vital to continue suitability of Britain's energy future
- Would normally support objections to real threats to the local environment and water supplies and welcome renewable sources. In this instance believe the specialists have demonstrated an exceptional level of technical expertise and commitment to completing the works to the highest standards.
- No fracking is required as the limestones are naturally fractured.
- Draw attention to Wytch Farm where many concerns can be overcome by working closely with all stakeholders

PLANNING CONSIDERATIONS

Introduction

56. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs. In this case the statutory development plan

for consideration of the application consists of the Surrey Minerals Local Plan 2011 (SMP2011), the Mole Valley Local Plan 2000 (MVLP2000) and the Mole Valley District Core Strategy 2009 (MVCS2009). Additionally consideration should be given to the Surrey Hills AONB Management Plan 2014 – 2019.

57. 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: need for the fencing and welfare facilities, highway movements, trees and ancient woodland, hydrology, lighting, noise, visual impact, landscape character impact, Green Belt and impact on the AONB.
58. This application has been made with its own red line boundary and is not a Section 73 application to the Appeal Decision APP/B3600/A/11/2166561. However in determining this application it should be recognised that this application is related to the development permitted by Appeal Decision APP/B3600/A/11/2166561 and that this application is dependent on the development permitted by Appeal Decision APP/B3600/A/11/2166561 in respect that if the hydrocarbon development were not to proceed, the fencing and welfare facilities would not be built. In assessing this application, Officers have chosen to assess the impacts of this proposal, MO/2016/1563, and assess this application for compliance with national and development plan policy. And then to assess the cumulative effects of the proposal in combination with the hydrocarbon exploratory wellsite as other material considerations in striking the overall planning balance. Therefore this report focuses only on those matters judged by the CPA to be relevant to this current planning application for the erection of fencing and welfare facilities, rather than the wider range of issues relating to the associated exploratory drill-site. This is because the Inspector allowed appeal ref APP/B3600/A/11/2166561, which is a material planning consideration of significant weight and Officers do not consider that there have been any changes since the Inspector's decision.

ENVIRONMENTAL IMPACT ASSESSMENT

59. This planning application (MO/2016/1563) was originally submitted in September 2016 without an Environmental Impact Assessment (EIA). A Screening Opinion had been adopted with regards to the 18 week security fencing and welfare facilities proposal by the County Planning Authority in May 2016 concluding that the development did not require an EIA. Following the submission of the planning application the applicant requested a Screening Direction from the Secretary of State (SoS) to confirm that the proposed development would not constitute EIA development, and received confirmation that the SoS agreed with the County Planning Authority's opinion (not EIA).
60. LHAG disagreed with the outcome of the Screening Opinion and the subsequent Secretary of State Screening Direction. It is stated that the temporary nature of the scheme has nothing to do with the level of impact on local residents or the potential for environmental damage during that 18 week period. It is stated that this application is entirely connected with and an adjunct to the original permission.
61. Following this the applicant submitted a new, separate planning application (MO/2017/0222) seeking planning permission to erect two lines of fencing and welfare facilities in the same positions as those shown for this planning application (MO/2016/1563), however the timescale for their retention would be **longer** (for a period of up to 52 weeks). The County Planning Authority issued a Screening Opinion for planning application MO/2017/0222 in January 2017 stating that an EIA would be required on the basis that the proposal would be in place for a period of 52 weeks and that the presence of fencing and security facilities at the permitted wellsite for that length of time had not been previously assessed in the earlier Environmental Statements (ES) submitted for the hydrocarbon development permitted on Appeal. The applicant requested a Screening Direction from the SoS on this matter in response to which the

SoS confirmed in writing in February 2017 that an EIA would be required for that application (MO/2017/0222). Following this, a second SoS Screening Direction was issued on 20 March 2017 for this application, in which the SoS determined that EIA was required in respect of the proposed installation of security fencing and welfare facilities for a period of 18 weeks.

62. The applicant submitted in May 2017 an overarching ES in accordance with Regulation 17 of the EIA Regulations 2011 to cover three planning applications: MO/2016/1563 (this application), MO/2017/0222 and MO/2017/0255. This ES contains one detailed assessment chapter this being on Landscape and Visual Impact (LVIA) which the various fencing schemes (18 week, 52 week, and reptile), in combination with the permitted exploratory wellsite, were considered to have potential significant environmental impacts upon. The ES also includes information on traffic and transport, hydrology and hydrogeology, ecology; and waste. Following the ES submission, the County Planning Authority wrote to the applicant in June 2017 requesting further information under Regulation 22 of the EIA Regulations 2011 with regards to matters of the LVIA, in respect of planning application MO/2017/0222 (52 week fencing); and requesting further clarification on matters of hydrology and hydrogeology, traffic and ecology in respect of Planning Applications MO/2017/0222 (52 week fencing) and MO/2017/0255 (reptile fencing).
63. The applicant submitted an ES Addendum in August 2017 seeking to address the County Planning Authority's earlier concerns. This underwent consultation and public notification in accordance with the requirements of Regulation 22.
64. Regulation 3 of the EIA Regulations prohibits a relevant authority from granting planning permission for EIA development unless it has taken into account the environmental information. This requires, through the definition of "environmental information" in Regulation 2, that the authority has before it an environmental statement within the meaning of the regulations – this being information of this description as is reasonably required to assess the effects of the development. As outlined above, the applicant has submitted a document entitled "Environmental Statement" which determines this application is EIA development. This application for MO/2016/1563 is not a "subsequent application" within the meaning of Regulation 2 of the 2011 Regulations as it is not an application of a matter where approval is required by or under a condition to which a planning permission is subject.
65. Officers have reviewed the ES Addendum August 2017 with regards to all three planning applications. With regards to **this planning application** Officers conclude that the information provided in the submitted ES, as composed of the original statement (2009), the subsequent addendum (May 2017) and the revised addendum (August 2017), is sufficient to inform the determination of the planning application MO/2016/1563. Consequently Officers are satisfied with the ES Addendum as submitted for this planning application and the assessment contained within it. It should be noted that Officers have written to the applicant with regards to the ES Addendum with regards to applications MO/2017/0222 and MO/2017/0255 however the information sought from the applicant on those applications has no bearing on this application.

NEED

66. The proposal is to install a double row of fencing around the exploratory well site to provide increased security to the exploratory well whilst activities associated with that activity take place. The applicant has stated the fencing would be erected during the construction phase and remain in place during the drilling phase. The applicant has stated that depending on the level of protest activity at Bury Hill Wood the fence may remain in place during the decommissioning and restoration phases i.e. for the duration of the 18 week development. For security personnel to remain on site for 24 hours a day/ 7 days a week to patrol the site, it is proposed that the security personnel will have their

own cabins and canteen which in turn would require a generator to power them. As the proposed fencing goes up towards the public highway the applicant proposes to have a security office at the entrance to the exploratory well site so as to monitor who gains access into the exploratory well site. Representations received for this application have questioned the need for the proposal (32 reps) and why was the issue of fencing was not addressed or discussed at the Public Inquiry (42).

67. The applicant has stated that there has been an increased risk of protestor activity at conventional onshore oil exploration wellsite's nationally since the application was made in 2008 and then since the Appeal Decision in 2015. This has been evidenced by the recent activity at Brockham Oilfield, Horse Hill and also at Preston New Road in Lancashire. The applicant states that it is now standard practice to have enhanced security even for onshore conventional oil and gas sites as protestors make no distinction.
68. The applicant points to the recent protest camp that established itself at Bury Hill Wood at the end of October 2016 (which can be seen in the attached photographs in the presentation as supplied by the applicant) which set up a camp at the site entrance and within the exploratory well site itself. The protestors cleared large areas of bracken and other vegetation at the site for their camp, built platforms in the existing trees, erected other structures on the ground and dug deep trenches in the ground. The protestors and their camp were subsequently removed in June 2017. The applicant has chosen to use their Permitted Development Rights under Part 17 of Schedule 2 (mining and mineral exploration) Class KA to drill boreholes for the purposes of carrying out groundwater monitoring⁴ and this to include the erection of other structures, i.e. fencing.
69. The applicant also states that should the protestors stay on site while operations take place, that should there be no security fencing in place that this would be a health and safety concern to both the protestors and contractors. The security fencing would enable health and safety of the exploratory wellsite to remain in place.
70. A fence around the exploratory wellsite was part of the original proposal and part of the proposal discussed at the Public Inquiry. This was to include the erection of 1.2m to 2m high post and wire fencing around the perimeter of the 118 m by 55 m compound and steel double gates. It was therefore acknowledged as part of the original application that security fencing would be required at the site. However Officers recognise there has been a change in circumstances in terms of the need for higher fencing around the exploratory wellsite and the need for a patrol zone so to maintain health and safety requirements for the wellsite.
71. No objection has been raised by the Surrey Hills AONB Officer to this application commenting that the works proposed are to assist in minimising disruption from protestors so that the development can be carried out within the planned 18 week period and not have to be extended because of disruption. The AONB Officer has said that keeping to the 18 week period is important to the AONB. Officers are satisfied that the applicant has demonstrated a need for the installation of the security fencing and the accompanying welfare facilities given the need to maintain health and safety of both protestors and of contractors working on the exploratory wellsite; and that in doing so this should facilitate in minimising disruption to the site to assist in keeping to the 18 week period.

TRANSPORT, TRAFFIC AND ACCESS

Surrey Minerals Plan 2011

⁴ As required by the Environmental Permitting process and as approved by Condition 14 of the Appeal Decision or monitor wildlife.

