

UPDATE SHEET**MINERALS/WASTE TA12/902****DISTRICT(S)** TANDRIDGE DISTRICT COUNCIL**Oxted Quarry, Chalkpit Lane, Oxted, Surrey RH8 0QW****Periodic review of a mineral site planning permission for the winning and working of chalk for the determination of full modern conditions.****Consultee comments***Tandridge District Council (TDC)*

TDC have provided further comments stating the following:

- The Council maintains its position as set out in 2017.
- The proposed annual cap together with a maximum daily limit is inappropriate for this site. This retains the ability for the operator to compress movements into a shorter period. An average where the daily number of movements can fluctuate up to a cap is not an appropriate way of managing acknowledged impacts on amenity or road safety.
- Considers the balancing of risks around severance to be inadequately justified, particularly in the context of a fluctuating number of vehicle movements. The severance question has been evaluated without sufficient considerations of the many challenging locations on the road network where there will be a conflict between pedestrians, other road users and HGVs. The risks to pedestrians, cyclists, horse riders and other vehicle users have not been sufficiently explored.
- It is disappointing that the previous suggestion made by the County Council of 56 movements per day has been set aside. It is unclear why this is now considered to be unacceptable.
- In respect of conditions has serious concerns about monitoring compliance and the ability to take action against breaches.
- Recommended condition 24 sets hours during school term time but does not set out what term times are being referred to. It needs to be more precise. Consideration should be given to what happens at half term.
- Condition 25 has no teeth as the data is very retrospective it makes it impossible to track breaches effectively. It will be difficult to enforce against breaches of movement limits without evidence, failure to respond to warnings about the breach and evidence of harm caused by the breach. All of these are impossible to reconcile if data is only available every 3 months. The condition should be re-worded to ensure that the County Planning Authority has access to live data which can be interrogated when necessary. It is considered that ANPR will need to be put in place if there is any change of enforcing these conditions.
- Condition 26 is unworkable unless there is an understanding of how necessary repairs can be attributed to HGV movements associated with the quarry. The County Highway Authority should hold a bond so that it has funding in advance.
- Condition 27 is insufficiently precise as to what leaving the site together or in a convey means. The conditions should specify the time delay for HGVs leaving the site in close succession. This could be monitored using timings on the live data referred to in the comments for condition 25.
- The District Council remains opposed to the conditions proposed on vehicle movements it is considered imperative that if County members are to accept them they must amend the wording of the conditions so that they are functional and will give the greatest level of protection and certainty to residents of Tandridge.

Officer comment

Conditions 24 – 27 have all been amended in light of Tandridge District Council's comments. See below. These amendments have been sent to the applicant. With regards to the comments made that 56 movements per day has been set aside, this is covered in paragraphs 159 – 164 of the Officer report. The 56 movements was established from the 2012 Transport Statement which provided an analysis on an annual average daily traffic figure of 56 HGV movements. The applicant has then chosen to carry out further assessment work on a higher number of HGV movements.

The County Planning Authority originally considered 56 daily HGV movements based on the applicant's Transport Statement. There was no technical basis for this figure except it was the annual average daily traffic figure for the period 2007 – 2011. Following the applicant advancing higher figures, the County Planning Authority have had to carry out further objective assessment work to formulate HGV movement limitations in the proposed condition.

Severance is discussed at paragraphs 200 – 205 in the Officers report. Severance is defined in the IEMA and DMRB guidance as the perceived division that can occur within a community when it becomes separated by a major traffic artery. The measurement and prediction of severance is extremely difficult. The correlation between the extent of severance and the physical barrier of a road is not clear and there are no predictive formulae which give simple relationships between traffic factors and levels of severance. In general, marginal changes in traffic flow are, by themselves, unlikely to create or remove severance. An assessment of severance should aim to estimate the current severance caused by traffic and related factors, and the extent to which additional traffic will exacerbate this problem. The assessment in the Officers report details that the numbers of HGVs proposed in the condition would result in a change in severance which would be described as 'slight'. Officers do not think there would be any facilities that would be potentially impaired by lorries access/ egressing the application site. Whilst there are parts of the network that require pedestrians to cross the road, there are parts where there are crossings and/ or the section of the road where there are no formal crossings, are clear to allow safe passage. The proposal would not run lorries continually every day. Officers are seeking to impose conditions that ensure lorries do not run during the times when there are large numbers of school children on the network; and a condition that controls the lorries leaving the site so that they do not bunch together.

