

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 25 May 2011

**BY:** PLANNING AND DEVELOPMENT GROUP MANAGER

**DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL **ELECTORAL DIVISION(S):**  
Dorking Hills  
Mrs Watson  
Dorking & The Holmwoods  
Mr Cooksey

**PURPOSE:** FOR DECISION

**GRID REF:** 515487 144820

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**TITLE:** MINERALS AND WASTE APPLICATION MO09/0110

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## **SUMMARY REPORT**

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

**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 0.79ha, for a temporary period of up to 3 years, with restoration to forestry.**

This application is Environmental Impact Assessment (EIA) development and as such, is accompanied by an Environmental Statement (ES).

The application is concerned with the first stage of on-shore hydrocarbon development – exploration. It would involve the construction of an above ground drillsite where following the drilling of an exploratory borehole, short term testing for hydrocarbons would take place to assess the prospect. The application is for a planning permission extending over a temporary period of three years. However, it is proposed that the site operations would be completed within an 18 week period.

The application site lies within a Forestry Commission woodland plantation area in a popular recreational area for residents and visitors. It is proposed to locate the drillsite compound on land where evidence remains of 6 ‘dells’ or very small 18<sup>th</sup> and 19<sup>th</sup> century quarries. The land now consists of woodland containing some conifers, young silver birch trees interspersed with areas of bracken. A strip of land to the west of the site is currently identified on the Ancient Woodland Inventory as Plantations on Ancient Woodland Sites (PAWS). The proposed site and its access are located in a rural area within the Metropolitan Green Belt, on land designated as Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). As the proposed drillsite would be located within the AONB where mineral working is only allowed where the mineral is essential and of national interest, the application falls to be considered as a Departure from the provisions of the Development Plan.

It is necessary to consider the proposal against European, National, Regional 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, including whether it is of national significance, whether there are any more acceptable alternatives 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, hydrogeology, air quality and restoration.

Whilst national policies encourage energy efficiency and renewable energy, the Government also recognises that fossil fuels will be part of the energy mix in the United Kingdom (UK) for some time to come. With indigenous supplies of oil and gas having declined to the point where the UK is a net importer, national energy policy seeks to secure reliability of supply. The Government's short to medium term aim set out in Minerals Policy Statement 1 (MPS1), is to *'maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'*. The applicant has identified a hydrocarbon prospect and in order to maximise the potential of a reserve, it is necessary to investigate and assess a prospective resource. Officers give significant weight to the statements made in MPS1 regarding the need to maximise the potential of the UK's hydrocarbon reserves which the Department of Energy and Climate Change (DECC) has confirmed is still current and valid and conclude that on the basis of Government guidance there is a national need for this development.

Consideration of the location of the above ground drillsite is also a key issue given the application site's location within the AONB. It is a fact that minerals can only be worked where they are found and the choice of an above ground drillsite is constrained by a number of factors that include not only geological, but operational, environmental and amenity factors. In this case, the relatively shallow target reduces the distance the above ground site can be located from the target 'the step out drill'. The applicant has demonstrated that a step out drill from beyond 1600 metres from the target would be impractical for exploration purposes and as the AONB boundary is some 2,400 metres from the target, it is not possible to locate the above ground site outside the AONB. Officers conclude that in the context of the geological structure to be explored, that the proposed site represents the best viable option from which to conduct exploration and that there are no other suitable locations within or beyond the AONB available for this stage.

The application site is located in a particularly attractive landscape but is relatively well screened. It would be possible to see the rig during the period it would be at the site (up to 6 weeks) and this along with the related construction works would have some effect on the landscape and would detract from the natural beauty of the AONB during this period. Nevertheless, Officers consider that the degree of harm to the AONB is limited given the temporary nature of the works and the scale of activity. Taking into account the national need for hydrocarbon development set out above, Officers consider that the limited harm to the AONB and any adverse visual impact do not amount to grounds for refusal of planning permission although it remains contrary to the requirements of the development plan.

Mineral related development need not be inappropriate development in the Green Belt provided that high environmental standards are maintained and the site is well restored. No objections have been received from the technical consultees asked to comment on the proposal. However, there has been considerable objection to the proposal from local residents, other members of the public, a local action group and environmental and amenity groups. The concern generated by the proposal has focussed on the site's location within the AONB, AGLV and Green Belt along with ecological, noise and other environmental, safety and amenity concerns. However, a major concern for local residents is the level of heavy goods vehicle (HGV) movements involved in delivering materials to the application site and the proposed access route via Knoll Road and Coldharbour Lane. The level of overall vehicle movements generated by the development is not high but the percentage increase of the HGV element of traffic on Knoll Road and Coldharbour Lane is high. Whilst the activities would take place over a short timescale, the major HGV generator would be transporting aggregate to the site during the 3 week site construction period and its removal over a similar period. To mitigate the impact a traffic management scheme (TMS) has been proposed to control HGV traffic.

In relation to the access route, the main concern was whether the largest vehicles could travel along Coldharbour Lane, a narrow rural lane with overhanging trees and bounded in parts by high banks that form a hollow way, without causing damage. Nevertheless, following the

submission of further information, site visits and witnessing road and vegetation measurements at pinch points on the road, the Highway Authority is satisfied that the applicant has demonstrated that the largest vehicles can traverse the road without causing damage, provided they are driven with care and there is no other traffic on the road. The proposal to close the road during the delivery of the largest loads and the operation of an HGV TMS throughout the 18 week development have addressed the Highway Authority's safety concerns and from a transportation point of view the proposal is considered acceptable. Nevertheless, these measures, would in themselves give rise to some temporary impact in terms of the amenity and the convenience of the residents of Coldharbour and the users of Coldharbour Lane.

Objectors have criticised the ecological information provided in the application. A number of ecological surveys have been carried out over several years. These have shown that there is little likelihood of protected species being found on the site. The County Ecologist and Biodiversity Manager is satisfied that any potential impacts can be suitably controlled by the imposition of planning conditions.

The application site is found within the Green Belt where the policy position is to restore mineral sites to an appropriate Green Belt use as soon as is practicable. The applicant intends the site to be restored at the end of the exploration period, to forestry, which is a beneficial and an appropriate Green Belt use. Enhancement for biodiversity is being sought and would be achieved through a landscape, ecology and restoration plan.

Officers consider that the proposal should enable high environmental standards to be maintained and the site to be well restored. Accordingly, the proposal meets the policy requirements for mineral development in the Green Belt. Taking into account the considerations regarding alternative sites and the proven need for the development at this site in the context of national policy along with other relevant policy tests and the environmental information, Officers recommend that planning permission for this temporary hydrocarbon exploration development may be granted as a Departure from the provision of the Development Plan, subject a s106 legal agreement to secure HGV routing and traffic management and to appropriate conditions to protect the environment and amenity.

**The recommendation is, that subject to the application being referred to the Secretary of State as a Departure, to PERMIT subject to**

**1 the prior completion of a s 106 legal agreement for:**

- (i) The routing of HGVs and non-standard road vehicles to and from the site via Knoll Road and Coldharbour Lane only;**
- (ii) The provision, implementation and monitoring of a traffic management scheme;**
- (iii) The provision of warning signs for all users of rights of way that lead off Coldharbour Lane at the point at which they meet the highway;**
- (iv) The undertaking of surveys before and after the works to determine the condition of the highway and the highway verges and the making good of any damage resulting from the passage of vehicles associated with the development all at the applicant's expense.**

**2 the imposition of planning conditions.**

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**APPLICATION DETAILS**

***Applicant***

Europa Oil and Gas Limited

**Date application valid**

26 January 2009

**Period for Determination**

18 May 2009 (extended to 31 March 2010 by applicant)

**Amplifying /Amending Documents**

E:mail from Barton Willmore dated 3 April 2009 giving a table of anticipated traffic generation; Letter from Barton Willmore dated 13 August 2009 enclosing Regulation 19 submission; Regulation 19 Submission dated November 2009; Letter from Barton Willmore dated 10 December 2009; Letter from Barton Willmore dated 18 February 2010 enclosing photographs and details of the obstacle lamp; e:mail from Barton Willmore dated 23 February 2010 correcting information given in the letter of 18 February 2010 in relation to Holding Capacity; letter dated 24 March 2010 clarifying public access around the drillsite compound; Letter dated 25 March 2010 and Lighting Location Plan and Spill Light Islolux Contour Plan Drawing 0277-1300-001 Rev A dated July 2009 sent under separate cover from WSP; E:mail from Richard Elliot Associates dated 29 March 2010 enclosing details of the Bekaert CEB units; Letter dated 13 April 2010 and the enclosed plans Figure 1.6 Revision A and Figure 5.3 Revision B and Figure 5.9 Revision A; Letter from Barton Willmore dated 21 October 2010 enclosing copies of revised Chapters 7, 11 and Appendix 11; Letter from Barton Willmore received on 25 November 2010 enclosing Supplementary Ecological Information November 2010; Letter from Barton Willmore dated 13 January 2011 enclosing Acoustic Associates Flaring and Drilling Noise Report No AAL/BS 10052 dated 24 June 2010 and revised Chapter 11 and Appendix 11; Letter from Barton Willmore dated 1 March 2011 enclosing further ecological information; Coldharbour Lane Count-on-us Traffic Survey 30 June to 6 July 2010 received on 4 March 2011; Figure 5.10 Rev B dated October 2009; E:mail from Richard Elliot dated 12 April 2011 enclosing revised Traffic Management Cards for Controllers.

**SUMMARY OF PLANNING ISSUES**

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Environmental Impact Assessment	-	94 - 100
Need	Yes	101 - 152
Consideration of Alternatives	Yes	153 - 170
Green Belt	Yes	171 - 184
Highways, Traffic & Access	Yes	185 - 251
Ecology and Biodiversity	Yes	258 - 340
Noise	Yes	341 - 374
Lighting	Yes	375 - 307
Air Quality	Yes	388 - 421
Water Environment & Geotechnical Issues	Yes	422 - 440
Rights of Way/Recreation	Yes	441 - 459
Heritage	Yes	460 - 480
Restoration	Yes	481 - 491
AONB/AGLV & Visual Impact	No	492 - 437
Other Issues	-	458 - 555

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## ILLUSTRATIVE MATERIAL

### Site Plan

- Plan 1 Location.
- Plan 2 Drillsite layout during the drilling stage.
- Plan 3 Drillsite elevations.
- Plan 4 Drilling rig swept path and sections. This shows the rig at the tightest point on the access route.
- Plan 5 Subsurface target area and locations of alternative sites evaluated in relation to the AONB boundary.
- Plan 6 The drilling limits in relation to the AONB boundary.

### Aerial Photographs

- Aerial 1 Site Location showing the application site.
- Aerial 2 The application site and the surrounding area showing Coldharbour Village and some of the nearby residential properties.
- Aerial 3 Showing Coldharbour Conservation Area and Ancient Woodland in the locality.
- Aerial 4 Rights of way in the locality.

### Site Photographs

- Figure 1 Site Access with Coldharbour Lane.
- Figure 2 The Forestry Commission barrier set back from the access and at the start of the proposed access track.
- Figure 3 The existing access track. This section of the track would have posts at 3 m centres on the right of the track to separate site traffic from pedestrians and horse riders. On the left of the track is the new hardstanding, part of which is covering an area which previously contained Japanese Knotweed.
- Figure 4 View of the site of the proposed drilling compound from the gravel trackway that runs west of the site boundary.
- Figure 5 View of the site of the proposed drilling compound from the trackway on the northern boundary of the site.
- Figure 6 The proposed site of the drilling compound showing part of one of the 'dells' 18<sup>th</sup> or 19<sup>th</sup> century quarries.
- Figure 7 The area of the site where it is proposed to locate a flare pit.
- Figure 8 View towards the proposed site from the roadside opposite White, Ivy and Ranmore View Cottages.
- Figure 9 A sunken holloway section of Coldharbour Lane. The lane would be used as a route to and from the site.
- Figure 10 Footpath 247 linked by Coldharbour Lane.
- Figure 11 View of Knoll Road looking towards Coldharbour Lane.
- Figure 12 The junction of Knoll Road, Ridgeway Road and Coldharbour Lane.

A list of abbreviations is attached to the end of the report.

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## BACKGROUND

### *Site Description*

- 1 The proposed drill site is located in a rural area at Bury Hill Wood, part of Abinger Forest, within the Metropolitan Green Belt and in the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). The application site is found some 3.5 km to the south west of Dorking, west of South Holmwood and and

approximately 700 metres to the north of the Village of Coldharbour. The Anstiebury Camp, a Scheduled Monument, is found some 800 m south of the site between Abinger Road and Anstie Lane.

- 2 The 0.79 ha application site is located within an elevated part of the Greensand Hills, which divide the North Downs from the Low Weald and is some 2.4 km north east of Leith Hill. The site is defined on the southern and western boundaries by well established gravelled tracks. (See **Figures 3, 4 & 7**). The proposed site contains uneven ground, overgrown with bracken and young silver birch trees; it is situated at a height of 236 m AOD. (See **Figures 4, 5 & 6**) The application 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', small former quarries, thought to date from the 18<sup>th</sup> or 19<sup>th</sup> century on, and in, the vicinity of the site see **Figure 6**. The land to the west drops to a valley that has Coldharbour Village at its southern end. The application 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 drill site would be gained via Coldharbour Lane and utilise an existing Forestry Commission entrance and 250 metres of existing access track (**Figures 1, 2 & 3**). The access with Coldharbour Lane (D289) is approximately 600 m north of the junction with Anstie Lane (D297)/Abinger Road (D289) and 1.5 km south of Logmore Lane (D288). Coldharbour Lane links to the A24 via Knoll Road (D2841) and Flint Hill (A2003) to the south of Dorking.
- 4 There is a residential property known as Lower Meriden some 520 metres north west of the site and about 35 metres 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 512 metres from the southernmost end of the application site (See **Figure 8**). 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. The Conservation Area and ancient woodland boundary is shown on **Aerial 3** and some of the nearby residential properties are included on **Aerial 2**.

### ***Planning History***

- 5 There is no mineral or waste planning history associated with the drillsite the subject of this current application.

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### **THE PROPOSAL**

- 6 The Holmwood Prospect, identified through seismic survey, has two hydrocarbon targets. The primary target is the Portland Sandstone which is likely to be encountered at 900 metres below the surface; this sandstone is the reservoir for the existing Brockham Oilfield. The second target is the Corallian Sandstone, which is the reservoir for the Palmers Wood Oilfield; this is likely to be found at 1,300 metres below the surface. The second target would only be explored if no hydrocarbon were encountered at the first target. It is not known whether the Holmwood Prospect will contain oil or gas as, similar to the Albury gasfield, the Holmwood Prospect lies on the downthrown side of the Weald Basin Fault. The area of the subsurface target is shown on **Plan 5**.
- 7 This current proposal seeks the temporary construction of an exploratory drillsite for the drilling of, and testing for hydrocarbons. The applicant intends to employ directional drilling to reach the sub-surface target area. The development would comprise of four phases, however progress to phase 3 would depend upon the nature and extent of any

hydrocarbons encountered. The applicant has applied for a temporary 3 year planning consent although the development at the site would take place within a distinct 18 week period. The 3 years allows for any potential delays in securing a drill rig and also takes into account the need to secure final restoration of the site at the appropriate time of year.

**Table 1 Proposed Timetable for the Development**

PHASE	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18
1 Site Clearance & Construction																		
2 Mobilisation & Drilling																		
3 Testing & Evaluation (if applicable)																		
4 Site Reinstatement																		

 = maximum 4 day testing

The details of what the individual phases involve are as follows:

**Phase 1: Site Clearance and Construction (6 weeks duration)**

8 The site clearance and drillsite preparation would take 6 weeks and involve:

- The clearance of the existing vegetation.
- The erection of reptile-proof fencing at the edges of the site access road leading from Coldharbour Lane to the compound, consisting of plastic sheeting buried into the ground and held upright by wooden batons.
- The erection of 1.2 m high fencing between an area of Japanese Knotweed and the access track (the knotweed was on the left of the access track shown in **Figure 3** however this is currently covered by hardstanding).
- The reinforcement of the existing access track by the provision of a protective layer comprising a thick plastic mat covered with 200 mm deep of soft sand and topped with crushed stone.
- 200 mm crushed stone over a geotextile membrane would be used on the stoned section of the track and adjoining flare area.
- The erection of a protective wooden post barrier alongside the vehicular access track to divide site traffic from pedestrians and horseriders and the erection of a sign at the junction with Coldharbour Lane informing the public of the temporary closure of the track. (Part of this barrier would be erected on the right hand side of the track shown in **Figure 3**). The erection of 1.2 m to 2 m high post and wire fencing around the perimeter of the 118 m by 55 m compound and steel double gates.
- Soil stripping and storage. Approximately 850 m<sup>3</sup> of topsoil would be stripped and placed in a bund to a maximum height of 4 metres within the northern boundary of the site. This would form part of the visual screening.
- Levelling. Approximately 500 m<sup>3</sup> of subsoil would be used in the levelling of the surface of the site and any surplus soils would be stored in a bund separate from the topsoil bund.
- The installation of a stabilising geotextile membrane and compacted crushed stone. The site and access would require the placement of approximately 3090 tonnes of crushed stone. The creation of a perimeter interceptor ditch of 600 mm deep and 1.2 m wide would be constructed around the drill site and lined with a Bentomat geomembrane.
- The construction of a reinforced concrete well cellar with an initial section of the drill pipework.

- A flare pit of 12 m by 6 m would be constructed adjacent to the access track. It would be excavated 1 metre below ground level and would be surrounded by a 1.5 metre bund of soils. The location of the proposed flare pit is shown on **Figure 7**.

### **Phase 2: Mobilisation and Drilling (5 weeks duration)**

- 9 The compound would contain the equipment and accommodation necessary to undertake the drilling. During the construction and drilling phases, the flarepit would be used for staff parking.
- 10 During the mobilisation phase the site would be operational between 0700 hours and 1800 hours Monday to Friday and 0700 hours to 1300 hours on a Saturday. Over the 4 to 5 week drilling period the site would be operational 24 hours a day and approximately 12 site personnel would be at the site at any one time. However, deliveries of materials would only take place during the hours of 0930 to 1500 hours Monday to Friday and 0930 to 1300 hours on a Saturday and would be subject to traffic management.
- 11 The directional drilling is proposing to access a target area some 1.2 km south of the drill site. The borehole would be drilled to a maximum depth of 1,300 metres (second target) and take approximately 4 to 5 weeks. For safety reasons, during night-time drilling it is proposed that the rig be illuminated by explosion protected/frameproof fluorescent luminaries. The high level lighting would involve a red aircraft warning light at approximately 35 m above ground. There would also be 8 inward facing lights within the derrick, 4 x 400 watt luminaries mounted at 9m on a portable lighting rig, 7 x 400 watt luminaries mounted at 6 m on drilling rig structure and associated cabins, 12 x 42 watt lamps mounted at a height of 3 m on compound cabins and 18 x fluorescent lamps at a height of 3 m above various areas of the drilling rig.
- 12 Water for use in drilling would be delivered by 5000 gallon capacity tanker to 2 on-site storage tanks. Initially there would be a requirement for up to 36,000 gallons per day (8 tanker loads) for the first 3 days of drilling reducing to 10,000 gallons per day (2 tanker loads) thereafter.
- 13 The semi-dry drilling mud and rock cuttings would be collected in purpose built tanks and then transported from the site for disposal at a suitably licensed site. The contents of the surface water collection ditch would be emptied when necessary and transported off-site by road tanker. Refuse would be collected in a skip and its contents exported periodically to a suitably licensed disposal site.
- 14 Temporary portable cabins providing office and staff accommodation and laboratories would be required during the drilling period; these would be around 3 metres in height.

### **Phase 3: Testing and Evaluation (a maximum of 4 days duration ie 2 days if oil or 4 days if gas) and Demobilisation (3 days duration)**

- 15 It is proposed to drill to the target, log and open hole test the borehole, set production casing and if required, run a short-term (drill stem) production test that would indicate whether producible hydrocarbons exist. The duration of testing depends on whether oil or gas is encountered.
- 16 Gas would require a longer 4 day test. Any gas produced during flow testing cannot be stored or used on the site and therefore it is proposed to flare the gas using the two larger and higher capacity Clean Enclosed Burners (CEB) to ensure safe disposal by combustion. The applicant proposes that drill stem testing for gas would take place for 8 hours on days 1-3 and for 12 hours on day 4. The applicant has proposed that gas flaring would take place during the hours of 0700 to 1900 hours. (See para 33).



- 17 Oil well testing would take place over 2 days and would utilise one lower capacity CEB to flare residual gas and oil produced would be stored in tanks for export from the site. The applicant proposes that drill stem testing for oil would take place for 8 hours on day 1 and for 24 hours on day 2.
- 18 Once drilling and testing is complete, the well would be plugged and the rig demobilised and removed from the site. The applicant envisages that this would again take about 3 days.

#### **Phase 4: Reinstatement (6 week duration)**

- 19 Following testing the well would be plugged and made safe to a specification agreed with the Department of Energy and Climate Change (DECC) in accordance with the Petroleum (Production) (Landward Areas) Regulations 1984. The steel casing would be cut 1.5 m below the surface and capped with a steel plate. All plant, structures including the temporary cabins, equipment, fencing, liner and crushed stone would be removed from the site.
- 20 It is proposed to re-grade the site, deep scarify and then re-spread the stored top and any stored sub soils over the site. The applicant proposes to let the site regenerate naturally although it is stated within the application documents that the Forestry Commission may replant the site as part of a wider felling and replanting scheme at some time in the future.

#### **Vehicle Movements**

- 21 The type, number and frequency of vehicle movements involved in the development would vary according to the stage of the project. The applicant has prepared a traffic management scheme to address the combined impact of increased traffic flows and narrow roads.

#### ***Phase 1: Site Clearance and Construction***

- 22 Initially 3 to 4 low loader articulated trucks would be required to bring plant to the site. The creation of the access and the drill-site would involve the importation of 3090 tonnes of crushed stone. This would generate 155 lorry loads delivered over a 3 week period ie a total of 310 vehicle movements. There would also be deliveries of other materials and plant plus 5 to 10 LGV movements per day involving personnel. The applicant states that this would equate to an average of 1 vehicle movement per 30 minutes in either direction during the normal working day ie 30 vehicle movements per day, 20 of which would be HGVs.

#### ***Phase 2: Mobilisation/Demobilisation and Drilling*** **Mobilisation/Demobilisation**

- 23 During the three day equipment mobilisation the total number of deliveries (32) equates to 64 HGV movements over a 3 day mobilisation period. Post drilling de-mobilisation, would involve a similar period and level of vehicle movement. Approximately 3 or 4 of these deliveries would require an escort both during mobilisation and de-mobilisation due to the size of the load.

#### **Drilling operations**

- 24 During drilling, deliveries of equipment and removal of drilling mud and cuttings would generate 3 to 4 HGV loads per day ie 6 to 8 movements per day over a 4 week period and 20 LGV movements for personnel. For the first 3 days of drilling 8 tanker loads of water would be required and subsequently the requirement would fall to 2 tanker loads. The applicant states that this equates to an average of 4 tanker movements per day. If it were necessary to drill to the lower target the extra deliveries would involve a further 10 HGV movements in total.

**Phases 3 and 4: Testing and Evaluation and Reinstatement**

- 25 The applicant has stated that up to a maximum of 5 deliveries of materials (10 HGV movements per day) would be required during the possible 4 day testing and evaluation period. Two vehicles (4 car/LGV movements per day) would be associated with personnel. Reinstatement of the site would be likely to generate a similar level of vehicle movement to site construction although it may be spread over a longer period and therefore the daily movements may be less. The applicant has also stated that some of the stone may be used for maintenance of Forestry Commission trackways in the area which could reduce the number of vehicle movements.
- 26 Table 3 in the Highway, Traffic and Access section of the report gives an overview of the total vehicle movements generated by the proposal and the breakdown between HGV and LGVs per day over the distinct phases of the development.

**Road Closure**

- 27 The transportation of the drilling rig to and from the site via Coldharbour Lane, would involve the use of large vehicles, which would prevent other vehicles using the road. The applicant therefore proposes that during the 3 day rig mobilisation period Coldharbour Lane would be closed to through traffic between the hours of 0900 to 1800 hours. A further 3 day closure between the same hours would be necessary at the rig de-mobilisation stage.

**Traffic Management Scheme**

- 28 Sections of Coldharbour Lane are deeply recessed below adjacent ground levels and the overall width of the road is reduced in places see **Figure 9**. For much of the length of Coldharbour Lane two HGVs could not pass and there are sections where an HGV and a car could not pass. To reduce the potential for conflict between site traffic and other road users the applicant is proposing to operate a traffic management scheme during the hours of 0930 to 1500 hours Monday to Friday and 0930 to 1300 hours on a Saturday. All HGV deliveries would be made during within these hours.
- 29 It is proposed that three traffic controllers would control the traffic at Knoll Road, at Logmore Road junction and at the site entrance. The controllers would be in constant communication with each other and it would be the Logmore Road controller's role to co-ordinate the use of the escort vehicle with the controller based at the site entrance.
- 30 HGVs delivering materials to the site would be stopped at Knoll Road until 3 HGVs had gathered. Provided no other HGVs were travelling in the opposite direction, the convey would move through the first section of Coldharbour Lane, unmanned traffic lights would control traffic through this section at the bend close to the Brambledown Park Caravan Site. The HGVs would be held at the junction with Logmore Lane by the second controller until clearance has been received from the third controller at the site entrance. The vehicles would then be escorted by a quad bike or LGV. The process would be reversed for HGVs leaving the site and proceeding toward Dorking.

**Hours of Operation**

- 31 With the exception of drilling and gas flaring, the site would operate during the hours of 0700 to 1800 hours Monday to Friday and between 0700 and 1300 hours on a Saturday. HGV access would be confined to 0930 to 1500 hours Monday to Friday and between 0930 and 1300 hours on Saturdays.
- 32 During the 5 week drilling phase, drilling would take place 24 hours per day. All deliveries during this period would be confined to the HGV delivery hours set out above.

- 33 During the up to 4 day testing and evaluation phase when gas would be flared, the applicant stated the hours would be restricted to 0700 to 1900 hours. The County's Environmental Noise Officer has proposed this activity is restricted by condition to 0730 to 1930 hours see para 368 in the noise section of the report.

#### **Further information**

- 34 The application was submitted some time ago and during the intervening period between submission and the application going to Committee, further and amplifying information has been submitted by the applicant in support of the application and to complete the Environmental Statement (ES). To enable the County Planning Authority to take into account the full environmental effects of the development, requests for further information have been made under Regulation 19 of the Environmental Impact Assessment Regulations. These requests have particularly focussed on alternative sites, ecology, noise, traffic and access. Each of the three Regulation 19 submissions has been the subject of further consultation periods to allow consultees and the public to make their views known on the further information provided by the applicant.

## **CONSULTATIONS AND PUBLICITY**

### ***District Council***

#### **35 Mole Valley District Council**

In its letter dated 8 February 2009 the District Council stated *that 'Mole Valley District Council STRONGLY OBJECTS to the proposed exploratory oil drilling in this very sensitive landscape, which is recognised as having national importance, as evidenced by the exceptional number of visitors to the Leith Hill area, over 600,000 per annum (National Trust figure).*

*The proposal represents a short term, highly intensive, and intrusive development in an elevated location. The development and the lasting scar would be exposed to public view. It would impact upon environmental interest of acknowledged importance both nationally and locally.*

*In the absence of any overriding national need the development must fail against the clear national and local planning policies in place to protect this national asset. Even with evidence of need, the District Council is not convinced that the harm is overcome if appropriate weight is given to the conservation of the natural beauty of this part of the Surrey Hills Area of Outstanding Natural Beauty.*

*In consideration this application, the Planning and Regulatory Committee, should take extreme care in examining the strong level of objection to the use (and potential damage) of the narrow, winding and sunken country lanes, and the problems that will be encountered if access is through Knoll Road, a quiet wholly residential road. These roads are unfit for very heavy and large commercial vehicles.'*

Mole Valley District Council maintained its strong objection in its response on the submission of Regulation 19 information dated 29 March 2011. In the letter the District Council also raises concern over the possible removal of trees to facilitate the access of the oversize vehicles, stating if this allegation is true it would realise the objection to the scheme on the basis of environmental damage to the sunken lane.

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

- 36 **Government Office for the South East (GOSE)** (the regional office is now closed and the work is undertaken by the National Planning Casework Unit)

Acknowledge receipt of the application and accompanying Environmental Statement but make no comments.

37 **Environment Agency**

No objection but has requested that three informatives be added to any permission. (*Informatives 1, 2 & 3*)

38 **Health and Safety Executive**

Does not advise against granting planning permission.

39 **Natural England**

Does not consider that the proposal as submitted would impact on protected species or ancient woodland but reserve the right to review our position should further information or an alteration to the current proposal prove to be necessary. Welcomes the submission of the ecological surveys.

40 **Department of Energy and Climate Change (DECC)**

DECC have taken a policy decision not to specifically comment on local planning considerations but refer planning authorities to Government policy set out in Minerals Policy Statement 1 (MPS 1).

41 **Sutton & East Water**

No objection.

42 **Thames Water Utilities**

No objection.

43 **BAA Safeguarding**

No aerodrome safeguarding objection provided that a condition relating to obstacle lighting is imposed on any planning permission. (*Condition 27*).

44 **Surrey Wildlife Trust**

No objection but the Trust has made comments and recommendations particularly in relation to the minimisation of impact, opportunities for enhancement via a Landscape, Ecology and Restoration Plan (LERP). This is covered in the Ecology section of the report. (*LERP Condition 33*).

45 **Forestry Commission**

Have stated the Government's forestry policy, both nationally and regionally and given the definitions of woodland types and ancient woodland inventory.

46 **Surrey Fire and Rescue Service**

No objection.

47 **Environmental Noise Consultant**

No objection subject to the imposition of planning conditions. (*Conditions 12 - 18*)

48 **Geotechnical Consultant**

No objection subject to the imposition of a planning condition to cover pre and post development soil testing. (*Condition 30*).

49 **Environmental Consultants**

- **Lighting**  
No objection
- **Air Quality**  
No objection.

50 **County Highway Authority  
Transport Development Control**

No objection subject to prior completion of s106 Agreement to secure the routing of HGVs to and from the site: the provision, implementation and monitoring of a traffic management scheme; the provision of warning signs for all users of rights of way that lead off Coldharbour Lane; the undertaking of surveys before and after the works to determine the condition of the highway and the highway verges and the making good of any damage resulting from the passage of HGVs associated with the development, all at the applicant's expense. Also subject to the imposition of conditions. (*Conditions 9 & 10*).

51 **Rights of Way**  
No objection.

52 **Landscape Officer**  
No objection.

53 **County Ecologist & Biodiversity Manager**  
No objection subject to the imposition of planning conditions. (*Conditions 19 - 26*).

54 **Surrey Hills AONB Board**  
Object on the grounds that the proposal is contrary to Development Plan policies directed at only allowing development in the Area of Outstanding Natural Beauty (AONB) that conserves and enhances its special landscape character. The harm caused by the development would outweigh the very special circumstances and mitigating measures put forward by the applicant. The value of this location is its relative remoteness and tranquillity, which are qualities of significant public interest.

The Board also commented on the Regulation 19 Submission of further information welcoming the further work on alternative sites and noting the worthwhile further work on the environmental effects of traffic on local roads. However the Board maintains its objection to the proposal drawing attention to the policies in the Surrey Hills AONB Management Plan 2009 – 2014 relating to the balance between national and amenity considerations and the need to pay attention to tranquillity and light pollution when considering the special character of the AONB. In conclusion the Board does not consider that the national need to investigate this site would override the harm that would be caused by this development.

The Surrey Hills Board has stated if permission were to be granted that it would wish to see the applicant make a voluntary contribution towards the Surrey Hills Trust, a charitable Trust Fund to be set up under the Community Foundation, for environmental enhancement works in the Surrey Hills AONB.

55 **Heritage Conservation  
Archaeologist**  
No objection.  
**Listed Buildings Officer**  
No objection.

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

56 **Capel Parish Council**  
The Parish Council objects to the application. In its original letter of objection in March 2009 the Parish Council stated that it objected to the application on the grounds that it is comprehensively contrary to planning advice having particular regard to PPG2, PPS7 and PPS9 and the South East Plan, the adopted Mole Valley Local Plan and Core Stratgy. The Parish Council has said that:

- The site and the surrounding area beyond the application boundary are Green Belt and AONB. The characteristics of the area is of relevance as as there would be an impact as a result of alterations to the highway to facilitate the movement of vehicles using the site. The narrow rural lanes are an intrinsic feature of the Surrey Hills AONB. To increase the width of sections of the highway, resulting in loss of mature trees, would be harmful in visual and ecological terms and harm the stability of the banks bordering the highway. The applicant does not propose to carry out remedial works to the highway although the Parish consider that restoration mitigation would not overcome the harm that is likely to result. ...'*Access by the highway networks to the site either by single carriageway, primary roads or country lanes with their historic highways infrastructure will have an adverse impact on the surrounding open spaces, the flora, fauna and habitat.*'
- It is the Parish Council's view that the applicant has failed to address the two fundamental points that the development is in the national interest and that no alternative site are available. '*Alternative sites are available in locations which are not the subject of such stringent criteria for protection and constraint*'. The applicant has put forward no commercial support to justify the granting of planning permission.
- The landscape assessment has failed to address the severe visual impact on the wider area. The ability of the application site to absorb the development into the landscape is low.
- Operating 24 hours a day during the exploratory work would set a precedent should an application be submitted for a permanent facility. It is important to have regard to the potential impact if planning permission was granted for a permanent facility. The applicant has failed to have regard to the impact of the location of a permanent facility in terms of visual impact, pipeline route, highway network and environmental harm.
- A detailed ecological assessment has not been provided and the proposal would be harmful to the ecology of the area.
- Light pollution would damage the character of the area and adversely impact upon its flora and fauna as with an absence of street lights the prevailing character of the area is dark.

Capel Parish Council reiterated its objection by letter dated 19 January 2010, following the submission of the Regulation 19 further information. Its reasons are:

- The impact on the AONB. There is no overriding justification in terms of need and alternative sites. The Parish Council are critical of the alternative site assessment and state that the applicant's overriding drive is limited to commercial viability and not to adverse environmental impact. The Parish Council has gone on to say that the applicant has failed to undertake a 'matrix' comparison of each site evaluated against the other, which its states represents a fundamental flaw in the applicant's justification. In the Parish Council's view many alternative sites exist. The national interests in this instance should take second place to local consideration in this location, which by its special designation is an area of national interest to be protected.
- Significant harm to the flora and fauna of the locality which cannot be separated from the AONB. It is the Parish Council's view that there would be harm to badgers, bats, dormice, nightingales and nightjar.
- The Parish Council objects to the cumulative impact of the proposed development on the 'fragile' environmental infrastructure which prevail and goes on to state that any major disturbance of habitat will result in inconceivable harm which will never be reversed. Three years of investigation will wreak destruction and permanent harm.

- It would be an intrusive and alien impact upon the visual quality of the locality and its impact upon the village of Coldharbour, including impact from lights.

Having reviewed the latest information, the Parish Council still maintains its objection and considers the proposal inappropriate development in the Green Belt. The Parish Council state that the applicant has failed to have full and proper regard to the site's location in the AONB where there is an expectancy that the quiet enjoyment of the countryside is vital to the quality of life. Strict and effective controls over all forms of pollution are required to protect the environment and process upon which this fragile Surrey Hills and Coldharbour enjoyment depends. This may include water damage creating significant adverse effects upon the status or ecological potential of streams within the AONB network. Full and proper regard must be had to land contamination. The approach to Coldharbour must remain unharmed. Any intrusion into the ambient noise levels would be intrusive and have an adverse impact on residents, visitors and wildlife. The Parish Council do not believe the mitigation measures put forward by the applicant to avoid or minimise the impact on property and wildlife would achieve their aim and say that any form of development in this sensitive and fragile location will have an unnecessary and irreversible impact.

57 **Holmwood Parish Council**

No response received.