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 – Transport for minerals

Mole Valley Local Plan 2000

Policy MOV2 – The Movement Implications of Development

Policy ENV22 – General Development Control Criteria

Mole Valley Core Strategy 2009

Policy CS18 – Transport Options and Accessibility

72. The application site is to be accessed by Coldharbour Lane. Coldharbour Lane (D289) is an unclassified rural road that links the village of Coldharbour to the south, with Dorking to the north. The lane undulates and has a number of bends along its length. There are sections along the lane north of Logmore Lane where there is a verge, however in other places the road is a sunken lane with high, steeply sloping vegetated banks. There are trees and hedgerows alongside the lane and areas where the tree canopy has grown across to cover the highway. In some instances, tree trunks have grown out over the carriageway. The most constrained section of the lane can be found in the 1.74 km section south of the Logmore Lane junction. Lanes of this type are characteristic features of the AONB. In September 2017 Mole Valley District Council agreed at their Planning Committee to have a Tree Preservation Order made to protect 20 trees that are positioned along Coldharbour Lane at Robbing Gate.
73. Much concern was raised as part of the Public Inquiry with regards to the potential impact and permanent damage from HGVs using Coldharbour Lane to access the application site, on the sunken lanes; and that the sunken lanes had inadequate capacity to accommodate the traffic being proposed.
74. Coldharbour Lane varies in width along its length, ranging from 5.93m to 3.8m. It is generally accepted that two goods vehicles can pass one another with care within a carriageway width of 5.5m. Similarly, a car and a goods vehicle can pass one another within a carriageway width of 4.8m. Quite clearly, with a carriageway width that varies between 5.93m and 3.8m, there are sections of Coldharbour Lane that cannot accommodate even a car and an HGV passing and most certainly not two HGVs. As part of the original planning application, the applicant measured the road at intervals of approximately 150 m and from this identified the areas with adequate width to allow two HGVs to pass, areas where an HGV and car can pass and the sections of the road where only cars can pass. A tree foliage survey was also undertaken to identify constraints posed by overhanging trees and branches. This was all taken into consideration as part of the Public Inquiry.
75. Concern has been raised on this application in terms of highway implications including the potential need for additional surfacing being brought to the application site and the highway implications of this (54 reps), that Coldharbour Lane is unsuitable for access by HGV as the ancient sunken lanes are narrow and high banked (42 reps), impact on local roads and safety (38 reps) and that the CTMP will never be suitable for the network (26 reps). Consideration has to be given to the potential impact of bringing to the application site the fencing and welfare facilities which in turn will increase lorry movements to/ from the site.

Lorries

76. Policy MC15 of the Surrey Minerals Plan 2011 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management. The policy goes on to state that mineral development involving transportation by road will be permitted only where:
- i) There is no practicable alternative to the use of road based transport that would have a lower impact on communities and the environment
 - ii) The highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and

- iii) 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.
77. The policy supporting text recognises that the most significant impacts of mineral working and the one that usually causes the most public concern is lorry traffic generated from transport minerals. Para 7.7 of the SMLP2011 states that the needs of pedestrians, cyclists and horse riders should be considered especially where the highway forms a link in the rights of way network and potential impacts on vulnerable road users might occur. Para 7.9 states that it is important to ensure the effects of traffic generated by mineral developments on local communities, the environment and the local road network are carefully considered.
78. Policy MOV2 of the MVLP2000 states that 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 of the area, having regard to all forms of traffic generated by that development. The policy goes on to say that 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 and there is provision for capacity on the transport network and in the vicinity of the development, access and egress to be obtained, or improve, to and from the primary route and distributor road networks.
79. The second criterion in Policy ENV22 (General Development Control Criteria) in the MVLP 2000 seeks to ensure that the amenities of the occupiers of neighbouring properties are not significantly harmed by adverse environmental impacts such as traffic. Paragraph 4.107 gives more detail, stating that *'the environmental effects of traffic, especially lorries, generated by some development can have an environmentally damaging impact on the surroundings. Even though in highway operational terms the access may be acceptable, the environmental effects of the traffic will also be taken into account.'*
80. The MVCS2009 contains Policy CS18 (Transport Options and Accessibility). Criteria 1 states that the availability of travel options and access will be given significant weight when considering development proposals. The third criterion requires development proposals to be consistent with, and contribute to the implementation of the Surrey Local Transport Plan. The Transport Plan has tackling congestion to limit delays, improving road safety and security, enhancing the environment and quality of life and improving management and maintenance of our transport network as some of its objectives.

Number of HGVs

81. The application will involve the bringing on to site the fencing and welfare facilities on HGVs. This would involve 8 vehicle movements to drop off and collect the fencing; and 20 movements to drop off and collect the welfare facilities. Therefore 28 HGV movements in total for the whole development⁵. The proposal also involves the creation of a security office compound area adjacent to Coldharbour Lane. The cabins and the canteen which would be situated along the western boundary of the application site.
82. The exploratory well would involve some 884 HGV movements for the total 18 week period. With regards to the construction and decommissioning phase, which is relevant to this proposal, the applicant proposes 88 HGV two way movements for both phase spread over a period of 12 weeks. This would result in some 3 HGV movements per day. Whilst the working day for the exploratory well is conditioned in Condition 17 of the Appeal Decision to 0930 – 1500 hours Monday to Friday and 0930 to 1300 hours on Saturdays, the applicant has stipulated within the submitted Construction Traffic

⁵ 28 movements = 14 loads (7 loads inbound/ 7 loads outbound)

Management Plan for Condition 19 (planning application ref: MO/2017/0911) that there would be no HGV deliveries/ movements on Saturdays. Officers consider the hours of operation as stipulated in Condition 17 of Appeal Decision APP/B3600/A/11/2166561 but excluding Saturdays should be imposed as a Condition on this application.

83. The County Highway Authority originally responded saying that it was unclear from the submission whether the importation and collection of the fencing and security/ welfare facilities would be included within the Construction Traffic Management Plan (CTMP) required under Condition 19 of the Appeal Decision. The CHA stated that given the constraints of the highway network and the size of the vehicles likely to be involved with the fencing proposal, that the 28 HGV movements proposed should form part of the CTMP.
84. The applicant has subsequently responded confirming that the 28 HGVs will be considered as part of the CTMP and the information provided as part of the submission for MO/2017/0911 includes this information. The CHA have reviewed this information and have confirmed that there is no objection in principle to the proposed development from a transportation perspective, with the main impact being during set up and removal. The submission makes it clear that the importation and collection of the fencing and the security/welfare facilities are to be included in the CMP required under Condition 19 of APP/B3600/A/11/2166561 for the site. This is considered essential given the constraints of the highway network and the size of the vehicles likely to be involved. Given the traffic movements will form part of the CTMP in terms of assessing how the number and size of HGVs will navigate Coldharbour Lane to the application site, the CHA raise no objection to the proposal subject to conditions.

Accessing the site

85. The application currently proposes that the fence stops 1m back from the highway edge as the 1m verge is considered to be public highway, which cannot be fenced. This would encompass an area between the existing Forestry Commission track and the public highway and the bellmouth. The applicant states that this is to prevent protestors creating an encampment in front of the gate. Whilst the visual impact and landscape character impact of this will be discussed below, there are logistical matters that require consideration in terms of the gate in the fencing being closed to prohibit access being gained into the site but also getting HGVs arriving at the site off the public highway in a safe manner. This has been raised within a letter of representation also. The applicant states that the gates will be moved temporarily when HGVs arrive and depart the site. The CHA have commented that this could raise some issues as there is no area for non-HGV vehicles to pull off the public highway prior to the gates being opened. This could result in delays to traffic utilising Coldharbour Lane unless the gate is constantly staffed and all vehicles are let in through the gate prior to security checks. The CHA have commented that they do not wish for vehicles to waiting on the public highway.
86. The applicant has responded stating that when HGVs are scheduled for deliveries to the site, communication would take place between the banksmen, the escort vehicle and the security staff present on the application site. The control of the traffic would be from the security staff office and they would know to move the gates in advance of a HGV arriving at the site so that the gates can be opened in a timely manner so that HGVs do not remain on the public highway. With regards to cars and LGVs on site staff would be contacted in advance for when a scheduled LGV or car is visiting the site so again to be ready to open the gates so that the vehicle can leave the public highway.
87. The CHA have reviewed these comments and advise further that whilst it is understood why the gates are to be placed within the bellmouth and close to the public highway, it results in nowhere for vehicles to pull off Coldharbour Lane, clear of the highway in order for gates to be opened. It is therefore essential that the gates are opened prior to any vehicles arriving at the site so that they can pull off of the highway without delay. A

vehicle waiting at this point is likely to cause an obstruction, which is unacceptable given that the traffic management is already likely to result in delays and it would be unreasonable for drivers to be further delayed waiting for vehicles to enter the site. The applicant should therefore take measures to prevent this happening. The CHA raise no objection to the proposal but request that conditions that are considered necessary and reasonable, are imposed to control this matter.

Rights of Way

88. Policy MC14 of the Surrey Minerals Plan 2011 requires consideration to be given in terms of any potential impacts relating from the development proposal on the rights of way network. There are no policies on rights of way within the MVLP2000 or MVCS2009.
89. There are no definitive rights of way that run through the application site. The closest right of way to the application site is footpath 247 which runs approximately 55m to the north west before heading further north and then turning southwards to then meet Coldharbour Lane. There are, however, a number of tracks in the woodland that includes the application site and the surrounding land and this has raised concern within representations (61 comments raised) that the proposed installation of the fencing would cut off a customary right of way that runs through the site.
90. The access land in question is Countryside and Rights of Way (CROW) Act Section 16 dedicated land and is woodland owned and managed by the Forestry Commission. They look after all CROW access restrictions where the land is predominantly woodland as in most cases it has been dedicated by them. The CROW Act 2000 can give a public right of access to land mapped as 'open country' and these are known as 'open access land'.
91. Section 16(7) states that a dedication cannot be revoked and binds successive owners and those interested in the land. However, S16 (6) states that the regulations may enable a dedication under this section to include the provision for removing or relaxing any of the general restriction in Schedule 2 (i.e. the dedication) and also enable a dedication previously made under this section to be amended by the persons by whom a dedication could be made so as to remove or relax any of those restrictions. This would be to the relevant authority, in this case the Forestry Commission, and information would need to be provided to satisfy that authority. The County Rights of Way team have commented that whilst the proposal does not affect any public rights of way, they recommend the applicant ensures all necessary permissions to fence such land is in place before proceeding.
92. Officers note there are no public rights of way that cross the application site as confirmed by the County Rights of Way Officer and therefore no closure orders or diversion orders would be required. With regards to the tracks and open access land, the restricting or exclusion of access would be carried out by the Forestry Commission and is a separate regime to the planning regime and such measures would be required to be in place prior to the commencement of development. Officers consider an Informative should be imposed reminding the applicant to contact the Forestry Commission to carry out that notification.