With regards to condition 27, the condition takes the plain English definition of the word 'convoy' to mean "A convoy is a group of vehicles or ships travelling together". The condition is to prevent more than one HGV leaving the site at the same time thereby travelling as a convoy.

The County Landscape Consultant

The County Landscape Consultant has commented on the application stating that the HGV movements to and from the quarry along Chalkpit Lane compromise the rural qualities and tranquillity in this part of the AONB. A cap on the lorry movements and controlling the timing and routing of these vehicles would give some control over the loss of tranquillity. Supports the sentiments made in the Committee report and recommended conditions. Recommend that Safeguarding the tranquillity qualities of the AONB protected landscape and key characteristics related to the character area's ruralness be cited in the 'Reasons' statements associated with conditions 23 and 25.

Support the need for an ecology and landscape management plan and support comments relating to the restoration profiles. Concur with the County AONB Officer comments in 2012, 2014 and 2018 and that a condition should be imposed requiring submission and approval of the landscape scheme within 2 years of permission. Agreement with the amendments to the Landscape and Planning conditions 51 – 53 (Landscaping and Planting) and 54 – 55 (Aftercare). Advise an Arboricultural Impact Assessment and Arboricultural Method Statement be included to safeguard the protection of the existing trees and woodland. Additionally the establishment and maintenance should be in the ecology and landscape management plan.

Officer comment – with regards to arboricultural assessments and method statements, Condition 52 includes the requirement for details to be submitted for the protection of existing trees and woodland.

OLRG

OLRG have made the following comments:

- The [Officer] report makes no attempt to demonstrate how OLRG's concerns will be alleviated. The [Officer] report maintains its recommendation of a daily cap of 156 HGV movements with inadequate justification.
- Concerns including the inadequacy of the width of Chalkpit Lane and Barrow Green Road and the inadequacy of these roads in general for such a proposed volume of HGV traffic, the inability of HGVs to pass under railway bridges without travelling in the centre of the road, the lack of pavements, and the intimidation of other road users, all of which are acknowledged within the [Officer] Report.
- Surrey County Council has a duty in planning to consider the traffic issues independent of the Permit issued by the Environment Agency in 2016 for 200,000tpa.
- In respect of road safety, note that SCC agrees with OLRG's concerns but nonetheless fails to bear these concerns in mind when proposing its cap.
- The [Officer] report acknowledges the IEMA guidance is not adequately dealt with in Southern Gravel Ltd's Transport Statement Addendum of August 2018.
- It is disingenuous to state that all cyclists accessing the nearby roads will be accustomed to facing vehicles such as HGVs. Moreover it is untrue that the roads lacking pavements are not utilised by pedestrians.
- Approve of condition to limit HGV departures to certain times, children will still be utilising the roads outside of term time. If SCC acknowledges that the danger is such a level that HGVs should not depart in pick up and drop off time, OLRG would submit that the same danger will be encountered at all times and by other road users. SCC fails to demonstrate how this danger will be managed.
- Disappointing that the [Officer] report does not tackle how resident's fears and sense of intimidation will be assuaged.
- The [Officer] report fails to acknowledge the problems identified by the transport report submitted alongside OLRG original letter.
- The applicant's report does not undertake any swept path analysis and the methodology used does not consider the realities of HGVs travelling along geometrically constrained roads. SCC has not provided evidence to counteract such claims.
- The [Officer] report concludes that it has used "*best practice and guidance*" to determine its caps whilst at the same time acknowledging that it is disregarding the informal guidance on its own website and the applicants Transport Statement does not adequately deal with IEMA guidance.
- The [Officer] report takes the stance that the economic viability of the site is paramount. There has been no hard evidence put forward to show how the proposed cap would preserve economic viability but that a lower cap would not.
- The [Officer] report fails to adequately address OLRG's concerns and fails to substantiate SCC's proposed daily cap of 156 HGV movements. The methodology relied upon for SCC's proposal is inadequate.