58 **Wotton Parish Council**

Wotton Parish Council objects to the development which it says is inappropriate in an AONB and should be resisted. The temporary inconvenience and disruption to the local community should not be overlooked. The longer term damage to the poor road access to the site and to the site itself are major considerations. The noise and light pollution during the exploration will be significant and an unacceptable intrusion in this quiet, dark location. There will also be longer term damage to flora, fauna and wildlife. The 35 m rig and flare will be visible from Coldharbour Village, many parts of Leith Hill and Wotton Parish and large part of Ranmore Common. The Parish Council reiterated its objection in response to later consultations.

59 **Dorking and District Preservation Society**

The Society refers to the importance of the potential hydrocarbon resource but are concerned by factors within the proposal. In particular, the Society felt that the access to the site via Coldharbour Lane is ill-advised and envisage problems for other users of the road. The Society state that no matter how many 'controllers' are involved, it is likely to be chaos, not only in Coldharbour Lane, but in Knoll Road and Logmore Road as well. In a second letter the Society gave its full support to all the objections to the application set out by the Leith Hill Action Group. In particular the Society emphasis the protection of the AONB and say that the proposal may not be major development, but its environmental consequences would be major. The traffic and transportation proposals will create appalling inconvenience and danger for residents of houses on Coldharbour Lane. The tail back of traffic would bring the one-way gyratory system at the western end of town to a standstill. The HGV traffic would break up the surface of Coldharbour Lane. The applicant's choice of site had much to do with the existing access track to the site without appreciating the inadequate longer access via Coldharbour Lane.

60 **Ramblers' Association (Mole Valley Group)**

No response received.

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

- 61 The application was advertised as being accompanied by an Environmental Statement and as being a Departure from the Development Plan in the Surrey Mirror on 12 February 2009. The application was also publicised by the posting of five site notices and 89 owner/occupiers of properties in the locality were notified direct by letter.

- 62 A second consultation was carried out by the County Planning Authority following the submission of further information under Regulation 19 of the EIA Regulations. The submission was publicised in the Surrey Mirror on 10 December 2009 and by the posting of five site notices at the site. All the statutory and non-statutory consultees were re-consulted and letters of notification were sent to 1,320 people and organisations who had made representations on the application by that date. 19 letters were returned by the Post Office as addressee gone away or unknown.
- 63 A third consultation took place in December 2010 when further information was submitted under Regulation 19 of the EIA Regulations. An advertisement was placed in the Surrey Mirror on 9 December 2010, five site notices placed at the site, statutory consultees and non-statutory consultees were re-consulted, neighbours and members of the public and organisations who had expressed an interest in the application were notified in writing.
- 64 A final consultation took place in March 2011. An advertisement was placed in the Surrey Mirror on 17 March 2011, five site notices were placed on site and consultation and notification was undertaken in accordance with the previous arrangements. 23 letters were returned by the Post Office as addressee gone away or unknown.
- 65 Copies of the application documents and plans, environmental statement and further information were made available for public inspection at the offices of Mole Valley District Council, at Pippbrook, Dorking and at Surrey County Council offices at County Hall, Kingston upon Thames. The application, plans and environmental statement have been available for viewing on the Mole Valley District Council website.
- 66 A total of 1561 representations have been received on this proposal. These include three letters of support on the grounds of national need and negligible environmental impact and one letter, which does not state any grounds of objection to the proposal but questions the ability of the County Council to determine the application.
- 67 One objector, whilst strongly objecting to the proposal on AONB and traffic grounds, also states that he has a shooting lease over the woodlands and that the development would be in contravention of that lease (Rep No: 6). A total of 1557 letters and e:mails of objection have been received. Of these objections, approximately 500 were generated via the Leith Hill Action Group's website offering a facility to '*object in 60 seconds*'. By entering their name, postal address and e:mail address, the system generated an objection letter for them, randomly picking from a number of grounds of objection. The e:mail is then automatically addressed and sent. This system resulted in objections being received from all over the United Kingdom (UK) and from as far away as Australia, Finland and Canada.
- 68 The following table gives a breakdown of the geographical origin of representations on the proposed development:

**Table 2**

Source	No of Reps.
RH4 and RH5 postcodes which include the site locality ie Coldharbour, Leith Hill & Dorking as well as other parts of Mole Valley	635
Remainder of Surrey	453
Beyond Surrey	464
Beyond the UK	9

- 69 As further information has been publicised some objectors have written several letters of representation. The main points of public objection are as follows:-

- **Object in principle** but no specific grounds cited.



- **The development would set a precedent and would not be temporary.** If hydrocarbons were found it would become a long term development. To permit exploration would set a precedent and result in industrialisation of the area. Production on Leith Hill would blight the area for years to come. It is nonsensical to describe exploration and production as 'separate'.
- **Finance.** There is concern that if the applicant company ceased trading, obligations to restore the site would not be met. If the Company went into liquidation during the exploration then the guarantees to restore would be worthless and how exactly would they restore centuries old pathways. The consortia putting forward this application are not exactly financially stable.
- **Missleading address.** The site area is not called Bury Hill Wood locally.
- **AONB.** The AONB is of national importance and should be protected. The development is contrary to AONB policy. We are the custodians of this beautiful area and have duty not to let speculators ruin it. Every weekend there are hundreds of families, ramblers, cross country bikes enjoying this location of Outstanding Natural Beauty. How could an oil rig be contemplated it is outrageous. There is a finite number of AONBs in the UK there are an infinite number of sites in the UK that may hold hydrocarbon reserves. Extracting hydrocarbon in an AONB is simply too great an impact and wholly unnecessary. Leith Hill is one of the last untouched AONBs in the South East and should be protected at all costs.
- **Unique part of England.** Such a unique area should be protected not exploited for commercial gain, industrial development wholly inappropriate in this setting.
- **AGLV.** The AGLV should be protected. The development is contrary to AGLV policy.
- **Visual Impact.** The development would be visually intrusive over a wide area. The visual impact of the drilling rig will blight the landscape not only during drilling and construction works but will leave a large scar on the landscape for many years. The view from the junction of Anstie Lane and Coldharbour Lane looking north is one of the finest landscapes in the south east of England, it will be ruined.
- **Metropolitan Green Belt.** The site is within the Green Belt, which should be protected. The development is contrary to Green Belt policy and no very special circumstances have been demonstrated. It is vandalism to spoil a Green Belt when there are so few of these areas left for people to enjoy.
- **Departure.** The development is contrary to the Development Plan – The South East Plan, the Minerals Local Plan and Mole Valley Plan.
- **National Policy.** The development is contrary to National Policy.
- **Ancient Woodland.** Ancient woodland is irreplaceable and should be protected. Habitat translocation is unsuitable for ancient woodland. Ancient woods provide a link to the primeval wood habitat that covered lowland Britain and are irreplaceable because of the interactions between plants, animals, soils, climate and people are unique.
- **National Need.** The development is small and is not of national importance. This can only be a minor pool of hydrocarbon, the importance to the nation of any discovery can only be miniscule at best. Exploration drilling cannot be justified simply because it would be advantageous to the UK to be more self sufficient without applying some quantitative threshold: if there is no prospect of an increase in self-sufficiency that is material and of lasting value, then the argument is worthless.
- **Alternatives.** The development should take place elsewhere. An alternative site should be used. There is no need to use this site in the AONB. The applicant's assessment of the others sites is simply not correct. They have compared the various sites inconsistently. The sites to the east are dismissed but they have much easier access to the A24 and A29.
- **Vehicle Movements.** The proposal will lead to an increase in traffic in the locality and will affect all of the Dorking area. The one-way system in Dorking already causes congestion. Local residents and shopkeepers and travellers on the busy A25 would all be inconvenienced.
- **Road Network.** The country lanes are totally unsuited to use by HGVs and are in poor condition already. The roads are narrow, steep and it is difficult to pass. There are blind bends. The impact of over a thousand HGV movements on Coldharbour Lane and Knoll

Road and the surrounding roads does not bear thinking about. It will cause great damage to the environment and inconvenience. It is also likely to endanger residents who may need emergency services.

- **Safety.** There are no pavements or street lighting on Coldharbour Lane. The proposal could lead to accidents.
- **Cyclists/Walkers.** Coldharbour Lane is well used by cyclists and walkers and the proposal would bring HGVs into conflict with cyclists.
- **Damage to Historic route.** Coldharbour Lane is a historic sunken lane that has inadequate capacity to accommodate the traffic generated by this development. There will be damage to the road surface and the steep banks and vegetation. The HGVs will cause the banks to become unstable and the historic trees will be damaged. Coldharbour Lane is forever being affected by landslips and falling branches from trees. The banks are fragile and will erode significantly as a result of the volume of traffic proposed. This type of attractive rural lane with its overhanging tree canopy is typical of lanes in the AONB. Many trees would have to be cut down and this would be a dreadful destruction of a unique eco-system. Widening the lane may be easy but replacing the trees that sit on the banks of the road will be impossible and therefore the beauty of this lane will be damaged forever.
- **Knoll Road.** Knoll Road is unsuitable for the proposed use. It is a residential road and the route used to The Prior School and Powell Corderoy School. It is a designated route for school transport. The junction with Coldharbour Lane and Ridgeway Road is dangerous. The proposal would result in severe disruption to residents of Knoll Road. Many residents have 2 or more cars and the road is narrowed by on both sides by these parked cars. Residents will not be able to get in and out of their drives. It would be awful having HGVs outside houses, with all the associated fumes and noise. There would be an impact on the vets practice based in Knoll Road. People would not be able to bring their animals to them.
- **Traffic Management Plan.** The traffic management and road closures are unacceptable. It would increase journey times, mileage and costs both financially and environmentally. The unmanned traffic lights round the blind and very narrow bend would lead to traffic backing up to the north and south. Logmore Lane is not a good place for HGVs to pass.
- **Disruption.** The development would cause major disruption to residents living along the access route. Access to properties must be maintained at all times particularly in terms of emergency vehicles, deliveries and services. Some residents rely on care workers. Milk deliveries, postal deliveries and rubbish collection will undoubtedly be interrupted. Residents do not necessarily use the lane at rush hour. Some work different hours or even work from home. Missing a train from Dorking to London or elsewhere could be damaging to people's income. When the road is closed what exactly would schoolchildren do for the 2 ½ hours between 15.30 when the schools close and 1800 hours.
- **Usage of single track lanes.** The proposal will lead to increase in usage of other single track lanes such as Anstie Lane, Broomhill Lane and Logmore Lane. This will inevitably cause damage to these lanes too and has safety issues.
- **Coldharbour Village.** Would cause major disruption to the Village of Coldharbour. Coldharbour is a village of 300 people. Coldharbour Lane is the main access road to the village and disruption to it will cause unacceptable loss of amenity and could cause life-threatening delay if emergency vehicles cannot use the lane. Residents do not want to see, hear or be aware of this disruption, noise and pollution 24/7. There would be severe loss of amenity for residents.
- **No positive effect.** Will have no positive effect on the residents and regular users of the area. It would have a detrimental impact on the village. The application would have a severe impact on the number of visitors to the area and therefore a negative impact on the local economic climate. Access to local businesses will be adversely affected, particularly the Plough Inn which depends on its weekend 'walker and mountain biker' trade. They will go somewhere else. There will be no real economic benefit as the majority of temporary workers will be oil industry specialists or contractors.

- **Damage the nature and character of the area.** Would have a profound effect on the nature and character of the area. The impact is just too great and once damaged it will not recover because Bury Hill Wood cannot be seen as 0.79 ha in isolation. It is part of a fragile and unique ecology.
- **Noise.** Will give rise to noise and unacceptable noise levels. It is unacceptable to have noise night and day. Due to the topography the hills around the village of Coldharbour act like an amphitheatre and noise is amplified. It is ridiculous to say that an industrial activity like oil exploration will not cause significant noise.
- **Dust.** Will give rise to dust and dirt. The large number of lorries required to construct and de-construct the site will throw up dust all along the approach route.
- **Light.** The proposal to have the site floodlit would cause light pollution and would be seen for miles around. The proposed site is intrinsically dark and the lighting will be out of keeping.
- **Vibration.** Vibration of traffic would shake properties and cause damage.
- **Water Pollution and instability** - The overlying rock is porous and there is some faulting of the underlying strata. There is a risk that drilling will cause oil to leak into the surrounding rock and pollute Kit Brook, Tillingbourne and Pipp Brook and that it could cause landslides. The stream close to the equestrian centre could become polluted. Leith Hill's aquifers provide a major source of water for 3 rivers the Mole, Arun and Tillingbourne. There have been many examples when puncturing aquifers in the search for oil and gas has resulted in contamination of underground water and dried up aquifers. The drilling could have an effect on the landslip area. There is an ongoing problem of landslips and during the last major landslip the area resembled an earthquake zone and the road was closed for months.
- **Climate Change.** The proposal is against the commitment to tackle climate change/global warming and renewable energy policy. Will encourage the use of fossil fuels. Should not be looking to further exploit non-renewable resources. The proposal is a classic case of short-termism – a short term financial gain at the expense of permanent damage to an environment that has taken over 1,000 years to evolve and it will make an unwelcome contribution to the global problem of rapid temperature rise. To allow development in an AONB it has to be in the national interest, but national policy is for renewables.
- **Emissions.** Could cause atmospheric pollution and the emissions could impact on air quality in the area. Drilling can involve releasing dangerous gases.
- **Ecology.** Would adversely impact on the wildlife and wildlife rich habitats in the locality, including the woodland and heathland. The area is home to lots of animals and birds. Badgers and bats use the area and there are several RSPB 'Red List' (endangered) creatures currently residing in the vicinity of Bury Hill Woods. This includes red kites, cuckoos, song thrush and long-tail mice. There are also several endangered flora species.
- **Permanent damage.** Would permanently damage a protected area, disturbance of landscape, wildlife and natural serenity. This development could affect much further afield than Coldharbour; it could be extremely detrimental to other parts of Surrey.
- **Peace and tranquillity.** The peace and tranquillity of the area would be destroyed and these are important attributes of the AONB. In today's busy world there is a need for natural areas that contribute to the quality of life, they offer peace and tranquillity and wonderful scenery.
- **Leith Hill.** Leith Hill is a popular destination for tourists and recreational users, which will be affected by visual impact and traffic congestion. The development will certainly affect the flora and fauna on Leith Hill. Some 600,000 people visit Leith Hill each year to enjoy the area. Leith Hill is a special place that deserves and needs preserving and protecting.
- **Leisure and tourism.** The development will impact on tourism and leisure activities and cause loss of amenity/seriously detract from the enjoyment of visitors to the Coldharbour area. Will have a detrimental impact on local services such as the Plough Inn.
- **Walkers/Cyclists** frequent and enjoy the area. Will impact on the rights of way and ability to roam and the noise levels at the footpaths/bridleways will adversely affect users.

- **CROW Act.** The land is defined as Open Access Lane under CROW Act. There is a duty under the CROW Act to protect AONBs.
- **Coldharbour Conservation Area.** The Conservation Area at Coldharbour Village would be compromised.
- **Historical Area.** The area is important historically. The development would impact on the Anstie Scheduled Ancient Monument.
- **Fire.** Poses a risk of fire – could ignite pine trees which are very flammable.
- **Management of Risk.** The application should include a Risk Register.

70 In addition to letters from individuals, letters of representation were also received from a number of groups and organisations and these are set out below. 34 proforma letters were received from the residents and staff of Pickering House and Harmsworth House, which is run by the Journalists' Charity for 26 residents requiring constant care and support. These houses are situated by the junction of Ridgeway Road, Knoll Road and Coldharbour Lane and the staff and residents fear that site traffic would:

- seriously affect staff getting to work
- delay deliveries of vital medication
- affect residents requiring hospital and medical appointments
- affect visits to the homes by residents, relatives and friends
- delay ambulances that may be called in an emergency
- cause additional noise and pollution which would disturb residents using the peaceful grounds bounded by Coldharbour Lane.

71 **National Trust**

Object. The National Trust considers that the proposal would have unacceptable adverse environmental impacts particularly in terms of landscape, visual amenity, traffic and access which cannot be satisfactorily mitigated, that there is no overriding national need and that it is contrary to government policy and the Development Plan. It is concerned that the applicant has not considered the wider impact on recreation only the closure of the site and that the proposal would result in an unacceptable impact on the amenity of local residents and visitors to the area. The Trust has stated that Coldharbour Lane is an unsuitable access route to the site as it is narrow, historic, sunken lane with inadequate capacity to accommodate the traffic to be generated. The proposal is likely to result in damage to the lane and present danger to other road users, particularly walkers, cyclists and horseriders.

72 **Westcott Village Association**

Strongly object on the grounds that :

- the site is in the AONB,
- HGV movements via Coldharbour Lane through Dorking,
- noise and light pollution and 24 hour working.

The Association has recently reiterated their strong objection following the submission of further information.

73 **Rudgewick Preservation Society**

Strong objection to the application in an AONB, the impact on the area would be devastating and would destroy its character and beauty. There would be an obvious increase in traffic, noise and light pollution and the amenities of those who live there would be lost forever. The submission of further information did not change the opinion of the Society who reiterated its objection.

74 **Campaign to Protect Rural England (Surrey) (CPRE Surrey)**

Object. The proposal to drill at Coldharbour is fundamentally flawed. CPRE Surrey object for the following reasons:

- There is no evidence in the application of measures to protect the landscape for its own sake. The evaluation of alternatives is poor.
- The development is not strategically significant it is a speculative commercial development in the AONB. The oil and gas produced by the geologically associated fields is minute accounting for some 0.1% of the crude oil processed by UK refineries. The possibility that this single prospect could result in a significant hydrocarbon discovery is remote and does not meet the test of demonstrating 'exceptional circumstances'. By contrast the harm to the Green Belt, AONB and AGLV would be immense, especially when the access damage caused by HGV traffic to picturesque narrow country lanes, the disturbance, road safety and hindrance to local communities and the negative impact on visitor tourism and outdoor recreational activities is not taken into account.
- The proposal would have an obtrusive visual impact both by day and night through the presence of lighting. The noise impact assessment is unsatisfactory. The application appears to make qualitative observations on noise limitation but there is little detail on how these levels would be achieved.
- Coldharbour Lane is narrow and not designed for HGVs. The 10% increase in traffic downplays the scale, intrusion and damage HGVs would cause. It is CPRE's view that it would be impossible to restore Coldharbour Lane to its present rural character on completion of the work envisaged.
- The site selection process is wholly inadequate for such sensitive landscape and access. A more accessible and less sensitive site should be selected regardless of the extra cost and time issues involved. There is no analysis of alternative sites beyond the applicant's declared maximum 1600 m horizontal radius. CPRE Surrey urges SCC to refuse the application as it stands and to insist that the applicant undertakes an extensive study of all possible sites within at least 3 km from the subsurface target. It should be possible to identify a more appropriate drilling site with better HGV access outside the AONB.

In its response on the latest submission of further information, CPRE Surrey have summarised their grounds for opposition to the development as:

- It is not strategically significant.
- Its is a speculative commercial development in the AONB.
- No analysis of alternative sites beyond the applicant's declared maximum 1600 m horizontal radius.
- An unsatisfactory noise impact assessment.
- Permanent damage to a picturesque sunken land.
- Road safety and hindrance considerations for those who use of visit Coldharbour Lane.

CPRE Surrey compares the project to appraisal drilling at Albury particularly in relation to the ability to carry out step out drilling and noise impacts.

#### 75 **Leith Hill Action Group (LHAG)**

Strongly objects to the application, which it states has been ill researched and is based on fallacious arguments. The Action Group made representations in April 2009, January 2010 and in April 2011. The grounds for objection given in the initial response are as follows:

- **AONB.** The AONB should be protected and development only allowed in exceptional circumstances and those of national importance, where all the environmental issues have been mitigated. There is no evidence that these proposals are of national importance, and exceptional circumstances have certainly not been demonstrated.

- Traffic & Access.** The account of the access route's suitability, capacity and road safety is misleading. Coldharbour Lane has developed from an ancient trackway and is steep, narrow and has blind bends. Its surface, foundations, verges, adjacent banks and overhanging ancient trees would be irreparably damaged by the site traffic. The applicant states there would be 1054 HGV movements and 1088 associated traffic movements. This could result in damage from 18 weeks of site traffic being equivalent to 11 years of normal traffic. The traffic management scheme to mitigate access and safety problems is complex and unacceptable and would result in traffic delays (of perhaps 15 minutes at a time). Closure of the road for 2 or 3 days is unacceptable and the diversion of traffic onto nearby single-track roads will cause unacceptable traffic hazards. Traffic flows in Dorking would be likely to be brought to a standstill on many occasions. The quality of life and amenities of Coldharbour residents would be unacceptably diminished by the traffic management and road closures, and lives may be put at risk by delays to emergency services. The quality of life of residents in Knoll Road, would be unacceptably compromised. The 3 way junction of Knoll Road, Ridgeway Road and Coldharbour Lane is dangerous and the safety of pedestrians would be compromised. The huge increase in traffic would potentially endanger cyclists, horse riders and motorists using Coldharbour Lane.
- Alternative Sites.** The applicant has not provided evidence of why operational constraints require directional drilling to be within 500 – 600 metres of the target zone. The barriers to development identified for the alternative sites apply equally to the proposed site other than an existing 260 metre trackway of compacted hardstanding, which would reduce the establishment costs. The applicant has publicly stated that if oil or gas were found, the company would develop in a less sensitive area with better access to the A24. The only reason for using the exploratory site (and causing irreparable damage, safety hazards and extreme inconvenience to hundreds of people) would seem to be one of cost.
- Ecology and Biodiversity.** Insufficient information has been submitted. The submitted information lacks proper research techniques, is out-of-date and no research has been undertaken on the effect on trees at the site or in Coldharbour Lane. The 2005 assessment was undertaken on an area which is smaller than the proposed site. Some species are legally protected by the CRoW Act 2000. The mitigating measures proposed should be monitored and enforced, should the application be approved. The SSSI at nearby Leith Hill should not be subjected to the outputs of oil drilling.
- Visual Amenity and Effect on the Landscape.** The survey on visual amenity is inevitably subjective. The rig would be 50 metres above the adjacent valley with a 35 metre mast and strobe light and would be seen by residents and from surrounding beauty spots. No reference is made to the projected tree-felling (Forestry Commission) which will further expose the site. No distinction is made between the daytime and night time effect on residents and fauna.
- Environmental Pollution.** The analysis relating to oil polluting the local aquifer lacks scientific objectivity. The proposal to contain contaminating liquids is flawed. Inadequate account has been taken of the intrinsically dark landscape. Noise and vibration will impact on local residents (520 metres away) and on flora and fauna, drilling on a 24/7 basis would be totally intrusive and unacceptable. The effect of noise and vibration on the banks of Coldharbour Lane has not been investigated. The impact of dust and fumes on air quality has not been adequately covered and local residents and flora and fauna would be seriously and unacceptably affected.
- Heritage.** Nearby sites of archaeological interest include Anstiebury Camp – a Scheduled Ancient Monument and Stane Street – a Roman Road. The applicant should undertake trial pit excavations, plus a full archaeological investigation and subsequently undertake a watching brief. None of these steps are proposed. The development would

have a negative impact on the Coldharbour Conservation Area. There are several Listed buildings close by; consideration should be given to preserving their setting.

- **Impact on Recreation.** Coldharbour and Leith Hill area is visited by 618,000 people every year. The activities of walkers, ramblers, dog walkers, horse riders, mountain bikers, cyclists and other groups would be affected by the unnatural intrusion of an oil rig. The traffic management scheme and road closures would deter or prevent many of these visitors.
- **Socio Economic Factors.** The claim of an indirect impact of increased expenditure is not substantiated. The claim that there would be a short-term minor impact on the local labour market for haulage and construction work seems optimistic.
- **Site Restoration.** No proposal is given regarding the removal of the hardcore material which would form the base of the site, nor the re-planting of trees in a suitable growing medium. If planning permission is granted an adequate financial bond should be required to ensure restoration should the applicant default.
- **Further Development.** As the site is in an AONB some indication should be given of any future long term effects that might arise if hydrocarbon extraction is found to be viable.

LHAG provided a response to the initial Regulation 19 submission publicised in December 2009. The Group still strongly objected to the application stating that their concerns have not been addressed and that the site is completely inappropriate and goes on to state that:

- The alternative sites have not been studied in sufficient detail; several would have significantly less impact on flora, fauna, residents and visitors and would not give rise to such significant traffic problems and hazards.
- The traffic amendments ignore key issues and facts and make false assumptions. LHAG has made an analysis of the impact of vehicles on Coldharbour Lane and conclude that the applicant's swept path survey was inadequate, the requirement to cut back trees has been understated, the fragility of the road foundations and banks has been underestimated
- The ecological surveys are inadequate and there is no consideration of impacts on wildlife adjacent to Coldharbour Lane.
- The effect on views is focussed on static views and ignored the effect on visitors.
- The impacts from lighting are significant for residents and visitors, but also wildlife.
- The noise impacts are understated and the interpretation of regulations questionable.
- The vibration assessment is non-existent.
- The potential effects on watercourses are serious.

LHAG states that a S106 Agreement is required and requests to be consulted on and involved in the Legal Agreement process. They have set out terms and requirements for a legal agreement. They are:

- A bond to secure remediation of the site and highways including banks;
- Funding to support the mountain biking pathways and facilities development by the Surrey Hills Society;
- Resurfacing of the entire highway from Knoll Road to the Plough Inn public house;
- Replanting of trees on a ratio of 1 tree lost to 25 semi mature trees planted;
- Weekly consultation meeting with residents for 4 weeks prior to work commencing and continuing on a weekly basis until completion;
- Provide local employment for up to 10% of the labour force on site;
- Provision a telephone hotline manned 24/7 during the works;
- Provide contributions to the Village Society, finalise payments for the cricket pavilion re-development, church refurbishment and village hall re-development.

*(Officers Comment: LHAGs requirements in terms of a legal agreement are covered under the section entitled Other Issues towards the end of the report.)*

A representation submitted by LHAG dated 11 April 2011 focussed on the application site's location in the Green Belt and the need for the development. The Group consider that the development is inappropriate development and that very special circumstances should be shown. They state that any other harm should be clearly outweighed by other considerations and they feel the harm includes all the elements of harm that LHAG and many others have identified in their representations, some of which may be temporary and others they feel, would be permanent. LHAG question the need for the development and states that The South East Plan 2009 makes it clear that hydrocarbon production in Surrey is not of regional significance and therefore it cannot be of national significance. LHAG have assessed the scale of potential oil or gas from a UK onshore field and have come to the conclusion that *'this prospect has a one in thirty chance of producing one two hundredth part of one per cent of oil and gas demand'*.

The LHAGs latest representation dated 14 April 2011 states that they continue to object most strongly to this application. The Group maintains that on many counts the application remains ill researched and based on spurious argument. They do not believe the necessary impact assessments have been undertaken and the representation criticises the information provided, or not provided, in terms of traffic and transportation, particularly covering road conditions and the traffic management scheme. LHAG say that the applicant has provided no evidence of a robust, detailed and consistent analysis of the many factors to be taken into account in the selection of the best available site and believe the applicant is seeking to minimise costs. The ecological information provided is criticised for not having addressed flaws and LHAG states that the Planning Authority does not have adequate information on which to make an informed decisions in line with PPS9. Similarly, LHAG has concerns regarding the information provided by the applicant on hydrology, lighting and noise. LHAG consider a financial bond should be required before work commences against the cost of reinstating the proposed site and damaged highways. They go on to say that *'unfortunately it would be impossible to reinstate the embankments and ancient trees alongside Coldharbour Lane'*.

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## PLANNING CONSIDERATIONS

### Introduction

- 76 The application site lies within the Metropolitan Green Belt within a plantation area of Forestry Commission land. Part of the site is identified as an area of Ancient Replanted Woodland. The drillsite would be located approximately 2 km from Leith Hill Tower and some 700 metres from the Coldharbour Village and approximately 512 m from the Coldharbour Conservation Area on land within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). As the proposal involves development inconsistent with the primary aim of conserving or enhancing the AONB, the application falls to be considered as a Departure from the Development Plan.
- 77 Access to the site is via Coldharbour Lane, a narrow rural lane, which at its southern end is bounded by high banks. When assessing this application consideration will need to be given to the potential impacts arising from gaining access to the proposed site, the construction and reinstatement of the drillsite and the drilling and testing activity, both in terms of the closest residential properties and the local environment and amenities.

### The Statutory Development Plan

- 78 Oil and gas developments fall within the definition of 'mineral development' and as such, the County Council as Minerals Planning Authority (MPA) has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise.



In this case, the statutory Development Plan consists of The South East Plan 2009 which is the adopted regional spatial strategy (RSS) for the South East region, the saved policies of the Surrey Minerals Local Plan 1993 and the Mole Valley Local Plan 2000, along with the Mole Valley Local Development Framework Core Strategy 2009. The Surrey Structure Plan 2004 ceased to have effect when the South East Plan was published by Government on 6 May 2009.

- 79 In May 2010 the Government announced its intention, through the Localism Bill, to abolish Regional Spatial Strategies (RSSs) (i.e. The South East Plan 2009), which would mean that the South East Plan would no longer form part of the Development Plan. By letter dated 6 July 2010 the Secretary of State revoked RSSs. That decision was subsequently challenged by Cala Homes and quashed by the High Court on 10 November 2010, whereupon Government advised local authorities to continue to attach considerable weight to its intention to abolish RSSs. That advice was, in turn, challenged by Cala Homes on the ground that the Government's intended revocation of RSSs is legally immaterial to the determination of planning applications. On 7 February 2011 the High Court rejected Cala Homes' second challenge to the ministerial advice, and dismissed the argument that the intention to abolish regional strategies was not capable of being a material condition, and held that the Government's letter dated 27 May 2010 and subsequent November 2010 statement were lawful. The weight to be attached to the South East Plan 2009 is, in the light of the intention to abolish RSSs, a matter for planning authorities to decide. On 24 February 2011, Cala Homes were granted permission to appeal the judgment of 7 February 2011 by the Court of Appeal. The appeal was to be heard on 5 May with a decision reserved until a later date.
- 80 The Localism Bill was introduced to Parliament on 13 December 2010 (including provision for the abolition of RSSs) and is programmed to receive Royal Assent in November 2011 and come into force in April 2012. Addressing themselves to these matters in the light of Cala's second challenge, including the fact that there is a pending appeal of that decision, Officers do not consider that the issue of weight attributable to the RSS is of significance in respect of this particular application because there do not appear to be any conflicts between the South East Plan 2009 and relevant national planning policy and the Surrey Minerals Local Plan 1993 in particular; and they have therefore proceeded to report simply on the basis of the development plan as it stands, i.e. including The South East Plan 2009.
- 81 The adopted Surrey Minerals Local Plan 1993 is in the process of being reviewed. The Surrey Minerals Plan Core Strategy Development Plan Document (DPD) and the Primary Aggregates DPD, has progressed such that some weight, albeit limited weight, can be attached to the Core Strategy and the policies contained within it. The documents were submitted to the Secretary of State in June 2010 and the hearing sessions for the Core Strategy and the Primary Aggregates DPD have now taken place. It is currently anticipated that the Inspectors Report will be published in May 2011.
- 82 In determining the application the County Council should also have regard to any relevant European and National policy, relevant Planning Policy Guidance Notes (PPGS), Planning Policy Statements (PPSs) Minerals Planning Guidance Notes (MPGs) and Minerals Policy Statements (MPSs) and any other material considerations.

#### **Key Issues**

- 83 The main issues on which the Authority will need to be satisfied on when determining this application are:
- compliance with policy;
  - the possible harm to the Surrey Hills AONB;
  - the acceptability of the proposal in terms of environmental and amenity issues;

- 84 The Planning Considerations section of the report is broken down into six sections although there are some linkages between the sections and policy issues. The sections are:
- Need for Hydrocarbon Development
  - Consideration of Alternatives
  - Metropolitan Green Belt
  - Highways, Traffic & Access
  - Environment & Amenity
  - AONB/AGLV and Visual Impact
  - Other Issues.
- 85 The key issue is whether the proposal can meet the strict policy tests which would enable it to be judged acceptable in terms of the AONB. The AONB section of the report has a clear linkage with the Highways and Traffic Section, which considers the possible harm to Coldharbour Lane, a partly, sunken lane (hollow way), which is a feature of the AONB. Members need to be satisfied that there are exceptional circumstances and that the development is in the public interest. The rigorous examination of the proposal includes assessment of such issues as *'the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way; any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.'* MPS1 para 14. The need for the development is covered the first section of the report as the need, including national considerations, is a key policy test in terms of whether the development could be acceptable. Consideration of alternatives is also a key policy test in terms of the AONB assessment and this section follows on from need.
- 86 The site is located in the Metropolitan Green Belt and as a mineral activity it may not be inappropriate development in the Green Belt provided high environmental standards are maintained and the site is well restored. The assessment of the proposal against Green Belt policy is then assessed with environmental, amenity and restoration issues covered in the later Environment and Amenity Sections of the report and brought together in the conclusion.
- 87 One of the most controversial aspects of the proposal as far as the public is concerned is the vehicle routing through the residential road Knoll Road and the historic route of Coldharbour Lane. The Highways Traffic and Access section of the report assess the impact and traffic that would arise from the proposal, highway capacity and safety issues and the proposed Traffic Management Plan which will inevitably have some impact on local residents and users of these roads.
- 88 Following on from this, the proposal's acceptability in terms of its effect on the local environment and amenity is examined. This section covers whether high environmental standards could be maintained during operation and the site could be well restored to a forestry afteruse and the potential for detrimental effects on the environment and recreational opportunities. The issues covered are ecology, noise, lighting, air quality, pollution, recreation, heritage and restoration.
- 89 Issues relating to the AONB/AGLV and visual impact are considered towards the end of the report. This section examines the proposal in relation to the conservation of the natural beauty of the landscape and countryside and includes an assessment of whether exceptional circumstances exist. In doing this the AONB/AGLV and visual impact section draws on some of the issues such as recreation and traffic covered earlier in the Environment and Amenity and Highway and Traffic sections of the report.
- 90 Finally Human Rights issues are considered and the conclusions drawn.

**Licensing**

- 91 The European Union's Hydrocarbon Licensing Directive Regulations 1995 laid down the rules to follow when issuing licenses for prospection, exploration and production of hydrocarbons. The Directive was implemented in the UK by means of the Hydrocarbon Licensing Directive Regulations 1995 (SI 1434 1995).
- 92 The Petroleum Exploration and Development License (PEDL) issued by the Department of Energy and Climate Change (DECC) under powers granted by the Petroleum Act 1998, covers all the three stages of oil and gas development – exploration, appraisal and production. A license does not confer any exemption from other legal/regulatory requirements, such as the need to gain access rights from landowners, health and safety regulations, or planning permission. Once a PEDL has been granted, planning permission must be obtained before DECC will authorise the drilling of wells, installation of facilities, or the development of an oil or gas field. Consent to drill is obtained from DECC via the Petroleum Operations Notice (PONS) approval process or the web-based Web Operations Notification System (WONS).
- 93 Both the Health and Safety Executive and the Environment Agency have regulatory roles to play in relation to the proposed development under The Borehole Sites and Operations Regulations 1995 and the established pollution control regime. The existence of a PEDL does not absolve Mineral Planning Authorities (MPAs) from seeking to control development in accordance with the appropriate planning legislation and guidance.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 94 The Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997. Schedule 2 of the EIA Regulations identifies the types of development for which EIA may be required. Consideration of whether a project triggers the need for EIA includes thresholds and criteria and other circumstances such as location within or very close to a 'sensitive area' as defined in the Regulations. In each case the key question is whether or not the project would be likely to give rise to significant effects on the environment of the location concerned.
- 95 Prior to submitting this application, the applicant sought a Screening Opinion under Regulation 5 of the EIA Regulations 1999. Exploratory deep drilling would not normally require EA unless the site is in a sensitive area or unless the site is unusually sensitive to limited disturbance occurring over the short period involved. 'Sensitive areas' include areas designated as AONB. In this case, given the location within the Surrey Hills AONB and the potential impact of HGV traffic on the local road network and the construction and operation effects of the use, it was considered likely that the proposal would give rise to significant environmental effects as defined by the Regulations. To that effect, this Authority adopted a Screening Opinion on 23 May 2006 that the proposed development was EIA development and as a result, an Environmental Statement (ES) accompanies this application.
- 96 The adequacy of an ES is judged on its compliance with the requirements identified in Part 1 and Part II of Schedule 4 of the EIA Regulations 1999. The EIA Regulations state that an ES must at the very least include the information referred to in Part II of Schedule 4 and include such information in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile.
- 97 The ES provides an assessment of effects in relation to transportation, ecology and biodiversity, visual amenity, lighting, noise and vibration, hydrology and hydrogeology,

archaeology, other environmental effects and socio economic effects. Having reviewed the ES a request was made for further information to complete the ES under Regulation 19 of the EIA Regulations on 30 April 2009. The applicant made a formal submission of the information in November 2009, which comprised of revised ES chapters 4 (Alternative Sites) and Appendix 1 & 2; 7 (Traffic & Transportation); 8 (Ecology & Biodiversity); 9 (Visual Amenity); 10 (Lighting); 11 (Noise & Vibration) and new appendices and also included an addendum to Chapter 12 (Hydrology & Hydrogeology).