ENVIRONMENT AND AMENITY

Surrey Minerals Plan 2011

Policy MC14 - Reducing the adverse impacts of mineral development

Mole Valley Local Plan 2000

Policy ENV15 – Species Protection

Policy ENV57 – Lighting Proposals

Policy ENV67 – Groundwater Quality

Mole Valley Core Strategy 2009

Policy CS15 – Biodiversity and Geological Conservation

93. Policy MC14 of the Surrey Minerals Plan states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. The policy outlines that in determining planning applications for mineral development, potential impacts relating to a number of issues listed within the policy, should be considered. For this proposal the relevant issues to consider are: i) noise and illumination, ii) water quality, iv) the natural environment and biodiversity.
94. With regards to mineral development, Paragraph 144 of the NPPF states that in granting planning permission for mineral development that local planning authorities should ensure that
- there are no unacceptable adverse impacts on the natural environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in the locality;
 - to ensure that any unavoidable noise, dust and particle emissions are mitigated or removed at source
 - to provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions

Hydrology and Water

95. A number of representations have raised concerns with regards to this application in terms of the proposal having a potential impact on Pipp Brook and the local aquifers from acids being used as part of the exploration process or oil spillages (47 letters of representation). The NPPF outlines at para 109 that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, by unacceptable levels of water pollution.
96. Paragraph 6.14 of the Surrey Minerals Plan recognises that surface and groundwater provide fresh water for drinking, washing and agriculture and to support flora and fauna. The policy sets out measures to protect them from any adverse impacts arising from development include:
- ensuring that there are no significant changes to groundwater levels.
 - undertaking detailed hydrogeological assessment to assess the risks posed by physical disturbance of aquifers and to source protection zones for the safeguarding of groundwater
 - maintaining the quality of water resources by preventing the pollution of ground and surface water, such as from the introduction of chemical or other contaminants. Drainage during operations, and any discharge into local watercourses, should be controlled in accordance with standards set by the Environment Agency through licensing.
97. Policy MC14 states that in determining applications for mineral development, consideration should be given to water quality and land drainage. Policy ENV67 of the MVLP2000 states that development will not be permitted which in the opinion of the Council, after consultation with the Environment Agency, may have an adverse impact on the quality of groundwater.
98. The Environment Agency are the statutory consultee with regards to protection of the groundwater. The Environmental Agency (EA) originally commented that whilst there was no objection in principle to the proposal in order to protect soils, ground and groundwater beneath the site from the risk of accidental spills from the oil tank, the associated generator or from the cess pit, the EA require appropriate temporary bunding to be in place. Additionally the EA required appropriate protocols and procedures to be in place during the filling, emptying and in the event of incidents. The EA requested a

condition be imposed that any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both oil, fuel or chemical and water to be submitted to the County Planning Authority for approval.

99. Subsequent to this the applicant has amended the Planning Statement to include the information sought by the EA. The applicant states that a generator will be located adjacent to the welfare facilities along the western boundary of the site. The generator will use a fuel cell to provide fuel to the welfare facilities and will be sat on its own bunded containment mat with a capacity more than 110% of the fuel and other liquids held within the generator. The fuel cell comes as a double skinned tank providing its own bunding and is connected directly to the generator so there is no requirement to transfer fuel physically by way of pump or distributor hose and nozzle. The refuelling of the cells is undertaken by disconnecting two hoses with standard leak-proof hydraulic couplings from the cell and lift out the empty cell and replacing with a fuel cell. Spill mats will be kept adjacent to the pipes during connection and changeover to ensure that if there are any drips, these will be captured.
100. Given the information now provided by the applicant on the generator in terms of it having its own bunding and procedures of how it would be re-fuelled and how the fuel tank would be kept on site, the EA have commented that their previous concerns regarding containment of fuel for the generator and procedures around delivery, have been covered by the revised Planning Statement.
101. Following the submission of the ES, the EA reviewed this document and commented that the conclusion made on hydrology and hydrogeology was incorrect as the information presented related to previous work carried out prior to the Public Inquiry held for the exploratory wellsite. The EA commented that there is a principal aquifer beneath the site and potentially other secondary aquifers within the first 400m beneath the site. The EA stated that the applicant should refer to the latest full Hydrogeological Risk Assessment. Officers raised this matter with the applicant and the submitted ES Addendum August 2017 deals with this matter. The EA were reconsulted on the August 2017 documentation and commented that the revised wording now adequately reflects the vulnerability of the groundwater and links to the Hydrogeological Risk Assessment. This met the EA's requirements. The EA went on to note the applicant's comment that the fencing would not have a detrimental impact on groundwater and the EA state they concur with this.
102. With regards to concerns raised by representations on the use of acids as part of the exploration process, this application does not involve the use of acids. Furthermore control of the use of any acids as part of the exploratory process is covered by the EA as part of the Environmental Permit. With regards to impact on Pipp Brook, the installation of the fence and welfare facilities would have no impact on Pipp Brook as it would not involve any surface water runoff or below ground activities. The generator would not involve any runoff and the information outlined above provides a protocol for handling fluids so not to cause spillage.
103. Officers are satisfied that the applicant has provided information on how any fuels to be in place on site in relation to the generator would be handled and kept such so not to cause risk to the underlying groundwater and should a spill occur how it would be handled, again so there would be no risk to the underlying groundwater. Given this, Officers are satisfied that the proposal meets the requirements of Policy MC14 and Policy ENV67 and paragraph 109 of the NPPF.

Ancient Woodland and Trees

104. 13 representations have said the proposal would destroy ancient woodland. 143 representations have said that trees would need to be felled as part of this proposal. Policy CS15 of the MVCS2009 requires that trees within development sites should be, as

far as practicable, retained and only where there are no realistic alternatives available or replacement of such features elsewhere in the site would result in biodiversity enhancements will removal be permitted.

105. With regards to ancient woodland the proposal would not encroach onto ancient woodland. The closest ancient woodland to the application site is along the western boundary which is the line of the existing Forestry Commission track. This ancient woodland is plantation on ancient woodland with areas of semi natural ancient woodland some distance to the west. The application does not seek to go beyond that existing access track therefore there would be no direct harm to the ancient woodland. In terms of indirect impact, the applicant has stated that the fuel for the generator would have its own bunded to over 110% and there are protocols for fuelling the generator to ensure that spillages should not occur and the Environment Agency are satisfied with this. With regards to fencing along the western boundary, the applicant is proposing solely deer proof fencing at this point and not Heras fencing. Deer proof fencing is typically found to protect tree saplings from deer grazing so that they can establish. The applicant has confirmed that the positioning of the posts for the fencing would be done such to avoid tree roots and tree root protection zones. A condition can be imposed requesting care is taken in the placing of the fence posts into the ground. Officers are satisfied that the proposal is not located such that it would cause direct or indirect harm to ancient woodland which is positioned to the west of the application site. The other areas of ancient woodland are not in close proximity to be affected by the installation of the fence or the welfare facilities.
106. With regards to the felling of tree the applicant has stated this proposal would not involve the felling of any additional trees further to those that are to be felled and were considered as part of the Public Inquiry. Some 45 trees would require felling within the exploratory wellsite area however there are no tree trunks that are in the line where the fencing is proposed to go or where the welfare facilities are to be placed. Officers are satisfied that there are to be no trees to be felled as part of this proposal.

Lighting

107. Representations received have raised concerns that the proposal would result in more lighting for the wellsite overall (142 representations). As the application site is located within the Surrey Hills AONB consideration has to be given to the need to protect the dark skies and the tranquillity of the AONB which includes impacts from lighting. The applicant has an approved Light Management Plan for the exploratory well development⁶. The Surrey Hills AONB Management Plan 2014-2019 Policy LU2 states that development will respect the special landscape character of the locality, giving particular attention to potential impacts from light pollution. Policy MC14 of the SMP2011 requires potential impacts from illumination from mineral development to be considered. Policy ENV57 states that proposals for the illumination of buildings and other facilities will not be permitted where they would significantly and adversely affect the amenities of residential properties, Conservations Areas or the character and appearance of the countryside.
108. Paragraph 125 of the NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001⁷ of the NPPG recognises that some artificial light is not always necessary and has the potential to become light pollution or obtrusive light and is not suitable in some locations. The paragraph acknowledges that lighting can be *“a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. For maximum benefit, the best use of artificial light is about getting the right light, in*

⁶ Planning approval ref: MO/2016/0981 approved 13 December 2016

⁷ Paragraph 001, reference ID: 31-001-20140306

the right place and providing light at the right time". Paragraph 002 sets out what factors should be considered when assessing whether a development proposal might have implications for light pollution and sets out a number of questions to be considered including Is the development in or near a protected area of dark sky or an intrinsically dark landscape where it may be desirable to minimise new light sources; and are forms of artificial light with a potentially high impact on wildlife.

109. Whilst concerns have been raised by representations with regards to lighting, the applicant has confirmed that no additional external lighting would be required as part of this proposal therefore there would be no lighting on the cabins or canteen or WC or security office. There would be no lighting required for the patrolling of the space between the deer proof fencing and the Heras fencing for security personnel. Given this, Officers are satisfied that this planning application would not give rise to significant adverse impacts with regards to lighting. To ensure this a condition can be imposed stating no external lighting shall be placed at the application site.