Officer comment

Assessment work - Paragraphs 134 – 234 of the Officer report covers how the cap HGV figure has been established. This should be understood in the context that this cap figure would not visit the site every day but that the applicant would only be able to operate to an average of 76 daily annual average HGV movements. The cap figure has been formulated using guidance from DMRB and IEMA. There is no guidance within the National Planning Policy Framework or the National Planning Practice Guidance on how to formulate traffic figures for applications such as this one. Officers have carried out an objective assessment using DMRB and IEMA to

formulate the figures proposed in conditions. This is the same guidance as OLRG's Vectos Transport Technical Note (TTN). The informal guidance on the Surrey County Council webpage is not a material planning consideration and carries no weight in planning.

Road widths – Officers acknowledge in the report that the road network has deficiencies and have previously measured the road themselves. Nevertheless Officers are also mindful that this is an existing site with an extant planning permission with no current limitation. The Vectos TTN does not provide any further information that Officers were unaware of.

Cyclists – the comment raised in OLRG's letter is incorrect. The Officer's report does not state that all cyclists accessing the nearby roads will be accustomed to facing vehicles such as HGVs.

School times – the condition is to capture when there is likely to be a high concentration of children walking along the road network the HGVs use. This is most likely to be during school drop off and pick up times in term time only. Outside of these times, the volume and frequency of children walking will be of a lesser extent. This is not to belittle children or other users walking in the locality but is to focus on times of the day when there is likely to be an increased concentration of pedestrians. Paragraph 63 of OLRG's own Vectos TTN acknowledges this.

Fear and intimidation – the IEMA guidance says "*whilst this danger has been recognised as an important environmental impact for many years, there is no commonly agreed threshold for estimating levels of danger, or fear and intimidation, from known traffic and physical conditions*". IEMA goes on to say that the degree of hazard to pedestrians by average traffic flow, 18 hour HGV flow and average speed over 18 hour day in mile/ hour be used. This is shown in paragraph 211 of the Officer report. These can be used as a first approximation of the likelihood of pedestrian fear and intimidation although other factors need to be included. IEMA say an element of judgement is needed and areas exposed to higher than average levels of school children, the elderly or other vulnerable groups be separately identified. OLRG's own Vectos TTN para 74 states "*there is limited guidance that can be used in seeking to assess and justify such an operation in this specific location. Whilst guidance does exist, it is too broad to deal with the specific circumstances in Oxted. However, it does not provide a clear view on what impacts need to be considered and indicates area where the type of operation that is being assessed may affect other road users, particularly the most vulnerable*".

Paragraph 75 of the Vectos TTN says "*as such it is not possible to specifically quantify an acceptable level of HGV movements associated with the operation of the quarry. There are many elements of the operation and impact on the local community and transport network that could be considered to be unacceptable, regardless of the volume of HGV traffic. At best, the current arrangements should be considered as being unsatisfactory for many reasons and the HGV levels being proposed should also be considered unacceptable*". Therefore Vectos acknowledge there is no available guidance to make an assessment to establish a traffic figure. Vectos also do not advance a figure that could be used. Officers are aware of fear and intimidation from letters of representation received and their own observations. However the Vectos TTN does not provide any information to which Officers are unaware of. Officers have conducted an objective assessment based on DMRB and IEMA as the Vectos report does itself.

Economic viability – as set out throughout the Officer's report, the County Planning Authority has to be mindful of Schedule 14 of the Environment Act and paragraphs 186 – 188 of the National Planning Policy Guidance alongside what conditions can be imposed on periodic reviews for ROMP applications.

The following consultees were consulted over were not included in the Officer's report

- Biggin Hill Airport – no response received.
- Surrey Countryside Access Forum – no response received
- British Horse Society – no response received

Further letters of representation

Two further letters of representation have been submitted both from Limpsfield Chart. They raise the following concerns:

- In part the lorries have to travel along residential roads. This puts at risk pedestrians, especially school children (the only convenient way to local schools from these roads is to walk along it) at serious risk. To allow the proposal would place their safety below the supposed needs of the company.
- It is against all reason to claim that even a limit on 156 lorry movements (78 in and 78 out) does not affect safety or the quality of life of people living on the route. (It is worth stating as it implies that little will satisfy Southern Gravel that they propose 100 lorry movements a day!)
- When not travelling on the residential roads, the lorries travel along a narrow country lane, which enhances the possibility of traffic and, at very least, inconveniences other road users.
- A consultants' report states that one trip along the route experienced six separate occasions when a HGV from or to the quarry could not pass a car. Only reversing, or mounting kerb or verge could deal with this. This is a common occurrence.
- The roads and lanes on the route were not made for, and, thus, are unsuitable for, HGVs.
- Air pollution is increased at a time when most authorities are wanting to decrease it.