- 98 Further information has been more recently submitted to complete the ES which included a further revision of Chapter 7 (Traffic and Transportation), Chapter 11 (Noise and Vibration) and appendix along with further information in respect of ecology, lighting, hydrology and hydrogeology. At that time some information was missing from the submission in terms of ecology, noise and traffic counts and this was duly submitted in March 2011. In each instance the further information was duly publicised and a further consultation took place in accordance with the requirements of the Regulations.
- 99 The submitted ES and the subsequent Regulation 19 submissions have been reviewed by the County's Environmental Impact Assessment Team. The conclusion of the review is that the ES now contains sufficient information and has assessed the impacts of the proposed development sufficiently to be considered adequate, and is compliant with Part I and II of Schedule 4 of the EIA Regulations 1999.
- 100 The environmental factors considered through the EIA process, and Officers assessment of the issues raised, are considered under the following headings:

Consideration of Alternatives  
 Highways, Traffic and Access  
 Noise  
 Lighting  
 Air Quality  
 Pollution  
 Ecology  
 Rights of Way/Recreation  
 Archaeology  
 AONB/AGLV & Visual Impact.

## NEED FOR HYDROCARBON DEVELOPMENT

### ***National Guidance***

Minerals Policy Statement 1 (MPS1) Planning and Minerals  
 Planning Policy Statement 1 (PPS1) Delivering Sustainable Development  
 Planning Policy Statement 22 (PPS22) Renewable Energy

### ***South East Plan 2009 (SEP 2009)***

Policy CC1 Sustainable Development

### ***Surrey Minerals Local Plan 1993 (SMLP 1993)***

Policy 15 Exploratory Drilling for Hydrocarbons

### ***Proposed Surrey Minerals Plan Core Strategy Development Plan Document (SMPCS DPD)***

Policy MC12 Oil and Gas Development

- 101 The applicant is seeking a temporary consent for exploration of the Holmwood Prospect, which has been identified through seismic survey. Exploration would establish the presence, extent and viability of any hydrocarbon reserves. Evidence of either oil or gas can be found within a hydrocarbon reserve and consequently the policy and need section of this report will refer to both gas and oil.

## European and National Policy Context – Energy & Climate Change

- 102 In recent years one of the national energy policy goals has been to ensure that the United Kingdom (UK) has secure and affordable energy supplies which are seen as vital to its future prosperity and security. Nevertheless, the UK's energy and climate change policy is influenced by decisions taken in Europe and as the importation of oil and gas increases, so does the influence of international issues. This section of the report describes the European policy objectives for energy and climate change and the relevant legislative and policy framework that has been put in place to take forward energy policy in the UK.
- 103 Aiming to address the energy challenges of sustainability and greenhouse gas emissions as well as security of supply, import dependence and the competitiveness and effectiveness of the internal energy market, a new European Energy Policy was proposed by the European Commission (EC) in January 2007. In terms of a secure energy supply, minimising vulnerability in relation to imports, shortfalls in supply, possible energy crises and uncertainty, were seen as a priorities to address.
- 104 The concern about delivering secure, sustainable energy at affordable prices whilst moving towards a low carbon economy, led the EC to publish a 'Security and Solidarity Action Plan' in November 2008 which focussed on improvements to the energy supply of the European Union (EU) by:
- promoting investment in energy infrastructure, both to increase interconnection between Member States and to diversify the types, sources and routes of the EU's energy supply;
  - strengthening the EU's external energy relations with important energy producers and consumers;
  - improving Europe's ability to respond to disruptions to supply;
  - increasing the EU's energy efficiency;
  - making better use of the EU's indigenous resources. (This includes sustainable use of fossil fuels).
- 105 The European Union Climate and Energy Package December 2008 commits members of the EU to reducing greenhouse gas by 20% (compared to 1990 emissions) by 2020. The Package has four parts and covers the:
- EU Emission Trading System Directive 2009/29/EC
  - Greenhouse gas effort sharing decision No 406/2009/EC
  - Renewables Directive 2009/28/EC
  - Carbon Capture and Storage Directive 2009/30/EC
- 106 The issues being raised in Europe were taken forward in the UK's Energy White Paper 'Meeting the Energy Challenge' published on 23 May 2007 (2007 Energy White Paper). 'Meeting the Energy Challenge' built on the 2003 Energy White Paper and the Energy Review 2006, all of which were issued by the Government as statements of policy providing background to the development of UK energy policy.
- 107 It is recognised in the 2007 Energy White Paper that '*energy is essential in almost every aspect of our lives, as well as for the success of our economy*'. The 2007 Energy White Paper set out the Government's response to the long term energy challenges posed by the need to tackle climate change and reducing CO<sup>2</sup> emissions, and ensuring that the country has secure, clean and affordable energy supplies. The four energy policy goals in the White Paper are to:
- cut emissions by some 60% by about 2050, with real progress by 2020;
  - maintain the reliability of energy supplies;
  - promote competitive markets in the UK and beyond;

- ensure that every home is adequately and affordably heated.
- 108 It is recognised in the 2007 Energy White Paper that as around 90% of the UK's energy needs are met by oil, gas and coal, even though renewables and low carbon technologies will have an increasing role, fossil fuels will continue to be the predominant source of energy for some decades. As a consequence appropriate Government policies support the market for fossil fuels, *'to ensure reliable supplies of these fuels at competitive prices to people and businesses'*. The Government's summary of measures for oil, gas and coal are set out on page 124 of the 2007 Energy White Paper:
- 'Our policies recognise the continuing importance of fossil fuels in maintaining reliable and affordable energy supplies, but aim to manage our reliance on them, their potential environmental effects and the risks associated with higher levels of import dependency by:'*
- *'encouraging energy efficiency to reduce the use of fossil fuels...'*
  - *'supporting and maximising economic production of fossil fuels in the UK...'*
  - *'ensuring effective energy markets at home and abroad...'*
- 109 The Energy Act 2008 implements the legislative aspects of the 2007 Energy White Paper. The Energy Act reflects the changing requirements for security of supply infrastructure and adequate protection for the environment and the UK's population as the energy market changes. The Government's intention was that along with the Planning Act 2008 and the Climate Change Act 2008, the Energy Act would ensure that legislation underpins the long term delivery of the UK's energy and climate change strategy.
- 110 Legally binding emission reduction targets were set in the Climate Change Act 2008. The Act established a long-term framework to tackle climate change which includes five yearly carbon budgets to help insure that targets are met. These set a cap on the total quantity of greenhouse gas emissions emitted in the UK over a specified time whereby if emissions in one sector rise, reductions in another sector will have to be achieved. The transition to a low carbon economy is being underpinned by several strategies. The UK Low Carbon Transition Plan, the National Strategy for Climate and Energy (The Transition Plan) 2009 outlined policies and proposals that will be put in place to reduce carbon emissions by 2020. The Transition Plan is supported by the Renewable Energy Strategy, the Low Carbon industrial Strategy and Low Carbon Transport: A Greener Future. In addition a draft Carbon Plan setting out what has to happen and by when to meet domestic carbon targets and encourage greater action internationally was launched in March 2011. Some key measures in the Transition Plan are implemented by the Energy Act 2010 which has provisions on delivering financial incentives for carbon capture and storage, mandatory social price support, measures aimed at ensuring energy markets are working fairly for consumers and delivering secure and sustainable energy supplies.
- 111 The UK has signed up to the EU Renewable Energy Directive 2009/28/EC, which sets individual targets for each member state. The UK's target is to source 15 % of energy (electricity, heat and transport) from renewable sources by 2020. This target is included in the UK Renewable Energy Strategy published in 2009, which sets out how renewable energy can be increased to help tackle climate change and help secure the UK's future energy supplies. It is estimated that the Strategy will *'contribute to the security of energy supplies in the UK through reductions in our demand for fossil fuels of around 10%, and gas imports by between 20 – 30% against our forecast use in 2020.'* (para 5.1).
- 112 The Government's commitment to produce Annual Energy Statements of energy policy to Parliament led to the production of the first statement on 27 July 2010. The Statement sets out the outline of a programme and timetable for decisions in four key areas. The second area is *'Delivering secure energy on the way to a low carbon energy future'*, alongside such issues as working for secure, low carbon energy on the international stage;

developing low carbon forms of heat and technology-specific actions, is the issue of securing oil and gas supplies.

113 It is acknowledged in the 2010 Annual Statement that the UK's '*energy security is heavily dependent on international developments*' with 8% (net) oil currently being imported which is anticipated to rise to in the region of 45 to 60% by 2020. The Statement reiterates that '*the UK's own indigenous supplies of oil and gas remain important*'. (Page 9). The Statement sets out a total of 32 action points with action points 10, 11 and 12 specific to oil and gas. Action 10 covers offshore oil and gas drilling but action points 11 and 12 are as follows:

- Action 11 '*In the forthcoming Energy Security and Green Economy Bill, we will seek to ensure that access to UK oil and gas infrastructure is available to all companies. This will help the exploitation of smaller and more difficult oil and gas fields, allowing use to make the most of our natural resources.*'
- Action 12 '*We will introduce further measures on gas security as promised in the Coalition Programme for Government. In the future, we need more gas storage capacity, more gas import capacity, and greater assurance that our market will deliver gas when it is needed. This means that our gas market arrangements must have a sharper focus on increased flexibility and resilience*'.

114 In addition to the Annual Energy Statement the Department of Energy and Climate Change (DECC) produce quarterly energy statistics. The latest energy trends were published in December 2010 and cover the third quarter of 2010. Detail from this publication is referred to later in the report.

115 The Energy Bill 2010 introduced into the House of Lords in December 2010, has three principal objectives: to tackle barriers to investment in energy efficiency, enhance energy security and enable investment in low carbon energy supplies. The Bill seeks to provide for some key elements of the Government's Programme for Government and the Annual Energy Statements referred to above.

### **National Policy Context – Planning Policy**

116 Planning Policy Statement 1 – Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The four aims for sustainable development are:

- Social progress which recognises the needs of everyone;
- Effective protection of the environment;
- The prudent use of natural resources; and
- The maintenance of high and stable levels of economic growth and employment.

117 According to PPS1 the prudent use of natural resources means enabling more sustainable consumption and production and using non-renewable resources in ways that do not endanger the resource or cause serious damage or pollution. Furthermore, the broad aim should be to ensure that outputs are maximised whilst resource use is minimised.

118 'Planning and Climate Change' was issued as a supplement to PPS1 in December 2007, and sets out how planning should contribute to reducing emissions and stabilising climate change. The Government views the planning system as having a key role to play in contributing towards a reduction in emissions and stabilising climate change. To deliver sustainable development the PPS1 Climate Change Supplement 2007 sets out in para 9 a number of key planning objectives and states that planning authorities should prepare, and manage the delivery of spatial strategies that amongst other things should:

- make a full contribution to delivering the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability;
  - in providing for the homes, jobs, services and infrastructure needed by communities, and in renewing and shaping the places where they live and work, secure the highest viable resource and energy efficiency and reduction in emissions.
- 119 When determining applications, planning authorities should adhere to certain principles. These include:
- *'Information sought from applicants should be proportionate to the scale of the proposed development, its likely impact on and vulnerability to climate change, and be consistent with that needed to demonstrate conformity with the development plan and this PPS.'*  
Para 11
- 120 Good design is seen as a key element in achieving sustainable development and PPS1 encourages the use of Design and Access Statements (DAS) to demonstrate how development would contribute to key planning objectives. As a mining operation this application does not require a DAS.
- 121 Government policy on renewable energy is set out in Planning Policy Statement 22 'Renewable Energy' (PPS22) issued in August 2004 and recognises that increased renewable energy is vital to deliver commitments on climate change and renewable energy.
- 122 Minerals Policy Statement 1 (MPS1) 'Planning and Minerals', which was issued in November 2006 along with an accompanying Practice Guide, aims to ensure that the adequate and steady supply of minerals needed by society and the economy is provided in accordance with the principles of sustainable development.
- 123 In the introductory paragraph to the MPS1 it is recognised that minerals are essential to the nation's prosperity and quality of life. It goes on to state that *'In order to secure the long-term conservation of minerals it is necessary to make the best use of them'*. It is also acknowledged that *'Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflict can therefore arise between the benefits to society that minerals bring and impacts arising from their extraction and supply.'*
- 124 At paragraph 9, MPS1 sets out the Government's twelve objectives for mineral planning, these objectives include:
- To ensure, so far as practicable, the prudent, efficient and sustainable use of minerals thereby minimising the requirement for new primary extraction;
  - To conserve mineral resources through appropriate domestic provision and timing of supply;
  - To safeguard mineral resources as far as possible;
  - To secure working practices, which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;
  - To protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances;
  - To maximise the benefits and minimise the impacts of minerals operations over their full life cycle; and
  - To protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses.



- 125 National planning policy on the planning control of onshore oil and gas and underground gas storage is contained in Annex 4 of MPS1. Annex 4 distinguishes between the three stages of activity associated with mining hydrocarbons: exploration, appraisal and production, each of which requires a separate planning permission. MPS1 is clear that each stage should be considered separately *'There should be no presumption in favour of consent for subsequent stages if an earlier stage be permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal of an earlier stage.'* (Annex 4 para 3.2).
- 126 Exploration in this case involves the drilling of a well and investigation of the potential resource. Para 3.8 of Annex 4 of MPS1 states that the developer ... *'should not be expected to provide a firm development programme before full appraisal has taken place'*. It goes on to state that *'policies should indicate that, subject to the effects on the environment being appropriately addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for exploration may be favourably considered.'*
- 127 The Government's energy policy is set out in MPS1 Annex 4 section 2. In para 2.2 the Government's short to medium term aim is set out. This includes to *'maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'*. In February 2010 The Department of Energy and Climate Change (DECC) confirmed that this aim remains current and valid.

### Development Plan Policy

- 128 In line with national policy, the South East Plan 2009 (SEP 2009) adopts a resource management approach and highlights the careful use and creation of energy supplies as a key challenge for the region. Policy CC1 Sustainable Development sets out the sustainable development priorities for the South East as:
- *'achieving sustainable levels of resource use*
  - *ensuring the physical and natural environment of the South East is conserved and enhanced*
  - *reducing greenhouse gas emissions associated with the region*
  - *ensuring that the South East is prepared for the inevitable impacts of climate change*
  - *achieving safe, secure and socially inclusive communities across the region....'*
- 129 The SEP 2009 provides regional policies relating to energy efficiency and renewable energy but no specific regional policies regarding hydrocarbon development. It is however, recognised in the Plan that *'oil is currently being extracted under Hampshire and Surrey'* but it is left to Mineral Planning Authorities with such resources within their area, to consider these as part of their plan making function.
- 130 The Surrey Minerals Local Plan 1993 (SMLP 1993) includes a chapter and policies on hydrocarbons. Paragraph 5.17 recognises that oil and gas are different in planning terms from other minerals and that there is some limited flexibility in the location of wellhead sites that are small in relation to the extent of the deposit. Policy 15 'Exploratory Drilling for Hydrocarbons' states that drilling operations for hydrocarbons will *'be permitted only where the County Council are satisfied that in the context of the geological structure being investigated the proposed site has been selected so as to minimise the environmental and ecological impact of the development'*.
- 131 The Surrey Minerals Plan is currently in the process of being reviewed and the hearing sessions for the Surrey Minerals Plan Core Strategy and Primary Aggregates Development Plan Document (DPD) have recently taken place with the Inspector's Report expected in May 2011. It is proposed that a conventional oil and gas development policy (MC12 Oil and Gas Development) will be included in the Surrey Minerals Plan Core Strategy DPD. The proposed policy states that *'Planning applications for drilling boreholes for the exploration, appraisal or production of oil or gas will be permitted only where the*

*mineral planning authority is satisfied that, in the context of the geological structure being investigated, the proposed site has been selected to minimise adverse impacts on the environment. The use of directional drilling to reduce potential environmental impacts should be assessed’.*

- 132 The environmental and ecological impacts of the development will be covered under the individual headings within the remainder of this report. The applicant is proposing directional drilling to avoid impacting on Coldharbour Village and has undertaken an alternative site assessment, which is discussed later in the report.

### **Need for Hydrocarbons and National Interest Considerations**

- 133 There has been some objection to the proposal on the ground that it would encourage the use of fossil fuels at the time we are moving towards renewable resources. Rep 675 states *‘We do not need fossil fuels, the Government has said we are following sustainable fuel methods, so why destroy a woodland area for finite resources that will pollute our world’.*
- 134 Climate change and energy policies are interlinked as two thirds of emissions come from energy. The Government recognises that the way we produce and use energy plays a major part in meeting the challenge of climate change and has emissions targets and policies encouraging a move towards a low carbon energy mix. At the same time the Government recognises that a fundamental change will not happen overnight, the UK economy is dependent on fossil fuels as primary sources of energy and it is likely to be so for some time to come. As a consequence, oil, gas and coal has a significant role in the UK energy mix. Oil is used for heating, in the manufacture of oil based products *‘and on our roads, in the air and on the sea, our transport is almost wholly dependent on oil’.* (Page 8 Annual Energy Statement July 2010). The energy statistics published quarterly by DECC give some idea of the changes that need to take place to reduce reliance on fossil fuels. In the third quarter of 2010, renewables supplied 23% more electricity than they had in the same period of 2009. Although showing a beneficial increase in generation by renewables, the UK is still at the stage of having only 9% of the total electricity generation produced by wind, hydro and other renewables, whereas 23% was accounted for by coal and 49% by gas.
- 135 UK oil and gas production continues to be central to national energy requirements currently supplying around 60% of the UK’s energy needs. During the 1980s and 1990s the UK was largely self-sufficient in oil and gas but the decline in production from mature natural gasfields meant that by 2004 the UK became a net importer of gas and as the UK’s indigenous gas supplies decline, dependence on imports will grow. Similarly, UK oil production peaked in 1999 and has fallen since that time and although the UK continues to export petroleum products, by 2005 it became a net importer of crude oil. ‘Energy Trends’ December 2010 produced by DECC provides the latest oil and gas information for the third quarter of 2010. It reports that during the third quarter of 2010 the UK was a net importer of oil and oil products by 4.5 million tonnes (mt) and a net importer of gas by 41.3 terawatt-hour (TWh). (DECC Energy Statistics 23 December 2010). The statistics show that oil production for the third quarter of 2010 was 14,004 mt a fall of 6.2 % on the same quarter in 2009. At the same time, the consumption of oil rose in this quarter when compared to the same period last year. However the remaining resource is sufficient to provide major benefits to the economy and to security of supply for many years (DECC). Gas production increased 10% when compared to what were low production figures in 2009 due to maintenance work on offshore fields. Final energy consumption rose marginally from the same quarter in 2009 and on a seasonally adjusted and temperature corrected basis, UK oil consumption rose by 0.5% and gas consumption fell by 3.6%.
- 136 As indigenous production falls the UK will increasingly have to look to other countries for sources of supply. This changed situation in terms of production of oil and gas has implications for ‘security of supply’, which *‘...requires that sufficient fuel and infrastructure capacity is available to avoid socially unacceptable levels of interruption to physical supply*

*and excessive costs to the economy from unexpectedly high or volatile prices*'. Box 4.1 Page 106 Energy White Paper 2007. A report on energy security of supply 'Energy Market Outlook' published jointly by DECC and Ofgem on 16 December 2009, recognises risks associated with reliance on imports and the challenges posed by recession and the impact of a move to a low carbon economy.

- 137 The consideration of security of supply is in terms of:
- physical security – avoiding interruptions to energy supplies;
  - price security – avoiding unnecessary price volatility
  - geopolitical security - avoiding undue dependency on specific nations.
- 138 Under EU law the UK has an obligation to maintain stocks of key oil products at or above a certain level to ensure that adequate supplies would exist in any international oil supply emergency. Energy Trends December 2010 reports that the UK's current obligation is to hold supplies equal to 67 ½ days consumption. At the end of the last quarter, the UK held oil product supplies in excess of this requirement (88 days). However, it is clear that oil and gas is a key component in terms of energy security and *'energy supply is an increasingly important part of any nation's security'* \*. The volatile nature of the energy markets is a driver for the UK to ensure it has secure and affordable energy supplies, which are vital to its future prosperity and security. As the importation of oil and gas rises, *'the UK will compete for fossil fuels in a global market where global demand for energy is increasing and competition for resources is intense'*.\* quotes by Mike O'Brien the Minister of State for DECC 10 February 2009.
- 139 Government has stated on Page 19 of the Energy White Paper 2007 that *'... to meet our security of supply challenges, we will:*
- *maximise the economic production of our domestic energy sources which, together with our energy saving measures, will help reduce our dependence on energy imports;...'*
- 140 In this context the importance of domestically produced oil and gas is recognised. *'Renewables and other low carbon technologies will play an increasing role in our energy mix over the longer term; however, fossil fuels will continue to be the predominant source of energy for decades to come.'* Para 4.02 Page 105 of the 2007 Energy White Paper. The Government's summary of measures for oil, gas and coal set out on page 124 of the White Paper states:
- 'Our policies recognise the continuing importance of fossil fuels in maintaining reliable and affordable energy supplies, but aim to manage our reliance on their potential environmental effects and the risks associated with higher levels of import dependency by:*
- *encouraging energy efficiency to reduce the use of fossil fuels*
  - *supporting and maximising economic production of fossil fuels in the UK*
  - *ensuring effective energy markets at home and abroad.'*
- 141 Guidance is provided in MPS1 Annex 4 para 2.2, which states that the Government's short to medium term aim includes to *'maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'*. To maximise reserves, it is necessary to fully investigate a potential resource. Oil and gas have only been discovered and produced in commercial quantities from certain sedimentary basins onshore. In the south of the UK there are two productive basins, the Weald Basin and the Wessex-Channel Basin where the Jurassic rocks and the existence of trapping structures are suitable for hydrocarbon accumulation.
- 142 The current proposal falls within the Weald Basin, which extends from Hampshire to Kent and East Sussex and includes the Humbly Grove oilfield in Hampshire, along with the oil

producing Horndean, Stockbridge, Storrington, Woodworth and Singleton oilfields. The Herriard Oilfield has now ceased production. In Surrey it covers the gas reservoir known as 'Albury 1' further west in the County, and Palmers Wood Oilfield near Oxted and the Brockham Oilfield. There are currently also planning applications for exploration or appraisal at other sites within the Weald Basin, most notably for Kings Farm Bletchingley, Manor Farm at Tongham and Horse Hill Wood near Horley.

- 143 The Bury Hill Wood application involves the drilling of a well to two potential target areas: the Portland and Corallian sandstones. The prospectivity of the Portland and Corallian Sandstones has been identified on the basis of information gathered on the structure from seismic survey data and analogies with other fields within the Weald Basin. However, the only way to confirm the presence of gas or oil-bearing strata is to drill an exploratory well and test.
- 144 Objectors to the proposal do not consider that there is a national need for the development. In the application (submitted in January 2009) the applicant refers to there being eight producing oil and gasfields in the Weald Basin with a combined current total production of 2,000 barrels of oil per day (bopd) and 7.5 million standard cubic feet of gas per day (mmscfd). CPRE Surrey states *'This total in national terms is minute as it only accounts for some 0.1% of the crude oil processed by UK refineries, and is therefore of no strategic significance. Similarly, the gas produced from this same area accounts for well under 1 days average UK gas consumption. We therefore conclude that the possibility that this single prospect could result in a significant hydrocarbon discovery is remote in the extreme, and so does not meet the test of demonstrating 'exceptional circumstances'. As the UK is now a net importer of oil, the amount of oil processed by UK refineries is not the same as looking at indigenous production. The latest production figures on the DECC website are for 2009 and they show that the fields within the Weald Basin produced 78,244 tonnes (t) of crude oil equating to 6.7% of the UK production from onshore fields.*
- 145 In effect, there is two points being raised here: the question of any future production and the size of the reserve. First, if oil or gas reserves are found, while any subsequent production may contribute only a very small proportion of the UK's oil and gas consumption, the issue of production would be for the future. This application is purely for the exploratory stage, although objectors feel it is *'nonsensical to describe these two activities as separate'* (Rep 1113) and many seem to see it as a foregone conclusion that if oil is found it will be produced from the Bury Hill Wood Site. The applicant has stated that this is a *'throwaway site'* for exploratory purposes only. In addition, Government clearly states in MPS1 that the three phases – exploration, appraisal and production each require a separate planning permission and goes on to say that *'there should be no presumption in favour of consent for subsequent stages if an earlier stage be permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal of an earlier stage.'* (Annex 4 Para 3.2).
- 146 The second point is whether small oil or gas fields cannot be of strategic significance. The latest statistics published on DECC's website for 2009 put production in context. By comparison, onshore gas production is small with 62,798 million cubic metres being produced offshore and only 93 million cubic metres produced onshore. As far as oil is concerned, 61,871,293 tonnes was produced offshore and 1,167,743 tonnes onshore. Wytch Farm Oilfield in Dorset dominates onshore oil production, producing 983,926 tonnes. The remainder of the UK's onshore oil production is made up of 27 fields which produce between 32,851 tonnes and 179 tonnes annually. In total there are eight fields, which produce less than 1,000 tonnes a year. This application is for exploration and currently it is not known whether the prospect contains oil and gas. If it was found to contain hydrocarbons, and was capable of producing, consideration would then be given to how much the field would be likely to produce.
- 147 The Department for Communities and Local Government (DCLG) Mineral Planning Factsheet 2006 (onshore oil and gas) provides an overview of Onshore Oil and Gas supply

in the UK. It is stated in the Factsheet that onshore oil and gas production makes a small, but important, contribution to supply and is beneficial in terms of proximity to demand. Whilst recognising that the Wytch Farm Oilfield in Dorset dominates onshore oil production, the Factsheet states that most oil or gas fields are small in comparison but *'They have, and continue to make, a modest contribution to Britain's oil and gas requirements'*. Although small, production from onshore oil and gas fields has to be seen in the context of declining national production from the North Sea fields, their ability to offset some need to import, and that they offer a sustainable approach in terms of proximity. Government does not seek to differentiate between the size or stage of projects in MPS1; instead it states that the aim is to maximize the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner. Maximisation of potential would include consideration of even relatively small fields.

- 148 The views of the Department of Energy and Climate Change (DECC) were sought on the issue of national need. DECC has taken a decision not to comment on specific planning applications, but states that DECC has no further guidance to offer planning authorities in relation to the issue of national need for oil and gas development, than that contained in MPS1. In the response it goes on to confirm that the policy aims set out in para. 2.2 of Annex 4 to MPS1 remain valid and current. The Government's stated aims in para 2.2 include to *'maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'*.
- 149 To maximise the potential, it is necessary to know whether an oil or gas resource exists and short term exploration provides a means of confirmation. Seismic surveys are used to identify whether potential geological structures are present, but the only way to firmly establish if oil or gas exist in the structure is to drill a borehole. It is estimated that the probability of encountering oil and gas during drilling is about 50% but even dry wells provide a source of data on the sub-surface geological structure and resources of the UK.

#### **Conclusion on Need**

- 150 Government policy makes it clear that oil and gas remains an important part of the UK's energy mix. Policies recognise the continuing importance of fossil fuels but aim to manage reliance on them, their potential environmental effects, and the risks associated with security of supply.
- 151 Exploratory drilling is one step in the process of being able to ascertain the potential of a prospective oil or gas resource in line with Government policy. Officers conclude that given the exploratory function of the development, it is not in conflict with the Government's climate change agenda. Once testing and evaluation is concluded the site would be cleared, the soil returned and the site restored to woodland, a sustainable use.
- 152 Officers give significant weight to the statements made in MPS1 regarding the need to maximise the potential of the UK's oil and gas reserves, which DECC has confirmed remains valid and current. This leads Officer's to conclude that on the basis of Government guidance there is a national need for the development subject to the proposal satisfying other national policies and the policies of the Development Plan. This is considered further under individual issues later in the report.

#### **CONSIDERATION OF ALTERNATIVES**

- 153 If it is accepted that national need for exploration of the Holmwood Prospect is proven, given the proposed drillsite's location within the Surrey Hills AONB, it is necessary to consider whether investigation of the geological structure could take place at a site outside of the AONB, and then take into consideration other constraints.
- 154 Ideally an exploratory well would be drilled directly above the sub surface target area. However, in this instance the geological target area for investigation is an area covering approximately 2 km below Anstibury Camp, Dukes Warren and The Landslip, with the land

below Coldharbour Village and its environs being the epicentre of the target. To drill vertically directly into the target would be unacceptable given the target's location below Coldharbour Village. Minerals can only be worked where they are found and clearly the identified sub-surface target area is fixed. However, the location of the above ground drillsite, is not.

- 155 Both Policy 15 of the SMLP 1993 and Policy MC12 of the emerging SMPCS DPD, require drillsites to be selected to minimise adverse impacts on the environment. Policy 15 requires the County Council to be satisfied that *'in the context of the geological structure being investigated the proposed site has been selected so as to minimise the environmental and ecological impact of the development'*. Policy MC12 refers to the need to assess the use of directional drilling to reduce potential environmental impact. Whilst it is possible to directionally drill to gain access to geological targets the distance over which directional drilling can take place is subject to constraints in terms of the geology and the geometry of the proposed well trajectory. Given the proximity of the target area to Coldharbour Village a directional drill from the proposed surface site at Bury Hill Wood is proposed.
- 156 The applicant has clearly stated that the proposed site is intended to be a *'throwaway drillsite'* used solely for exploratory purposes only. The applicant's aim is to construct the drillsite, drill and reinstate the site within 18 weeks. The supporting text to Policy 15 does state that it is inappropriate to take into account the implications of a successful operation. However, it also goes on to state that *'where possible'* sites should be selected which are likely to be suitable for appraisal and production if that is required, and are such as would minimise the impact on the locality. The subsequently published MPS1 is clearer on this matter stating that the possible effects of a later stage not yet applied for, do not constitute grounds for refusal of an earlier stage.
- 157 The applicant has undertaken an alternative site search for an above ground location from which to directionally drill into the sub surface target and arising from this process has proposed the site at Bury Hill Wood. The original alternative site assessment considered six alternative sites (Site A to Site F), located between 940 to 1620 m distant from the subsurface target. As a result of a sieving process the applicant discounted four of the sites, mainly for reasons of poor access but also for adverse visual impact, proximity to residential properties and the site furthest from the target, for access and technical reasons. The two remaining sites, which include the proposed site, were considered in greater detail. The applicant undertook a visual and landscape impact assessment, an appraisal of access and highways, an ecological and habitat scoping, an archaeological desk-based assessment. A matrix was produced of the two sites covering environmental issues such as traffic, noise, archaeology, ecology, water resources, visibility, recreation and rights of way; access; the impact on people in terms of residential properties affected and public areas; and finally drilling issues such as the time on site, testing (flare), site construction cost and drilling cost. The sites were ranked: high, medium or low. The applicant concluded from this assessment work that the proposed Bury Hill Wood site had the least environment impacts as a result of its isolation from residential development, existing access onto Coldharbour Lane and fewer ecological constraints.
- 158 The proposed site at Bury Hill Wood (Site B) is located on the Hythe Formation and the Environment Agency (EA) ranked the alternative sites with regard to groundwater protection as site E, F, C, D, B and A. This was based on the fact that sites E, C & F are situated on Weald Clay which has no pathway to groundwater in the Hythe Formation. Sites D and B are located on the Hythe Formations but are isolated hydraulically from the Dorking Source Protection Zone or other licensed abstractions. Site A is also situated on the Hythe Formation and the EA consider it is very unlikely to connect hydraulically to the Dorking public water supply source. Whilst the EA ranked the sites on this factor, it also states that *'in fact, our assessment is that there are no feasible pathways to the Dorking abstraction borehole from any of the possible sites'*.

- 159 By far the most common ground of objection cited by members of the public is the site's location in the AONB. The area surrounding the proposed surface site is particularly popular with both visitors and local people alike and is relatively close to an important viewpoint, Leith Hill and its Tower. Rep 721 states '*Can't you find some godforsaken hole where no one will bat an eyelid – or even notice.*' Many representations cite the view that this is an inappropriate and unacceptable site for the proposed development. However, one letter of representation acknowledges that there are hydrocarbon reserves along the foot of the North and South Downs and states '*These fields have been in various stages of exploration, production and abandonment for over 100 years. Not many people know that.*' '*How many residents of the Surrey Hills are disturbed by, or even aware of, the Albury and Brockham fields that lie within a few kilometres of Bury Hill Wood?*'. Rep 817
- 160 The AONB boundary is found at approximately 2,400 m from the proposed target. Officers asked the applicant to provide further information regarding alternative options, and in particular, to look again at the potential for drilling from locations outside the AONB. The applicant undertook a review of the alternative site assessment and identified four additional sites for consideration and evaluation. Two of the new sites fell outside the AONB boundary and the others were 100 metres and 400 metres inside the boundary. The review submitted as part of the further information request under Regulation 19 of the EIA Regulations, confirmed that all ten sites were assessed (4 new sites) or reassessed, (6 original sites) by site inspection in June 2009. **Plan 5** shows the subsurface target area and the locations of all 10 of the sites assessed along with the AONB boundary.
- 161 The reassessment of the original sites found that no material changes had taken place, which would alter the applicant's choice of Bury Hill Wood as the preferred site, and that the obstacles identified previously to the other five sites, still remained. The assessment of the four new sites showed that three of the sites had access constraints which could potentially be overcome by the creation of a new junction, or the construction of a new access but that such development would not be feasible when associated with short term exploratory drilling. In addition, all the four new sites shared the problem that they were located at a lower elevation than Bury Hill Wood (between 100m and 120 m lower in elevation). Relative to the Bury Hill Wood site, the lower elevation sites would result in a shallower well trajectory, which would exacerbate the practical issues associated with step out drilling. The one site without access constraints was Site J Old Horsham Road, which also benefited from being just outside the AONB boundary. However, at a distance of 2.4 km from the target area the site is 800m beyond the practical drill limit making exploratory step out drilling from this site unfeasible.
- 162 The initial geological target at Holmwood is relatively shallow at 875 m depth and this shallowness reduces the distance the above ground site can be located from the target area. The more distant the above ground drillsite is from the target, the longer the high angle section would need to be, which can cause torque and drag issues during drilling. The applicant has undertaken a full torque and drag and buckling stress analysis with varying horizontal distance (step out) from the target location. The behaviour of the casing and drillstring were modelled with increasing step outs at: 900m, 1400m, 1900m, 2400m and 2900m. The results show that although it is theoretically possible to drill from 1900 m the maximum weight on the drillbit would be so low as to make it undrillable. The maximum step out shown to be practically achievable is 1600 m from the target; beyond that it is not possible to put enough weight on the drillbit to drill. As the AONB boundary is some 2,400 m from the target area it is effectively 800 m beyond the practical drill limit and consequently it would not be possible to undertake exploratory drilling from outside the AONB. See **Plan 6**.
- 163 CPRE Surrey has stated in its latest response, that before this application is considered any further the CPA should demand that another site be found at is up to 3 km radially from the target. They are basing this on the Albury appraisal drilling that took place last year, which they say was achieved with a long step out to a target of 600 m some 300m shallower than the Holmwood target. However, the Albury drilling to an appraisal target



did have a longer step out, but at 1,400 m tvd it was not shallower than the Holmwood target it was deeper than the secondary target at Holmwood.