Noise

110. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development through the use of conditions; and to identify and protect areas of tranquillity.
111. Paragraph 020⁸ of the NPPG (Minerals – noise) outlines that mineral planning and authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operation would give rise to a significant adverse effect, give rise to an adverse effect; and enable a good standard of amenity to be achieved. Para 021 goes on to state that mineral planning authorities should aim to establish a noise limit at the noise sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). The paragraph goes on to state that should it be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator the limit set should be as near that level as practicable; and in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For night time working, the same principles apply in terms of not exceeding the background noise level by more than 10dB(A) but a noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property. The paragraph goes on to state that if there is a tonal element to the proposal that it may be appropriate to set specific limits to control this aspect.
112. Policy MC14 of the SMP2011 requires consideration to be given to potential impacts from noise from the development proposal.
113. The application involves the installation of perimeter fencing which would involve the creation of holes for the fencing posts to sit in. The fence would be installed at the beginning of the 18 week duration as permitted by the Appeal Decisions APP/B3600/A/11/2166561. Once installed the fencing would remain in place until the end of the exploratory period. Officers consider that the installation of the fence itself onto the application site would not give rise to any significant adverse harm in terms of noise.
114. The County Noise Consultant has reviewed the proposal in terms of the delivery of the fencing and welfare facilities to the application site with regards to the lorry movements and the installation and comments that it is unlikely that there would be any significant noise generating works in connection with the construction of the welfare facilities on

⁸ Paragraph 020, reference ID: 27-020-20140306

site. In addition to the fence, the proposal would involve the use of a generator and other welfare facilities. The County Noise Consultant has commented that the nearest residential properties to the site are at a distance of around 600 m from the site and are therefore unlikely to be exposed to significant levels of noise from the works. The County Noise Consultant raises no objection to the proposal on the grounds of noise. Officers consider it would be reasonable and relevant to this planning application to impose a planning condition that ensures that all activities associated with the proposal meet noise levels that are set out in the Appeal Decisions APP/B3600/A/11/2166561 for consistency.

Ecology

115. Paragraph 109 of the NPPF states that the planning system should contribute and enhance the natural environment by recognising the wider benefits of ecosystems services; and minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 008⁹ of the NPPG recognises that planning decisions have the potential to affect biodiversity outside as well as inside designated areas of importance for biodiversity.
116. Policy MC14 of the SMP2011 requires the potential for impacts on the natural environment and biodiversity to be considered and to ensure no significant adverse impacts arise in relation to these aspects. Policy CS15 of the MVCS2009 states that biodiversity will be protected and enhanced in accordance with European and National legislation. Policy ENV15 of the MVLP2000 states that where it is evident that a proposed development would be likely to harm a protected species or its habitat, an investigation will be required and that development that would materially harm a protected species or its habitat will not be permitted.
117. The application site is not located within any statutory or non-statutory designated sites for nature conservation. The applicant states that a Phase 1 Survey Report was carried out as part of the exploratory wellsite application and this not only encompassed the wellsite area but the wider land surrounding it including the land to which this application relates to. As part of that survey work it was concluded that the wellsite proposal would not give rise to any significant adverse effects to ecological assets both within the exploratory wellsite area and immediately beyond it including this application site area. The Appeal Decision Condition 9 requires further survey work to be carried out for the exploratory wellsite for birds, bats, amphibians, reptiles and badgers. As part of the mitigation works for reptiles the applicant is required to ensure all reptiles are removed from the exploratory wellsite prior to the commencement of the 18 week period to safeguard the reptiles. As such the installation of the fencing and welfare facilities would not significantly adversely affect reptiles.
118. With regards to birds and bats this application would not involve the felling of any additional trees other than those that were identified as part of the Appeal Decision. As discussed below, the proposal would not increase or amend the lighting levels or types which would be in place for the exploratory wellsite. As such this application should not have a significant adverse impact on birds or bats.
119. With regards to badgers when the application was submitted in September 2016 it was understood that there were four setts within 150m of the application site. Two of these were in the application site itself. One was less than 30m to the south of the access road. One is to the west approximately 110m from the application site boundary (130m from the drill rig position). Should any setts be within 30m of the application site, a licence from Natural England would be required seeking to close the setts. An Updated Phase 1 Habitat Survey was submitted as part of the Environmental Statement May 2017 (this has not been superseded in the ES Addendum August 2017) which provides a more

⁹ Paragraph 008 Reference ID: 8-008-20140306

recent badger survey within an updated Habitat Survey of April 2017. This updated badger survey has shown the three closest badger setts have all been abandoned¹⁰ since protestor activity commenced at the application site in November 2016. Consequently there would be no measures required to mitigate against harm for these three badger setts as they are now abandoned.

120. Previously the applicant had proposed badger gates could be installed at points along the fencing that open both ways. However given there are now no badger setts in the immediately vicinity of the application site, this is not considered necessary. The East Surrey Badger Group were consulted on the Environmental Statement and ES Addendum and have commented that they note that the badger setts in the site area are no longer active and the nature of the fencing could allow badgers to dig underneath the fence and that as a result badger gates are 'no longer required'. The East Surrey Badger Group concurs with this finding and raises no objection.
121. The Countryside Biodiversity Manager (CBM) has reviewed the proposal and raises no ecological objection to the proposal. He comments that the application site has been subject to extensive ecological surveys and having considered the ecological impacts that his main concern was the possible impact of badgers being enclosed by the fenced area. Whilst it is acknowledged that the three badger setts in closest proximity are no longer in use, the CBM recommends that a check is made prior to the commencement of development and prior to the completion of the fencing for badgers as they are mobile and could create a sett quite quickly regardless of the remaining setts being disused. This can be the subject of a condition that a check is carried out.

Japanese Knotweed

122. An area of Japanese Knotweed is known to be adjacent to the access track, approximately 23m x 19m immediately south of the access track into the application site, approximately 97m from Coldharbour Lane.
123. The installation of the fence and the patrol zone would go over the area of Japanese Knotweed. Japanese Knotweed is an invasive alien species Japanese Knotweed is an invasive plant and is a Schedule 9 listed plant covered by the Wildlife and Countryside Act 1981 (as amended). Schedule 9 of the Act states it is an offence to plant or otherwise cause the species to grow in the wild. Section 14(2) of the Wildlife and Countryside Act 1981 states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part 2 of Schedule 9, he shall be guilty of an offence". Japanese Knotweed is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991. Soil containing rhizome material can be regarded as contaminated and, if taken off a site, must be disposed of at a suitably licensed landfill site and buried to a depth of at least 5 metres.
124. According to the Environmental Protection Act (EPA) 1990 controlled waste, must be disposed of at appropriately licensed landfills. Japanese knotweed plant material and/or any knotweed contaminated soil which you discard, intend to discard or are required to discharge is likely to be classified as controlled waste. Costs can also be incurred from the spread of Knotweed into adjacent properties and for the disposal of infested soil off site during development which later leads to the spread of Knotweed onto another site. Japanese Knotweed is mainly spread through rhizome fragments or cut stems.
125. The most effective treatment of Japanese Knotweed is spraying with chemicals using only approved herbicides. This can often take re-spraying and can usually take three years to treat Japanese knotweed until the underground rhizomes become dormant. In

¹⁰ Evidence of this has been shown as sticks being placed at the entrances to the badger setts and these sticks not having been moved when returning to the site for monitoring.

order to spray Japanese Knotweed permission may be required from Natural England or the Environment Agency. In addition to spraying Japanese Knotweed, the plant can be burned, buried or disposed of offsite however these practices all require the relevant permissions to carry that work out.

126. The applicant acknowledges that Japanese Knotweed is present on the application site. The applicant has stated that in an instance where Japanese Knotweed is inadvertently chopped down, the Japanese Knotweed would be removed from the application site and disposed of at an approved waste disposal site. The applicant has confirmed that the area where the Japanese Knotweed is present shall be clearly identified by signage including management operations, and site operators and contactors shall be given instruction on identification of Japanese Knotweed and their responsibilities. The applicant states that a clerk of works would be appointed with responsibility for overseeing the Japanese Knotweed management. The applicant has also stated that a layer of geotextile which acts as a root barrier would be applied on this particular area and when this would be removed at the end of the development, this would be done under the supervision of a suitably qualified ecologist or specialist controlled waste consultant.
127. Officers note that the best practice for management of Japanese Knotweed would be spraying of the plant. The applicant has committed to spraying the plant in the Restoration and Landscape Management Plan as submitted to comply with Condition 14. Officers consider it necessary, reasonable and relevant to this planning application that the Japanese Knotweed also be sprayed in addition to the measures above; and that the spraying of the Japanese Knotweed commence within the first available season following determination of this application and not on commencement of development. This would ensure that spraying of the Japanese Knotweed is not further delayed and the appropriate window not missed. Officers consider this can be imposed by condition.

AREA OF OUTSTANDING NATURAL BEAUTY, LANDSCAPE CHARACTER AND VISUAL IMPACT

Surrey Minerals Plan 2011

Policy MC2 – Spatial strategy – protection of key environmental interest in Surrey

Policy MC14 - Reducing the adverse impacts of mineral development

Mole Valley Core Strategy 2009

Policy CS13 – Landscape Character

Mole Valley Landscape Character Supplementary Planning Document 2013

128. The application site lies within the Surrey Hills AONB. Of the letters of representation received 51% stated this planning application should be refused on AONB grounds (the most cited reason for refusal). Representations also cited that the proposal contradicts with the purposes of why land is designated as an Area of Outstanding Natural Beauty and that the proposal is “*absolutely ridiculous in an AONB*”. What should be borne in mind, however, is that this application is not for the exploratory phase of hydrocarbon development as that matter has been granted planning permission on appeal. This aspect deals with the installation of a perimeter fence which runs parallel to the original application boundary. Officers acknowledge that the proposal would involve expanding onto a new area of land beyond the original application boundary (in some places the expansion is 2.5m in width i.e. along the access track; however in other places the expansion would be some 5m in width i.e. along the western perimeter of the appeal site which would then encompass the existing forestry commission track that runs alongside the western boundary of the appeal site).
129. In considering this application there are different aspects that require thought. The first is the impact of the proposed fence on visual amenities of the locality and the wider area particularly as the applicant now proposes that the fence line come up to Coldharbour Lane. The second is the impact on the Landscape Character of the area. And lastly, the

third is the impact on the AONB and whether the proposal constitutes ‘major’ development which warrants consideration of para 116 of the NPPF. As described above, since this application was originally submitted in September 2016 the applicant has been required to submit an EIA for this application following a Screening Direction from the SoS. An Environmental Statement and ES Addendum have been submitted by the applicant with the only scoped in chapter being Landscape and Visual Impact. The findings of the Landscape and Visual Impact Assessment (LVIA) are referred to in this part of the report.