Officer comment – the above comments are dealt with within the Officer's report and raise no new issues.

Conditions

Condition 11

Wording in Officers report	Proposed amended wording
A scheme of working and restoration for Phase 4 as shown on plans 00355/01 r.1 and 00355/02 r.1 "Quarry Development Plan" dated November 2011 shall be submitted to the County Planning Authority for approval in writing within six months of the date of this decision. The scheme shall include: [.....]. The approved scheme shall be implemented in full for the duration of working in Phase 4.	Within 6 months from date of these conditions taking effect, a scheme of working and restoration for Phase 4 as shown on plans 00355/01 r.1 and 00355/02 r.1 "Quarry Development Plan" dated November 2011 shall be submitted to the County Planning Authority for approval in writing. The scheme should include: [.....]. The approved scheme shall be implemented in full for the duration of working in Phase 4.

Condition 24

Wording in Officers report	Proposed amended wording
There shall be no HGV departures under the control of the Developer from the land between 0800 – 0900 and 1500 – 1600 hours Monday – Friday school term time only to avoid school run times.	There shall be no Heavy Goods Vehicle departures from Oxted Quarry between 0800 – 0900 and 1500 – 1600 hours Monday – Friday during school term time only for Downs Way School, St Mary's CofE Junior School and Oxted School to avoid school run times. The operator is required to obtain the dates for the current and forthcoming academic year from the schools and shall forward a copy of these dates to the County Planning Authority within 7 days of receipt.

Condition 25

Wording in Officers report	Proposed amended wording
<p>There shall be no more than an average of 74 daily Heavy Goods Vehicle (HGV) movements (37 in and 37 out) to/ from the site Monday – Saturday over any 12 month rolling period with the maximum number of HGV movements in any one day not to exceed:</p> <ul style="list-style-type: none"> • 156 (78 in and 78 out) Monday to Friday • 114 (57 in and 57 out) Saturday <p>The site operator shall maintain records of the numbers of HGVs accessing and egressing the site daily and shall submit these to the County Planning Authority in April, July, October and January each year.</p>	<p>There shall be no more than an average of 76 daily Heavy Goods Vehicle (HGV) movements (38 in and 38 out) to/ from the site Monday – Saturday over any 12 month rolling period with the maximum number of HGV movements in any one day not to exceed:</p> <ul style="list-style-type: none"> • 156 (78 in and 78 out) Monday to Friday • 114 (57 in and 57 out) Saturday <p>The site operator shall maintain records of the numbers of HGVs accessing and egressing the site daily. These records shall be submitted to the County Planning Authority in April, July, October and January each year and, if requested by the County Planning Authority, be provided within 7 days of that request.</p>

Condition 26

Wording in Officers report	Proposed amended wording
<p>Within one month of the date of these conditions taking effect, the applicant shall have a condition survey of Chalkpit Lane carried out by a suitability qualified person and submit it within 2 weeks of completion to the County Planning Authority for approval in writing. The survey shall include carriageway, footpath, verges and kerb edges and shall be from the site accesses to, and including, the junction with Barrow Green Road. The survey is to be repeated and submitted every 6 months during the operation of the sit and upon completion of the restoration of the site. The applicant is to fund any ongoing repairs and adjudged to have arisen from the passage of HGVs to and from the site.</p>	<p>Within one month of the date of these conditions taking effect, the applicant shall have a condition survey of Chalkpit Lane carried out by a suitability qualified person and submit it within 2 weeks of completion to the County Planning Authority for approval in writing. The survey shall include carriageway, footpath, verges and kerb edges and shall be from the site accesses to, and including, the junction with Barrow Green Road. The survey is to be repeated and submitted every 6 months during the operation of the site and upon completion of the restoration of the site. The applicant is to fund any ongoing repairs adjudged to have arisen from the passage of Heavy Goods Vehicles to and from the site following discussion and agreement between the operator and the County Highway Authority.</p>

Condition 38

Wording in Officers report	Proposed amended wording
<p>All vehicles, plant and machinery, including company owned Heavy Goods Vehicles shall be fitted with white noise reversing alarms at all times when in operation at the site.</p>	<p>All company owned vehicles, plant and machinery, shall be fitted with white noise / non-tonal reversing alarms at all times</p>