- 164 The aim of exploratory drilling is to explore a potential reserve quickly and effectively. The identification of an appropriate above ground drillsite minimises exploration time and enables any reserve to be located accurately, which results in both economic and environmental benefits and minimises disturbance. The difficulty with drilling a well when using a long step out technique to a shallow target is that to do so requires knowledge of the target and it to be fully quantified. When drilling a preliminary exploration well as proposed in this application, the object is to gain knowledge but at that point, insufficient information is known about the target. Drilling from beyond the practical drilling limit is technically challenging and would require more powerful equipment, would take longer and as a consequence, would involve a greater impact. The applicant has made it clear that such a well would not be contemplated without the existence of a workable reserve being established. If exploration was successful and the applicant intended to develop the resource further, a new grant of planning permission would be required.
- 165 The location of oil and gas development raises distinct issues. Geological and operational factors as well as environmental and landownership issues limit the locations available for oil and gas development. As minerals can only be worked where they are found, the location available, which minimises impacts, may still not be in the most appropriate location in terms of transport or the renewable options considered under PPS1. Also, quite clearly it would be advantageous from an environmental point of view if investigation of the geological structure could take place at a site located outside the AONB. However Officers consider the applicant has clearly demonstrated that it is not technically feasible to carry out exploratory drilling from a site outside the AONB. Other potential sites may exist beyond the Green Belt or outside the AONB, but they are not practicable alternatives to the specific task of exploration of the Holmwood Prospect. The Government's aim in the short to medium term is to maximise national gas reserves and therefore there is a national need to explore potential oil or gas fields where it can be undertaken in an environmental acceptable manner.
- 166 The grounds for dismissal of Site F in the applicant's assessment, which mainly focus on highway and traffic and technical issues, have been questioned by a Coldharbour resident. The resident questions the depth and detail of information provided for individual sites considered in the alternative site assessment. This site was one of the original sites identified. Whilst the applicant ruled out the site on the grounds of highway safety and access issues, it was also dismissed for technical reasons. The applicant stated in the original assessment, as this site required the longest drilling step-out it was the least favoured from a technical point of view. The site is shown on Plan 6 as being 1620 m distant from the target and is therefore is not within the practical limit of drilling and was discarded by the applicant for that reason.
- 167 Capel Parish Council has also criticised the alternative site assessment along with the Leith Hill Action Group. They both believe that the applicant's choice of site is governed by the desire to minimise costs. Point (ii) paragraph 22 of PPS7 refers to the need to include an assessment of the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need in some other way. Clearly cost is a consideration and has been addressed by the applicant, but as part of the overall site assessment process.
- 168 The Parish Council has also questioned the robustness of the report saying that *'the applicants have failed in their comparative assessment to undertake a 'matrix' comparison of each site evaluated against the other'* and refer to the 2009 High Court decision on the Surrey Waste Plan 2008. This application does not involve waste, a permanent site, nor is it a consideration for a local plan allocation and therefore the two are not comparable. Nevertheless, the applicant does have to demonstrate that the site has been selected to minimise adverse impacts. As covered in paras 157 to 161 above the applicant identified 6 potential sites, undertook a sieving process before evaluating two sites in detail. The



original sites were all reviewed again in June 2009 when the applicant's assessment concluded that no material change had taken place to alter the original assessment findings. Four new sites were all assessed on visual impact, access and technical issues but none were found to be suitable for exploratory purposes. However, the overriding constraint was that all these sites lay outside the practical drilling limit. Officers consider that the applicant has undertaken an alternative site assessment appropriate to the development.

- 169 The County Geological/Geotechnical Consultant has reviewed the alternative site assessment work submitted by the applicant and is satisfied that the information provided supports the conclusion that the maximum step out achievable with reasonable confidence is 1600 m from the target area. The County Geological/Geotechnical Consultant does note that drilling production wells could be contemplated from a site outside of the AONB should economically viable reserves be encountered, but is nevertheless '*satisfied that the limitations of the available drilling equipment means that the exploratory drillsite must be located within a 1600 m radius of the target areas and therefore inside the AONB*'.

#### **Conclusion on Alternatives**

- 170 Taking into account the information submitted, the advice of the County Geological and Geotechnical Consultant, and the issues raised above, Officers conclude that in the context of the geological structure the applicant intends to explore, that the proposed location represents the best viable option for short term exploratory drilling in terms of practicality and technical grounds and minimising the environmental impact of the development and the minimisation of potential impacts upon residential amenity and that there are no other suitable alternative locations available at this exploratory stage. The nature of oil and gas exploration is such that in order to explore the extent/existence of hydrocarbons an exploration site will have to fall within a geographically constrained area, in this case, lying within the AONB. The proposal accords with Policy 15 of the Surrey Minerals Local Plan 1993 and Policy MC12 of the emerging Surrey Minerals Plan Core Strategy DPD in relation to the context of the geological structure being investigated, subject to further consideration of the potential environmental, ecological and other impacts of the development which are set out later in the report.

### **METROPOLITAN GREEN BELT**

#### ***National Guidance***

Planning Policy Guidance Note 2 (PPG2) Green Belts

***The South East Plan 2009 (SEP 2009)***

Policy SP5 Green Belts

***Mole Valley Local Plan 2000 (Saved Policy) (MVL 2000)***

Policy ENV23 Respect for Setting

***Mole Valley Local Development Framework Core Strategy 2009 (MVLDFCS 2009)***

Policy CS1 Where Development will be Directed (A Spatial Strategy)

#### ***Proposed Surrey Minerals Plan Core Strategy Development Plan Document (SMPCS DPD)***

Policy MC3 Mineral Development in the Green Belt

- 171 The proposed drillsite at Bury Hill Wood is located within the Metropolitan Green Belt where policies of restraint apply and there is a general presumption against inappropriate development.
- 172 Government guidance on Green Belts is set out within Planning Policy Guidance Note 2 (PPG2), which was revised January 1995. The Government's commitment to the principles of the Green Belt and to maintaining tight planning controls over development in the Green Belt was re-emphasised in Circular 11/2005 - *The Town and Country Planning (Green Belt) Direction*. There it is stated, that all planning applications for development in the Green Belt are expected to be subject to the most rigorous scrutiny having regard to

the fundamental aim(s) of Green Belt as set out in PPG2. At para 1.4 of PPG2 it is stated that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness'*.

- 173 Para 3.11 of PPG2 accepts that the extraction of minerals is a temporary activity. The advice contained in PPG2 is that minerals can only be worked where they are found and *'that minerals extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored.'* As far as possible, developments should contribute to the achievements of the objectives for the use of land in the Green Belt and these include the provision of access to the open countryside, the enhancement and retention of attractive landscapes, retention of land in agricultural, forestry or related uses and to secure nature conservation interest.
- 174 While the characteristics of the landscape are not a material factor in the inclusion of land within the Green Belt, Paragraph 3.15 of PPG2 does state that the visual amenities of the Green Belt should not be injured by proposals, which might be visually detrimental by reason of their siting materials or design. This approach is included in Policy ENV23 of the Mole Valley Local Plan 2000 (Respect for Setting), which requires applicants to demonstrate that they have considered the wider setting of a development. The policy sets out criteria which includes consideration of public views, the impact of the development on the rural amenities of the Green Belt by reason of its siting, materials or design, and the impact of the proposed siting and appearance of works or any other appropriate/exceptional development in the countryside
- 175 The SEP 2009 states that *'Government has confirmed its continuing commitment to the Green Belt as an instrument of planning policy...'*. Policy SP5 (Green Belts) seeks to protect the five main functions of the Green Belt and confirms that the broad extent of the Green Belts in the region is appropriate and will be retained and supported.
- 176 Policy CS1 of MVDDFCS 2009 (Where Development will be Directed), 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 PPG2, PPS7 and Policy C4 of the SEP 2009. Criteria 4 refers to a review of the existing Green Belt boundary through the Land Allocations Development Plan Document.
- 177 The adopted SMLP 1993 is in the process of being reviewed. The 1993 Plan does not contain a specific Green Belt policy but supporting text in para 5.16 of the hydrocarbon chapter, states that *'in Surrey exploratory drilling has already been undertaken in the Green Belt, the Surrey Hills AONB and Areas of Great Landscape Value without any marked detriment to the environment'*. However, the emerging SMPCS DPD contains proposed Policy MC3 (Minerals Development in the Green Belt). Paragraph 3.47 of the Surrey Minerals Plan Core Strategy DPD includes the following. *'Planning applications for mineral working within the Green Belt should not unacceptably compromise its openness. The intention to pursue the highest standards of working will need to be demonstrated so that impacts on communities and the environment are reduced to an acceptable degree, and to ensure that the site is restored to a state that is consistent with Green Belt objectives.'*
- 178 Given the site's Green Belt location it is necessary to consider whether the proposed development would maintain high environmental standards during operation and whether the restoration of the site can be achieved to a good standard and will provide an acceptable afteruse consistent with Green Belt objectives.
- 179 The application is for a planning permission extending over a temporary period of three years. However, the site construction, drilling, exploration, site reinstatement is all programmed to take place over a period of 18 weeks within that 3 year time period. During the 18 week development period, activity at the site would involve movement of plant,

vehicles and materials and would be noticeable from public vantage points. In particular the activity and development within the site compound would be obvious from open access land in the area. In addition, the operation of the traffic management plan, the use of Coldharbour Lane and the site access by HGVs and the proposed road closure during rig mobilisation would be disruptive and noticeable to local residents and users of the area. Within the 5 week drilling phase the rig at 35 m high, would be seen in the landscape from certain locations during the day and during night hours as the rig and site would be lit. All these activities would have a temporary impact on openness.

- 180 People have objected to the development as the site is within Green Belt. Many of these have said that the development is inappropriate in the Green Belt and the applicant has not justified 'very special circumstances'. As a temporary mineral activity, the test of 'very special circumstances' does not apply provided that environmental and restoration issues are dealt with in a satisfactory manner. Many objectors have commented on the industrial nature of the development and would prefer to see such activity located elsewhere. Nevertheless, minerals can only be worked where they are found and therefore locations available for oil and gas development are dictated primarily by geological factors. The Holmwood prospect cannot be investigated from an industrial or other site outside the practical limit for drilling elsewhere within Surrey, or the UK. The question of alternative sites has been covered in the previous section of the report and all the sites considered fell within the Green Belt.
- 181 The application site and area in which the proposed site would be located, currently fulfils the objectives of the use of land in Green Belts. The whole area is open access land, which is well used for recreational activities; it is an attractive landscape, in forestry use and secures nature conservation interest.
- 182 The proposed development would be visible from some public views with the drilling rig being most obvious because of its height. (See elevations on **Plan 3**). The drilling compound would be shielded by woodland on three sides, and the plant, equipment and portable cabins are likely to be shielded by intervening vegetation but there could be some glimpses of the site when in close proximity, such as the nearby permissive tracks. The flares would be the closest part of the development to Coldharbour Village and although sited slightly below ground level the two gas flares in particular would be visible above the surrounding bunding. However, the surrounding blocks of trees are likely to provide screening from most viewpoints. Although the drillsite, and plant and equipment with their industrial characteristics would be located in a rural area, and would involve some limited harm to the visual amenities of the Green Belt whilst the site was operational, it is considered that the scale and very temporary nature of the development would not give rise to any significant or lasting adverse impact. All the equipment and portable buildings would be used in association with the mineral working.
- 183 Mineral working is a temporary activity and the site would be restored to a forestry use once hydrocarbon exploration ceased. The site would then return to fulfilling the objectives of land within the Green Belt in terms of access, recreation, landscape and nature conservation. Any harm in the interim must be weighed against the need for hydrocarbon exploration.

#### **Green Belt Conclusion**

- 184 The national policy test set out in PPG2 requires that high environmental standards are maintained and mineral development sites are well restored. Technical consultees have considered the proposal and their views are set out in detail in later sections of the report. Where recommended by consultees, planning conditions would be required to ensure that high standards are maintained. A detailed restoration scheme would be required prior to works commencing at the site and there is no reason to believe that the site could not be well restored to the proposed forestry after-use, which is a use consistent with Green Belt objectives. Any adverse impact on the visual amenities of the Green Belt would be limited and short lived. Therefore subject to the maintenance of high environmental standards

and that the proposal complies with other development plan policies, Officers advise that the proposal meets the provisions set out in PPG2 (Green Belts), The South East Plan 2009 Policy SP5, Mole Valley Local Plan 2000 Policy ENV23 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS1.

## HIGHWAYS, TRAFFIC & ACCESS

### **National Guidance**

Planning Policy Guidance Note 13 (PPG13) Transport  
Minerals Policy Statement 1 Planning and Minerals

### **Surrey Minerals Local Plan 1993 (SMLP 1993)**

Policy 1 Environmental and Amenity Protection

### **Mole Valley Local Plan 2000 (Saved Policy) (MVLV 2000)**

Policy MOV2 The Movement Implications of Development

### **Mole Valley Local Development Framework Core Strategy 2009 (MVLDFCS 2009)**

Policy CS18 Transport Options and Accessibility

### **Proposed Surrey Minerals Plan Core Strategy Development Plan Document (SMPCSDPD)**

Policy MC15 Transport of Minerals

- 185 One of the main concerns of objectors is that drillsite traffic would gain access to the site via the residential road Knoll Road, and Coldharbour Lane, a rural road that has in places restricted width and steep banks. Recognising the need to mitigate the impact of the level of HGV movements generated by the delivery of stone during site construction and the use of large loads, the applicant has proposed a traffic management scheme (TMS). This TMS itself is unwelcome to the residents of Coldharbour Village and residents living along the route. Transportation of the drilling rig and other large equipment to the site would involve the closure of Coldharbour Lane to through traffic over a 3 day period. This aspect of the proposal is also unpopular with local residents and other regular users of the road. One local resident has said *'the residents would be virtual 'prisoners' on their properties. This is not acceptable and outrageous it should even be a possibility'*. Rep 26. Similarly, the road would need to be closed again for 3 days, to accommodate the removal of the rig.
- 186 Government advice with regard to transport matters is given in Planning Policy Guidance Note 13 (PPG13): Transport. It is recognised in PPG13 that land use planning has a key role in delivering an integrated transport strategy through shaping the pattern of development. Although first published in 2001, PPG13 was recently updated (November 2010) in relation to its guidance on residential parking requirements to reflect policy changes. Other than changes to paragraphs 49, 51, 54 and 56 and the deletion of paragraphs 12 to 17 the wording of the PPG remains the same. One of the core objectives of PPG13 outlined in paragraph 4 is to *'promote more sustainable transport choices for both people and for moving freight'*.
- 187 Planning applications giving rise to transport implications are accompanied by either a Transport Assessment (TA) or a Transportation Statement (TS). 'Guidance on Transport Assessment' (March 2007) published by the Departments for Transport and Communities and Local Government sets out the transport issues that should be covered in both a TA and a TS. PPG13 advises that a TA should be submitted as part of any planning application where the proposed development has significant implications. Applications for a development involving relative small transport implications should be accompanied by a TS. In this case a TA has been undertaken and a traffic and transportation chapter has been included in the Environmental Statement and further information in relation to physical capacity of Coldharbour Lane has been supplied under Regulation 19. That information includes a Foliage Survey and track plot information. Updated traffic surveys have also been undertaken and the data submitted.

- 188 The SMLP 1993 recognises that the issue of traffic associated with mineral development gives rise to a great deal of concern. The supporting text states that the Authority will wish to be satisfied that the volume and characteristics of the traffic generated will not have an unduly adverse impact on the locality and on the highway network. SMLP Policy 1 (Environment and Amenity Protection) requires that the traffic generation, its impact and the suitability of the public highway have been taken into account in the consideration of proposals for mineral working. Chapter 5 of the SMLP 1993 deals specifically with hydrocarbon development. Paragraph 5.22 states, '*A significant aspect of oil and gas development is the size of the vehicles used principally for transporting equipment to and from the site, and the volume of traffic which may be generated.*'
- 189 Policy MOV2 (The Movement Implications of Development) is a saved policy in the MVLP 2000. The policy 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 in the area, having regard to all forms of traffic generated by that development*'. It goes on to state that proposals for major development 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. Provision should be made for a number of matters including: off-street parking; suitable service arrangements; vehicular access and egress and movement within the site and capacity on the transport network and in the vicinity of the development.
- 190 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.*'
- 191 The MVLD FCS 2009 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.
- 192 Proposed Policy MC15 of the emerging SMPCSDPD states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management and explore how movement of minerals within and outside the site will address issues of emissions control, energy efficiency and amenity. '*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.'*

### **Local Road Network and Vehicle Routing**

- 193 The applicant has assessed a number of potential routes to and from the site and has dismissed all but one as unsuitable for various reasons. Consideration was given to

accessing the site from the A29 and approaching the proposed drillsite via Anstie Lane (D297). However, this road is narrow, steep with sharp corners and sections of the road narrow down to less than 3 m. Access through Coldharbour Village was also considered unacceptable. The access route that the applicant is proposing is for all site traffic to leave the A24 at the roundabout with Flint Hill (A2003) and Spook Hill (C251) and turn northwards on the A2003 Horsham Road/Flint Hill before turning left into Knoll Road (D2841), a residential road on the edge of Dorking. Site vehicles would then turn left onto Coldharbour Lane (D289) where they would travel southwards towards Coldharbour Village. Approximately 1 km north of Coldharbour Village a right turn onto a Forestry Commission access track would take them to the drillsite. The reverse would be the case for vehicles leaving the site. The Highway Authority has made it clear that should the application be permitted it recommends that a legal agreement secures the routing of HGVs and non-standard road vehicles.

- 194 The east/west orientated Knoll Lane is shown on **Figure 11**. This photograph shows the road as it rises from Horsham Road/Flint Hill reaching a crest before dropping towards its junction with Coldharbour Lane. Knoll Road has a footpath on both sides of the road and the applicant's assessment reports that the road has a width ranging between 6.5 m to 7.5 m. There are three residential roads that have junctions with Knoll Road, two on its southern side and one to the north. **Figure 12** shows the junction of Knoll Road with Coldharbour Lane and the nearby junction with the private road known as Ridgeway Road.
- 195 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. See **Figure 9** which shows this narrow winding sunken lane. Lanes of this type are a characteristic features of the AONB.
- 196 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. In view of these constraints, the difficulties in accessing the proposed site cannot be overstated. As part of the traffic and transportation assessment the applicant measured the road at intervals of approximately 150 m and from this has 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.
- 197 The proposed site is located within Forestry Commission land which is used for commercial forestry as well as recreation. An existing access track runs for about 200m from Coldharbour Lane to the proposed drillsite (see **Figure 3**). Forestry Commission vehicles do access the site from time to time to remove felled trees and these large articulated trailers therefore use Coldharbour Lane. Delivery vehicles accessing the village of Coldharbour also utilise Coldharbour Lane. More recently filming has been taking place at Bury Hill Wood and large film trailers, cabins and skips have been parked adjacent to the site access track and HGVs were used in the clearance works associated with this use. The film set trailers, cabins, skips and HGVs carrying hardcore for bases, have all been brought to the site via Coldharbour Lane. It is therefore accepted that the proposed route is used by HGVs from time to time, but normally not at the intensity proposed for the short period in the application.

- 198 The area is popular with cyclists, walkers and equestrians and there are a number of public rights of way in the vicinity of Coldharbour Lane, some which use the lane as a link. Walkers using the Footpath 247 shown at its junction with Coldharbour Lane in **Figure 10**, cross the lane to continue using the footpath. There are informal car parks alongside Coldharbour Lane which are used by recreational walkers.
- 199 Traffic counts were taken in September 2006, May 2007 and in 2010. The automated 2007 count was conducted over a bank holiday weekend and as a result, although 7 days worth of data was collected, only 3 days were used for the extrapolation of traffic flow data as the applicant states that the bank holiday distorted the traffic flows. The 2010 traffic survey is more up-to-date and robust and therefore the Highway Authority considers that the assessment of the impact of the proposal should be based on this updated survey.
- 200 Traffic counts were taken at the Knoll Road/Coldharbour Lane and Ridgeway Road junction, the Coldharbour Lane and Logmore Lane junction and Coldharbour Lane and Anstie Lane junction. The 2010 traffic count shows that two way traffic volumes averaged over five working days along Knoll Road are 923 vehicles, with distinct peaks at 0800 hours and again at 1500 hours. The data indicates that traffic flows along Knoll Road between the morning and afternoon peaks, averaged 25 vehicles in each direction. Car traffic was by far the largest type of traffic using Knoll Road but there was approximately 1 HGV per hour recorded travelling westbound along the road. Vehicle flows for Coldharbour Lane are relatively low, in the region of 560 daily movements between 07:00 and 19:00 in 2007 and a slightly lower figure of 521 over a period of one hour less (between 0700 and 1800 hours) in 2010. Like Knoll Road, there are HGVs using Coldharbour Lane but the level of HGVs is small. Despite low traffic volumes, observation suggests that traffic speeds are higher than might be expected given the nature of the road.
- 201 The Institute of Environmental Management and Assessment (IEMA) Guidance Note 1 sets the sensitivity level for highways as an increase in traffic flows of more than 30% or 10% for sensitive areas. The TA in the ES showed that the percentage change in overall daily vehicle flows during both the site construction and operational phases fell below 10%. During site construction the increase in two way flows for Knoll Road would be 3.25% and Coldharbour Lane 5.57%. During the initial operational period the increase would be 4.76% reducing to 3.46% over the later operational phase. The increase for Coldharbour Lane over the same phases of the development would be 8.44% and 6.14%.
- 202 Whilst the overall percentage increase in traffic does not reach the 10% sensitivity level, as the background level of HGV usage is small, the percentage increase of purely the HGV element of the traffic is significantly greater. During site construction HGV two-way traffic flows would increase in Knoll Road by 86.9% and by 400% in Coldharbour Lane. The percentage increase in HGV traffic during the initial operational period and the later operational period for Knoll Road would be 104% and 52% respectively and for Coldharbour Lane, 480% and 240% respectively. These large increases in the numbers of HGVs along with the restrictive physical nature and form of Coldharbour Lane are the reason the applicant has proposed a traffic management scheme to mitigate the impact. Details of the scheme are covered later in this section of the report.
- 203 The applicant has reported the personal injury accidents for Coldharbour Lane between 1 January 2003 and 31 March 2010. In total there were 9 accidents, eight on the proposed route. The majority of the accidents between 2003 and 2007 involved vehicles skidding on slippery surfaces or mounting the banks. Three personal injury accidents occurred in 2008 and there have been none reported since 7 September 2008. One of the 2008 accidents involved a pedal cyclist after the cycle's brakes failed and the other 2 involved motorcyclists.

### Access

- 204 Access to the site from Coldharbour Lane would be gained via a gravelled access track of approximately 5m in width that runs some 250m from the proposed drillsite to its junction with Coldharbour Lane. The access track can be seen in **Figure 3**. Forestry Commission vehicles access the site from time to time to remove felled trees and for maintenance purposes and the access is secured by a gate set back some 20 m from the roadway (See **Figure 2**).
- 205 The proposed site access onto Coldharbour Lane can be seen in **Figure 1**. It is found some 600 m north of the Anstie Lane/Coldharbour Lane junction and 1.5 km south of the junction with Logmore Lane. On the opposite side of the road from the access is an existing Forestry Commission access and area that is used for car parking by recreational users of the area. Other than clearing some undergrowth to the south of the access, sightlines of 2.5 m x 130 m can be achieved in both directions. The applicant has provided vehicle swept paths for the access that the Highway Authority considers to be acceptable and has no requirements regarding access improvements.

### Traffic Generation

- 206 The traffic associated with the construction and operation of a temporary drillsite is not uniform but fluctuates from day to day both within a phase and between varying phases of the development. The applicant has provided information on the potential traffic according to the phase of the development and this is set out below. The table that follows gives the anticipated vehicle movements for the development with a breakdown of HGVs and LGVs for the various phases.

#### **Site Clearance and Construction Period** (approx. 6 weeks)

- 207 Initially vehicles would be required to transport plant and equipment to the site, to undertake clearance works. Materials such as concrete, geotextiles, pipes and fencing materials would also be delivered to the site during the construction period. The heaviest traffic generator would take place over a 3 week period and involve the importation of 3090 tonnes of crushed stone for the construction of the drillsite, upgrading the access track and parking area. The aggregate would be delivered to the site in 20 tonne tippers involving 155 loads (310 HGV movements in total over the 3 week period). The applicant has confirmed that the HGVs construction delivery hours would be 0930 to 1500 hours Monday to Friday and 0930 to 1300 hours on a Saturday.
- 208 The Highway Authority has recommended that if permission is to be granted a condition is imposed requiring a Method of Construction Statement to be submitted for approval prior to any works commencing. This statement would involve such matters as parking, loading and unloading and storage of plant and materials and a detailed programme of works. (See proposed Condition 9).

#### **Rig Mobilisation** (3 days)

- 209 The delivery of the rig and other associated equipment would take place over the 3 day period of road closure. The crane and drilling rig are classified as abnormal loads being both wider and heavier than the maximum permissible on British roads and as a result the Surrey Police and the Highway Authorities would need to be notified. There would be 35 loads (64 vehicle movements) associated with the delivery of drilling equipment and associated plant and cabins.

#### **Drilling Period** (approx 4 weeks)

- 210 During the drilling period there would be equipment delivered to the site, and drilling mud and cuttings removed from the site. There would also be a need for water to be brought to the site in 5000 gallon tankers. These tankers weighing 20 tonnes would be the tallest vehicles to access the site at 4.30 m high.



211 If the upper target area of the geological structure did not contain hydrocarbons the well would be 'sidetracked', which is effectively deepening the well to the lower target. As drilling equipment would already be in situ the sidetrack would not result in additional machinery loads. Nevertheless, it would require extra materials, such as casing, chemicals for drilling fluids and the removal of waste fluids. The applicant's transport consultant estimates that these extra materials could involve some 5 deliveries therefore a further 10 HGV movements in addition to those quoted above. The timescales given for the overall operations have sufficient leeway for the drilling and testing of the lower target to be undertaken within the total time frame for the development.

**Testing & Evaluation** (maximum of 4 days for gas and only 2 days if oil)

212 The delivery of materials during the testing and evaluation stage would involve 10 HGV movements per day and 4 LGV movements would be required to transport personnel to the site. If the upper target is dry the well would be sidetracked to the deeper target and as a consequence there would be a single test either at the upper target, or the lower target. Equally there is the potential for no test at all if it were found that hydrocarbons were not present. If testing does take place, it is assumed that the vehicle movements associated with transporting personnel to the site would be similar to those during the drilling operation ie 20 LGV movements.

**Rig removal** (3 days)

213 The rig demobilisation would involve a similar number and type of vehicle movements to the rig mobilisation. Again Coldharbour Lane would be closed to accommodate this traffic.

**Site Clearance** (approx. 6 weeks)

214 The removal of the site and its reinstatement would involve a similar number of vehicle movements to the site preparation stage given above. However, some of the stone may be used in the repair of local tracks and if this were the case the number of HGVs would be reduced.

215 The following table gives an overview of the total vehicle movements that would be generated by the proposal and the breakdown between HGV and LGVs per day over the distinct phases of the development.

Table 3 Anticipated Vehicle Movements.

Development Phase	Total HGV movements	Total LGV/Private movements	Duration of Phase	HGV movements per day (rounded up where necessary)	LGV/Private movements per day (rounded up where necessary)	Total Vehicle movements per day
Site Construction	340	180	15 + 3 half days	20 - 22	10	32
Rig Mobilisation	64	120	3	22	40	62
Drilling	246 * 10	560	4 weeks	10	20	30
Testing	40	12	Max. 4 days	10	4	14
Rig De-Mobilisation	64	120	3	22	40	62
Site Reinstatement	340	108	15 + 3 half days	20-22	6	28
<b>Total</b>	1094/*1104	1100	N/A	N/A	N/A	N/A

\* Additional vehicle movements if the well has to be drilled to the lower target.

216 As can be seen from the information above, the proposed development would not be a particularly large traffic generator in total numbers, although there would be a significant increase in HGVs over and above those normally using Coldharbour Lane. Additionally, the activities at the site would take place over a short timescale. The applicant is seeking planning permission for a temporary period of 3 years and within that time the total length of activity at the site would be in the region of 18 weeks. Nevertheless, it is the size of the vehicles in combination with the nature of Coldharbour Lane, which has led to concerns and has required detailed and careful assessment.

### Coldharbour Lane

217 It became apparent at a very early stage that one of the major constraints to this development proposal was the nature of the access route and whether vehicles could physically access the site. Coldharbour Lane is a historic sunken route characteristic of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The width of the lane is constrained by steep banks vegetated by trees some of which extend over the lane and in places, form a canopy over the lane. (See **Figure 9**). Officers shared the concerns of local residents and other objectors regarding the physical capacity of Coldharbour Lane and sought further information and assessment from the applicant to demonstrate whether the lane is capable of accommodating the traffic without causing damage to the banks and vegetation.

218 Objectors have expressed concern that the proposal could lead to damage to banks or trees adjacent to the lane and so disrupt a fragile environment which could result in permanent loss or damage. Rep 398 states '*This will surely lead to the destruction of a*

*quintessential, yet in many ways unique, example of an ancient rural Surrey Lane'*. It has also been stated in representations that:

- the banks are made up of weak soils and often erode in dramatic fashion;
- landslides and tree collapses occur on a regular basis in periods of prolonged or heavy rains resulting in closure of the road; and
- the vibration of lorries would create further instability to these ancient banks.

- 219 Clearly the important point to establish is whether the largest vehicle could travel along Coldharbour Lane without causing damage and if any damage was to occur, whether or not that would result in a significant adverse impact on the lane's appearance and ecology. To clarify this point the applicant was asked to demonstrate whether the largest vehicles associated with the development could travel the land without causing damage to the banks, overhanging branches of trees, tree roots and vegetation along the route given the width, bends and camber of the road. Following on from that, if some damage was likely, to assess the impact.
- 220 The applicant carried out a Foliage Survey which involved measuring the width of the road, taking into account any restrictions posed by roots or trees protruding from the bank and recording the height of the tree canopy above the road surface. According to the information provided in the ES, the highest vehicle accessing the site would be the water tanker at 4.30 m and the widest, the drilling rig at 3.17 m. The dimensions of the largest vehicles are given in Table 4 below. The survey identified 14 points along the lane where the tree overhang is within 4.8 m of the road surface and to achieve the necessary carriageway width some trimming of tree foliage and light branches would be required. Nevertheless, the desired tree canopy clearance height for unclassified roads is 5.4 m. The Foliage Survey demonstrates that there are stretches of Coldharbour Lane that do not currently meet the desired 5.4 m tree canopy height and removal of foliage below that level would assist in providing greater clearance for vehicle using the road.
- 221 Surrey's Highway Arboriculturalist would not wish to see large limbs removed as this could cause decay, resulting in the whole tree potentially becoming a threat to highway safety. There are two locations where the road width is reduced by the trunks of trees on the banks adjacent to the carriageway, to 3.93 m and 3.8 m and an area where the juxtaposition of several overhanging trees reduces the width of the carriageway (trees notated as Tree 1 - 6 in the Foliage Survey) with the area between trees 2, 3 & 4 of particular concern. The applicant concluded in the survey that no trimming back or cutting would be required but care would be needed to avoid damaging the trees.
- 222 Whilst the trees do restrict the available headroom immediately adjacent to the banks, this is not the case across the rest of the carriageway. For example the tree identified as Tree 2 is located at a point where the road width is 3.92 m and the clearance on the west verge is 4.0 m but 4.8 m is achieved at 0.50 m into the carriageway from the west verge giving an effective carriageway width of 3.42 m with headroom in excess of 4.8 m. Swept path and sections have been produced for the restricted area and the applicant states that additional tolerances have been built into the assessment process. From the evidence provided it would appear that the carriageway could accommodate the largest vehicles. However, the tolerances are very tight and the County Highway Authority is only entertaining the idea of this access route as the applicant has stated that the road would be temporarily shut and the rig would be traveling at a very slow speed - almost at walking pace.
- 223 It is clear from the photographs accompanying the Foliage Survey and from Officers visits to the area that there are trees adjacent to Coldharbour Lane, most notably Tree 4, that have already sustained impact damage from passing vehicles. On an inspection the Highway Arboriculturalist noted '*...a large beech will have to be removed, as damage to the underside of its trunk indicates vehicles strike this tree regularly*'. Whilst this may be the case from the landowners (Forestry Commission) or Highway Authority's point of view, the applicant has made it clear that although the tolerances are tight they are confident

that the drill rig can be transported along the lane without the need for the removal of large limbs or trees.

- 224 Local residents have been concerned and upset by red marks recently appearing on some roadside trees most notably at an obvious pinch point on Coldharbour Lane, which indicate that they may be being removed and are concerned that this is in connection with the application proposal. The trees are in the ownership of the Forestry Commission who has the responsibility to ensure their trees are not a danger to highway users. This issue is referred to on the Commission's Long Term Species Plan where it states '*retain old broadleaves on banks, removing/pruning dangerous roadside trees*'. Some of the marked trees have clearly sustained damage from contact with vehicles using Coldharbour Lane and during a survey the Forestry Commission identified the 4 marked beech trees as a public safety liability and also identified some diseased chestnut trees for removal. It is understood, that the Forestry Commission has made no firm decision about whether to fell or prune the trees.
- 225 Objectors to the application including Capel Parish Council have referred to the stability of the steep banks either side of Coldharbour Lane. The removal of trees can have some impact on bank instability but the applicant does not propose to remove any trees. The applicant has stated that the widest point of the largest vehicle (the rig transporter) exceeds the width of the wheels and as the banks taper back at an angle, the load should not overrun the edge of the bank. The applicant is willing to place scaffold boards against the bank, to ensure there is no accidental overrunning of the bank edges, but states this would be precautionary not necessary.

#### Traffic Management

- 226 As referred to above, sections of Coldharbour Lane were identified in the TA as having insufficient width to accommodate the passing of two HGVs. There are a number of large vehicles associated with the proposed development as illustrated below:

**Table 4 Rig Mobilisation HGVs Weight and Dimensions**

Vehicle	Weight (tonnes)	Vehicle Dimensions (Metres)		
		Length	Width	Height
100 tonne Crane	60	13.6	2.75	3.9
Drilling Rig (mast overhangs front of rig by 4.75 m)	50	14.1	3.17	4.26
Rig Loads on Flat Bed Trailers	32	15.5	2.60	4.20
Rig Loads on Low Loaders	32	12.1	2.59	3.50
Articulated Lorry	32	15.5	2.6	4.0
Pipe Supplies on Flat Bed Trailers	32	15.5	2.6	3.50

- 227 To mitigate the potential impacts of the development, the applicant devised a Traffic Management Scheme (TMS) to control and manage access to the site by HGVs. The TMS was later amended to reflect discussions with Surrey Police and Highway Officers. Whilst the reinstatement of the site would generate the same volumes of traffic as the site preparation and construction the applicant states that it is not included in the TMS as it may take place over a longer period and some of the stone may be used to repair local forestry tracks, which would reduce the number of vehicle movements. Nevertheless, the proposal has to be considered in terms of the worst case scenario and therefore the Highway Authority takes the view that all HGVs involved in deliveries and the removal of the aggregate should also be subject to traffic control. The Highway Authority has said that the TMS could be flexible in that it would not operate when there are no deliveries and

could be subject to change at a later date if the quantities of stone to be removed are reduced.

- 228 The TMS consists of two elements: a system of traffic signals and escort vehicles during the construction phase and a 3 day road closures during the rig mobilisation and rig removal periods (6 days in total). The aim of the scheme is to avoid conflict between HGVs travelling to and from the site and other road users and to minimise the delay to the general public. Nevertheless it is recognised that it is inevitable that some delay and disruption to other road users would occur.