130. Policy MC14 of the SMP11 requires consideration to be given to impacts from mineral related development on the appearance, quality and character of the landscape and any features that contribute to its distinctiveness. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Surrey Hills AONB Management Plan 2014 – 2019 sets out policies for protection and enhancement of the AONB and these are discussed in more detail below.
131. The activity would involve disturbance in the landscape. This would result from the installation of Heras fencing (different to the fencing approved as part of the Appeal Decision), the installation of deer proof fencing and then a 2m patrol zone in between these two fences; the installation of a compound close to Coldharbour Lane which would include an office and WC; and then the installation of structures along the western boundary of the Appeal Decision site. The structures to be placed along the western boundary would be on an existing track. The remainders of the structures would be placed on a sparsely wooded area of rough open ground covered by bracken and silver birch trees at various stages of maturity and some mature pine trees. However more recently the protest camp has established on the application site. The proposal would also be a form of enclosure around the exploratory wellsite.

Visual Impact

132. The Landscape Institute and IEMA¹¹ “Guidelines for Landscape and Visual Impact Assessment”, 3rd edition, states that an assessment of visual effects deals with the effects of change and development on the views available to people and their visual amenity. The concern is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or introduction of new elements in the landscape. The Guidelines outline that in carrying out this assessment the area in which the development may be visible, the different groups of people who may experience views of the development, viewpoints and the nature of the views should be established. Following this the likely visual effects should be identified and a judgement is made as to the susceptibility of the visual receptor to change, the value of the particular view, the duration of the visual effect, the reversibility of the visual effect and the scale of the visual effect should be combined to assess the significance of the visual effect such that mitigation measures can be identified (if required) and a final statement of the likely significant visual effects can be made.
133. The proposed site is located within an extensive area of woodland that includes much of Abinger Forest, Wotton Common and Abinger Common, and is enclosed by woodland on all sides. The application site is found within an area of Forestry Commission managed plantation woodland. As outlined above, there are no definitive rights of way within or adjoining the application site but there are informal trails due to the land being Open Access Land. As such views from those paths can be gained of the application site. Views from Coldharbour Lane can be gained of the access track which leads to the wellsite area.

¹¹ Institute of Environmental Management and Auditing

134. With regards to short distance views, during the construction phase the LVIA notes the installing of the fencing and welfare facilities would be at the commencement of the exploratory well activities and as such the increase in magnitude of change arising from this development on the tracks immediately surrounding the site would be negligible to minor adverse significance. With regards to the operational phase, the LVIA states that whilst the fencing and welfare facilities would increase the components associated with the exploratory wellsite visible in the immediate locality of the site, the increase in magnitude of change arising from the fencing and welfare facilities would be of negligible to minor adverse significance. With regards to the decommissioning phase, the fencing and welfare facilities would be removed upon decommissioning of the site having an impact which is similar to the construction phase in terms of visual impact.
135. In terms of visual impact of the fencing on Coldharbour Lane, the LVIA notes there would be an adverse impact on this location. However the majority of views obtained from Coldharbour Lane are transient being experienced by moving receptors.
136. With regards to distant views, all of the structures proposed are single storey and would be below the surrounding tree line. The Heras fencing and deer proof fencing would also be below the tree line. Furthermore whilst the deer proof fencing would be taller than the permitted post and wire fence which formed part of the Appeal Decision, deer proof fencing is not out of keeping with areas of forestry given it is used by the Forestry Commission for the protection of saplings to help their establishment and protection. Officers consider that given all of the structures would be below the tree line of the surrounding trees and the wider wooded landscape, that the proposal would not have a significant adverse impact on the wider, long distance views towards the application site as can be seen by the attached photograph.
137. The County Landscape Architect has reviewed the LVIA with regards to this application and has commented that, with regards to visual impact of the fencing and welfare facilities, this application is a subsidiary development of a much smaller scale, which will be seen as part of the general paraphernalia of the drilling rig. The County Landscape Architect is of the opinion that the fencing and welfare facilities when observed against the greater level of harm of the drilling rig, which is already established by the Inspector, the additional harm caused by the fencing and welfare facilities would be minor to negligible.
138. Officers recognise that the most likely possibility of visual harm would come from closer views from those walking in the vicinity of the application site on the customary rights of way and from those driving on Coldharbour Lane, however these would be transient. The Planning Inspector recognised this also in paragraph 41 of the Appeal Decision. However whilst Officers consider that the visual impact from the fencing and welfare facilities in the immediate vicinity would be harmful and out of keeping with the surroundings the application site is set in, Officers consider that this harm is outweighed by the short term nature of the proposal and that the application site would be restored back to a forestry use on cessation of the exploratory activities. Officers also consider this to be the case when considering the development when taken in combination with the exploratory wellsite development.

Impact on Landscape Character

139. Policy CS13 point 1 of the MVCS2009 outlines that all new development must respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. Landscape enhancement works may be required to avoid adverse impacts associated with new developments.
140. The application site is located within the Wooded Greensand Hills Landscape Character Area GW9 'Leith Hill to Bury Hill Wooded Greensand Hills'. The Surrey Landscape Character Assessment describes GW9 as a continuation of an extensive stretch of

wooded greensand hills to the east of Shamley Green. The character area extends northward to meet the Tillingbourne and Pipp Brook Greensand Valley to the north, and is defined along its southern and western edges by the edge of the underlying greensand geology. The assessment goes on to say the boundary largely follows woodland edges but elsewhere follows recognisable features such as roads and field boundaries and it is within the Surrey Hills AONB.

141. The assessment sets out key characteristics for GW9 and these include the following:
- Complex topography of ridges and valleys, with high points including the prominent Leith Hill in the south-western part of the character area. Descends to meet the low weald to the south and east.
 - a series of local valleys in the northern part of the character area, centred on water courses, including the upper reaches of the Tillingbourne and the Pipp Brook, which flow towards the broader Greensand Valley to the north
 - Consists predominately of extensive tracts of woodland, including large areas of ancient woodland, mixed plantation, wooded valley sides, common land and small areas of remnant parkland
 - Extensive tree cover results in an enclosed, secluded character area with limited long distance views from the majority of the area. However, high vantage points, particularly towards the south of the character area, such as at Leith Hill Tower, provide panoramic views over the surrounding landscape.
 - A number of roads and rural lanes, cross the character area. Routes are enclosed and overhung by the surrounding tree cover, resulting in dark tunnels through the woodland. Winding lanes are often sunken with steep deep sided verges and exposed tree roots
 - Access to significant areas of woodland is limited to tracks and paths. However, the public rights of way network, including a long section of the Greensand Way Recreational Path, is extensive, and links to a number of car parks, picnic areas and public houses. Large tracts of the character area are Open Access Land.
 - A rural landscape, with woodland providing a deep sense of remoteness and tranquillity, occasionally tempered by recreational activity, such as at Leith Hill
142. The Mole Valley Landscape Supplementary Landscape Document (SPD) 2013 sets out a Landscape Character Assessment for Mole Valley in commitment the Core Strategy. In doing so the SPD recognises that some areas of Mole Valley that are of a higher landscape quality than others. However, the mosaic of different landscape forms, each with its own character, combines to create an environment that is highly valued by those who live, work and spend their leisure time within Mole Valley. The SPD attaches great weight to protection of the AONB and AGLV with regards to development proposals. The SPD places the application site within the Wealden Greensand which outlines that the area has extensive areas of woodland both ancient and mixed including coniferous plantation making it one of the most densely wooded parts of Surrey. The SPD sets out a number of key issues and those relevant to this proposal include: past planting of coniferous woodland in ancient woodland has altered the character of these important features, preserving the peace and tranquillity which exist in the least developed areas; and recreational pressures at key locations such as Leith Hills.
143. The SPD also outlines a character profile for Leith Hills Greensand recognising the dense woodland, valleys having steep wooded sides and open valley floors, conifer plantations emphasising the slope, long distance views across the Weald and to the North Downs being common, network of winding lanes including distinctive sunken lanes with high banks and exposed tree roots, extensive network of rights of way; and high level of peace and tranquillity.
144. The Landscape Institute Guidelines (as referred to in full above) outlines that an assessment of landscape effects deals with the effects of change and development on landscape as a resource and how a proposal will affect the elements that make up the landscape and its distinctive character. The Guidelines outline that in carrying out an LVIA it should identify elements and features of the landscape along with its character

and key characteristics. In judging the likely significant landscape effects of a proposal, an assessment should be undertaken to judge the susceptibility of the landscape receptor to change, judge the value attached to the landscape character, judge the scale of the landscape effect, judge the duration of the landscape effect; and judge the reversibility of the effect.

