

Bury Hill Wood, off Coldharbour Lane, Holmwood**Introduction**

The following Appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended), in relation to the refusal of Surrey County Council, as County Planning Authority, to grant planning permission, for the following temporary 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 some 0.79 ha, for a temporary period of up to 3 years, with restoration to forestry" ('the proposed development').

At Bury Hill Wood, off Coldharbour Lane, Holmwood ('the site')

The Decision Notice is dated **30 June 2011** and the following three reasons for refusal are given;

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 (Environment 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 tress 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).

The Appellant's Grounds of Appeal

The planning application to which this appeal relates was determined by a single item Planning Committee, to which Officers had recommended full approval of the proposed development, subject to appropriate conditions. Members however did not accept the advice of their Officers, including those of the Highways Authority which is a statutory function of Surrey County Council and resolved to refuse planning permission.

The following grounds of appeal are therefore made under Section 78:

Relating to Refusal Reason 1

1. The appellant does not agree that a significant adverse visual impact would be created within this very small section of the AONB, where only the top of the rig would be visible from distance, even if the proposed development was a permanent structure, which it is not. The proposed temporary exploratory structure which the County Planning Authority seeks to resist will be in situ for only a few weeks any visual effects will be mitigated during that time by good natural screening. The appellant will demonstrate therefore via appropriate visual evidence and objective landscape character analysis that the proposed temporary exploratory development is acceptable in visual terms for the full duration of the works proposed.
2. The appellant does not agree with the County Council's contention that the public interest for the development has not been demonstrated. The benefit to the public interest is acknowledged by Officers in their written report to be of incremental importance to the UK economy. Accordingly, given the acknowledged national need for the development as recognised in the committee report the appellant will demonstrate by further written and other evidence how the proposal is in the public interest and how it complies with Government Planning Policy as set out in Minerals Policy Statement 1 (Planning and Minerals) November 2006.

Relating to Refusal Reason 2

3. The appellant does not accept the Council's second reason for refusal, i.e. that the Alternative Sites Assessment for the location of an exploratory drillsite undertaken as part for the Regulation 19 Submission was insufficient to demonstrate that the development could not be located outside of the AONB boundary.

The appellant contends that in terms of viability and balance of environmental impact that the application site is the only suitable site for temporary exploration and that no further sites within the technical confines of the search area (as determined by the underlying geology) have been found to be more suitable than the application site. The Committee Report for the refused application (paragraph 165) confirms Officers' support for this conclusion.

The technical difficulties and the abnormal costs associated with exploratory drilling of a target more than 2km distant from the well site was clearly explained in detail to Members both in the report and by senior officers at the Committee and backed up by technical submissions made as part of the numerous Regulation 19 responses. The appellant also complied with all reasonable requests for further technical information to the satisfaction of Officers.

Accordingly, further detailed geological, site-specific and other evidence will be provided to the Inspector, by suitably qualified witnesses, to demonstrate why the proposed exploratory drill site development cannot reasonably be located beyond the boundary of the Area of Outstanding Natural Beauty (AONB) as agreed with Officers.

Relating to Refusal Reason 3

4. The appellant does not accept the Council's contention in refusal reason 3 that the appellant has failed to demonstrate to the satisfaction of the County Planning Authority that the proposed traffic management measures are adequate to protect the character of Coldharbour Lane.

The development proposal was considered by officers to be in accordance with both 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). The proposed traffic management measures were also demonstrated to the satisfaction of the County Highways Authority (CHA) as confirmed by paragraphs 250 - 251 of the Committee Report.

These Report paragraphs make clear that very careful consideration was given by the CHA to all the information provided by the appellant and who were satisfied that even the largest vehicles specified could travel along Coldharbour Lane without causing damage, subject to the proposed temporary road closure.

5. For the above reasons, the appellant also does not accept that the proposed development will cause irreversible damage to the historic banks and trees, by 'industrialising' the roads leading to the application site. Suitable further evidence will be advanced to demonstrate this point.
6. Similarly, the appellant does not accept that the amenity of highway users and residents of Knoll Road will detrimentally affected, as alleged by refusal reason 3. Again, suitable evidence will be advanced to demonstrate how the amenity of road users and residents will be protected.

Additional Grounds of Appeal

7. The preceding grounds of appeal are the principal evidential responses to the three reasons for refusal and any further related evidence will be advanced as necessary to corroborate the considered views of officers.

The appellant also wishes to reserve the right to respond with appropriate evidence to any other additional matters which may be brought to the attention of the Inspector by any third parties and which do not form part of the above original reasons for refusal.

7 December 2011