### **Traffic Control**

- 229 The vehicles carrying the aggregate needed to construct the drillsite, access and car park would generate the largest number of HGV movements and the applicant proposes to manage the delivery of aggregate and other site deliveries to avoid conflict between HGV traffic and other traffic. Deliveries would take place, and the traffic controls operate, between the hours of 0930 and 1500 hours. Aggregate would be stockpiled at the site for use outside these hours.
- 230 Given that the site is over 4 km from Knoll Road, it would not be practical to have one traffic controlled section stretching from the site entrance to Knoll Road. The resulting waiting times would be in the region of 10 minutes for stopped vehicles, which the Highway Authority consider would be wholly unacceptable. As there are sections of Coldharbour Lane that are of sufficient width to accommodate the passing of cars and HGVs, it is not necessary to have the whole length of Coldharbour Lane under traffic control. Some of the pinch points are so localised that active traffic management is not necessary and courteous driving should suffice. It is therefore proposed that there would be three points/locations of active traffic management and control. To coordinate the different elements of traffic control, a controller would be located in Knoll Road and banksmen based at the application site access and at the junction with Logmore Lane. The two banksmen and controller would be in radio contact.
- **Traffic Management Point 1** - This point of control only effects HGVs wishing to access the site. The Knoll Road controller would stop the HGVs and instruct them on when to proceed onto Coldharbour Lane. It is proposed that the HGVs carrying aggregate proceed onto Coldharbour Lane in groups of three if no HGVs are travelling in the other direction towards Knoll Road.
  - **Traffic Management Point 2** – From a point 280m south of the junction with Knoll Road to a point adjacent to the Brambledown Travellers Site. It is proposed to have unmanned traffic light control on this section of approximately 220m in length.
  - **Traffic Management Point 3** – From the junction with Logmore Lane to the site entrance. Banksmen would be based at each end with stop/go boards and would be in radio contact with each other. If there were HGVs traversing this section, the traffic in the opposite direction would be held until the HGVs have completed the section. There would also be an escort vehicle leading the HGVs through this section, to regulate speeds and to warn and protect other road users who may have joined the lane from a footpath, bridleway or private access.
- 231 There would also be a controller at the site entrance.
- 232 Local residents and other objectors have voiced concern about the routing of vehicles and the use of the residential Knoll Road as a holding point for HGVs. Knoll Road is a mainly residential road where parking takes place intermittently on both sides of the road. It is one of the routes taken by school children to access nearby schools and the route taken by the school buses morning and evening. Objectors have referred to the traffic being heavy during the period pupils are travelling to and from school. Residents of the road have expressed concern about the access to their drives being maintained, the damage to

the road as a result of the development and the effects of *'vibration, diesel fumes, dirt and dust and the effect on property values.'* (Rep 1558). One Knoll Road resident states in his rep (No 86) *'the thought of HGVs being lined up on Day 1 to proceed together down Coldharbour Lane fills us with dread'*.

- 233 Some local objectors have also expressed the view that rather than use Knoll Road the HGVs would use Ridgeway Road an unadopted residential road with traffic humps. Rep 1531 states that the Journalist Charity based at Pickering House Ridgeway Road has 26 residents requiring constant care and support. Traffic in Knoll Road would disturb residents, inconvenience staff and relatives and delay ambulances called in emergency.
- 234 The applicant has identified the most appropriate route. Knoll Road directly links Flint Hill with Coldharbour Lane. Despite residents fears there are several reasons why HGV drivers would be extremely unlikely to choose to travel along the unadopted residential road known as Ridgeway Road. Such a route would involve travelling almost double the distance from Flint Hill to Coldharbour Lane along a narrow road with speed humps. HGVs travelling to the site would then have difficulty positioning themselves to come under traffic control in Knoll Road which would be located prior to the junction with Ridgeway Road. In addition, the geometry of the road is such that HGVs would be unable to turn left from Ridgeway Road into Coldharbour Lane. They would also have extreme difficulty turning right from Coldharbour Lane into Ridgeway Road. The applicant has stated that all the normal routes to access Pickering House would be open to staff, relatives and the emergency services and the applicant has concluded in the traffic assessment that *'drivers in Knoll Road are unlikely to experience delay if the proposed restrictions on HGV deliveries ...are implemented'*.
- 235 Over the period of active traffic management and control, HGVs carrying aggregate would wait in Knoll Road until there are 3 HGVs before travelling in convey south along Coldharbour Lane. This has the potential to cause noise, increased emissions and visual intrusion for residents of Knoll Road. The traffic management would take place between the hours of 0930 to 1500 hours weekdays and 0930 to 1300 on Saturdays if required. The Knoll Road Controller would be issued with instructions that engines are to be turned off whilst vehicles are awaiting orders to proceed which would reduce the impact of noise and vehicle emissions. The Highway Authority also suggest that if permission is granted that a condition is imposed limiting the times at which vehicles can deliver to the site and the earliest time the congregation of vehicles should be permitted in Knoll Lane, in order to preserve the amenities of residents.
- 236 A representation has been received from the Headteachers of Powell Corderoy Primary School and The Prior C of E School. They have expressed concern regarding the proposed hours of traffic management of 0930 to 1500 hours and have asked for hours to be restricted to 0930 to 1445 hours as the children leave school from 1510 hours. The proposed TMS hours of operation do avoid the times when school children are accessing or leaving school. Clearly there could be some inconvenience and possible delays experienced by parents/carers and school coaches, which would be of concern if this was a permanent proposal or the duration was longer. The Highway Authority considers that the TMS provisions do adequately protect the children attending local schools.
- 237 One of the concerns of objectors is the impact on vulnerable road users and many representations refer to the potential conflict between HGVs and the cyclists and walkers who use the area. In June 2009 and 14 October 2009 surveys were taken of cyclists using Coldharbour Lane. The first survey noted that 6 cyclists travelled north and 2 travelled south on the highway and the second that 2 went north and 6 south. It was also noted that 6 cyclists went south on the Byway Open to All Traffic (BOAT) running parallel to Coldharbour Lane. A number of public rights of way such as Footpaths 257, 252, 135, 250 247 267 and Bridleway 260 along with many other forestry tracks, have junctions with Coldharbour Lane. It is likely that some users of these rights of way use Coldharbour Lane as a link, in particular users of Footpath 252 and Footpath 135 and Footpath 250 and

Bridleway 260. This could result in pedestrians, cyclists and horseriders emerging onto Coldharbour Lane within sections of the road under traffic management control. Walkers using Footpath 247 shown at its junction with Coldharbour Lane in **Figure 10** would cross the lane to continue using the footpath. The rights of way network in the vicinity of the application site are shown on **Aerial 4**.

- 238 It is not considered practical to control walkers, cyclists or equestrians in the traffic using Coldharbour Lane. Nevertheless there is potential for impacts on them. The proposals may result in some delay for walkers, cyclists and equestrians and the close passage of large HGVs may lead to an increased perception of fear and intimidation. Despite these impacts, the traffic control system is likely to reduce traffic speeds and the introduction of an HGV escort should improve conditions of safety for vulnerable road users. The applicant intends to place warning signs on the highway and at points where rights of way join Coldharbour Lane, in order that users are aware of the presence of HGVs. The Highway Authority has said that the TMS should contain details of where the rights of way are and ensure that all HGV drivers are aware that they may encounter pedestrians, cyclists and equestrians in the carriageway and to ensure that they act in a courteous and safe manner. Provided that these measures are incorporated, the Highway Authority is satisfied that sufficient steps have been taken to protect vulnerable road users. Survey results indicate that usage by such groups during the working day is low.

### Road Closure

- 239 The road closure would involve Coldharbour Lane, not Knoll Road. The dimensions of some of the vehicles involved with the rig mobilisation and their loads are such and the nature and dimensions of Coldharbour Lane, that the TA identified the only option to ensure safe passage would be to ensure that no other traffic is using the road when they travel to and from the site. Consequently, the proposal would involve the closure of Coldharbour Lane for the duration of the rig mobilisation and then again for the rig removal. The applicant is working on a 3 day period of closure between 0900 to 18.00 hours. This TA states that this would allow commuters and other road users to travel prior to, and post, the closure hours. The two periods of closure could be shortened to 2 days each by closing the road between 0600 and 1900 hours but this would be more disruptive to local residents.
- 240 The rig itself is larger than a conventional HGV being 3.17m wide, 4.26m tall and a total of 18.41m long (including a 4.75m overhang by the mast at the front). There was considerable initial concern that this vehicle would not physically be able to traverse Coldharbour Lane to access the site. As shown by the Foliage Survey and other assessment provided by the applicant, the available tolerances on the narrowest section of carriageway along the route, taking overhanging trees into account, are very small. Following a comprehensive survey by the applicant and a subsequent meeting on site to measure and observe the pinch points, Highway Authority Officers are satisfied that the rig delivery vehicle could access the site, provided that the speed of travel is very slow and great care is taken. It would not be possible to achieve this without a road closure.
- 241 Whilst not welcomed, the closure of roads is often necessary for works to take place and in March 2011 Coldharbour Lane was temporarily closed for BT to renew faulty overhead cables. Nevertheless, whether the road is closed during daytime hours twice for 2 days or twice for 3 days it will be disruptive to local residents and users of the area. Many residents have expressed concern regarding this aspect of the proposal. One issue is that of delay and a local resident who has made several representations on the proposal, Rep 173 has said whilst the distance from the proposed drillsite in Coldharbour, to Pump Corner is 3.8 miles and can be driven on average in 7 minutes, the next most direct route when Logmore Lane is also closed, is through Anstie Lane, which is a distance of 7.2 miles and takes on average about 20 minutes. The extra amount of driving and the cost involved is an unnecessary burden upon the carbon footprint and people's own personal finances. Many other objectors have been worried about the delay that could occur if emergency services had to find alternative routes whilst the road closure was in place.

- 242 The physical road blocks at either end of Coldharbour Lane are expected to be manned to allow the passage of site traffic and access to residences along the lane. The applicant has stated that *'emergency services would not be restricted; either during the traffic management period or during the road closure.'* Where necessary, site vehicles would move to a passing point to allow the emergency services access. Advance warning signs and road signage would be erected along the route and in the local area.
- 243 Looking at the impacts of the proposed traffic control measures and road closure it is clear that the proposal would have an amenity impact on highway users. The delays caused by the traffic control measures would increase journey times, as would the necessary diversion via the A29 when the road is closed. It is also clear that the introduction of traffic control measures would result in some inconvenience to highway users. Given the comparatively short periods involved and the temporary nature of the proposal, the Highway Authority does not object to the TMS. The Highway Authority will expect the TMS to contain a commitment to liaise with local residents and the applicant should enter into dialogue with affected residents long before these measures are introduced. The applicant should also notify the emergency services prior to the works commencing and come to an agreement over how emergency vehicles will be dealt with. These matters would need to be detailed in the TMS which if the development were to be permitted, would be required to be provided, implemented and monitored and would be secured through the proposed legal agreement.
- 244 Coldharbour Lane is an historic route and if it developed from a cart track, the road is likely to have very shallow or no foundations. The lane's construction is a matter that has concerned residents, along with the possible damage to services. The passage of the numbers, sizes and weights of the vehicles involved in this development could lead to damage to the structure and fabric of the road. Consequently, if the development were to go ahead, the Highway Authority would require the applicant to undertake a condition survey of Coldharbour Lane and Knoll Road prior to the commencement of development and after its completion in conjunction with East Surrey Highways Service. This would establish the condition of both the highway structure and surface and also the condition of the banks and verges before and after the development and determine the extent of any damage that may have occurred as a result of the development. The applicants would be expected to make good any damage caused at their own expense. This would be secured by the legal agreement if planning permission were granted.

### **Mode of Transport**

- 245 One of the national objectives for minerals planning listed in para 9 of Minerals Policy Statement 1 (MPS1) (Planning & Minerals) is *'to promote the sustainable transport of minerals by rail, sea or inland waterways.'* Proposed Policy MC15 of the SMPCSDPD also expects alternatives to road-based methods of transport to be considered especially where these can use existing sidings. Nevertheless, para 7.9 recognises that the majority of mineral is transported over relatively short distances and road transportation is often the only practicable and cost effective option.
- 246 Paras 7.11 to 7.14 of the SMPCSDPD deal with rail aggregate depots and refer to the existing rail aggregate facilities in or close to Surrey. In Surrey, there are existing facilities at Woking and at Salfords although Salfords operates on a low throughput due to access and land ownership constraints. Just outside Surrey there are rail aggregate depots at Tolworth, Purley, Colnbrook and Crawley.
- 247 The site would only be operational for a total of 18 weeks, mineral would not be won and transported from the site. All the traffic movements would be associated with delivering materials or plant and equipment to the site over a very limited period and the transportation of personnel to the site. None of the rail facilities are in close proximity to the site, and even if a rail facility could be used the plant, equipment, materials and



personnel would all need to be transported by road from the rail facility to the site. Officers consider the scale of the development and its nature means that rail transport is not a practicable alternative in this case and would not lower the impact on the residents and environment in the locality of Coldharbour Lane and Knoll Road.

- 248 Similarly, Officers consider there are no opportunities for the movement of materials, equipment and personnel by water within any practical distance of the proposed drillsite. The water transport network in Surrey is considerably more dispersed than the rail network.

### **Conclusion on Highways, Traffic and Access**

- 249 There are no practical options to bring the materials and equipment to the site by any other method of transportation and as the development is small-scale and temporary there is no potential for sequenced working to reduce the volume of materials moved. Overall the development would not give rise to a significant increase in vehicle movements over the 18 week period and the identified route, from the A24 to the site, has the capacity to accommodate the traffic that would be generated. Nevertheless, regard must be had to the development involving a considerable increase to existing HGV traffic movements in this rural area, albeit over a relatively short period. This aspect of the development along with the shortcomings of the proposed route has been of considerable concern.
- 250 After very careful consideration of all the information provided by the applicant, site visits and witnessing road and vegetation measurements at pinch points on the road, the Highway Authority is of the view that the applicant has demonstrated that the largest vehicles specified can travel along Coldharbour Lane without causing damage, provided that they are driven with care and that there is no other traffic on the road at the time. The Highway Authority is satisfied that the proposed road closure would facilitate this.
- 251 The vehicle movements proposed should be considered intensive but ultimately temporary in nature. The vehicle movements are not considered unacceptable when balanced against the limited options for access to the site, the need for the proposed development and temporary time-controlled nature of vehicular activity. The Highway Authority is satisfied that the proposed numbers and types of vehicles could be safely accommodated on the roads proposed, subject to the TMS controlling HGV access to the site and measure and controls that can be secured through planning conditions and legal/highway agreements. The proposed measures are considered appropriate and would overcome the Highway Authority's highway safety concerns. It is recognised that this would be at the expense of the amenity and convenience of the residents of Coldharbour and the other users of Coldharbour Lane. The Highway Authority has considered the application in the terms in which it was made i.e. as a temporary planning permission for a finite period. The measures, which have been agreed on this basis, should in no way be taken as suitable or acceptable for a more permanent development. On balance, taking all these matters into account Officers consider that from a traffic, access and highway capacity and safety point of view the proposal is acceptable. Accordingly, Officers do not consider that the proposal conflicts with Policy 1 of the Surrey Minerals Local Plan 1993, Policy MOV2 of the Mole Valley Local Plan 2000 (saved policy) nor with Policy CS18 of the Mole Valley Local Development Framework Core Strategy 2009.

**ENVIRONMENT & AMENITY*****National Guidance***

Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas  
 Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation  
 Planning Policy Statement 5 (PPS5) Planning for the Historic Environment  
 Planning Policy Statement 23 (PPS23) Planning and Pollution Control  
 Planning Policy Guidance Note 24 (PPG24) Planning and Noise  
 Planning Policy Statement 25 (PPS25) Development and Flood Risk  
 Minerals Policy Statement 1 (MPS1) Planning and Minerals  
 Minerals Policy Statement 2 (MPS2) Controlling and Mitigating the Environmental Effects  
 of Mineral Extraction in England  
 Minerals Planning Guidance Note 7 (MPG7) Reclamation of Mineral Workings

***South East Plan 2009 (SEP 2009)***

Policy CC6 Sustainable Communities and Character of the Environment  
 Policy NRM1 Sustainable Water Resources and groundwater Quality  
 Policy NRM2 Water Quality  
 Policy NRM4 Sustainable Flood Risk Management  
 Policy NRM5 Conservation and Improvement of Biodiversity  
 Policy NRM7 Woodlands  
 Policy NRM9 Air Quality  
 Policy BE6 Management of the Historic Environment

***Surrey Minerals Local Plan 1993 (SMLP 1993)***

Policy 1 Environmental and Amenity Protection  
 Policy 5 Restoration  
 Policy 15 Environmental & Ecological Impact of Hydrocarbon Development

***Mole Valley Local Plan 2000 (Saved Policies) (MVL 2000)***

Policy ENV4 Landscape Character  
 Policy ENV15 Species Protection  
 Policy ENV22 General Development Control Criteria  
 Policy ENV39 Development in Conservation Areas  
 Policy ENV50 Unidentified Archaeological Sites  
 Policy ENV51 Archaeological Discoveries During Development  
 Policy ENV57 Lighting Proposals  
 ENV 67 Groundwater Quality

***Mole Valley Local Development Framework Core Strategy 2009 (MVLDFCS 2009)***

Policy CS14 Townscape, Urban Design and the Historic Environment  
 Policy CS15 Biodiversity and Geological Conservation  
 Policy CS20 Flood Risk Management

***Proposed Surrey Minerals Plan Core Strategy Development Plan Document (SMPCSDPD)***

Policy MC2 Spatial Strategy - Protection of Key Environmental Interest in Surrey  
 Policy MC12 Oil and Gas Development  
 Policy MC14 Reducing the Adverse Impacts of Mineral Development  
 Policy MC17 Restoring Mineral Workings

- 252 The development is proposed in a rural area popular with visitors and residents, which is largely undeveloped and characterised by areas of wooded hills and countryside. Objectors to the proposal have cited several environmental and amenity reasons as their grounds for objection. These relate not only to the highly valued landscape but also the potential impact on residents and visitors in terms of light, noise, air quality, recreation and also the potential impact on wildlife, Ancient Woodland, the Coldharbour Conservation Area and the historic environment.
- 253 Planning Policy Statement 7 (Sustainable Development in Rural Areas) (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

Paragraphs 15 and 16 of PPS7 cover countryside protection and development in the countryside. Para. 15 states that *'planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.'* There is particular reference to the restraint of potentially damaging development in statutorily designated areas. Included in the five issues that para. 16 advises planning authorities they should take account of, are (iii) the need to protect natural resources, and (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

- 254 The SEP 2009 has been developed to help deliver the vision set out in the Regional Sustainability Framework. The vision focuses on a healthier region and includes the impact of current high levels of resource use being reduced and the quality of the environment maintained and enhanced. The vision is supported by sixteen objectives. Objective 15 states *'the best of the region's historic, built and natural environment will be protected and where possible enhanced, both for its own sake and to underpin the social and economic development of the region'*. One of the six spatial planning principles is *'supporting the vitality and character of the region's rural areas, whilst protecting the valuable natural and historic assets of the region'*. Rural policy development is broken down into 4 key principles expected to achieve more sustainable forms of development and these are related to core policies throughout the Plan. The promotion of sustainable and distinctive communities is sought by cross cutting Policy CC6 (Sustainable Communities and Character of the Environment) which encourages a local shared vision which *'respects, and where appropriate enhances, the character and distinctiveness of settlements and landscapes throughout the region.'*
- 255 The SMLP 1993 Policy 1 (Environment & Amenity Protection) requires that adequate safeguards for the protection of the environment and the amenities of local residents can be secured if mineral working is to be permitted. It is stated within the policy that when considering *'...proposals the County Council will wish to be satisfied that steps have been taken to minimise the impact of working and that a number of environmental and amenity impacts have been taken into account'*. The relevant issues contained within the policy will be covered under the individual subject headings within this section of the report. SMLP 1993 Policy 15 (Environmental & Ecological Impact of Hydrocarbon Development) requires that within the context of the geological structure that proposed development sites are selected so as to minimise the environmental and ecological impact of hydrocarbon development.
- 256 The intention of this policy is being taken forward in the review of the SMPCSDPD Proposed Policy MC14 (Reducing the Adverse Impacts of Mineral Development) which 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'*. Ten issues are set out in the policy, which may be relevant, and the policy also refers to *'particular attention to those highlighted in any screening opinion made for the site'*,
- 257 The MVLP 2000 and MVLDFCS 2009 contain a number of environmental policies and these are referred to under the individual issue headings later in the report.

### **Ecology and Biodiversity**

- 258 The westernmost extent of the proposed site falls within the boundary of Abinger Forest Ancient Replanted Woodland as shown on the Inventory of Ancient Woodland Surrey. (See **Aerial 3** which shows the extent of ancient woodland in the area). Areas such as this are known as Plantations on Ancient Woodland Sites (PAWS) or ancient replanted woodland. The Leith Hill Site of Special Scientific Interest (SSSI) is some 650 m south west of the proposed drill site and there are three Sites of Nature Conservation Importance (SNCIs) within 2 km of the site.

- 259 Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation sets out the policies that apply to the protection of biodiversity and geological conservation and planning. The Government's objectives for planning are to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance. Para 10 of PPS9 covers the value of ancient woodland as a biodiversity resource both for its diversity of species and longevity as woodland.
- 260 The South East has a wide range of habitats and Policy NRM5 of The SEP 2009 (Conservation and Improvement of Biodiversity) aims to protect and enhance the region's biodiversity. Policy NRM7 (Woodland) seeks to ensure that the value and character of the region's woodland are protected and enhanced. The policy sets out criteria by which this will be achieved including: protecting ancient woodland from damaging development and land uses, and replacing woodland unavoidably lost through development with new woodland on at least the same scale.
- 261 SMLP 1993 Policy 15 (Environmental & Ecological Impact of Hydrocarbon Development) relates to consideration the location of oil and gas developments so as to minimise environmental impact. In terms of proposals for drilling operations including exploration Policy 15 states that proposals *'will be permitted only where the County Council are satisfied that in the context of the geological structure being investigated the proposed site has been selected so as to minimise the environmental and ecological impact of the development.'*
- 262 Policy 1 of the SMLP 1993 (Environmental & Amenity Protection) requires that the impact of a development on nature conservation must be taken into account and that adequate safeguards for the protection of the environment can be secured. The policy sets out 12 matters that should be taken into account including impact on nature conservation.
- 263 The intention of Policy I is taken forward in proposed Policy MC14 in the SMPCSDPD (Reducing the Adverse Impacts of Mineral Development) which states that mineral development will be permitted only where a need has been demonstrated and sufficient information has been provided for the mineral planning authority to be satisfied that there would be no significant impacts arising from the development. A number of issues are included under 10 points including iv) the natural environment, biodiversity and geological conservation interests.
- 264 Policy ENV15 of the MVLP 2000 (Species Protection) requires a thorough site investigation where a development would be likely to result in harm to a protected species or habitat. The policy has a presumption against permitting development that would materially harm a protected species or its habitat.
- 265 Policy CS15 of the MVLDFCS 2009 (Biodiversity and Geological Conservation) states that biodiversity will be protected and enhanced in accordance with European and national legislation, planning guidance, the South East Plan and the Surrey Biodiversity Action Plan. It goes on to state that *'all water courses, mature hedges and trees within development sites should be, as far as practicable retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists, will removal of such features be permitted.'* Where they are not retained, replacement will be expected to result in biodiversity enhancements. Planting that promotes biodiversity will be expected as part of all development schemes focusing on native species from the locality.
- 266 The Environmental Statement accompanying the planning application contains a chapter on ecology and biodiversity which considers the ecological issues in relation to both the site, its access and the surrounding area. The main ecological issues are the woodland, part of which has been previously identified as ancient woodland, and several protected

species. A Phase 1 habitat and ecological scoping survey has been carried out which covered the site and a 30 m buffer zone around the site, the forestry access track and a number of species surveys have also been undertaken: reptile, badger, bat and dormouse. In addition a vehicle access management impact survey was also carried out.

- 267 During the 6 week site construction and mobilisation phases activities which could potentially impact on ecological receptors, are site clearance and the visual and noise disturbance from increased activity at the site involving plant and vehicles. During the 5 week drilling phase and the 4 day testing period, potential impacts would revolve around visual and noise disturbance from machinery, vehicles and lighting. De-mobilisation of the site and restoration would again involve the movement of vehicles and plant, which would have a similar impact to the initial site construction.
- 268 Leith Hill Action Group (LHAG) claim that the information provided by the applicant is sufficiently flawed that this Authority does not have adequate information on which to make an informed decision in line with PPS9. Whilst the County Ecologist and Biodiversity Manager disagrees with this point of view, he is concerned that the situation in terms of ecology has to an extent, been complicated by the works associated with filming that have recently been undertaken adjacent to the site.
- 269 The works associated with the filming have taken place under Schedule 2, Part 4, Class B of the General Permitted Development Order (GPDO) and involved clearance of trees and shrubs, the laying of hardcore bases, the erection of marquees, parking of film trailers, the parking of trucks, cars, vans and the siting of skips. Features such as unimproved acid grassland have been significantly impacted by these activities. The landowner, the Forestry Commission has advised that some of the hardstandings will be retained under Schedule 2, Part 7 of the GPDO for forestry operations.
- 270 Other than some limited storage of materials that took place, the area of the proposed drillsite compound does not appear to have suffered any damage or change. However, these works undertaken by the film company have inevitably changed the baseline that was recorded and assessed by the applicant in the ES and considered by the County's Ecologist and Biodiversity Manager in terms of part of the woodland to the east of the proposed drillsite, the access track, proposed flarepit area and the land immediately adjacent to the access track. This issue is referred to under the individual sections below and under the section Other Issues at the end of the report.
- 271 Natural England has been consulted on the application and initially responded in February 2009 where it offered advice and comments on the information supplied but did not raise objection to the proposal as it did not consider *'the proposal as submitted will impact on protected species or ancient woodland but reserve the right to review our position should further information or an alteration to the current proposals prove this to be necessary'*. Following this Natural England changed its consultation arrangements and now recommends that the County's in-house ecologist be consulted with regard to the results of the surveys and appropriateness of the mitigation proposed in line with Natural England's standing advice. Natural England has been sent all the further information and surveys provided by the applicant. Responses have been received in December 2009, December 2010 and in April 2011. The first two responses welcome the submission of the ecological surveys, refer to the need to consult the County's in-house ecologist and draw attention to the standing advice. The final response states that Natural England has no comments to make on this planning proposal and highlights that this should not be taken as implying a lack of interest or indicating either support for, or objection to, any proposal.

### **Ancient Woodland**

- 272 Ancient woodland refers to woodland that has been wooded continuously since at least 1600. Ancient woodland is an irreplaceable resource that provides a continuity of habitat for a diverse flora and fauna. PPS9 and MPS1 state that the loss or deterioration of ancient woodland should not be permitted unless the need for, and the benefits of the

development in that location outweigh the loss of the woodland habitat. MPS1 also requires local authorities to take account of the value that existing woodland offers in terms of amenity and habitat when considering proposals.

- 273 The extent of ancient woodland in the vicinity of the application site is shown on **Aerial 3**. As can be seen from the aerial, the site falls on the edge of a wedge of land that is not ancient woodland that divides two extensive areas of ancient woodland. Immediately to the west of the proposed site and extending into the western edge of the site, there is an area of ancient replanted woodland. To the east, an extensive area of ancient woodland begins again on the eastern side of Coldharbour Lane. The woodland on land between Coldharbour Lane and the eastern side of the application site is not ancient woodland. The existing Ancient Woodland Inventory for Surrey shows that part of the site falls within the boundary of the Abinger Forest Ancient replanted woodland. The land is identified as a Plantation on Ancient Woodland Sites (PAWS) covering a strip of the western side of the site, which is widest at the south and tapering to a point at the northern end of the site. The site may have been wooded in 1762 but is not shown as wooded on the 1801-1809 Ordnance Survey (OS) drawings or the 1872 OS map. The land to the south, west and east of the site is Forestry Commission coniferous plantation woodland and the site itself is likely to have formed part of these plantation blocks. It has also been subject to quarrying in the 18<sup>th</sup> or 19<sup>th</sup> century.
- 274 The Habitats Directive requires that Member States should endeavour to encourage the management of landscape features that are of major importance for wild flora and fauna. Ancient woodland is specifically cited in PPS9 – Biodiversity and Geological Conservation, which has made provision for the protection of this irreplaceable resource through land use planning. Paragraph 10 of PPS9 states that. *'They (Planning Authorities) should not grant planning permission for any development that would result in its (ancient woodland) loss or deterioration unless the need for, and benefits of, the development in that location outweighs the loss of the woodland habitat.'*
- 275 Paragraph 3.41 of the proposed SMP CSDPD states that, *'Where a proposal is likely to affect, directly or indirectly, the special interest features of a nationally designated site or an area of ancient woodland, an assessment should be provided of the likely impacts on those interests, together with possible means of mitigation.'*
- 276 Natural England has published standing advice to planning authorities on the protection of Ancient Woodland from damage or loss by development. The standing advice advocates identifying and considering if the development proposed is likely to cause direct loss of, or impact on, ancient woodland and identify any mitigation measures that could be used to reduce or remove the impacts upon the ancient woodland.
- 277 The Phase 1 Habitats survey undertaken by the applicant shows that currently the majority of the site is covered with bracken with occasional silver birch trees (See **Figure 4**). These habitats cover the majority of the land identified as ancient woodland. A small section in the northwestern corner of the site remains coniferous plantation woodland and some of these conifers can be seen on the right of **Figure 5**. A small triangular section at the south western corner is identified as mixed plantation with young conifers interspersed with self-sown young birch. The ancient woodland extends as far as the location of the proposed flare pit and this is shown on the habitat survey plan as partly unimproved acid grassland and semi-natural broad-leaved woodland. This is one of the habitat areas which has been changed by recent works associated with the filming that has been taking place.
- 278 Ancient woodland indicators are species that are more common in ancient woods than in more recent woods and can help to identify ancient woodlands. Ancient woodland normally has approximately 30 indicators and can have considerably more. The applicant's survey shows that only one ancient woodland indicator was found in compartment 11, the edge of which straddles the southernmost boundary of the site. The indicator was a few individual bluebells. A single indicator is not sufficient to identify

ancient woodland and bluebell is not as strongly associated with ancient woodland as some other indicator species and was found on the very edge within the site boundary. Current management of the site by the landowner is such, that ancient woodland regeneration is not facilitated, however ancient woodland characteristics could potentially reside in dormant seeds within the topsoil.

- 279 The proposal would result in the clearance and re-grading of the site involving the removal of trees and vegetation and the stripping of soils. The habitat survey indicates that some trees would be removed from the strip of the site that is identified as ancient woodland. These are predominantly in the northern coniferous plantation. The site does not contain any veteran trees and so the seed bank is the only potential for remaining features of ancient woodland. The applicant is proposing to strip the soils and store them in bunds at the site for replacement following site decommissioning. It is stated in the Environmental Statement that the removal of the thick cover of bracken from the site may allow any woodland ground flora seeds currently dormant in the topsoil to germinate. To ensure that as far as reasonably practicable any remaining seeds would be retained, Officers recommend that a detailed methodology for the excavation of soils, its storage and reinstatement be required by planning condition if planning permission is granted.
- 280 The Woodland Trust has objected to the proposal and featured this planning application in its campaigns, urging members to object to the application. Representations generated from the campaign have come for all over the UK and beyond. The Woodland Trust states on its website that *'once gone, ancient woodland cannot be recreated - the interactions between plants, animals, soils, climate and people are unique and have developed over hundreds of years'*. However, as referred to above the area within which the application site is situated has been disturbed over time. Many of the objectors appear to be under the impression that the application site is proposed for an undisturbed area of ancient trees. Rep 734 *'I would like it explained to me how trees 100 years old can ever be replaced?'* and another says *'the essence of ancient woodland lies in its complete undisturbance for hundreds of years. Any interference with soil (even if stored and replaced as is suggested by the developers) will totally destroy all the past heritage.'* Rep 660.
- 281 Whilst part of the site is identified on Multi-Agency Geographic Information for the Countryside (MAGIC) and the Ancient Woodland Inventory Surrey as 'Ancient replanted woodland', surveys have shown no evidence of ancient woodland indicator species currently growing, apart from a few individual bluebells, nor any veteran trees within the site boundary. The County Ecologist and Biodiversity Manager has said that the site itself has suffered disturbance from historical quarrying activities in the past and this disturbance together with any planting and harvesting of conifers that may have taken place, would have substantially altered the woodland habitat on the site. Natural England, the Forestry Commission, Surrey County Council and the District Councils have had a joint project to review the Ancient Woodland Inventory for Surrey over the last two years. As a result of that work amendments will be made to the Ancient Woodland Inventory. This will be published in June 2011. It is understood that provisionally a small area south of the application site is to be proposed as ancient woodland but the strip of land on the western side of the application site and land extending to the south west of the application site will be removed from the inventory as it has been incorrectly identified as ancient woodland on the current inventory. Whilst the site evidence, assessment and survey appear to back this conclusion, the site is still identified on the Ancient Woodland Inventory until such time as the proposed amendments are formally published.
- 282 As covered in the first two sections of this report, the need for the development is clear and the consideration of alternative sites concluded that the application site represented the best option for short term exploratory drilling and that there are no other suitable alternative locations available at this stage.
- 283 It is the view of the County Ecologist and Biodiversity Manager that there is no reason for refusal of this application on ancient woodland grounds. Natural England stated in its

original consultation response that it does not consider the proposal would have an adverse impact in terms of ancient woodland and did not object to the proposal.

### Other Habitats

- 284 The larger part of the site which is not identified as Ancient Woodland is shown on the Phase 1 habitat survey to contain a mixed plantation woodland of conifers with an understorey of young grey willow and birch in the northeastern corner; the central section has bracken with occasional silver birch; a small coniferous plantation is found in the very northwestern corner and on the eastern boundary there is a strip of coniferous plantation woodland which is part of a plantation which extends almost to Coldharbour Lane.
- 285 The Phase 1 Survey shows a total of 50 trees on the application site, which would need to be removed to facilitate the development. Of these 38 were mature trees mainly Scots pine but also some birches; there were 2 semi-mature birches, 8 immature saplings, 1 small Norway spruce and a damaged tree (Scots pine). Trees are a feature of the local landscape and provide wildlife habitats it is therefore important that the impact from tree loss is reduced. The SEP 2009 Policy NRM7 (Woodlands) criteria iii requires replacement of woodland unavoidably lost through development with new woodland on at least the same scale. The MVLDFCS 2009 Policy CS15 (Biodiversity and Geological Conservation) also addresses this issue. Criteria 3 states that *'All water courses, mature hedges and trees within development sites should be, as far as practicable, retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists, will removal of such features be permitted. In these cases the replacement will be expected to result in biodiversity enhancements to what previously existed and where possible should seek to contribute to a network of green infrastructure and the objectives of the Surrey Biodiversity Action Plan'*. Criteria 4 expects planting to focus on native species from the locality.
- 286 If the development was to go ahead, it is quite clear that the trees currently on the site cannot be practicably retained; neither can they be replaced elsewhere within the site. The site lies within Forestry Commission plantation land where trees are removed and replanted on a rolling programme. The applicant's proposal is that the site would be returned to woodland plantation use when the drillsite is decommissioned, which would achieve continuity with the surrounding woodland and in time provide replacement trees. Officers consider that it is important that a restoration timetable and scheme are clearly set out to bring the site back to a condition suitable for the proposed afteruse. It is therefore being recommended that details of the provision for the promotion of biodiversity focusing on native species and planting specification including details of species, size and spacing are required as part of the restoration plan. This is covered in the restoration section later in this report.
- 287 Consideration must also be had to the value that the existing woodland offers in terms of amenity and habitat. The proposed drillsite compound is open access land, but tracks go round the site rather than across it. This most probably results from its overgrown nature and ground undulations resulting from previous historical quarrying. The applicant proposes that the site would be restored without its current changes in levels but to a more uniform surface and therefore the restoration may provide more recreational opportunities.
- 288 The proposal would have temporarily removed a small area (0.0053 ha) of unimproved acid grassland, which is a UK Priority Habitat. The acid grassland was found in the area of the application site proposed as the flare pit. This was partly unimproved acid grassland and partly semi-natural broad-leaved woodland. The recent works associated with filming has affected the acid grassland which has had hardstanding placed on top of it. As the filming works were undertaken under permitted development rights, it is not known what, if any, mitigation measures were taken with regard to the acid grassland habitat. The Forestry Commission has said that this unimproved acid grassland was on the site of a clear fell area and falls within the envelope of the Forest Design Plan for possible future



forestry operations. Through ongoing thinning and felling activity at Bury Hill a linear network of lowland heath and acid grass habitat has been created, however the Commission do not intend to create large expansive areas of grassland at this site and they consider that grassland habitats are a necessarily transient component of the woodland environment.