145. The proposal would involve the installation of 3m high deer proof fencing and 2m high Heras fencing. It should be noted that the line where the Heras fencing would be erected is the same line as that proposed for post and wire fencing which formed part of the Appeal application and subsequent decision. The security fencing proposed as part of the Appeal application included up to 2m high post and wire fencing. However it is recognised that Heras fencing visually looks different and can be perceived as being more industrial in its appearance. The proposal would also involve a compound area and the installation of welfare facilities/ structures for the security officers.
146. The LVIA with regards to landscape character for the construction and decommissioning phases recognises that the installation of the fencing and welfare facilities would be visual detractors within a rural setting and that this phase would generate traffic movements, however these would be no more of a detractor than the construction activity associated with the exploratory wellsite. With regards to the operational phase, again it is recognised that the fencing and welfare facilities would be features in the landscape that would not normally be present. However, as the LVIA discusses, the rig would be present at full height for the duration of the operational phase such that the effect of the fencing and welfare facilities when seen in that context, would be of minor adverse significance. The LVIA recognises that for this particular development the activities proposed would be below the tree line and would not exert an impact on the wider landscape character. With regards to the immediate landscape character whilst the fencing and welfare facilities would be noticeable, the LVIA outlines that given the temporary and short term effects of the operation the proposal would result in a negligible to minor adverse significance of effect on such a receptor.
147. The County Landscape Architect (CLA) has reviewed the proposal and agrees with the landscape and visual impact information provided by the LVIA and raises no objection to the proposal provided the installations are removed at the end of the 18 weeks. The CLA has balanced this view against the very temporary nature of the development proposal. With regards to the fence coming up to Coldharbour Lane in view of the temporary period of this intrusion, and its subsidiary nature to the main development, the CLA comments the visual and landscape harm would be still be minor in this context. The harm of the proposed development is mitigated by its subsidiary nature and the fact that the fencing would be there only for the same temporary period of 18 weeks. As such there would be no landscape objection to this proposal. The CLA also comments that the deer proof fencing is appropriate in this location given it is used to protect saplings planted as part of the Forestry Commission planting programme, from deer grazing.
148. Officers recognise that the proposal would bring on to the application site fencing and welfare facilities that would not normally be present in this locality and would be industrial in nature. However these elements are being proposed as an ancillary component to the exploratory wellsite. However given the limited height of the proposals (the maximum height of the proposal items would be the deer proof fencing at some 3m) which would all be below the surrounding tree line, Officers do not consider the proposal would significantly adversely affect the wider landscape character of the area. Officers recognise that the proposal would cause some harm to the immediate landscape character by its presence however Officers are aware that this impact would be limited to the 18 week duration and would be wholly reversible.

149. The application area is on level land surrounded by woodland within an area designated as both Area of Outstanding Natural Beauty (AONB) an Area of Great Landscape Value (AGLV). The prime purpose of the AONB designation is to protect and enhance the natural beauty of nationally important landscapes. The Surrey Hills AONB was one of the first AONBs to be designated back in 1958. Within an AONB, major development is only allowed where it can be demonstrated to be in the public interest. Therefore the application falls to be considered as contrary to the provisions of the Development Plan. The NPPF at paragraph 115 places great weight on conserving landscape and scenic beauty within AONBs which *“have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and heritage are important considerations in all these areas”*. 13 letters of representation have cited this reference and how this proposal would contradict this.
150. The Surrey Minerals Plan 2011 recognises the importance of the Surrey Hills AONB in terms of Policy MC2 and the preamble to that policy. Paragraph 3.31 of the Surrey Minerals Plan recognises that the Surrey Hills AONB is part of the framework of nationally important parts of the countryside and the primary purpose of the designation is to conserve and enhance natural beauty. This not only refers to what the landscape looks like but also includes the features, habitats and heritage that contribute to the distinctiveness of the area. The paragraph goes on to state that public bodies have a duty to take account of the need to conserve and enhance natural beauty of landscapes designated as AONBs. The paragraph then goes on to state that major mineral development within these designated areas will be subject to the rigorous examination in accordance with the public interest test set out in [what was]MPS1.
151. Para 3.33 outlines that it is not just the designated Surrey Hills area but also its setting that should be safeguarded, parts of which are designed as AGLV, such as the application site. the paragraph goes on to state that *“its topography provides a number of significant viewpoints over both the Weald to the south and the London Basin to the north [...] and the use of viewpoints and the landscape character within areas visible from such viewpoints either in the AONB or beyond should be conserved and managed”*.
152. Para 3.35 outlines that potential hydrocarbon resources lies beneath parts of the Surrey Hills AONB designated area. Policy MC2 states that mineral development that may have direct or indirect significant adverse impacts on an AONB will be permitted only if:
- i) It has been demonstrated to be in the public interest, and
 - ii) The applicant can establish that development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests.
153. Mole Valley Core Strategy 2009 outlines that over a third of the district is covered by the Surrey Hills AONB and the Surrey Hills is a landscape of national importance. Policy CS13 point 2 states that the Surrey Hills AONB is of national significant, and as such, *“the conservation of the natural beauty of the landscape will be a priority in this area”* and will be protected in accordance with the Surrey Hills Management Plan, with *“particular focus on the impact of development on ridgelines, significant views, peace, tranquillity and levels of artificial light”*. Point 3 refers to the protection of the AGLV and its retention until such time as there has been a review of the AONB boundary and that development in the AGLV will be required to be supported by evidence to demonstrate that it would not result in harm to the AONB, particularly views from and into the AONB.
154. As the application area lies within the Surrey Hills AONB it is covered by the Surrey Hills AONB Management Plan which guides future management and enhancement of the area. It is also a consideration in the determination of planning applications in around that area. The Surrey Hills AONB Management Plan 2014-2019 sets out a number of policies to guide development within the Surrey Hills AONB. The following policies are of relevance to this application. Policy LU1 states that *“In balancing different considerations associated with determining planning applications and development plan land*

allocations, great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape and scenic beauty of the AONB. Policy LU2 outlines that *“Development will respect the special landscape character of the locality, giving particular attention to potential impacts on ridgelines, public views, tranquillity and light pollution”*. Policy LU2 does go on to outline that the proposed use and colour of external building materials will be strictly controlled however this is with reference to buildings.

155. Policy LU3 seeks high quality design of development proposals in respecting local distinctiveness and being complementary in form and scale with their surroundings and taking opportunities to enhance their setting. Policy LU5 states that *“Development that would spoil the setting of the AONB, by harming public views into or from the AONB, will be resisted”*.
156. National policy set out in the NPPF para 109 looks to the planning system to contribute and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 115 awards the highest level of protection to valued landscapes including AONBs. The NPPF states at paragraph 116 that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. The paragraph goes on to state consideration of planning applications within the AONB should include an assessment of the following:
- i) The need for the development including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
 - ii) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - iii) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
157. This test within para 116 removes the presumption in favour of sustainable development as set out in para 14 footnote 9 of the NPPF. The test in para 116 is more restrictive if a proposal in the AONB is defined as ‘major’.
158. No definition of ‘major development’ is defined in the NPPF and case law establishes that the decision as to whether or not a development was ‘major development’ was a matter of planning judgement. Case law also establishes that the NPPF militates against importing the definition of ‘major development’ in the Development Management Procedure Order but to take a common sense approach¹². Whilst the Town and Country Planning (General Development Procedure)(Amendment)(England) Order 2010 SI 2184 is useful in providing some guidance as to the meaning of ‘major development’ (*“the winning and working of minerals or the use of land for mineral working deposits”* and also *“development carried out on a site having an area of 1 hectare or more”*) Officers are advised to take a common sense approach in making this decision having regard to local circumstances and the particular factors of the case.
159. In assessing this proposal on its own, the proposal would not fall within the definition of ‘major’ when appraised against the information above as it is smaller than 1ha. However when viewed in combination with the exploratory wellsite to which this fence forms an associated component of, the combined area is 0.99ha which just falls below the threshold of 1ha.
160. However in following the discussion and approach taken by the Planning Inspector for Appeal Decision APP/B3600/A/11/2166561, Officers in taking a common sense approach do not consider the proposal to be ‘major’ development for the benefit of paragraph 116 of the NPPF given the extent of the proposal and the very short term

¹² R. (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin)

nature of the development proposal when viewed on its own and in combination with the exploratory wellsite.

161. In terms of the proposal's impact on the landscape and natural beauty of the AONB and on the public appreciation and enjoyment of it, the proposal would impact upon these as the development proposal would not be in keeping with the AONB characteristics nor preserve or enhance it. However whilst the proposal would involve an increase in the exploratory wellsite area of 25%, much of this would be through the installation of deer proof fencing which is not an uncommon feature in forestry areas. Furthermore whilst Officers recognise that the proposal would cause harm to the appreciation and enjoyment of the AONB in the immediate locality of the proposal, this would be for a limited and short duration of 18 weeks which includes a period of restoration and reinstatement of the land.

GREEN BELT

Surrey Minerals Plan 2011

Policy MC3 – Spatial strategy – mineral development in the Green Belt

Mole Valley Core Strategy 2009

Policy CS1 – Where will development be directed (A Spatial Strategy)

162. The proposal would form a secondary periphery around the extant planning permission and although it is associated with the exploratory wellsite the development in question forms a separate planning application and therefore does not increase the site area of the already approved exploratory wellsite granted on appeal. However the fencing would not be required in this location were it not for the exploratory wellsite having planning permission therefore it is inextricably linked and ancillary to the exploratory wellsite itself. The current proposal as submitted is freestanding and is capable of determination on its own merits. Representations received have commented that the proposal would be inappropriate development in the Green Belt causing industrialisation of it (50 reps).
163. The application site falls within the Metropolitan Green Belt where policies of restraint apply. National planning policy with regards to Green Belt is set out within the NPPF which states at paragraph 79 that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 80 goes on to state that Green Belt serves five purposes. These are:
- To check unrestricted sprawl of large built-up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration

The most relevant purpose for this planning application is to assist in safeguarding the countryside from encroachment.

164. Green Belt policy guards against inappropriate development. The NPPF states at paragraph 87 that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF requires at paragraph 88 that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm other Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
165. Paragraph 90 of the NPPF sets out certain forms of development that are not considered to be inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One of these forms of development is mineral extraction. Whilst this proposal is not

immediately for the extracting oil and gas, it is associated development to mineral extraction and so need not be inappropriate.