- 289 Within the application the applicant stated that the acid grassland vegetation would re-establish naturally on the bare ground following the removal of the imported materials and points out that a second area of acid grassland in the area could be a potential source of seed. The County Ecologist has visited the site since the filming activities ceased and has reported that as the land has been regraded and material has been placed on top of the grassland, it has been damaged and protective measures are no longer required. The extent of the grassland was small but the County Ecologist and Biodiversity Manager felt that this loss could be compensated for in the restoration scheme. However, he recognises that this could only be achieved by agreement with the landowner.
- 290 The Forestry Commission has been consulted on the application and has given a standard response without explicit comment on the proposals. To ensure that restoration of the site takes account of promoting biodiversity as required by development plan and national policy, Officers recommend that a planning condition be imposed requiring the submission of a landscape, ecology and restoration plan. This would require the applicant to provide details in terms of restoration of the site which provide for the promotion of biodiversity focusing on native species.
- 291 An area of dry dwarf shrub heath is found south of the site compound running adjacent to the north of the access track. The latest Phase 1 habitat survey recorded an endangered species known as Heath Cudweed on this area. The applicant proposes to protect this UK Priority Habitat from vehicle damage by the erection of road pins and bunting. However, the County Ecologist and Biodiversity Manager is of the opinion that these measures would not be adequate to prevent damage. To provide suitable protection, the County Ecologist and Biodiversity Manager considers that the wooden posts proposed to be erected on the northern boundary of the site access to protect pedestrians and horse riders should be extended along the northern side of the site access route to meet the fencing of the site compound. Officers therefore recommend that proposed Condition 19 be imposed on any consent to secure this.
- 292 The Phase 1 Habitat Survey identified the introduced and invasive Japanese Knotweed to be present on land to the south of the access track outside the proposed site area. The presence of this species is the responsibility of the landowner, the Forestry Commission. Although outside the application site the ES identified measures to be taken by the applicant during the development to ensure the species was not spread as a result of the development. However, this area of knotweed has been removed or covered to accommodate the works associated with filming that have recently taken place. It is understood that the knotweed had been sprayed, but without continuous applications of herbicide it will continue to re-grow. The latest Phase 1 habitats survey identified a new patch of knotweed in the area just to the north of the access. As knotweed rhizomes are known to spread at least 7 m in any direction, the applicant proposed taking preventative measures to ensure that movement of materials and vehicles on and off the site did not allow the knotweed to spread. It was intended that a protective thick plastic layer would be laid along the access track, extending at least 10 m beyond the knotweed before the placement of a layer of soft sand and then hardcore. In addition, to prevent contamination an Ecological Clerk of Works would have supervised the decommissioning and disposal of the protective layers. The Forestry Commission has confirmed the Knotweed was treated and following a recent visit to inspect the site, the County's Ecologist and Biodiversity Manager view is that it is no longer necessary for the applicant to take protective measures.

293 A great deal of concern has been expressed regarding the physical capacity of the access route to the site via Coldharbour Lane and this has been discussed fully under the Highways Traffic and Access section of the report. The lane is a historic sunken route with overhanging trees, and the concern has been that any damage to the banks or vegetation could cause disruption to a fragile environment that is not resilient to sudden change. The applicant has produced supplementary ecological information, which focussed on the evaluation of the potential for damage to ecological interests caused by the movement of the large loads associated with the rig mobilisation and demobilisation of the drilling rig and the associated plant and equipment. To facilitate the movement of wide and tall loads, some trimming of overhanging foliage and branches at 14 points in Coldharbour Lane would be necessary. Six of these points require the removal of a branch rather than trimming. The applicant has carried out a site survey and looked at the potential for bat roosts. The conclusion of the survey was that the movement of wide vehicles along Coldharbour Lane creates no risk of damage to brophytes, ferns, flowing plants and exposed tree routes and the movement of tall vehicles creates no risk of damage to roosting bats.

### **Protected Species**

- 294 A number of baseline surveys have been undertaken over time these include a Phase 1 habitat survey carried out in July 2006, a habitat and protected species update survey in July 2009 and a further Phase 1 habitat survey in October 2010. Surveys of individual protected species have also been carried out including surveys for dormice, reptiles, nightjars, badger and bats. In addition a vehicle access management impact survey has been undertaken. The Leith Hill Action Group (LHAG), Capel Parish Council and individual objectors have expressed the view that the ecological information and assessment is inadequate. The surveys have been taken over several years for various species and data searches made at the Surrey Biological Records Centre to inform the coverage of the surveys.
- 295 The presence of a protected species is a material consideration in determining planning applications. There are two types of legislation relating to species, welfare legislation such as The Protection of Badgers Act 1992, and species conservation legislation. Species conservation protection is provided for in legislation both at the European and national level and there are various levels of protection afforded to a range of species.
- 296 The European Habitats Directive (92/43/EEC) aims to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora within the European Community. Strict measures for the protection of species listed in Annex IV (a) of the Directive are contained in Article 12 and are aimed at restoring a favourable conservation status for those species. Article 12 prohibits the:
- Deliberate capture or killing of the species listed in annex IV of the Directive in the wild;
  - Deliberate disturbance of these species particularly during breeding, rearing, hibernation and migration;
  - Deliberate destruction or taking eggs from the wild;
  - Deterioration or destruction of breeding sites or resting places, and
  - The keeping, transport, sale or exchange, or offering for sale or exchange, of species taken from the wild.
- 297 In order to avoid an offence being committed, Article 16 of the Habitats Directive provides for licences to be issued derogating from the provision of the Directive. The Habitats Directive is transposed into national law by means of the Conservation of Habitats and Species Regulations 2010.
- 298 The Wildlife and Countryside Act 1981 (as amended) implements the Birds Directive (1979) and the Berne Convention (1979) into national legislation. Under the Act, the law protects all wild birds, their nests and eggs, with some rare species afforded special

protection. Although originally protection was developed to prevent egg stealing and cruelty to wild birds, its modern interpretation also relates to the activities of land managers and developers.

- 299 Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation sets out the policies that apply to the integration of the protection of biodiversity and geological conservation and planning. The Government's objectives for planning are to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance. PPS9 places a responsibility on planning authorities to further the conservation of habitats and species of principal importance where a planning proposal may adversely affect them.
- 300 Paragraph 99 of the Government Circular: Biodiversity and Geological Conservation- Statutory Obligations and their Impact Within The Planning System, (Circular 06/05) sets out the balance between the need for surveys in relation to the likelihood of species being present. *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'*
- 301 The Circular goes on to state *'However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'*
- 302 The County's Ecologist and Biodiversity Manager considers that the survey coverage and overall environmental information in the ES and the application is sufficient to assess the potential impacts on biodiversity.
- 303 The most important species in terms of the level of protection they are afforded are the European Protected Species, and in this case potential species affected are bats, great-crested newts and dormice. Account is taken below, of the individual wildlife species that could potentially be affected by the proposal starting with species protected under Schedule 2 of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and listed as species of principal importance for the conservation of biodiversity in England in the Section 74 of the Countryside and Rights of Way Act 2000. Other protected species are then considered.

#### **Bats**

- 304 It is necessary to consider both potential direct and indirect impacts on bats. The key test is whether an impact is likely to result in an offence being committed and if so, then whether a licence would be issued.
- 305 A potential direct impact on bats could result from the loss of trees on the proposed drillsite. To assess the impact inspections/surveys were carried out on trees within the proposed drillsite compound area to ascertain their potential to support bat roosts or hibernation sites in July 2006, July 2009 and in 2010. No roosts or hibernation sites were found. The 2010 survey involved a total of 50 trees and 48 of these had no potential for bat roost features being either immature or not providing cracks or crevices to allow roosting. Two trees were found to have low potential. One was a storm damaged tree with negligible potential but which could provide potential if further damaged. The applicant has stated that a bat worker would reassess this tree prior to felling. The second was a mature birch that was identified as having potential to support individual dwelling bats.

However, automatic bat monitoring carried out close to this tree failed to record any emergence or return activity. The applicant has accepted that this tree would need to be 'soft felled', taken down in stages with each section lowered carefully to the ground at a time of year when bats have non-flying young, to minimise any potential impact. The County's Ecologist and Biodiversity Manager has said that in relation to the site itself, he does not consider that an adverse impact on bats would be likely.

- 306 Natural England has commented that as this area is densely wooded it is possible that the area is used for bat flight lines and or foraging. It is accepted in the Environmental Statement that the site and its environs are likely to provide foraging habitat for a variety of bat species and that activity is likely to be concentrated along woodland edges, such as the forestry tracks and clearing edges.
- 307 To establish the range of species currently using the site for roosting, feeding and commuting two surveys were carried out: a bat activity survey and a survey of trees which could be used for roosting was undertaken by the applicant. To investigate levels of bat activity and species a combination of transects and automated recording was used. Both bat activity transects and automated recordings surveys took place on three occasions in July and August 2010. Five bat species: Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared, Noctule and Natterer's were recorded. From the number of bat passes recorded (approximately 5 an hour) the applicant has stated that the species occur at relatively low densities. It is suggested in the survey report that the most likely reason for low bat activity is that the site provides relatively poor quality bat foraging habitat as conifers and bracken do not support high densities of invertebrates on which bats feed.
- 308 Consideration also needs to be given to indirect temporary impacts on bats such as site lighting, which could affect bats roosting in trees on the edge of the surrounding plantation if site lights were aimed in their direction. This impact would occur if the development was taking place at a time of year when bats emerge from roosts in trees within an area of light spill. Rather than undertake a survey of potential for likely bat roosts in the adjacent woodland, the applicant has adopted the approach to check for bat activity around the site to establish the likely presence of bat roosts. These activity surveys reveal a lack of evidence of roosts in trees in the area and as a consequence individual tree assessment and emergence surveys have not been carried out. Different species of bat have varying levels of sensitivity to light. Two of the species identified by the activity surveys, the Brown Long-eared bat and Natterer's bat generally avoid artificial lighting. These two species were recorded in the activity surveys along or adjacent to Coldharbour Lane or north of the site, they were not recorded in close proximity to, or crossing, the proposed drillsite. Noctule and Pipistrelle bats which were also recorded in the activity survey have been observed feeding around lighting.
- 309 Light spill into the adjacent woodland is likely to be blocked by the dense stands of conifers. The County's Lighting Consultant has said the proposed lighting decays to 1 lux at about 20 m from the site but that the light spill could be reduced further by the installation of shields or masks on the luminaries. It is therefore recommended that if permission is granted, a condition be imposed requiring the installation of shields or masks on the site luminaries. As there is a low level of bat activity and a lack of potential bat roosts, largely due to even staged stands of pines for forestry purposes, the County Ecologist and Biodiversity Manager does not consider that in terms of lighting the proposal would have an adverse impact on bats.
- 310 Potential does exist for temporary displacement of non-resident bat foraging in areas affected by the site lighting. Nevertheless, surveys have shown bat activity in the area of the site to be low. Whilst foraging bats may avoid the drillsite during the 5 week drill operation, given that the site covers a small area of land (0.79 ha) within a very large area of woodland and the activity on site would be short lived, it is unlikely to have a significant adverse impact on bat populations in the area.

- 311 Noise could raise similar issues to lighting. Noise is covered in a later section of the report but given that the night time limits are stringent and the drilling is for a temporary period only, noise is unlikely to cause a significant adverse impact. Amenity lighting impacts is also covered in more detail in a later section of the report. The proposed flares to be used known as Clean Enclosed burners, are shrouded and do not have a visible flame.
- 312 The tree and foliage survey of Coldharbour Lane has demonstrated that none of the branches that would be selectively removed, or the already damaged tree trunk at a narrow part of the route, provide potential to support bat roosts.
- 313 The mitigation measures proposed in relation to the removal of the two trees with low potential for bat roosts and those relating to noise, lighting and the flare should prevent any significant impact on bat populations. The County Ecologist and Biodiversity Manager has considered the application and accompanying reports and assessments and mitigation measures proposed, and taking into account the 18 week development period with only a proportion of that time providing the opportunity for disturbance, does not object to the proposed development in relation to potential impact on bats.

#### **Great Crested Newts**

- 314 The data search provided in the ES did not identify any great crested newt records in the 2 km search area. No ponds would be impacted by the proposal and there are no recent records of great crested newts nearby. The most recent record is in the 10 km grid square covering this site is in 1989. No habitat suitable for supporting great crested newts was found.
- 315 LHAG drew attention to a pond which is just over 100 m to the south of the site that it says should have been surveyed. There is not a general requirement that all ponds should be surveyed if great crested newts have not been reported in the area, which in this case they have not, and this pond would not be affected by the proposal. Nevertheless, the applicant attempted to survey the pond but it was found not to hold water in spring 2010 and therefore the survey methods recommended by English Nature in the Great Crested Newt Mitigation Guidelines (torch survey, bottle trapping and egg search) could not be carried out. The applicant reported that the pond appeared to have been created by a partial embankment or natural depression and was fed by run-off from surrounding land. The applicant assessed the suitability of the pond for great crested newts in June 2010, using a Habitat Suitability Indices (HSI) method. The lack of permanence and other waterbodies nearby, its small size, and shading, resulted in the pond scoring 0.39 in the HIS method. This score deems the pond's suitability for great crested newts as poor.
- 316 The County's Ecologist and Biodiversity Manager is satisfied with the information provided and does not believe this species to be an issue for this development.

#### **Dormice**

- 317 LHAG has stated that the Dormouse survey is inadequate. The group also state that insufficient nest boxes and tubes were used for the survey. The original Dormouse survey was carried out in August 2005 prior to the publication in 2006 of the Dormouse Conservation Handbook. It involved placing 18 dormouse nest tubes and 10 boxes approximately 6 m apart. Current Guidance recommends using at least 50 nest tubes at 20 m spacings. The survey methodology recommended by the Dormouse Conservation handbook has been adopted as Natural England's Standing Advice.
- 318 The applicant requested Surrey Biological Records Centre search for protected species, which shows there are Dormouse records from 1km grid squares that adjoin the grid square that contains the site to the south and east. As the siting of the species could have been anywhere within the grid square, the worst-case scenario is that Dormice could be found at a minimum of 520 m from the drillsite. The records for Dormouse held by the National Biodiversity Network contained no records of Dormouse within the 1km grid square containing the site but had a record from 2001 for some 5.6km from the site.

- 319 The applicant believes the habitat in and around the application site is not optimal habitat for Dormice. The Dormouse Conservation Handbook states that the most reliable way to establish the presence of Dormouse is to check for the distinctive signs of chewed hazelnut shells. It does go on to recognise that '*Finding evidence of dormice where no hazel exists may take months or even several years and requires the erection of nest tubes or nest boxes*'. There are sparse hazel saplings in the woodland surrounding the application site and in the northwestern corner of the site. Whilst visiting the site a search was made for evidence of hazel nuts but none were found and therefore as a result of no mature hazel being present on the site, this method of establishing the presence of Dormouse could not be used.
- 320 The Dormouse Conservation Handbook does recommend that '*the survey process should not be eliminated solely on the grounds that the habitat is unsuitable*'. Therefore to determine the presence or absence of dormice in line with current guidance, the applicant installed in total 45 nest boxes and 10 nest tubes at 20 m spacings within the application site and in a buffer area around the site that extended north and east to include areas of broadleaved woodland. Survey visits were made each month between June to November 2010. The Dormouse Conservation Handbook sets out a survey effort scoring system where the surveyor needs to achieve a score of 20 points. This relates to the number of boxes and the time they are in place. The recommended number of tubes or boxes is 50 and the applicant exceeded this. Two boxes and four tubes were removed from the survey area but these were replaced as soon as their loss was identified. The applicant considers that, as the total number of tubes and boxes present during the survey period did not fall below 50 at any one time, that the necessary survey effort was achieved. The outcome of the survey was that no evidence of Dormice was found in either nest boxes or tubes.
- 321 The County's Ecologist and Biodiversity Manager is satisfied that as the data search, nut searches and nest box and tube survey all proved negative, that it is highly unlikely that the proposal would have any impact on Dormice.
- 322 It is proposed that site clearance should be carried out in the winter months and it is also recommended that the initial site clearance should be carried out by hand with an ecologist present. This can be secured by planning condition should planning permission be granted.

### **Badgers**

- 323 Badgers are protected from persecution under The Protection of Badgers Act 1992. Surveys have been undertaken at the site and in a radius of 30 m of the proposed site on two occasions. In both instances no evidence of badger presence, or past badger activity, was found on the proposed development site. However, it is recognised within the environmental assessment that the dense scrub and woodland in the vicinity of the application site would provide good sett building and foraging habitat.
- 324 A local resident informed the authority that there is evidence of an active badger sett not too distant from the site and that as a consequence badgers could use the site for foraging. A survey undertaken in 2010 identified two outlier setts in the 30 to 50 m buffer around the application site. The survey also reconfirmed that the application site itself does not contain a badger sett and provides sub-optimal foraging habitat.
- 325 Badgers are a mobile species and as badgers are in the area and could at any time begin using the development site, it is recommended that a pre-commencement planning condition be imposed on any consent. The condition would require the checking of the site and up to 50 m from the site boundary to establish the presence of badgers or badger activity (see proposed Condition 23). The applicant has set out a number of actions to be included in a construction management plan, these include: an experienced badger ecologist visiting the site during the construction phase to re-assess badger activity, no

groundworks within 30 metres of the outlier setts and all open trenches or pits covered overnight to prevent both badgers and other mammals from falling into them.

### **Birds**

- 326 Under The Wildlife and Countryside Act 1981 (as amended), the law protects all wild birds, their nests and eggs, with some rare species afforded special protection. Although originally protection was developed to prevent egg stealing and cruelty to wild birds, its modern interpretation also relates to the activities of land managers and developers.
- 327 The results of a 1989 breeding bird survey show that four species of principle importance of the conservation of biodiversity in England were recorded in the area. These were nightjar, song thrush, linnets and bullfinch. Seven species identified on the 'red list' of birds of conservation concern were also recorded, nightjar, turtle dove, song thrush, starling, house sparrow, linnets and bullfinch.
- 328 Nightjar a summer migrant, is a species listed on Annex I of the EC Birds Directive 1979 and in Section 74 of the Countryside and Rights of Way Act 2000 as a species of principal importance for conservation. Nightjar require bare ground for nesting typically within a felled part of a plantation or in heather and will often feed some distance from their nesting site.
- 329 It is recognised in the ES that the woodlands in which the site is located provide a varied habitat that would likely support breeding birds of conservation importance. The ES notes that the site itself does not provide suitable nesting sites and is not optimal feeding habitat for Nightjars, although it may be suitable for foraging. A desk study identified a record of breeding Nightjar some 900 m west of the application site. Nightjar surveys were carried out on 25 June 2010 and 8 July 2010. Two calling Nightjar were identified denoting territories approximately 530 and 740 m north of the proposed drillsite compound.
- 330 A local resident has stated that there are several '*endangered* creatures currently residing in the vicinity of Bury Hill Woods'. He has recorded sightings of red kites in the Coldharbour area in May and June 2009. The red kite is on the RSPB's 'amber list' of conservation concern. He has also recorded cuckoos and has seen song thrush in the area, both on the RSPB 'red list' of conservation concern and states that cuckoo, song thrush and redwing all frequent the 500 m site buffer.
- 331 The temporary activity at the site could potentially cause some disturbance in terms of movement, noise and light, but it is not considered that this would give rise to any permanent detrimental impact. However, the clearance of the site and the limited cutting back of vegetation to provide adequate sightlines could have an impact if undertaken at the wrong time of the year. The habitat at the proposed drillsite does have the potential to support nesting birds either on the ground, in low growing vegetation or within the trees to be removed during site clearance. Surrey Wildlife Trust has said that although some species would adapt to site activity some would be disturbed and move away. This could apply to shy nesting bird species, such as birds of prey. As a result the Trust has commented that the construction works should be carried outside the main bird breeding season. The County's Ecologist and Biodiversity Manager agrees and has requested that a condition be imposed on any permission which prohibits, unless otherwise approved in writing in advance by the County Planning Authority, the carrying out of any removal of vegetation between the 1 March and 31 August inclusive. In addition a condition would be imposed on any permission requiring a breeding bird survey if any clearance operations are to be undertaken between April and June to ensure protected species such as the Nightjar are not nesting at, or close to, the drillsite.
- 332 There is no evidence from the surveys submitted with the application of the birds referred to by the local resident using the development site but even if they did take up residence at the site, the proposed planning conditions which prohibit removal of vegetation during the

breeding season and the added protection of a breeding bird survey, is considered to provide adequate protection for any bird species that may be nesting in the area.

### **Reptiles**

- 333 Native reptile species are afforded protection under the Wildlife and Countryside Act 1981. The majority of the drillsite is covered with thick bracken that is unsuitable habitat for reptiles. Nevertheless, reptiles such as adders and common lizards may occasionally use the forestry tracks edges for basking and if construction or reinstatement of the site took place at a time the reptiles were active, the vehicle movements along the access track could present a threat.
- 334 A reptile survey was initially carried out in 2005. At that time no reptiles were found but a juvenile Adder was observed. The latest survey was undertaken by placing refugia (material providing concealment and basking locations) in sunny areas along both sides of the access track and by direct observation. The refugia were checked throughout July, August and September 2010 on seven occasions following the recommended survey methodology. No reptiles were observed.
- 335 Since the Environmental Impact Assessment and the latest surveys were undertaken the baseline in terms of the access track has been changed by the works associated with filming activities. The southern verge and edge of the access track has been removed and parking has taken place over the verge and track edge to the north. This has reduced the potential for reptiles to cross the track and enter the site.
- 336 The applicant has set out the intention to erect a newt barrier, used for the protection of reptiles and newts, along the edges of the forestry track from Coldharbour Lane to the site compound entrance. In the case of this application, the newt barrier would be used mainly for reptiles. The barrier would be erected prior to any works commencing on the site and would be overseen by an Ecological Clerk of Works. In addition if clearance works commence during March to October when reptiles are active the drillsite would be progressively strimmed from the centre to the edge. It is also recommended that the Ecological Clerk of Works check the site for reptiles prior to site clearance and the erection of the newt barrier (see Condition 20).

### **Invertebrates**

- 337 Only one invertebrate species of conservation interest showed up on the applicant's data search. The Nationally Notable hawthorn jewel beetle prefers wood pasture habitat and its larvae develop in hawthorn, which was not found within the site or the surrounding area.

### **Landscape, Ecology and Restoration Plan**

- 338 There are a number of matters relating to ecology and biodiversity which particularly during the site preparation and restoration phases of the development would require careful management to help avoid or reduce potential adverse effects on local biodiversity. The applicant has proposed a number of mitigation measures and the development offers opportunities to restore or enhance biodiversity. Surrey Wildlife Trust commented on potential opportunities such as the provision of bird and bat boxes on suitable trees, the provision of ecological enhancement to improve habitat for protected species such as badgers and reptiles and to provide greater breeding opportunity for rarer birds such as nightjars. It is therefore recommended that if permission were granted, that all these matters be addressed in a Landscape, Ecology and Restoration Plan (LERP) be secured by means of a planning condition.

### **Conclusion on Ecology and Biodiversity**

- 339 Whilst it is accepted that LHAG, Capel Parish Council and other objectors feel the ecological information provided is inadequate, the relevant consultees are satisfied with the information provided. Natural England did not raise objection, stating that it does not consider that the proposal as submitted will impact on protected species or ancient woodland. Surrey Wildlife Trust commented on the application but has not raised



objection or concerns about the survey work and assessment undertaken. The County's Ecologist and Biodiversity Manager considers that the surveys of protected species have shown that there is little likelihood of protected species being found on the site or present in the area and likely to be impacted. As the proposal would not result in harm to a European Protected Species it is unnecessary to consider the three derogation tests set out in the Conservation of Habitats and Species Regulations 2010. He does however consider that there could be issues with more mobile species, which are resolvable by the imposition of conditions to ensure the site is checked before works commence, timing of clearance outside the bird nesting season and preventative measures such as the protection of excavations to prevent badgers falling in.

- 340 Having regard for the conservation of biodiversity and taking account of the views of third parties and Natural England, Surrey Wildlife Trust and the County's Ecologist and Biodiversity Manager, Officers conclude that the proposal would not give rise to a significant adverse impact on the local ecology and that subject to the imposition of conditions, the ecological impact aspect of this application complies with the requirements of PPS9 and the relevant development plan policies.

### Noise

- 341 The AONB is valued for its peace and tranquillity and background noise levels in rural areas like Abinger Forest are normally low. Consequently concern about the potential noise impact of the proposed development has been widely expressed. The Board of the Surrey Hills AONB states that the public look to enjoy the AONB for its tranquillity and peace to get away from and provide relief from the stress of modern living. Whilst rural areas are generally quiet, there are large areas of plantation woodland in the locality and therefore the area is not always tranquil. Plantation areas are subject to forest maintenance and clearance operations using chain saws and heavy equipment, which similar to the current proposal take place over limited periods.
- 342 The proposal involves 24 hours drilling over a period of 4 to 5 weeks and therefore it is essential that the Authority is clear that the drilling and associated operations can achieve appropriate noise levels, particularly in terms of night-time noise. Consideration also needs to be given to the character of the noise generated by a development, at the same time as looking at the actual noise levels. MPS1 make it clear that noise is a key factor in determining the siting of an oil exploration site in order to achieve acceptable levels at noise sensitive locations.
- 343 There are two planning policy documents that are relevant to noise assessment. The first is Planning Policy Guidance Note 24 (PPG24) 'Planning and Noise' 1994, which is complemented by Mineral Planning Statement 2 (MPS2) Annex 2 'Controlling and Mitigating the Environmental Effects of Mineral Extraction in England' March 2005, which has replaced MPG11. MPS 2 outlines a list of criteria, which should be taken into account when considering proposals for mineral development including the impact of noise from both plant and machinery and transport. MPS2 recognises that the layout and plant location, the sequencing of operations and the hours of working can have a significant effect on the level of noise emissions and impact; which can be addressed through screening or enclosure of plant.
- 344 Department for Environment Food and Rural Affairs (Defra) issued a Noise Policy Statement for England (NPSE) in March 2010 which addresses environmental noise including noise from transportation and neighbourhood noise.
- 345 Policy 1 of the SMLP1993 (Environmental & Amenity Protection) requires that the impact of a development on amenity including the potential effects of noise and vibration must be taken into account and that adequate safeguards for the protection of the environment and the amenities of local residents can be secured.

- 346 This is taken forward in proposed Policy MC14 in the SMPCSDPD where one of the ten issues identified in the policy is i) *noise, dust, fumes, vibration, illumination, including that related to traffic generated by the development*. Policy MC12 states that exploratory drilling will only be permitted where the MPA is satisfied that the site has been selected to minimise adverse impacts on the environment.
- 347 The second criterion in Policy ENV22 (General Development Control Criteria) in the MVLP 2000 seeks to ensure that the adverse effects of noise do not significantly harm the amenities of the occupiers of neighbouring properties.
- 348 Surrey has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994'. The Guidelines are based on the approach set out in Mineral Planning Guidance Note 11 (MPG11). MPG11 has now been superseded by MPS2 but the advice in terms of noise remains consistent with MPG11 and the Surrey Noise Guidelines. The Guidelines specifically address oil and gas related development and recognises that noise control is of the utmost importance, as plant would work continuously.
- 349 Noise from the development would be associated with the site preparation and mobilisation of the rig, the drilling phase, the demobilisation of the rig and any flaring and the restoration of the site. These activities would take place over an 18 week period. Drilling would be a continuous activity over a period of 5 weeks (included in the 18 week period) and consequently it is essential that the night time noise level is acceptable. If the development can meet the night time limits the daytime limits will also be met. MPS 2 recommends that night time noise does not exceed 42 dB  $L_{Aeq, 1hr}$  (freefield) at noise sensitive properties. Surrey's Guidelines in terms of oil and gas related development is consistent with the advice in MPS2.
- 350 The applicant has provided a noise assessment, which was up-dated in the Regulation 19 submission in December 2009 and further revised in December 2010 and in January 2011. A Flaring and Drilling Noise report has also been provided. The average background noise levels recorded were low given the rural locality with daytime levels over 33  $L_{A90}$  before 1800 hours and night-time levels between 2300 to 0600 hours at 32  $L_{A90}$ . Leith Hill Action Group (LHAG) have questioned the background noise levels and believe that daytime noise levels are below 33  $L_{A90}$  on average. The County's Environmental Noise Consultant has said that at these very quiet levels wind and other events can affect the background quite significantly. However, it is clear that before 0600 hours for the limited data presented, the background noise is above 33  $L_{A90}$ .
- 351 MPS2 states that not all noise sensitive properties or land uses are equally sensitive. A noise sensitive property normally includes residential properties, schools and hospitals but can also include important habitats and livestock farms. There are approximately 40 properties within a radius of 850 metres of the proposed site. The closest residential property is Lower Merriden some 520 metres north west of the site and about 35 metres lower in elevation. Between the site and the properties in Coldharbour Village the land level drops before rising again. The properties in Coldharbour are at a level of around 225 m AOD and the site is around 218 m AOD. The land in between drops to around 200 m AOD. The properties known as White Cottage, Ranmore Cottage and Ivy Cottage at the eastern end of Coldharbour Village are some 600 m from the main site compound and approximately 512 m from the proposed flare pit. There are other properties at the entrance to Coldharbour Village, which are located at distances of between 660 and 700m from the proposed site. Crockers Farm an equestrian property is found to the south west of the site. On the days Officers have visited the area the horses have been in a paddock some 650 m to the south west of the site. However, LHAG have pointed out that the equestrian property has a boundary some 210 metres from the site.

#### **Site Construction and Reinstatement**

- 352 Site preparation and site final restoration involve temporary noise at the start and end of a development. These phases of the development often involve powerful plant and

machinery and consequently a certain amount of noise is inherent in construction and site preparation works. As such activities are normally for a limited period noise levels have to be set at a practical level so that development is possible. However, limits are set and the Surrey Noise Guidelines prescribes the hours and maximum noise levels that temporary works should not exceed. During normal working hours Monday to Friday the maximum level is 70  $L_{Aeq}$ . However, if as in this case works start before 0800 hours (0900 hours on a Saturday) or go on beyond 1700 hours Monday to Friday, the maximum is 60  $L_{Aeq}$ .

- 353 The noisy activities of site clearance, soil stripping and the importation and laying of stone would take place over a period of six weeks. The applicant has based noise predictions for the site construction on the use of a backactor and two dumper trucks to remove and replace the soils and the same plant plus a dozer or a grader to move and lay the stone. Calculations on the basis of worst case scenario ie the calculation for hard ground and also for soft ground show that the site construction noise at the nearest property, Lower Merriden, would be between 39 and 45  $L_{Aeq}$  during topsoil removal or relaying, 44 and 51  $L_{Aeq}$  for the import and laying of stone and 41 and 47  $L_{Aeq}$  for the decommissioning and reinstatement. These levels are well below the accepted limits of 70  $L_{Aeq}$  that apply 0800 to 1700 Monday to Friday and below the 60  $L_{Aeq}$  that would apply at the beginning and end of the day.
- 354 LHAG has criticised the applicant's noise assessment in terms of site construction, they refer to Para 2.20 of Annex 2 to MPS2 which states that '*Increased temporary daytime noise limits of up to 70dB(A)  $L_{Aeq}$  1hr (freefield) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs*'. LHAG do not consider this to apply to this development and argue that even during site preparation the noise limit should be the background level +10 db A at all times.
- 355 The soil storage bunds proposed are not baffle mounds as referred to in MPS2 but would result from the stripping and storage of soils at the site and are part of the preparation of the site for the proposed activity. Noise assessment identified that the maximum noise level during construction would be 51  $L_{Aeq}$  during the laying of stone. MPS2 does recognise that a level of 10dB(A) above the background level will in many circumstances be difficult to achieve without imposing unreasonable burdens on the mineral operator. The County's Environmental Noise Consultant has looked at the sound power level for the various pieces of plant and believes the total site sound power level would not exceed 110 LWA which would result in a noise level of around 47  $L_{Aeq}$  at the closest sensitive dwelling. He draws attention to the fact that there will be times when forestry or other farming activities in the area are at, or above, these levels for some periods.
- 356 Having considered the LHAG comments and the applicant's noise assessment, the County Environmental Noise Consultant considers that a noise limit of 55  $L_{Aeq}$  (1/2 hour) is appropriate and achievable. This would limit the effect of site preparation and restoration noise on the amenity of the area and could be set by condition if planning permission was granted. See proposed Condition 12.

### **Traffic**

- 357 The importation of stone to construct the site would generate an average of 20 HGV movements per day over a 3 week period. There would also be deliveries of materials and equipment to the site and the site reinstatement. Although the percentage change in total traffic flows is small, the increase in HGV movements over the period of the development is significantly increased particularly during the 3 week period of aggregate delivery. As a traffic management scheme is proposed the traffic flows would be restricted to the period 0930 to 1500 hours. Normally a few extra vehicles on a road with an existing traffic flow has little noise impact but in this case there would be a noticeable change as other than Forestry Commission logging lorries, HGVs are more unusual on these roads. By arranging the HGVs into platoons of three vehicles the number of noise events would be

reduced, although each is longer than if each vehicle travelled alone. By ensuring a clear road for each group of vehicles a smooth passage at a reasonable speed should be achieved without the need for excessive acceleration and braking.

- 358 The traffic noise has been calculated, but for such minor roads and low traffic flows it is difficult to produce accurate calculations. Nevertheless, it is anticipated that in the worse case, noise levels would increase by 2 dBA at the most. The County's Environmental Noise Consultant does not believe this to be significant particularly taking into account the limited time involved. He does comment however, that the passage of the vehicles would be noticed. He has also noted that the platoons would be assembled in a residential road, Knoll Road. This would affect residents on the busier days and the County's Environmental Noise Officer has suggested that the engines are switched off whilst vehicles are waiting. The applicant has confirmed that engines would be switched off as part of the traffic control procedure.
- 359 Some objectors to the development have expressed concern regarding the potential for heavy vehicles to cause property damage as a result of vibration. The traffic associated with the development would be travelling at a very limited speed there may be some minor vibrations and the occasional low frequency noise but structural damage as a result of vibration is unlikely.

### **Drilling**

- 360 The applicant has measured noise levels for the BDF 28 drilling rig proposed to be used in this development, at 3 other sites and these are provided in the Drilling and Flaring Noise Report. The noise level recorded was used to calculate the likely noise at the nearest residential property in accordance with BS5228. Similar to site construction, the calculated noise level is again given for hard ground (worst case) and soft ground and it is stated that the actual level is likely to be between the two. Based on the noise results the noise level during drilling is calculated to be between 30 and 37  $L_{Aeq}$  at Lower Merriden the closest property to the site. This figure shows that the Surrey Noise Guideline limit at night of 42  $L_{Aeq}$  (freefield) could be met at any noise sensitive property in the locality.
- 361 Meeting the night time limit will not mean that noise from the development would be inaudible. The objective of the criterion is to ensure that the inside of a bedroom with partially open windows can meet the recommended World Health Organisation (WHO) bedroom internal standard of 30  $L_{Aeq}$ . Open windows give 10 to 15 dB attenuation so with a noise level of 37  $L_{Aeq}$  achievable externally; the internal level should not be more than 27  $L_{Aeq}$  which is within the WHO criterion for avoiding sleep disturbance. The current Government advice for temporary night time activity is set out in MPS2 which has a reference to the WHO Guidelines in its introduction. Although MPS2 has a limit that is less stringent than the Surrey Guidelines for permanent plant at night, the limit is intended to avoid sleep disturbance and is appropriate in this case.
- 362 LHAG believe that a maximum noise level of 35 dB(A) could be achieved at 50 m which is substantially lower than the applicant's 53 dB (A) at 75 m quoted for the rig. The County's Environmental Noise Consultant has commented that a level of 35 dB(A) is unreasonable at 50 m. To achieve this level a sound power level of 77 LWA (hard ground) would be necessary, whereas with considerable acoustic treatment drilling rigs achieve between 100 to 106 LWA. Averaging all the rig noise produces an average sound power level of 102 LWA, equivalent to 74  $L_{Aeq}$  at 10 m this is close to the figure of 72  $L_{Aeq}$  at 10 m quoted in the applicant's noise report. Neither construction noise nor drilling could operate at a limit of 35  $L_{Aeq}$  at 50 m.
- 363 LHAG has raised the question as to whether horses in the paddock at Crockers Farm would be adversely affected by noise from the development. The County's Environmental Noise Consultant has stated that there is little evidence to show that reasonable noise levels cause any adverse effect on animals, however, any impact noise could initially affect some animals but the likely instances should be low. He has modelled the area and found

that the night drilling is predicted as 23  $L_{Aeq}$  at the paddock, which would be below existing night noise levels. There could be some temporary disturbance to wildlife but the effect would be very local. On windy nights the noise levels in the area would be well above the noise to be expected to arise from drilling.

- 364 In its representation dated 11 April 2011 CPRE Surrey has referred to a noise issue that arose during the appraisal drilling at Albury despite a 'state-of-the-art drilling rig', acoustic fence and strict noise limits. The circumstances at Albury were very different to the current proposal, with residential properties considerably closer at 212 and 260 m from the site. In addition a new hydraulic drilling rig was being used to drill a very long step out from the target. In that case it became apparent when drilling at full power at night that there was an intermittent tonal noise that was described as a 'growling' noise or a 'whine'. The applicant took action to reduce noise levels by changing the drilling speed and reviewing the need for additional acoustic attenuation. Drilling was stopped and an acoustic barrier was erected which solved the problem. In this case the applicant is proposing to use a more traditional rig, which would be located much further away from residential properties and as an exploratory development, it is not proposed to drill from a very long step out.
- 365 The County's Environmental Noise Consultant has advised that hoisting the drillstem from, and returning it to, the wellbore, known as tripping, should not be any noisier than drilling. However, manual handling of the drill pipes has the potential to be more noticeable as the drill pipes tend to make impact noise when handled. As the applicant has not provided information on noise levels for tripping, the County's Environmental Noise Consultant recommends limiting the hours that tripping could take place by condition. In addition, cementing the casing in place has in the past proved to be a noisier operation and the County's Environmental Noise Consultant recommends that this should only take place during the normal working day. This could be restricted by planning condition (see proposed Condition 15).
- 366 The County's Environmental Noise Consultant is recommending that two conditions be imposed on any planning permission restricting the noise arising during the operational phase including drilling. The County's Environmental Noise Consultant has advised that to minimise disturbance to local residents that noise should be restricted before 0730 hours and this has been recognised in the latest Noise Assessment. Consequently the first condition (Condition 13) would set a daytime limit during the hours of 0730 to 1800 hours of 45  $L_{Aeq}$  and the second, (Condition 14) would set the lower limit of 42  $L_{Aeq}$  during the night time hours between 1800 and 0730 hours.

### Flare

- 367 Dependant on whether gas or oil is found, it is proposed to utilise flares known as Clean Enclosed Burners (CEBs) at the site. The 12 m by 6m flare pit would be located to the very south of the site separate from the main drilling compound and would house all three flares. It would be excavated to 1 m below ground level and surrounded by a 1.5 m high sub-soil bund. The two gas flares would be 6.2 m high and the flare for use if oil were found, would be 4.1 m high standing on a stone base. If gas were to be found, flaring would take place over a 4 day period during the daytime only. If oil were found, the smaller CEB unit would be used for flow testing over an 8 hour period on day 1 and a 24 hour period on day 2.
- 368 The applicant has calculated the noise level from gas flaring at the nearest property as 43 to 50  $L_{Aeq}$ . The applicant's calculation is based on a distance of 512 m from the closest property. LHAG states that the flare would be 'a bare 500 m from White Cottage'. The County Environmental Noise Consultant has calculated that the difference between the applicant's figure of 512 m and LHAG's figure of 500 m results in a change of 0.2  $L_{Aeq}$  which he says is not significant. However, he is advising that instead of gas flaring commencing at 0700 hours as suggested by the applicant, it should commence half an hour later at 0730 hours. This does mean that if is necessary for gas flaring to be carried

out, on the day that 12 hour flaring is required, the hours of flaring would need to be 0730 to 1930 hours.

- 369 The oil flare would run at night for Day 2. However, the calculated noise level of 33 to 39  $L_{Aeq}$  is well within the night time noise limit of 42  $L_{Aeq}$  set out in proposed condition 17.

### **AONB & Recreation**

- 370 The Board of the Surrey Hills AONB believes that the submitted environmental statement does not fully recognise that one of the main attributes of the AONB is its tranquillity. The Board states that the public look to enjoy the AONB for its tranquillity and peace to get away from and provide relief from the stress of modern living.
- 371 The open space used by the public closer to the site would be subjected to higher noise levels than currently existing but advice on the appropriate noise limit for such areas is scarce. MPS2 Annex 2 para 2.2 lists noise sensitive location but does not include public open space. MPG11 'The Control of Noise at Surface Mineral Workings' has now been replaced by MPS2. However it said that open spaces which the public uses for relaxation may be considered to be noise sensitive and went on to suggest a higher limit of 65  $L_{Aeq}$  as appropriate. PPG24 states at para 20 '*special consideration should also be given to development which would affect the quiet enjoyment of ... Areas of Outstanding Natural Beauty*' but no advice on these considerations is given.
- 372 There are no formal rights of way crossing, adjacent to, or very close to the site. Public footpath 247 is the closest, running some 77 m to the north and north west of the site. Although the whole area has public access and there are many informal tracks. The County's Environmental Noise Consultant does not believe that a case for refusing this development in terms of noise affecting the public open space can reasonably be made. The area affected is a small part of a much larger area and the duration is short. Abinger Forest is a large area with open access and therefore recreational users can enjoy walking riding or cycling in the area without being in close proximity to the site. The recreational users most affected by noise are likely to be those choosing to use the permissive route proposed by the applicant alongside the site access road. The Surrey Noise Guidelines do not refer specifically to noise impact on rights of way, nor does MPS2, instead the emphasis is on the protection of noise sensitive properties such as residential properties rather than users of rights of way are only affected for a very short duration in time before moving on.
- 373 The noisiest activities would involve the site construction and restoration covered in paras 352 to 356 above and drilling would take place 24 hours a day over a 4 to 5 week period. The whole development is of a temporary nature and would be completed within a period of 18 weeks. The applicant has supplied sufficient noise data for the noise impact of the temporary development to be assessed and the level of noise generated would meet the limits set out in the Surrey Noise Guidelines. Without any clear advice on the appropriate level of noise for open spaces, Officers are taking the view that if the noise generated by the development can meet the guideline limits and as the development is of a very temporary nature, that the noise levels anticipated would be acceptable. Taking all these matters into account, it is concluded that although background noise levels are low given the rural locality, the potential for some temporary impact on the recreational users of the area in terms of noise would not significantly reduce the recreational opportunities in the area.

### **Conclusions on Noise**

- 374 The predicted noise levels arising from this temporary development has been shown to be below the limits set out in the Surrey Noise Guidelines and thus would fall within acceptable limits that would not give rise to noise levels which would adversely affect local amenity and/or the environment. Noise limits would be set by condition and the noisier temporary construction and restoration phases would be time limited. The County's

Environmental Noise Consultant does not consider that the development '*would affect the quiet enjoyment of the Area of Outstanding Natural Beauty*'. PPG24. As acceptable noise levels can be achieved and maintained by planning condition, it is considered that the proposal would not be in conflict with Surrey Minerals Plan 1993 Policy 1, MPS2 Annex 2 or PPG24.

## Lighting

- 375 The impact of artificial lighting on the night sky is an issue in rural areas and the application site is located in an area which would be considered intrinsically dark. This section assesses the impact of lighting in terms of local amenity. The visual impact of lighting will be considered in the section on AONB/AGLV and visual impact later in the report.
- 376 MVLP 2000 Policy ENV57 states that lighting proposals will not be permitted where they would significantly and adversely affect the amenities of residential properties, conservation areas or listed buildings, or the character and appearance of the countryside. The supporting text to the policy also says that where proposals are approved lights should be appropriately shielded and directed to the ground.
- 377 Policy 1 of the SMLP 1993 (Environmental & Amenity Protection) requires that the impact of a development on amenity including the potential effects of glare must be taken into account and that adequate safeguards for the protection of the environment and the amenities of local residents can be secured. The matters that should be taken into account include *(b) impact on amenity (including the potential effects of noise, fumes, vibration, glare and dust)*'. This is taken forward in proposed Policy MC14 in the SMPCSDPD where one of the ten issues identified in the policy is *i) noise, dust, fumes, vibration, illumination, including that related to traffic generated by the development*.
- 378 The Department of Communities and Local Government (DCLG) has produced a Good Practice Guide entitled 'Lighting in the Countryside' and The Institution of Lighting Engineers (ILE) produces Guidance Notes for the Reduction of Obtrusive Light. The ILE recommends that planning authorities follow the environmental zones set out in its guidance note. As an AONB the relevant zone for this site would be E1: Intrinsically dark landscapes.
- 379 Several objectors to the proposal have expressed concern about the impact of light pollution and the CPRE has stated in its objection that the proposal would have an obtrusive visual impact both by day and night through the presence of lighting.
- 380 During the construction and decommissions phases temporary lighting would be required for health and safety and security purposes. The amount of lighting used would obviously depend on the time of year the works took place. However the lighting associated with lighting the working area and plant and vehicles would be restricted to working hours (0700-1800 Monday to Friday and 0700 – 1300 hours on a Saturday). Security lighting may be required at other times.
- 381 The applicant has assessed the potential impact of lighting during these phases of the development on receptors in the locality and drawn the conclusion that they are unlikely to be significantly affected by nuisance issues taking into account their distance from the site, topography and screening. Notwithstanding this, the applicant has offered to produce a Lighting Management Plan (LMP) to be agreed with the CPA prior to any development commencing. This would specify the siting of temporary security lights and measures to control and minimise any light spill, sky glow and hours that lights would be illuminated. Both the lighting design and installation is important to minimise the impact of lighting and the LMP would include appropriate installation. Proposed Condition 29 covers this issue.

- 382 During the 6 week drilling and testing period, lighting would be confined to the temporary car parking areas and the drillsite. As drilling takes place virtually continuously 24 hours a day lighting would be required during the night period along the length of the 35 m high rig mast for health and safety reasons. This would involve 8 luminaries in addition to the high level red aircraft warning light. The intermediate height lighting would be at approximately 6 m above ground level and would be mounted on the drilling rig structure and associated cabins. Lights would be required to illuminate the operational area of the drillsite and this would involve both fluorescent lights to illuminate the working area of the rig and also 12 lights situated on compound cabins. These would all be located at approximately 3 metres in height. There would also be up to 4 mobile lights mounted on a portable lighting rig with a maximum height of 9 metres.
- 383 The applicant has undertaken a lighting model based on the rig operations and the site lighting plan. A light spill contour plan has been produced which demonstrates that the spread of light beyond the site boundary would be minimal.
- 384 The closest residential properties are situated in the Conservation Area to the south of the site some 512m distant. The site is well concealed by the surrounding trees and vegetation. The applicant proposes to reduce the potential for light spill or glare by ensuring that lighting is sensitively installed with suitable shields and cowls and that unnecessary high level lights are blanked off. As a result it is not envisaged that light spill would extend beyond the boundary of the site and light trespass (into windows) at residential properties would be negligible. Earlier in the ecology section the issue of light spill and bat roosts was covered and the applicant proposes to make use of shields to the luminaries further control any potential light spill.
- 385 In terms of sky glow the lighting has been designed to allow minimal upward light loss although at 0.15 upward light ratio, it does not confirm to the E1 environmental zone standard of 0 upward light ratio. Guidance note (1) in the ILE Guidance provides some further advice in terms of upward light ratio stating that *'some lighting schemes will require the deliberate and careful use of upward light ... to which these limits cannot apply. However, care should always be taken to minimise any upward waste light by the proper application of suitably directional luminaries and light controlling attachments'*. It is possible that the sky glow could be lowered further by fitting light shields to some of the lights and this is a requirement of proposed Condition 28. Given the nature of the work being undertaken lighting is essential for health and safety reasons and although the site would make a minimal contribution to sky glow, this would only take place for a temporary period of up to 6 weeks.
- 386 Residents have expressed concern that there would be light produced by the flare. The applicant has provided the manufacturers specification that states that the flare has no luminous flame. It is understood that the flare burns with a blue flame, which is completely shrouded.

#### **Conclusion on Amenity Impacts of Lighting**

- 387 The County's Lighting Consultant has raised no objection to the proposal. Given the proposed mitigation measures and the height of the surrounding vegetation, light from the site should not cause a significant adverse impact. Taking both this and the temporary nature of the development into account Officers consider that with the exception of upward light loss (sky glow), the proposed lighting meets the prevailing standards. The upward light loss could be further reduced by additional shielding, and taking this into account along with the other mitigation and control proposed, Officers consider the lighting would not have an unacceptable impact on amenity. Nevertheless, it is recommended that if Members are minded to grant planning permission, planning conditions be imposed requiring the applicant to ensure that suitable directional luminaries and light controlling attachments are applied. See proposed Conditions 27 to 29.



## Pollution Issues

388 Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. Planning Policy Statement 23 (PPS23) (Planning and Pollution Control) 2004 sets out the latest Government guidance in relation to planning and pollution control and advises in para 2 and restates in para 8 that '*any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in as far as it arises or may arise from or may affect any land use*'. The Statement also highlights that the planning system regulates the use of land and whether the proposed use is acceptable in terms of the impact of the proposed use. PPS23 is explicit in stating that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and that planning authorities should seek to compliment the pollution control regime, not duplicate it. The Supplement to PPS1 (Planning and Climate Change) also endorses this approach in para 11, stating that controls under planning and other regulatory regimes should complement and not duplicate each other.

## Air Quality

- 389 The primary driver for air quality management is the protection of human health, but can also be an issue for wildlife habitats and vegetation. The proposed development raises three issues in terms of air quality, the emissions from the proposed flares, vehicle emissions and dust. Dust and air quality are material considerations and should be taken into account when considering planning applications.
- 390 European Union (EU) legislation on air quality forms the basis for national air quality policy. A new Air Quality Directive 2008/50/EC (Ambient Air Quality and Cleaner air for Europe) was adopted in June 2008 and was to be implemented by Member States by June 2010. The Air Quality Standards Regulations 2010 implement the limit values prescribed by the Directive 2008/50/EC.
- 391 The Environment Act 1995 required the production of a national air quality strategy containing standards, objectives and measures for improving ambient air quality and to keep these policies under review. The Air Quality Strategy (AQS) 2007 sets out the Government's policies aimed at delivering cleaner air in the UK. Where it is considered that one or more of the objectives within the AQS are unlikely to be met, local authorities must declare Air Quality Management Areas (AQMAs) and develop action plans to secure improvement. The proposed drillsite does not fall within an AQMA.
- 392 Annex 1 PPS23 deals specifically with pollution control, air and water quality. Guidance on development control and planning for air quality is provided in advice published by Environmental Protection UK (EPUK) (Development Control: Planning for Air Quality - 2010 update). The guidance advises in paragraph 3.19 that the weight given to air quality in a planning decision depends on such factors as:
- *'the severity of the impacts on air quality;*
  - *the air quality in the area surrounding the proposed development*
  - *the likely use of the development ie the length of time people are likely to be exposed at that location, and*
  - *the positive benefits provided through other material considerations.'*
- 393 SEP 2009 Policy NRM9 (Air Quality) states that planning proposals should contribute to sustaining the current downward trend in air pollution in the region. It sets out a number of measures, which can help to achieve improvements in local air quality. One way local authorities seeking improvements in air quality in their areas can achieve this is to

encourage the use of best practice during construction activities to reduce the levels of dust and other pollutants. The supporting text to the policy refers to the primary driver for national, regional and local air quality management being the protection of human health but recognises that there can be concerns regarding the impact of certain pollutants on wildlife habitats and vegetation.

- 394 Policy 1 of the SMLP 1993 (Environmental & Amenity Protection) seeks to ensure that adequate safeguards for the protection of the environment and the amenities of local residents can be secured. The policy lists matters that should be taken into account and these include the potential effects of fumes, vibration, glare and dust and the implications for the health and safety of the public.
- 395 Proposed Policy MC14 of the emerging SMPCSDPD, requires consideration of such issues as dust, fumes, illumination, including that related to traffic as issue i). Policy MC12 states that exploratory drilling will only be permitted where the MPA is satisfied that the site has been selected to minimise adverse impacts on the environment.
- 396 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. Paragraph 4.108 states that *'other adverse environmental impact'* is taken to mean such environmental pollution as fumes, grit and particulates.
- 397 The applicant has provided information on air quality and dust which has been reviewed by the County's Air Quality Consultant.

#### **Dust**

- 398 The relevant Government guidance in relation to dust from mineral sites is set out in Minerals Planning Statement 2 (MPS2) (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England) Annex 1 'Dust'. MPS2 recognises that dust may be generated at mineral sites during a range of activities including site preparation and it also recognises that weather conditions, including wind, precipitation and temperature will also influence dust generation and movement. Para 1.6 of annex 1 states that *'the key principle is that dust emissions should, as far as possible, be controlled, mitigated or removed at source'*.
- 399 The applicant has identified the principal potential dust sources as activities taking place during the site construction and restoration including vehicle/plant movements and soil handling. These activities would take place over two distinct 6 week periods separated by the operational phase of the development. The Best Practice Guidance document (The Control of Dust and Emissions from Construction and Demolition – Nov 2006) prepared in partnership by the Greater London Authority and London Councils is relevant to this phase of the development. It states that the potential impact of the construction process depends on the size and scale of the development including the proximity of sensitive receptors *'...for example housing, schools, hospitals and other building uses which would be affected by high levels of air pollution or dust'*.
- 400 The definition and impact of dust can be separated into two categories: public perception and amenity dust where particle sizes are greater than 10 micro millimetres in size; and air quality and health effects which relate to smaller dust particles of less than 10 micro millimetres in size, generally referred to as PM<sub>10</sub>. The effect of dust arising from mineral activities is principally one of nuisance and can be experienced as a result of dust deposition upon surfaces. The distance from the source of dust emission to a receptor is important as the vast majority of dust is deposited within 100m of the source. This is clarified further by the findings of the Buildings Research Establishment 'Control of Dust from Construction and Demolition Activities' 2003, who found that impacts are unlikely to arise at receptors at a distance greater than 50 m from the site if the duration of the activity is less than 6 months.

- 401 In this case, the closest residential property is located some 512m from the site and therefore local residents are unlikely to be affected by dust arising from construction of the compound. Users of public footpath 247 are some 77 m away and recreational users of the open access land surrounding the site could come within 50 m of the site and the applicant has identified them as the principal receptors in terms of dust nuisance. The various habitats referred to in the ecology section of the report above are also considered to be receptors and the applicant has recognised in the Environmental Statement that the habitats such as unimproved acid grassland and dry dwarf shrub heath in close proximity to the site may be affected by dust deposition.
- 402 To ensure that dust is controlled during site construction and restoration, the applicant is proposing the use of water sprays to dampen surfaces during dry weather, surfacing the access track, limiting vehicle speeds and mobile plant being fitted with radiator fan deflector plates. Whilst the access road is being surfaced the applicant intends to deploy a road sweeper on Coldharbour Lane to keep the highway clean. The ability to keep material off the road would be assisted by the first 25 m of the access being tarmac surfaced and the remainder of the access track would be surfaced with stone. The County's Air Quality Consultant has stated that dust has been adequately addressed in the assessment and has no objection to the proposal.
- 403 Whilst dust could potentially impact the area close to the site, the adoption of mitigation measures would reduce the potential for impact. As such, the proposed mitigation measures are necessary and may be secured and enforced through the imposition of planning conditions. It is recommended that a planning condition to ensure that material is not taken out of the site on the wheels of vehicles is imposed, see Condition 10 and Condition 11 which is aimed at controlling the emission of dust.
- Flaring**
- 404 Flaring is used to convert volatile organic hydrocarbon gases to less hazardous and reactive compounds. The flare would combust methane gas, transforming it to carbon dioxide and water vapour, nitrogen oxides which oxidise in the atmosphere to nitrogen dioxide and carbon monoxide. The applicant proposes to install three Clean Enclosed Burners (CEB), at the drillsite, two for use if gas was found and the third CEB would be used if oil were found. Flaring would take place over a very short period. This would involve a period of 4 days if gas was found, and 2 days if oil were found. Equally, if exploration resulted in no hydrocarbons being found, no flaring would take place.
- 405 The CEB's have even flames spread over the burner deck within an insulated heat radiation shield. The shrouded burner is reputed to compare favourably to traditional flares and the manufacturer claims that it provides 99.99% smokeless combustion, provides for lower levels of methane and nitrogen oxide (NO<sub>x</sub>) emissions, is quieter and has no luminous flame. It is understood that the flare was initially tested in the UK in 2006, under the guidance of the Environment Agency with the UK Health and Safety Laboratory acting as the independent testing body. These type of flares have been permitted at other hydrocarbon sites in Surrey.
- 406 The closest residential property to the site as a whole is Lower Merriden at 520 m to the north west. However, as the flare pit is located south of the drillsite compound, the closest properties to the flares would be White Cottage, Ranmore View Cottage and Ivy Cottage which are located to the south of the site some 512 m from the flare pit.
- 407 The air quality information provided in the Environmental Statement has assessed the impact of nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>) and cumulative impact. The key concern in terms of ecological receptors is, nitrogen oxide as this contributes to acid and nitrogen deposition, which may be harmful to ecosystems. The UK Air Quality Strategy (AQS) sets an annual mean objective for NO<sub>x</sub> of 30 ug.m<sup>3</sup> for the protection of vegetation. Vegetation is more likely to be affected if exposed to raised

levels of air pollution over a longer period of time. This development involves a maximum operational period of flaring of 36 hours and therefore the even on a worst-case scenario, flaring is unlikely to have a significant effect on local vegetation on annual timescales.

- 408 The applicant has considered the potential impact on ecological sites of importance such as the Leith Hill SSSI (650 m distant), the three SNCI's within 2 km of the site, ancient woodland and the surrounding habitats. The conclusion drawn is that there would not be impacts on the surrounding vegetation and that the vegetation did not contain and sensitive ecological receptors such as lichens.
- 409 The primary pollutant emitted during oil and gas activity is CO<sub>2</sub>, which is a by-product of fossil fuel combustion. Methane is the principle component of natural gas omitted during venting and Nitrous Oxide (NO<sub>2</sub>) is a product of the reaction between nitrogen and oxygen during fossil fuel combustion. Two objectives are set in the AQS for NO<sub>2</sub> for the protection of human health, a 1 hour mean of 200 ug.m<sup>3</sup> which should not be exceeded more than 18 times per year, and an annual mean of 40 ug.m<sup>3</sup>. The air quality assessment states that concentrations of NO<sub>2</sub> would fall to background levels at around 200 m from the source, therefore residents at some 512 m distant are unlikely to be exposed to elevated concentrations of NO<sub>2</sub>. There are rights of way in the vicinity, most notably public footpath 247 some 77 m distant, however the flaring is limited and the users transient.
- 410 There are no air quality criteria set in the UK AQS for CO<sub>2</sub> either for the protection of human health or vegetation. Nevertheless, CO<sub>2</sub> emissions contribute to global climate change and this is an issue that has been raised by objectors to the proposal. The applicant states that the global warming potential of CO<sub>2</sub> is estimated to be 21 times lower than that of methane and therefore flaring would be beneficial rather than releasing methane into the atmosphere.
- 411 The air quality report notes that the predominant wind direction from the south west would indicate the potential dispersion direction. This does not take emissions towards the closest areas such as Coldharbour Village or Leith Hill but in the direction of Betchworth some 7.5 km distant. Traffic related emissions from vehicles using the A24 some 2 km from the site are likely to be the closest existing source of air pollution in the area. The applicant's air quality report concludes that the proposal would not make a contribution which would significantly affect air quality and that there would not be a significant or unacceptable impact on air quality for sensitive ecological or human receptors.
- 412 It is the County's Air quality Consultant's view that flaring issues have been adequately addressed in the assessment and that the short duration of the flaring combined with its remote location, means that compliance with the UK AQS objectives are not threatened. Flaring would be carried out in accordance with accepted standards and the amount of hydrocarbon that can be flared would be controlled by DECC under 'a consent to flare'. The main purposes of the consent are to conserve where possible, and avoid unnecessary loss of a resource.
- 413 In relation to flaring, there have been some objectors who have expressed concern about potential fire risk. The application incorporates measures common to oil and gas exploration and testing operations designed to minimise fire risks. The Surrey Fire Brigade has been consulted on the application and has raised no objection.

#### **Vehicle Emissions**

- 414 Road traffic has the potential to affect air quality as a result of exhaust-pipe emissions from any additional vehicle movements on local roads used by traffic accessing the site. The key emissions from road traffic are NO<sub>2</sub> and PM<sub>10</sub> and any development proposal that involves changes in traffic patterns will cause some change in emissions of NO<sub>2</sub> and PM<sub>10</sub>. The issue is how large is any increase and how significant is this.

- 415 The Design Manual for Roads and Bridges (DMRB) guideline Volume 11: Environmental Assessment, Section 3: Environmental Assessment Techniques, Part 1 HA 207/07 Air Quality, states that affected road are those that meet the following criteria:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more, or
  - HGV flows will change by 200 AADT or more, or
  - Road alignment will change by 5m or more, or
  - Daily average speed will change by 10km/hr or more, or
  - Peak hour speed will change by 20km/hr or more.
- 416 The vehicle movements generated by the proposed development are expected to be temporary, for a period of approximately 2-3 months being drilling the longest from all the phases (4 weeks). Therefore, local air quality impacts associated with vehicle movements are likely to be negligible.
- 417 The largest amount of vehicle movements per day, 22 HGVs plus 40 LGVs (total of 62 movements) would take place over two three day periods during rig mobilisation and demobilisation. The remainder of the development involves approximately half as many movements ie between 14 and 32 movements per day although during site construction and reinstatement HGVs form the greater proportion of the vehicle movements. Based on the traffic data provided, the traffic movements generated by the proposed development would be below the DMRB criteria given above. The volume of traffic and the temporary nature of the development are such that the County's Air Quality Consultant has said that *'local air quality impacts associated with vehicle movements are likely to be negligible'*.
- 418 Nevertheless to reduce any potential impact of exhaust fumes further, County's Air Quality Consultant says that the applicant should aim to meet vehicle emission standards such as Euro III or Euro IV. The applicant has also stated that HGVs waiting in Knoll Road to form a platoon of vehicles to travel to the site, would be required to switch of their engines whilst waiting and this requirement would be set out on the controllers instruction sheet.

### **Harmful Gases**

- 419 The applicant has supplied information that has satisfied the County's Air Quality Consultant that the flare's ability to destroy hydrogen sulphide and non methane organic chemicals would be efficient and ensure that toxic gas emissions odour would not be released.
- 420 A Dorking resident has expressed concern regarding health and safety and in particular toxic or explosive gas that can be found when drilling. Harmful gas is not present in all wells but in some circumstances pockets of gas can be present. There are procedures put in place by the drilling contractor, which enable detection and early control. Under the Borehole Sites and Operations Regulations 1995 regulated by the Health and Safety Executive (paragraph 7; section (2) subsection (d)), the health and safety document for the drillsite should include where appropriate:-

*'(d) in the case of a borehole site where hydrogen sulphide or other harmful gasses are or may be present, a plan for the detection and control of such gases and for the protection of employees from them'.*

### **Conclusion on Air Quality**

- 421 The County's Air Quality Consultant has reviewed the application and the accompanying environmental statement and has no objection to the proposal. Taking the views of consultees and third parties into account, Officers conclude that the proposal would not conflict with the aims and objectives of Policy NRM9 of The South East Plan 2009, Surrey Minerals Local Plan 1993 Policy 1 and MPS2.

## Water Environment and Geotechnical Issues

- 422 The drillsite is located some 180 m from the closest watercourse which is found at the bottom of the valley. It does not lie within the indicative floodplain of any water body. The area in which the drillsite is located is on the Hythe Beds, which forms part of the Lower Greensand sequence, a Principal Aquifer. The site does not lie in a Groundwater Source Protection Zone. Objectors to the proposal have said in their representations that the overlying rock is porous and there is some faulting of the underlying strata, and they are therefore concerned that drilling will cause oil to leak into the surrounding rock and pollute waterbodies such as Pipp Brook.
- 423 Planning Policy Statement 23 (PPS23) (Planning and Pollution Control) 2004 advises that consideration of the quality of land, air and water and potential impacts arising from development is capable of being a material planning consideration. Annex 1 deals specifically with pollution control, air and water quality.
- 424 Planning Policy Statement 25 (PPS25) (Development and Flood Risk) Revised March 2010 sets out government guidance with regard to development and flood risk. PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. In determining applications PPS25 requires that the sequential test be applied at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk (Flood Zone 1).
- 425 SEP2009 Policy NRM4 (Sustainable Flood Risk Management) refers to the sequential approach to development in flood risk areas set out in PPS25. The policy sets out four matters, which local authorities in conjunction with the Environment Agency should consider these include at iii. the incorporation and management of Sustainable Drainage Systems (SuDS), other water retention and flood storage measures to minimise direct surface run-off, unless there are practical or environmental reasons for not doing so, and iv. take account of increased surface water drainage on sewage effluent flows on fluvial flood risk.
- 426 Policy NRM1 of the SEP 2009 (Sustainable Water Resources and Groundwater Quality) states that water supply and groundwater will be maintained and enhanced through avoiding adverse effects of development on the water environment. Protection of the local environment is sought by Policy NRM2 of the SEP 2009 (Water Quality), which requires water quality to be maintained and enhanced through avoiding adverse effects of development on the water environment.
- 427 SMLP 1993 Policy 1 (Environmental & Amenity Protection) seeks to ensure that adequate safeguard for the protection of the environment and the amenities of local residents can be secured. The policy lists matters that should be taken into account and this includes the potential effects of the flow and quality of groundwater and surface water, which may be affected by minerals development. The intentions of Policy 1 are being taken forward in the emerging SMPCSDPD proposed Policy MC14, which includes flood risk, including opportunities to enhance flood storage, water quality and land drainage at point ii). Policy MC12 states that exploratory drilling will only be permitted where the MPA is satisfied that the site has been selected to minimise adverse impacts on the environment.
- 428 SMLP 1993 Policy 15 (Environmental & Ecological Impact of Hydrocarbon Development) requires consideration of the location of oil and gas developments so as to minimise environmental impact. Policy 15 states that proposals *'will be permitted only where the County Council are satisfied that in the context of the geological structure being investigated the proposed site has been selected so as to minimise the environmental and ecological impact of the development.'*

- 429 Policy ENV67 of the MVLP 2000 (Groundwater Quality) states that development will not be permitted where, following consultation with the Environment Agency, it is concluded that the development may have an adverse impact on the quality of groundwater. The MVLD FCS 2009 Policy CS 20 (Flood Risk Management) sets out requirements in terms of drainage and surface water flooding.

#### **Surface Water Management**

- 430 The application site lies outside of the floodplain and therefore lies within Flood Zone 1, the zone having a less than 1 in 1000 annual probability of river or sea flooding in any year and as such there are no land use constraints associated with flood risk. As the site is located in Flood Zone 1 and falls below 1 ha in size, there was no requirement for a flood risk assessment (FRA) to be undertaken.
- 431 The closest water body is a small pond approximately 100 m south of the application site. This pond was referred to in the ecology section where it was reported that the pond appeared to have been created by a partial embankment or natural depression and was fed by run-off from surrounding land. There is a stream some 176 m to the west of the site which flows northwards to join the Pipp Brook north of Collickmore Farm some 1.5 km north west of the application site. The stream runs along the boundary of the fields at Crockers Farm from where an equestrian business operates. In a representation the landowner has said *'If any toxin should leak into this (the stream) that would be poisonous to our livestock or detrimental to their well-being this would have a direct impact on our livelihood'*.
- 432 The drillsite would be constructed as a bunded sealed site with an impermeable bentonite membrane which would seal the site and its interceptor ditches that border the site on three sides and retaining bund. The membrane would be topped by a stone surface and the applicant has advised that double skinned tanks, bunded fuel areas and the use of drip trays beneath static plant would be employed to minimise the risks of accidental spillages during operation. The County's Geotechnical Consultant requested details regarding soil properties for the site access and drilling platform to ensure that they would be suitable to support the drilling infrastructure. From the data provided, the consultant is satisfied that the drill platform and access track would be suitable for the proposal and that the applicant had demonstrated that the achievable bearing capacity was around three times higher than the loads exerted by the proposed rig.
- 433 Rainwater runoff from the site would be contained in the interceptor ditches, directed to a lined sump at the corner of the site and either be used in the drilling process or taken off site for disposal at an appropriate facility. The applicant has confirmed that no water would be allowed to discharge onto the land around the site. The applicant has also stated that the sealed compound area would be capable of retaining 57,000 gallons of uncontrolled oil flow. The County's Geotechnical Consultant requested justification of this figure and calculations related to the mitigation against a 1 in 100 year storm event. Having considered the information provided, the consultant considers that the justification of the holding capacity based is satisfactory and sufficient for the proposal. The Environment Agency has also commented that the watertight membrane to collect surface water drainage or spillages followed by appropriate off-site disposal is a satisfactory method to mitigate potential impacts.

#### **Groundwater**

- 434 The initial target is located in the Portland Sandstone some 900 m below ground level (bgl) and some 1200 m south of the surface drillsite location. The secondary target is the Corallian Sandstone some 1300 m bgl. Directionally drilling would be used to access the target area from the above ground drillsite.
- 435 To prevent contamination of the aquifer the application proposes that a clean water mud system is used and that the hole is cased (steel casing) through the Hythe Beds and Atherfield Clay. The well would then continue below the lower Greensand using an 'open

hole' technique at a reduced diameter. The Environment Agency (EA) has noted these mitigation measures and agrees that it is acceptable to use a fresh water mud system within the Lower Greensand, followed by the screening of the formation with metal casing in order to protect and isolate the sensitive aquifer.

- 436 The applicant has stated that blow out preventers would be fitted on the drilling rig to minimise the risk of any pressurised fluids encountered during drilling reaching the surface. In any event, as referred to above, the sealed compound area would be capable of retaining 57,000 gallons of uncontrolled oil flow, which is historically based on the assumed worst-case scenario of 100 barrels of fluid per day for 30 days.
- 437 An objector has stated that the application is inadequate in relation to the disclosure and management of risk, and that the application should contain a Risk Register which identifies, analyses and manages risk. Oil and gas wells are regulated under the Offshore Installations and Wells (Design and Construction, Etc) Regulations 1996. Part IV applies to both on and offshore wells. There is a duty to reduce risk by ensuring the exploratory well is well designed, constructed, equipped, operated, maintained, suspended and abandoned. The drilling would have to meet the strict safety code of the Borehole Site and Operation Regulations 1995 enforced by the Health and Safety Executive (HSE). Prior to any drilling taking place, the applicant would be required to provide the HSE with details of how the well would be drilled in a safe manner, including a demonstration that the risk of release of fluids are as low as reasonably practicable. Details of the casing, tubing and blow-out prevention would all be included. An independent examiner would review the programme and risk assessment prior to it being submitted to the HSE for comment.
- 438 The application site is located on the Hythe Formation but is outside the nearest Groundwater Source Protection Zone (SPZ) and is not connected hydraulically to the Dorking public water supply source or any other licensed abstractions. Nevertheless, initially Sutton and East Surrey Water Company objected to the application on the grounds that the company has abstraction boreholes located in Dorking and it was concerned that the development could lead to contamination of the groundwater which feeds the water supply boreholes. The water company asked if the EA could provide the necessary reassurance that the development would not put the boreholes at risk. The EA has stated that its assessment shows that there are no feasible pathways to the Dorking abstraction boreholes from the chosen site, or any of the alternative sites considered by the applicant. Groundwater in the Hythe Formation would flow to the west and spring out on the underlying Atherfield Clay, the ultimate receptor being the upper reaches of the Pipp Brook. The Agency has stated that it has no objection to the proposal on the basis of groundwater protection from this location. Sutton and East Surrey Water has now removed its objection to the proposal following the Agency's reassurance.
- 439 The County's Geotechnical Consultant recommends that pre and post development soil testing should be carried out across the site of the drilling compound to ensure that no soil contamination has occurred and whether there is any remediation requirements. This could be secured by the imposition of a planning condition.

#### **Conclusion Water Environment and Geotechnical Issues**

- 440 The Health & Safety Executive (HSE), Environment Agency, Southern Water, Sutton & East Water Company and the County's Geological Consultant were all consulted on the application and have not raised objection. Taking into account the views of these consultees and the mitigation measures incorporated into the proposed development, Officers do not consider that the development would pose any significant risk of pollution to the surrounding environment and are satisfied that should planning permission be granted, those issues not covered by control regimes, can be controlled by way of planning conditions. Officers therefore consider that the proposal satisfies the requirements of PPS25 and Surrey Minerals Local Plan 1993 Policy 1.