166. The Surrey Minerals Plan recognises that almost all workable mineral deposits in Surrey are within the Metropolitan Green Belt and that mineral extraction need not be inappropriate development in Green Belt as it is a temporary operation that can be carried out without compromising openness. Para 3.46 states that “*proposals for other forms of mineral development within the MGB will need to identify very special circumstances sufficient to outweigh any potential harm to the Green Belt or the reasons for keeping it open*”. Policy MC3 states that mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits. The policy goes on to state proposals in the Green Belt for mineral development other than extraction and primary treatment, will only be permitted where the applicant has demonstrated that very special circumstances exist to outweigh the harm by reason of its inappropriateness and any other harm.
167. MVCS2009 Policy CS1 criteria 3 states that in the countryside development will be considered in the light of other policies within the Core Strategy and the provisions of what as PPG2 and PPS7 which have now been subsumed into the NPPF. Green Belt policy in the MVLP2000 has been superseded by the Core Strategy.
168. As outlined above, Officers consider the installation of the security fencing and the welfare facilities are inextricably associated with the exploratory works that have planning permission at Bury Hill Wood. It has been established at part of the Appeal process for Appeal Decision APP/B3600/A/11/2166561 that the exploratory phase of oil and gas development proposals fall within the definition of mineral extraction, albeit discrete and separate phases; as set out in Policy MC3 of the SMP2011. Consequently Officers consider that the proposal, being directly linked to the Appeal Decision need not be inappropriate development by definition but would only be treated as inappropriate development if the proposal adversely affected the openness or any other purposes of the Green Belt designation as definite in paragraph 80 of the NPPF.

Harm and Openness

169. Given the proposal would bring onto site new elements within the Green Belt it is appropriate to assess the effect this could have on the openness of the Green Belt alongside its permanence and the purposes of the Green Belt. The purposes of the Green Belt are described above and of the five purposes the only one directly relevant to this application would be to assist in safeguarding the countryside from encroachment.
170. The proposal would bring on to site the following elements that would harm openness of the Green Belt:
- Some 440m in length of 2m high Heras fencing following the line of the post and wire fence which formed part of the Appeal Decision
 - Some 595m in length of 3m high deer proof fencing,
 - Two accommodation cabins both 16.25m²
 - One office/ canteen 16.25m²
 - Two water tanks both 3m²
 - A fuel cell
 - A generator 3m²
 - An office 7.5m² and WC within a new compound area adjacent to the access track of some 27m²
171. This would bring onto land at Bury Hill Wood structures amounting to approximately 67.5m² in surface area, with the proposed compound area approximately 94.5m² in surface area. There would also be the fencing line as outlined above alongside the patrol zone between the fencing. This would be in addition to the structures permitted in the

appeal decision¹³. It should be noted that the cabins, canteen, office, WC, generator and fuel cell would all be of a similar height and size to those temporary buildings required and permitted as part the appeal decision therefore they would not be inconsistent with structures that would be on site as part of the exploratory permission.

172. At the time of the submission of this planning application the application site was free of physical development. However it should now be noted, and can be seen from the photographs, that structures were in place on the site in the form of a protest camp. This protest camp was removed in June 2017 as can be seen from the photographs.
173. The openness of the Green Belt would be compromised to some extent for a temporary period through the provision of the additional compound area, the material change of fencing from post and wire to Heras, the provision of deer proof fencing; and the structures proposed i.e. the cabins etc. The items proposed in this planning application are proposed to be in place for a period of 18 weeks to align with the exploratory wellsite permission. Therefore for the 18 week duration as proposed for this planning application, the planning application would conflict with safeguarding the countryside from encroachment.
174. In determining the planning Appeal for the exploratory wellsite, the Planning Inspector referred to the High Court judgement made for Bury Hill Wood where a discussion was had as to whether the exploratory phase of hydrocarbon development amounted to mineral extraction. The conclusion was made that it did and in addition to this the High Court judgement also looked at inappropriate development of mineral extraction with regards to openness. The Planning Inspector for the Appeal highlighted that (in paragraph 22) *“it is difficult to see many circumstances where the openness of the Green Belt would not be compromised to some extent for the duration of mineral openness. It is equally difficult to identify circumstances where active mineral operations would assist in safeguarding the countryside from encroachment. Helpfully, the Judgement refers to some parameters that might aid assessment.”*
175. The Appeal decision goes out to outline that the duration of the development proposal should be taken into account with the shorter the duration *“the proportionately less weight should be attached to the inappropriateness argument”*¹⁴ and *“would the restoration deliver something that would closely replicate the previous landscape character and visual contribution to the area”*¹⁵.
176. The harm caused to the openness of the Green Belt must be considered as a worst case against a well restored site, although the potential for natural gas and oil extraction remains a possibility and so a material planning consideration. Officers recognise the proposal with an new compound area which would be surfaced with stone, the proposed cabins, office and generator, the material change from post and wire fencing to Heras fencing and the additional deer proof fencing that this would harm openness to the Green Belt. However when considering the comments raised within the Appeal Decision and High Court Judgement with regards to duration, the proposal is for a limited period of 18 weeks after which the site would be restored and returned to forestry use. As such consideration of the harm to the permanence of the Green Belt would be negligible and harm to the openness of the Green Belt short term and reversible.
177. Officers consider the harm to openness and harm caused by encroachment would be limited given the limited surface area of the development and that the elements are temporary and would be removed either on cessation of the decommissioning phase or on completion of the restoration of the site. Then the site would be restored to forestry in

¹³ Structures permitted as part of the Appeal Decision included: four cabins, a shower unit, a mess, a tool pusher container, two generators, one mix tank, two mud tanks, one fuel; and two containers for sensors.

¹⁴ Paragraph 23 of Appeal Decision APP/B3600/A/11/2166561

¹⁵ Paragraph 23 of Appeal Decision APP/B3600/A/11/2166561

accordance with the Forestry Commission plan for Bury Hill Wood. Therefore whilst there would be some harm to the openness of the Green Belt during the 18 week period, given the short term and reversible nature of the proposal and that Officers consider the proposal is proportional to the risk and task, Officers consider that the very limited harm caused to the openness of the Green Belt it would not warrant the proposal being inappropriate development in the Green Belt.

178. Officers recognise that there is a requirement to consider any other harm that could be caused by the development proposal. In assessing the proposal Officers have taken in to account any other harm that could be caused with regards to landscape and visual impact, the AONB, traffic, trees and ecology; and in doing so consider that the proposal would not cause such harm that would call for the proposal to be inappropriate development in the Green Belt.
179. With regards to restoration where wooden posts have been inserted for the fencing these would be backfilled with the soils that would have been displaced to insert the posts. The cabins, canteen, generator and fuel cell would be placed on an access track which would not have required any materials laid down in advance therefore no works would be required on their removal.

HUMAN RIGHTS IMPLICATIONS

180. 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.
181. In the case of this application it is recognised that there would be a short term slight adverse impact in terms of visual disturbance and the openness of the Green Belt during the retention of the fence and welfare facilities and this has been acknowledged and been discussed within the report.
182. The 28 traffic movements will be in addition to the existing number of traffic movements for the exploratory wellsite however this is to be managed by a Construction Traffic Management Plan. It is acknowledge that the traffic movements would inevitably cause disruption and some delay to local residents over the temporary period it would be operational. 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. With the exception of the road closures, potential impacts of the development can be mitigated by planning conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

183. The proposal is to bring onto the application site 2m high Heras fencing and 3m high deer proof fencing so that together, with a 2m wide patrol zone in between, they can form security fencing for the already permitted exploratory wellsite which was granted on Appeal in August 2015. To allow security personnel to be on site for patrol 24 hours a day/ 7 days a week the proposal also includes the provision of welfare facilities i.e. cabins and a canteen with a generator for these. As the proposal involves the fencing going up to 1m of the public highway and then a gate across the entrance to the access track, the proposal also includes a site office and WC at the site entrance to monitor vehicles arriving/ leaving the site. All of the proposal is for a limited period of 18 weeks duration and would be brought on to site at the commencement of the development permitted on appeal (Appeal Decision ref: APP/B3600/A/11/2166561) and would be removed as part of the decommissioning and restoration phase. An Environmental Statement and Environmental Statement Addendum have been submitted for this application with the only technical chapter being Landscape and Visual Impact.

184. The applicant has stated there is a need for the additional fencing around the exploratory well site due to a change in circumstances since the exploratory well site was discussed at Appeal during 2015 and since the issuing of the Appeal Decision in August 2015. The change in circumstances is the increased prevalence of protest camps being established around conventional and unconventional hydrocarbon wellsites and of most relevance, a protest camp established at Land at Bury Hill Wood. The applicant states the fence is necessary to ensure health and safety is maintained at the exploratory well site for both site contractors/ staff and the protestors. The presence of the fence should assist in the exploratory well site programme keeping to the 18 week period which is important for the protection of the AONB. Officers recognise that the proposal would result in a further area of development at land at Bury Hill Wood of 0.2ha however Officers are satisfied that due to a change in circumstances surrounding hydrocarbon development generally that there is a need for fencing to be erected.
185. Officers consider that the proposal is in association with the hydrocarbon development and because of this, need not be inappropriate development in the Green Belt. Officers recognise that there would be very limited harm to the openness of the Green Belt and that the proposal would not safeguard the countryside from encroachment whilst the fence and welfare facilities are in place and that the proposal would result in further development in the Green Belt. However this harm would be short term and reversible, as such Officers consider that given this harm is temporary the proposed development would not be inappropriate development.
186. Officers consider that given all the proposed elements would be below the surrounding tree line that the proposal would not cause significant adverse harm to the wider landscape character of the area or long distance visual impact. Officers recognise that there would be some harm to the immediate landscape character and visual amenities as the proposal would be further development within land at Bury Hill Wood which, until fairly recently, has been undeveloped woodland. Officers recognise this would be of particular importance to the view of the application site from Coldharbour Lane where the fence line would come within 1m of the public highway and there would be a compound for the office and WC.
187. Officers consider that the proposal would not have any significant adverse impact on the wider landscape character of the locality or distance view points. Officers do recognise that the proposal would cause harm to the immediate landscape character and visual amenities due to the physical presence of the development including welfare facilities, the fencing, albeit deer proof fencing is used within forestry settings, and by it being a further area of development around the exploratory wellsite. Officers having reviewed the proposal with regards to the AONB do not consider it to be 'major' development in accordance with the requirements of paragraph 116 of the NPPF. Nevertheless Officers recognise that this proposal would cause harm to the AONB again by its physical presence and the structures being proposed being incompatible with the principles of the AONB. However in assessing this proposal Officers are mindful of the short term and temporary nature of the development and that the site would be restored on decommissioning. Officers consider that the short term harm caused to the AONB and immediate landscape character and visual amenities by this proposal when viewed as a change to the original Appeal Decision, is clearly outweighed by the short term duration and temporary nature of the proposal alongside the need for the fencing to be in place to ensure that the exploratory wellsite proposal keeps to the 18 week timetable.
188. Officers have also considered the cumulative impact of the proposal with the permitted hydrocarbon development as a material consideration. Officers have considered this on matters of traffic, ecology, air quality, landscape and visual impact, Green Belt, AONB, lighting, noise and rights of way. In doing so, Officers consider that the proposal in combination with the permitted hydrocarbon development would not give rise to any further impact other than that considered at the Appeal and as part of this application

given the temporary nature of the development and its reversibility that all of the proposed elements can be removed after 18 weeks and the land restored. Accordingly there is no conflict with national guidance or the development plan policies referred to within this report.

RECOMMENDATION

The recommendation is to PERMIT subject to the following planning conditions:

Conditions:

Approved Plans

- The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

4100 F 01 Rev A	Location Plan	April 2016
4100 F 02 Rev D	Site of Application	November 2016
4100 F 03 Rev C	Proposed Access off Coldharbour Lane	November 2016
4100 F 04 Rev C	Proposed Site Layout	April 2016
4100 F 05	Fencing Details	April 2016
4100 F 06	Site Entrance Cabin Details	April 2016
4100 F 07	Security Cabin Details	April 2016
4100 RF 03 Rev A	Tree Felling Plan	January 2017

Displaying Site Notice

- A copy of this decision notice, together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission, shall be kept at the site office at all times and the terms and contents shall be made known to supervising staff on the site.

Duration

- The development shall not be implemented unless and until the hydrocarbon development permitted under Appeal Decision ref: APP/B3600/A/11/2166561 dated 7 August 2015 has commenced.
- The development to which this permission relates shall be begun not later than 6 August 2018. Prior to the commencement of the development, the applicant shall give 7 days written notice of the commencement date to the County Planning Authority.
- Within 18 weeks from the commencement of the development, all buildings, fencing, the generator, the water and fuel cell; and the ramp connected therewith, on or related to the application site (including any hard surface constructed for any purpose), shall be removed from the application site and the application site shall be reinstated to a condition suitable for forestry. The application site shall be fully restored in accordance with the detailed restoration scheme required under Condition 14 of Appeal Decision: APP/B3600/A/11/2166561 dated 7 August 2015.

Hours of Operation

- With the exception of emergencies and ingress and egress by relevant HGVs as specified in Condition 16 or the patrolling of security personnel, no lights shall be illuminated nor shall any operations or activities authorised or required by this permission, take place other than during the hours of:

0700 to 1800 hours on Monday – Friday
0700 to 1300 hours on Saturday

Apart from the exceptions referred to above, there shall be no working at any time on Sundays, Bank or National Holidays.

Limitations

- 7. Notwithstanding any provision to the contrary under Part 17 (Class A, B, C, L & M) of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order,
 - a. No plant, building or machinery whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics;
 - b. No waste materials other than materials approved for use in the restoration of the site shall be deposited at the site without the prior written agreement of the County Planning Authority; and
 - c. no external lighting or fencing other than those permitted by this application shall be installed or erected at the application site

Dust

- 8. No activity hereby permitted shall emit dust beyond the site boundary which could cause harm to residential amenity. If such an emission occurs, action will immediately be taken using all reasonable methods and controls (including suspension of activities), to reduce dust levels to acceptable levels. The development shall be operated strictly in accordance with the scheme to deal with dust management approved under planning approval MO/2016/1009 dated 8 December 2016.

Noise

- 9. The level of noise arising from any operation, plant or machinery on site, at a height of 1.2m above ground level and at least 3.5m from the facade of any residential property or other noise sensitive building most exposed to noise from the site shall not exceed the limits in the table below:

Activities	Times of day	Noise limit LAeq, 30 min dB	Explanatory notes
All activities	07:00 – 18:00h daily	45	
Any activity	18:00 – 07:00h daily	42	

Badgers

- 10. Prior to the commencement of development and to the completion of installation of the Heras fencing and deer proof fencing, a badger check will be carried out on the application area and exploratory well site area by a qualified ecologist to establish if badgers are present within the application site and exploratory well site. Should evidence of badgers be found, the County Planning Authority shall be notified in writing and a one way gate shall be placed within the deer proof fencing so to allow the badgers to leave the application site.

Lighting

- 11. No external lighting shall be installed, placed or used within the application site at any time.

Restoration

12. All holes made from the positioning of the wooden posts for the deer proof fencing shall be backfilled with soils that were displaced when inserting the wooden posts and the application site shall be restored in accordance with the details required by Condition 14 of Appeal Decision ref: APP/B3600/A/11/2166561 dated 7 August 2015.

Highways

13. The development hereby permitted shall not commence unless and until the Traffic Management Scheme required under Condition 19 of Appeal Decision ref: APP/B3600/A/11/2166561 dated 7 August 2015 has been approved and implemented.
14. All HGV movements to and from the site shall be in accordance with the Traffic Management Scheme required under Condition 19 of Appeal Decision ref: APP/B3600/A/11/2166561 dated 7 August 2015, including all HGVs accessing and egressing the site accompanied by an escort vehicle
15. All HGVs shall enter the site immediately on arrival at the application site and shall at no time wait or park up on the public highway for the fencing to be removed from the access.
16. No relevant vehicle (I.e. any HGV connected with the development hereby permitted) shall enter or leave the application site other than between the hours of 0930 to 1500 hours Monday to Friday and 0930 to 1300 hours on Saturdays; no relevant vehicles shall enter or leave the site at any time on Sundays, Bank or National Holidays.

Wheel Cleaning

17. The application site shall operate in accordance with the wheel cleaning details as approved under planning approval ref: MO/2016/1009 dated 8 December 2016.

In cab cameras/ CCTV

18. All relevant vehicles (as defined in Condition 15) shall be fitted with a camera or CCTV within the cab. This feature shall be fitted to give a forward view from the cab and capable of covering the width of the carriageway and immediate highway verges/ banks. The cameras shall be running at all times the relevant vehicles are traversing the route of Knoll Road and Coldharbour Lane in either direction. The film/ tapes shall be retained without deletion of content in accordance with the details as approved by planning approval ref: MO/2016/1009 dated 8 December 2016.

Japanese Knotweed

19. The Japanese Knotweed as shown on plan 4100 RF 03 rev A Tree Felling Plan January 2017 shall be sprayed with appropriate herbicide within the first available spraying season from the date of this decision and shall continue to be sprayed during that season and then any subsequent seasons for the duration of the development hereby permitted.

Reasons

1. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to Surrey Minerals Plan 2011 Policy MC14
2. To ensure that site operatives are conversant with the terms of the planning permission in the interests of the local environment and amenity to accord with Policy MC14 of the Surrey Minerals Plan 2011.

3. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Policy MC17 of the Surrey Minerals Plan 2011.
4. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Policy MC17 of the Surrey Minerals Plan 2011.
5. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Policy MC17 of the Surrey Minerals Plan 2011.
6. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
7. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
8. To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from dust in accordance with the requirements of the National Planning Policy Framework 2012, Policy MC14 of the Surrey Minerals Plan 2011
9. To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from noise in accordance with the requirements of the National Planning Policy Framework 2012, Policy MC14 of the Surrey Minerals Plan 2011
10. In the interests of amenity and wildlife conservation to comply with Surrey Minerals Plan 2011 Policy MC14
11. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
12. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Policy MC17 of the Surrey Minerals Plan 2011.
13. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011
14. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011
15. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011

16. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011
17. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011
18. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011
19. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.

Informatives

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
2. In determining this application the Minerals 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 and European Regulations providing feedback to the applicant where appropriate. Further, the Minerals Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues. Issues of concern have been raised with the applicant including impacts of and on traffic, trees, ecology, need, landscape and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.
3. Should the disposal of Japanese Knotweed be required, the applicant is advised to contact the Environment Agency with regards to the potential need for a waste carriers licence and for further information at: Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY, enquiries@environment-agency.gov.uk
4. The definition of 'all activities' and 'any activities' in Condition 8 'Noise' shall include all those activities to be carried out under Appeal Decision ref: APP/B3600/A/11/2166561 dated 7 August 2015.
5. The applicant is reminded to contact the Open Access contact centre to ensure that they meet their obligations with regards to the Countryside and Rights of Way Act 2000: openaccess@naturalengland.org.uk 0300 060 2091 <https://www.gov.uk/right-of-way-open-access-land/use-your-right-to-roam> The open access centre will advise whether a 'direction' for closure is required if given the detail.

CONTACT

Samantha Murphy

TEL. NO.

020 8541 7107

BACKGROUND PAPERS

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

Government Guidance

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

The Development Plan

Surrey Minerals Plan Core Strategy 2011

Mole Valley Local Plan 2000

Mole Valley Core Strategy 2009

Mole Valley Landscape Supplementary Planning Document 2013

Other Documents

Environmental Impact Assessment (England) Regulations 2011 (as amended)

Surrey Hills AONB Management Plan 2014-2019

Appeal Decision APP/B3600/A/11/2166561 dated 7 August 2015

Surrey County Council Screening Opinion EIA Case ref 016-009 – Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey (security fencing)

The Forestry Commission Guidance, Forestry Practice 9, “Forestry Operations and Badger Setts”, 1995

The Surrey Landscape Character Assessment, 2015

Landscape Institute and Institute of Environmental Management and Auditing “Guidelines for Landscape and Visual Assessment”, Third Edition, 2013

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