## Recreation

- 441 The proposed drillsite would be located in a popular recreational area for both visitors and local residents. MPS1 and PPS 7 both set out the criteria for development proposals within the AONB. Mineral proposals must show that they would not have any detrimental effect on, among other things, recreational opportunities, and should show the extent to which any detrimental effect could be moderated. MPS1 refers to the need to take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation and as far as practicable maintain access to land.
- 442 Concern has been expressed in representations regarding the impact of the development on the recreational users enjoyment of the area. One of the attributes of much of the AONB is its peace and tranquillity. Some objectors have expressed the view that tranquil natural areas make a valuable contribution in terms of quality of life and counteracting the effects of hectic and urban lifestyles. One objector has said '*the thought of 'escaping from London' only to be confronted by an oil and gas rig in the Surrey Hills..'* Rep 1398. Many objectors are also concerned about the impact on visitor numbers to Leith Hill and the knock on affect this could have for local businesses such as The Plough Inn public house whose trade benefits from the popularity of the area for recreational activities.

## Public Access

- 443 The woods, commons and forest in the area are all popular for informal recreational activities such as walking, running, horseriding and cycling. The National Trust (Rep 15) has objected to the application and describes the area as a relatively remote, tranquil area, well used and highly valued by local people and visitors, particularly for its undisturbed rural character.
- 444 To the north of the site is an area of Common Land and there is an extensive public rights of way network in the locality as well as permissive tracks. Wolvens Lane a Byeway Open To All Traffic (BOAT) 526 runs from Coldharbour Village in a northwestern direction. It links with footpaths 249 and 248 on the western side of the valley that runs northward from Coldharbour Village. The closest rights-of-way to the proposed site is public footpath 247 which runs some 77 m to the north and north west of the site. This footpath runs from the other side of the valley to the west of the site across to Coldharbour Lane where it continues on the eastern side of Coldharbour Lane. Another footpath (249) runs to the west of the site across the valley. It joins with footpath 247 north west of the site on the Wolvens Lane side of the valley. Bridleway 262 runs parallel with the eastern side of Coldharbour Lane and joins with bridleway 263 and Folly Lane that has an access off Coldharbour Lane almost opposite the site entrance.
- 445 Many permissive tracks cross the area and link into the formal rights of way. The proposed drillsite has defined gravelled tracks on two of its boundaries (see **Figures 3, 4 & 7**). It also has a track on the northern and northeastern boundary. These forestry tracks are not formal public rights of way, but permissive tracks that are well used by the public.
- 446 The drillsite would be located on land owned by the Forestry Commission which has been registered for public open access under the Countryside and Right of Way Act (CROW) 2000. The CROW Act does allow landowners to have discretion to suspend or restrict access rights where necessary for land management, safety or fire prevention reasons. MPS1 refers to the need to '*as far as practicable maintain access to land.*' In fact the CROW right has recently been restricted over a large area of woodland in the vicinity of the site for public safety reasons over the period 15 February to 13 May 2011. However, if the proposal were to go ahead, again for public safety reasons it would be necessary to restrict public access for a period of 18 weeks over a much smaller area, covering not only the drilling compound and flare pit, but also to the access track from Coldharbour Lane to the site.

- 447 The applicant has confirmed that steps would be taken to continue to provide maximum access to the surrounding land. The applicant intends to erect a sign at the existing Forestry Commission barrier at the entrance to the access track (**see Figure 2**), which would make clear to the public that whilst the site and track is temporarily closed, the remainder of Abinger Forest remains open. To facilitate access to the surrounding land the applicant intends to erect a wooden post barrier, (**see Plan 2**) along the northern side of the access track. Pedestrians and horse riders would be able to progress alongside the access track, divided from site vehicles by a fence, so that they can reach the permissive trackway that runs northwards around the northern end of the application site and gain access to the larger forestry track, which runs along the top edge of the valley. This would also enable people to cross the access track to enable them to join the permissive track that leads south to Abinger Road near Coldharbour Village. The and public rights of way around the site are shown on **Aerial 2**.
- 448 No formal public right of way would be directly affected by the development in terms of diversions or closures. The only closure would be a temporary closure for 18 weeks of the permissive tracks to the south and west of the site and the site itself. This could have a minor impact by disrupting routes crossing Forestry Commission land.
- 449 MPS1 requires that local authorities take account of the value that existing woodland offers in terms of amenity and habitat when considering proposals. Although the proposed development site forms part of open access land, recreational users are currently unlikely to cross the land given its overgrown nature and undulations as a result of previous historical quarrying. This is not the case with the proposed access track which is used for recreational purposes.
- 450 During the period of the development, there is potential for some temporary impact on the recreational users of the area in terms of traffic, dust, noise and visual impact. The consideration as to whether the impacts from these issues are significant, has been covered in more detail under the individual headings within the report. Officers consider that the scale and very temporary nature of activities and the ability to mitigate potential impacts, has shown these impacts to be acceptable.

### **Visual Impact**

- 451 The visual impact from viewpoints available to users of public rights of way and from public open land was considered in the Environmental Assessment accompanying the application. The conclusion drawn was that very few recreational routes would experience any direct views of the site, though parts of the drill rig would be visible from some locations during the time it is at the site.
- 452 The main visual impacts for recreational users would be experienced at a local level. If pedestrians and horseriders use the track divided from the access track by fencing they will see site vehicles passing. The small track that runs northwards from the access track starts some 40 m east of the site and on higher ground with intervening trees. The track moves closer to the site until it runs adjacent to the north eastern corner of the site before turning alongside the site's northern boundary. There is potential for views of the site between trees as the track user moves closer to the site but these would be transient as the user moves on. When the track meets the site boundary, soil storage bunds some 4 m high at the northern end of the site (**see Plans 2 and 3**) will provide screening from the site activities and views of the equipment and cabins, with the exception of the rig itself. For users wishing to gain access to the permissive track that leads south to Abinger Road near Coldharbour Village, there would be views of the access track, parking area and the southern section of the site and a view of the rig. During the period that the flare units are located within the flare pit these would be seen above the surrounding bunding when in close proximity. Whilst these tracks are being provided in close proximity to the site, the remainder of the surrounding land and remain open for access.

**Noise**

- 453 The Board of the Surrey Hills AONB believes that the submitted environmental statement does not fully recognise that one of the main attributes of the AONB is its tranquillity. The Board states that the public look to enjoy the AONB for its tranquillity and peace to get away from and provide relief from the stress of modern living. The applicant has supplied sufficient noise data for the noise impact of the proposal to be assessed and as referred to in paras 370 to 373 above, the level of noise would meet the Surrey Noise Guidelines. The Surrey Noise Guidelines do not refer specifically to noise impact on rights of way, nor does MPS2, instead the emphasis in guidance, is on the protection of noise sensitive properties as any noise experienced on a right of way would be largely transitory and therefore would not cause an unacceptable impact.

**Dust**

- 454 The applicant has recognised that recreational users of the immediate area surrounding the site are the principal receptors in terms of potential dust nuisance and has proposed measures to ensure that dust control is maintained. The potential for impact is short term and it is proposed that a planning condition is imposed on any consent requiring suspension of activities should dust be emitted from the site that adversely effect sensitive users.

**Traffic**

- 455 The drillsite would be located some 1.8 km north east of Leith Hill and its tower, which is the highest point in South East England and is a popular destination for visitors to the area. The 19.5 m tower is open to the public and provides panoramic views over countryside both north and south. The site and proposed development would not be visible from Leith Hill and its tower; therefore Officers consider the proposal would not diminish the quality of the view from this important location. Objectors to the proposal are concerned that visitors to Leith Hill and the surrounding areas would suffer loss of amenity and would be put off visiting as a result of traffic congestion arising from site activities.
- 456 The car parks for Leith Hill are situated on the Leith Hill Road (C43) and Abinger Road (D289). These two roads meet at a junction with Leith Hill Lane just to the north of Leith Hill Place. Leith Hill Road links with the A25 Guildford Road via Hollow Lane (D282). Visitors to Leith Hill may also park at Broadmoor or Friday Street in which case they are most likely to access these villages from the A25 via Damphurst/Sheephouse Lane (D285) or Hollow Lane respectively. Visitors accessing Leith Hill via Coldharbour Lane would be subject to the Traffic Management Scheme (TMS) during the hours of 0930 to 1500 hours Monday to Friday and 0930 to 1300 hours on a Saturday. Whilst the TMS would be operational for the whole of the development, it would be most noticeable during the two 6 weeks periods of site construction and reinstatement. The applicant envisages that the longest delay would be likely to be encountered on Sections 3 and 4 of Coldharbour Lane south of the Logmore Lane junction. The delay would amount to approximately 2 minutes. The road would also be closed for a total of 6 days for the delivery of, and the removal of, the drilling rig. Visitors to Leith Hill would have no restriction on driving, walking or cycling to Coldharbour Village to visit the village or The Plough public house from the car parks for Leith Hill, or the area in the vicinity of the tower itself.
- 457 Coldharbour Lane is used by cyclists and some horseriders and pedestrians. Walkers, cyclists and horseriders also use the rights of way and permissive tracks in the area; some of the rights of way and permissive routes use Coldharbour Lane as a link. The area is used for recreational purposes at all times but the greatest recreational usage occurs on weekends and on Bank Holidays. The site would not generate any HGV traffic on Bank Holidays, Sundays or after 1300 hours on a Saturday.
- 548 During the hours of operation of the TMS, it is not proposed to include cyclists within the groups of escorted vehicles. For the majority of the route there is sufficient room for a cyclist and HGV to pass. On the narrow sections the applicant has stated that the escort vehicle would slow down to allow the section to be safely negotiated by the cyclist. All site

HGVs would be under the control of the escort and the traffic controllers. The abundance of tracks along the southern section of Coldharbour Lane means that very few pedestrians use the road other than to cross between tracks. Surveys undertaken by the applicant has shown that equestrian use of Coldharbour Lane is low during the proposed traffic management/delivery times. On the southern section of the Lane there is the alternative of using bridleway 262, which runs parallel to Coldharbour Lane from Robbing Gate through to approximately 170 m north of the junction of Coldharbour Lane, Anstiebury Lane and Abinger Road.

### Conclusions on Recreation

- 459 The current proposal does not involve a direct impact on formal rights of way in terms of any stopping up, crossing of, or diversions to rights of way. Consequently, Rights of Way have stated that they have no observations to make on the development. Similarly the development would not involve a direct impact on Common Land. Open access would be maintained over a large part of Abinger Forest with only the application site and its access track being temporarily closed to the public. Any visual impacts would be temporary and are considered by Officers to be to an acceptable level. The need for traffic management and road closure would cause some disruption to visitors to the area over a temporary period. However, Officers do not consider the proposal would bring about a reduction in recreational opportunities available in the locality and any impacts would be to an acceptable level. Therefore this proposal should not have a significant adverse impact on the enjoyment and general amenity value of this part of the AONB.

### Heritage

- 460 The proposed drillsite is located 800 m north of the Anstiebury Camp a Scheduled Monument and north of the Coldharbour Conservation Area. (The extent of the Conservation Area is shown on **Aerial 3**) The application site contains uneven ground, overgrown with bracken and young silver birch trees and the site contains six 18<sup>th</sup> and 19<sup>th</sup> century former quarries or 'dells' (see **Figure 6**).
- 461 Government Guidance on 'Planning for the Historic Environment' is set out in Planning Policy Statement 5 (PPS5). PPS5 covers the identification and protection of heritage assets including historic buildings, conservation areas, historic parks and gardens and how heritage assets should be preserved or recorded. Policy HE7 recognises that a heritage asset's setting may be affected by a scheme at some distance from the application site. More detail regarding the consideration of applications affecting the setting of a heritage asset is given in Policy HE10. The policy states that applications that preserve the elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. For those that do not, the harm should be weighed against the wider benefits of the application.
- 462 The SEP 2009 refers to the historic environment as part of the wider environment of the region. Policy BE6 (Management of the Historic Environment) seeks the protection, conservation and where appropriate, the enhancement of the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.
- 463 Policy 1 of the SMLP 1993 (Environmental & Amenity Protection) requires that the impact of a development on archaeology and historic landscape must be taken into account and that adequate safeguards for the protection of the environment and the amenities of local residents can be secured.
- 464 The emerging SMPCSDPD proposed Policy MC2 (Protection of Key Environmental Interests in Surrey) states that mineral development that may have direct or indirect significant adverse impacts on nationally important heritage assets, including scheduled ancient monuments, listed buildings and registered parks and gardens will only be permitted 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.'*

465 Proposed Policy MC14 (Reducing the Adverse Impacts of Minerals Development) requires the impacts in relation to v) the historic landscape, sites or structure of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings to be considered.

466 The MVLP 2000 has several policies relating to the historic environment. The area around Coldharbour Village is identified in the Local Plan as a Conservation Area. Policy ENV39 (Development in Conservation Areas) requires that '*development in Conservation Areas, or adjacent to and affecting their setting, shall preserve or enhance the character and appearance of the Area*'. To satisfy this it must be demonstrated amongst other matters that '*significant views into and out of Conservation Areas will be safeguarded*'.

467 In terms of Archaeology, the MVLP 2000 has Policy ENV50 (Unidentified Archaeological Sites) which covers the requirements where sites of larger than 0.4 ha are located outside Areas of High Archaeological Potential and Policy ENV51 (Archaeological Discoveries During Development) which deals with finds made during the development process. The Mole Valley Local Development Framework Core Strategy 2009 recognises that the District's historic environment is an asset to both the District and the Region. Policy CS14 (Townscape, Urban Design and the Historic Environment) states that areas and sites of historic or architectural importance will be protected and where appropriate enhanced in accordance with legislation, national and regional guidance.

468 The archaeological assessment report contains information on the listed and historic features in the locality. The issue to consider is whether the development, by its character or location, would have an adverse impact on the historic environment.

#### ***Conservation Area and Listed Buildings***

469 The application site does not fall within, nor is it adjacent to the Coldharbour Conservation Area, but lies some 490 m to the north. The extent of the Conservation Area is shown on **Aerial 3**. The northeastern point of the Coldharbour Conservation Area extends to the junction of Coldharbour Lane, Abinger Road and Anstie Lane. The Conservation Area then extends westward along Abinger Road where it widens to include the village centre.

470 The MVLP 2000 describes Coldharbour as having a unique character, which is a quiet, isolated upland village. It goes on to state that the Conservation Area is several groups or clusters of buildings separated by open areas of rough grass and woodland. The Conservation Area continues in an arc south westwards as far as Weald View Cottages on Abinger Road. The southern boundary of the Conservation Area to the east of Coldharbour Village runs adjacent to the boundary of Anstie Camp. Consideration needs to be given to whether the setting and character of the Conservation Area would be significantly and adversely affected by the proposed development.

471 The potential for impacts on the setting and character of the Conservation Area would be likely to come in the form of traffic, noise, dust and visual impact. Noise and dust have been discussed earlier in the report and the conclusion drawn that the noise levels arising from the development would be below the limits set by the Surrey Noise Guidelines and that dust could be controlled and would in any event not affect areas beyond 50 m. As all site vehicles would access the site from the north, HGVs associated with the development would not enter or directly impact the Conservation Area.

472 Officers consider the topography surrounding the application site is such, and the site is sufficiently distant from the Conservation Area that the proposed development would not affect the setting, character or appearance of the Conservation Area. However, MVLP

2000 Policy EN39 also refers to views out of Conservation Areas. There are views from the Conservation Area into the surrounding landscape and in particular views of part of the site. Once erected, it would be possible to see the drilling rig above the treeline from Abinger Road between the eastern end of the village and White Cottage, Ivy Cottage and Ranmore View Cottage at the eastern end of the Conservation Area. The site would be viewed from a minimum distance of 490 m and given the development's very temporary nature, with the rig only being onsite for up to 6 weeks, and the intervening vegetation, Officers do not consider that the proposal would cause significant or permanent harm to the attractive view out of the Conservation Area. **Figure 8** shows the view towards the proposed site from the easternmost point of the Conservation Area.

- 473 MPS1 states that local authorities should '*adopt a presumption in favour of the preservation of listed buildings, nationally important archaeological remains (including scheduled ancient monuments) in situ, and their settings*'. There are three listed buildings in the area, none of which are in close proximity to the application site. Two are found within the Coldharbour Conservation Area and one falls outside its boundary. Christ Church and 1 and 2 Mosses Wood Cottages are listed buildings found within the southwestern end of the Conservation Area some way distant from the application site (1,400m). Site vehicles would not pass these buildings and there are no views of the site from this location and distance. A listed building at Anstibury Farm outside the Conservation Area, is closer to the application site at approximately 695 m. No site vehicles would travel within the vicinity of the building. All these buildings are sufficiently far removed from the site for their setting to be unaffected.
- 474 The Authority's Historic Buildings Officer has commented that as traffic would be routed from the north, it would be well away from the village and its Conservation Area. Given the limited time duration of this development he does not believe there is any historic building reason for resisting the proposal. He did however, comment that if consent for permanent works was ever sought he would wish to be consulted as harm could then result.

#### ***Anstiebury Camp Scheduled Monument***

- 475 The Anstiebury Camp hillfort which lies approximately 600 m to the south of the site is a Scheduled Monument (SM) designated under the Ancient Monuments and Archaeological Areas Act 1979 for its national importance. The hillfort is of Iron Age date, but there is evidence of possible Mesolithic activity on the hilltop prior to the construction of the hillfort. Site traffic would not be routed within the vicinity of the SM and the topography and distance is such that activity at the proposed site would not impact on the SM either visually, or in terms of noise, dust or any other impacts. It is therefore considered that the proposal would not impact on the setting in which the Anstiebury Camp SM is experienced and that the proposal would not affect the significance of this heritage asset.

#### ***Archaeology & Historic Features***

- 476 There is nothing to indicate that evidence of pre-historic activity extended to the application site. However, as the applicant's desk-based assessment noted that the site has been heavily truncated by past tree planting, root action, logging activities and the excavation of the 18<sup>th</sup> and/or 19<sup>th</sup> century 'dells' or quarries found on the application site.
- 477 The six small 'dells' found on the application site were probably used for extraction in the 18<sup>th</sup> or 19<sup>th</sup> century. The dells, along with accessible areas with no visible extant features, have been recorded in a topographic and photograph survey submitted as part of the ES. Dell 4 was the largest of the pits at approximately 27m north to south and 20 m east to west. Other than the dells the archaeological assessment concluded that any archaeological deposits that may have been on the site are likely to have been disturbed by the quarrying and logging activities that have taken place.
- 478 It is the County Archaeological Officer's view that the applicant has adequately considered the protection of potential archaeological remains and mitigation of the potential impact of the proposed development on the archaeology of the application site. Although the site

area is greater than the 0.4ha referred to in MVLP 2002 Policy ENV50, as the site has been subject to ground disturbance overtime, the County's Archaeological Officer does not consider it necessary for any further archaeological work to be undertaken.

- 479 Sunken lanes such as Coldharbour Lane form part of Surrey's historic landscape. Considerable concern has been raised in relation to the potential for impacts on elements of this historic landscape from vehicle movements to and from the site. **Figure 9** shows the hollow way form of Coldharbour Lane. Consideration has been given earlier in the report to whether the vehicle movements arising from this development are likely to cause damage to the lane. The conclusion drawn by the Highway Authority was that although the tolerances are very tight, the applicant had demonstrated that the carriageway could accommodate the largest vehicles. One Coldharbour resident has suggested that '*Coldharbour Lane still has some of the coffin rests used before Coldharbour church was built*' (Rep 69). However, the applicant and the County's Archaeological Officer have been unable to locate the coffin rests.

### **Conclusion on Heritage**

- 480 Neither the County's Archaeological Officer or Historic Buildings Officer has raised objection to the application. Taking account of the scale, location and temporary nature of the development Officers do not consider that the character or setting of nearby listed buildings, the Coldharbour Conservation Area nor the Scheduled Monument, would be significantly adversely affected by this development. Given the existing ground disturbance at the proposed drillsite, it is not considered that the proposal would give rise to any archaeological impact. Accordingly, Officers are of the view that in terms of heritage the proposal would not conflict with the relevant national guidance in PPS 5 and development plan policies in The South East Plan 2009 Policy BE6, Surrey Minerals Local Plan 1993 Policy 1 and Mole Valley Local Plan 2000 Saved Policies ENV39 and ENV50 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS14.

### **Restoration**

- 481 The importance of securing a good quality restoration is central to the consideration of mineral working and associated proposals. Delay in restoration has environmental costs and guidance in Minerals Planning Guidance Note 7 (MPG7) 'Reclamation of Mineral Workings', states that mineral workings are to be reinstated to an appropriate afteruse at the earliest opportunity. MPS1 states that '*sustainable minerals development aims to preserve the land's long term potential to support the widest range of afteruses in the future by achieving high standards of working and restoration*'.
- 482 Planning Policy Guidance Note 2 PPG2 (Green Belts) states that mineral working '*need not be inappropriate development in the Green Belt provided that high environmental standards are maintained and that the site is well restored*'.
- 483 SMLP 1993 Policy 5 (Restoration) requires the establishment of a framework for the restoration of a site to a condition suitable for the proposed afteruse. The emerging SMLPCSDPD Policy 17 (Restoring Mineral Workings) states that mineral working will be permitted only where the MPA is satisfied that the site can be restored and managed to a high standard. The restored site should be sympathetic to the character and setting of the wider area; and capable of sustaining an appropriate after-use. The policy goes on to reiterate the view given in MPG7 that mineral works should be completed at the earliest opportunity. A detailed scheme of how the land will be restored and managed should be agreed with the MPA.
- 484 In this case the site falls within the Green Belt, on land within an Area of Outstanding Natural Beauty and part of the site is identified as ancient woodland. It is therefore important that the site is well restored to prevent damaging impacts to these designated areas. The Surrey Hills AONB Management Plan 2009 – 2014 sets out the vision, policies and plans for the future management of the AONB. Under section 3 entitled

Vision and Management Policies 7 land use policies are set out. Policy LU5 refers specifically to the impact of mineral working and associated land activity. The policy encourages the minimisation of impact from mineral workings by the design of the restoration and afteruse being in sympathy with local landscape character.

- 485 The application site falls within an extensive area of Forestry Commission Woodland. Much of the woodland in the vicinity of the site is plantation woodland, which is used for ongoing forestry operations. The majority of the proposed drillsite is currently vegetated with dense bracken, conifers and young grey willow and birch. The Phase 1 Habitat survey undertaken by the applicant has identified an area of semi-natural broad-leaved woodland in the northeastern corner of the site and small areas to the south of the access road. There is also mixed plantation at the northern and southern ends of the site. A Long Term Species Map for Bury Hill produced by the Forestry Commission (amended May 2007) refers to pine generally being planted on the higher, flatter ground, with Larch and Douglas Fir planted on the sloping valley sides. It also mentions allowing natural regeneration of broadleaves and its management as continuous cover. The reduction and reproduction of the plan has made it difficult to identify the exact boundaries between the various areas of land, however, the long term species of land to the west of the application site is shown to be Larch and to the west and south of the site, Scots and Corsican Pine. The Species Map appears to show part, if not the entire application site, as broadleaf and therefore Officers consider broadleaf planting should feature in the restoration.
- 486 The proposals for the restoration of the site submitted with this current application provide for the reinstatement of the site and its return to the Forestry Commission for forestry use. This would be achieved by removing all the plant, equipment and stone surfaces and re-spreading the stored soils to provide an evenly graded site. The applicant has stated within the application that vegetation would be left to regenerate naturally in advance of Forestry Commission (the landowners) planting. The Forestry Commission has been consulted on the application and has given its standard factual response, which takes the form of Government's forestry policy and definitions of woodland. However, in recent correspondence regarding the area being used for filming, the Forestry Commission was keen to stress that it takes the issue of habitat management and protection very seriously and that the Commission is actively engaged in the restoration of wet woodland at Bury Hill.
- 487 Objectors to the proposal are particularly concerned that the site would be left unrestored and have asked that a bond be required to secure restoration in the event of the applicant going out of business. LHAG has also asking for the replanting of any trees cut down or damaged or destroyed by the development works on a ratio of 1 tree removed or lost, to 25 semi mature trees planted. It is not considered reasonable or appropriate to require a bond to restore the site when restoration can be achieved through a planning condition. A planning permission runs with the land and ultimately if the applicant did not complete restoration the responsibility to restore would ultimately lie with the Forestry Commission, as the landowner.
- 488 Whilst the applicant's intention was to let the site naturally regenerate, it is important that a restoration timetable and scheme are clearly set out to bring the site back to a condition suitable for the proposed afteruse. It is therefore recommended that a detailed Landscape, Ecology and Restoration Plan (LERP) is required by condition. The application site includes several habitats as referred to in above and in more detail in the Ecology section of the report. There has been much discussion about the strip of plantation ancient woodland that currently covers part of the west of the site. Although ancient woodland indicator species are currently not in evidence, the careful management of the storage, management and re-spreading of the soils could encourage any dormant seeds to germinate following restoration and the LERP should seek to facilitate this. It should make provision for the promotion of biodiversity, focussing on native species from the locality. The LERP should aim to be in sympathy with the local landscape character,



achieve continuity with the surrounding woodland and would cover such matters as the reinstatement of the forestry track if damage has occurred.

- 489 The intended forestry afteruse is an appropriate Green Belt afteruse and given the site's location within an area of managed woodland is in sympathy with the local landscape character. The development is programmed to be completed in 18 weeks, this includes the reinstatement of the site. The LERP would set out the final site restoration timetable, species and planting details. The timing of the planting and final restoration may depend on the time of year the development takes place. Nevertheless, the benefit of achieving restoration as soon as practicable given the site's position in the Green Belt and its location within land designated for its landscape interest would be met.
- 490 MPS1 recognises that mineral development can often offer opportunities for rural communities especially at the restoration stage. The area has public open access and there are a number of rights of way and permissive tracks in the vicinity, therefore Officers consider the proposal presents little opportunity to provide benefits in terms of formal enhanced access. Nevertheless, the site currently has marked changes in level as a result of historic quarrying activities. The applicant intends to re-grade the site and restore it to more even levels, which has the potential to make the land more accessible to the public. However, in the longer term, forestry planting on the drillsite is likely to remove any accessibility that might be gained.

#### **Conclusion on Restoration**

- 491 It is proposed to restore the site to a woodland/forestry afteruse which is compatible with the site's Green Belt status. Habitat recreation or enhancement could be achieved via a planning condition requiring a detailed landscape, ecology and restoration plan. Officers do not consider there is any reason to believe that that site cannot be restored to a beneficial afteruse, which is sympathetic to the character and setting of its locality. Accordingly, Officers consider that the proposal would not conflict with the relevant national guidance and Surrey Minerals Local Plan 1993 Policy 5.

#### **AONB/AGLV and Visual Impact**

##### ***National Guidance***

Minerals Policy Statement 1 (MPS1) Planning and Minerals

Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth

##### ***The South East Plan***

Policy C3 Areas of Outstanding Natural Beauty

##### ***Surrey Minerals Local Plan 1993 (SMLP 1993)***

Policy 1 Environmental and Amenity Protection

##### ***Mole Valley Local Plan 2000 (Saved Policies) (MVL 2000)***

Policy ENV4 Landscape Character

##### ***Mole Valley Local Development Framework Core Strategy 2009 (MVLDFCS 2009)***

Policy CS13 Area of Outstanding Natural Beauty and Area of Great Landscape Value

##### ***Proposed Surrey Minerals Plan Core Strategy Development Plan Document (SMPCSDPD)***

Policy MC2 Spatial Strategy - Protection of Key Environmental Interests in Surrey

- 492 The site proposed for the drillsite is located in an area designated both nationally, Area of Outstanding Natural Beauty (AONB), and locally Area of Great Landscape Value (AGLV) for the quality of its landscape. The wooded nature of the area and topography restricts short range views but there are extensive views from the greensand ridge over the Low Weald. The sunken nature of Coldharbour Lane with its exposed rock and tree roots is also a major feature of this part of the AONB. The prime purpose of the AONB designation is to protect and enhance the natural beauty of nationally important landscape.

- 493 The 1949 National Parks and Access to the Countryside Act initiated the AONB designation. The Surrey Hills AONB was one of the first AONBs to be designated back in 1958. Within an AONB, mineral working is only allowed where the mineral is essential and of national interest and therefore the application falls to be considered as a Departure from the provisions of the Development Plan. Section 85 of the Countryside and Rights of Way Act 2000 (CroW) requires planning authorities to *'have regard to the purposes of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.'*
- 494 The Countryside and Rights of Way Act 2000 Part IV Section 85 places a duty on *'a relevant authority'* (the County Planning Authority is a relevant authority for the purposes of the Act) that *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*
- 495 Government has confirmed that AONBs have *'the highest status of protection in relation to landscape and scenic beauty'* para 21 of Planning Policy Statement 7 (PPS 7). *'The conservation of the natural beauty of the landscape (in AONBs) ... should be given great weight... in development control decisions in these areas.'* PPS7 also states that within nationally designated areas major development proposals should not take place except in exceptional circumstances and it goes on to state that such proposals should be demonstrated to be in the public interest before being allowed to proceed. 'Major Development' is defined in The Town and Country Planning Development Management Procedure (England) Order 2010 SI 2184 Part 1 2-(1) as meaning development involving certain types of development including *'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'*. In terms of the size of the site, the proposal does not fall into the category of major development. However, as minerals development the application needs to be assessed as major development in the AONB. Paragraph 22 of PPS7 says that consideration of major development proposals in nationally designated areas should include an assessment of:
- (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.*
- 496 Minerals Policy Statement1 (MPS1) para 14 repeats the criteria for assessment in terms of major minerals development proposals in AONBs. Paragraph 3.0 of MPS1 suggests that where environmental or other conditions preclude vertical drilling that directional drilling should be considered. In this case the applicant is proposing directional drilling to avoid the environmental and amenity issues that would be raised by vertical drilling close to Coldharbour Village. MPS1 Goes on to state that careful consideration will also need to be given to such issues as the need to locate sites to minimise visual intrusion.
- 497 Policy C3 of The SEP 2009 (Areas of Outstanding Natural Beauty) states that proposals for development should be considered in the context of high priority being given to the conservation and enhancement of natural beauty and regard should be had to their setting. The emphasis should be on small-scale proposals that are sustainably located and designed.
- 498 SMLP 1993 Policy 1 (Environmental & Amenity Protection) states that the Authority will wish to be satisfied that steps have been taken to minimise impacts and that the visual impact and effect on the landscape have been taken into account. In relation to issues raised by oil and gas developments, Para 5.16 of the Surrey Minerals Local Plan 1993

refers to exploratory drilling having been undertaken in Surrey within the Green Belt, the AONB and AGLV *'without any marked detriment to the environment'*.

The emerging SMPCSDPD proposed Policy MC2 (Protection of Key Environmental Interests in Surrey) states that mineral development that may have direct or indirect significant adverse impacts on an Area of Outstanding Natural Beauty will only be permitted 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.'*

- 499 Saved Policy ENV4 of the MVLP 2000 is concerned with landscape character and seeks to ensure that development proposals relate to the character of their local landscape setting. Policy CS13 of the Mole Valley Local Development Framework Core Strategy 2009 (Landscape Character) deals with the AONB and AGLV. Criteria 2 of Policy CS13 states the conservation of the natural beauty of the landscape will be a priority in the AONB and it will be protected in accordance with the objectives in PPS7 and the Surrey Hills Management Plan, with particular focus on the impact of development on ridgelines, significant views, peace, tranquillity and levels of artificial light.
- 500 The AONB and AGLV designations cover a third of the area of Surrey. PPS7 advises planning authorities to rigorously consider the justification for retaining existing local landscape designations and ensure they are based on formal and robust assessment. A Surrey Hills AGLV Review 2007 examined the justification for retaining the AGLV. The study concluded that a review of the AONB boundary should take place and that the AGLV designation should be retained until such a review takes place. The Inspector's Report into the Mole Valley Local Development Framework Core Strategy was satisfied that the approach of retaining the AGLV designation until the AONB Review takes place did not conflict with the advice in PPS7.
- 501 The application site lies within the Regional Countryside Character Area known as the Wealden Greensand, which cuts across Surrey from Kent to Hampshire. The Wealden Greensand lies between the North Downs and the Low Weald and is heavily wooded, predominantly with coniferous forestry and some ancient woodland on valley floors and steep valley sides. Surrey County Council identified County Landscape Character Areas in 'The Future of Surrey's Landscape and Woodlands' in 1997. Coldharbour and its locality fall within the Leith Hill Greensand – Greensand Hills. This county landscape type includes rugged pine forested hills with some settlements having *'something of the character of mountain villages, with a distinct feeling of remoteness'*. It also includes large areas of publicly accessible land *'with extensive networks of footpaths and breathtaking views from the edge of the scarp.'*
- 502 The Surrey Hills AONB Management Plan 2009 – 2014 sets out the vision, management policies and a delivery plan for the Surrey Hills AONB. Key landscape features and the special qualities that define the natural beauty of the AONB have been identified. Appendix 1 of the Management Plan provides information on the 13 local landscape character areas including the identification of key AONB features and issues. The Greensand Hills: Leith Hill, is described as having *'...a series of prominent wooded hills, divided by deep interlocking valleys. The topography of this part of the Greensand Hills creates a dominant and dramatic elevated landscape with commanding views over the Weald. The area retains an isolated feel and a sense of wildness, with small settlements in secluded valleys, extensive woodland cover, small-scale agriculture in wooded clearings, distinctive architecture and a network of attractive lanes, many of them sunken.'* The key AONB issues identified for the landscape character area which relate to the application site and its locality are the:

- loss and decline in quality of hedgerows, hedgerow trees and shaws,
  - impact of traffic on narrow and sunken lanes,
  - impact of visitors on the landscape,
  - decline in quality woodland,
  - loss of open heathland and common
  - loss of localised views and viewpoints,
  - impacts of conifer planting on wildlife.
- 503 It is recognised in para 3.8.1 of the Surrey Hills AONB Management Plan that the Surrey Hills AONB *'is not a museum and development will take place from time to time in response to the needs of society, both local and wider.'* The vision for land use planning is that development enhances local character and the environmental quality of the AONB. Three out of the seven land use policies are of particular relevance to this proposal. Policy LU2 seeks to ensure that in balancing different considerations, substantial weight is attached to any adverse impact that the proposal would have on the character of the AONB. Policy LU3 states that *'development will respect the special landscape character, giving particular attention to potential impacts on ridgelines, significant views, tranquillity and light pollution.'* Mineral working and associated land activity is specifically referred to in Policy LU5. The policy encourages the minimisation of impact by the design of the restoration and afteruse being in sympathy with local landscape character.
- 504 Members of the public have objected to the proposal on the grounds of the impact on the AGLV and general visual impact, with the potential impact on the AONB being the ground cited by the vast majority of objectors to the development. Many of the objectors have referred to the beauty, peace and restorative nature of this protected area. Others have stated that the drilling rig would be visible for miles around and that the industrial nature of the development would spoil recreational enjoyment of the area. They have also expressed concern that this is the thin end of the wedge and that if hydrocarbon is found the AONB would become increasingly industrialised and damaged from both successful exploration and other development. Rep 1240 *...if this application is approved a precedent will be set opening the door to further applications from industrial and business concerns causing further irreversible environmental damage to this beautiful and largely unspoilt part of England.'*
- 505 The applicant has submitted a landscape and visual assessment in support of the application. The assessment describes the landscape context and existing characteristics of the site and the visual character of the local area and has defined the elements and characteristics of the proposed development that could cause potential visual effects. Potential visual receptors have been identified and computer generated photomontages of the rig and the flares known as Clean Enclosed Burners (CEBs), when viewed from eight selected viewpoints have been produced to assist in assessing the potential visual impact.
- 506 The activity and movement associated with site construction would involve disturbance in the landscape. This would result from the clearance of trees and vegetation and the creation of the site compound and flare area, works to the access track, and also by the delivery of stone and ultimately the installation of sizeable temporary structures and equipment including the drilling rig. A chainlink fence some 2 m high would enclose the compound area, which would have two 4 m high soil storage bunds on the northern boundary.
- 507 The drillsite compound would be situated on land previously disturbed by small scale historical quarrying, at approximately 236 m above ordnance datum (AOD) close to the eastern edge of a wooded sloped valley which runs northward from Coldharbour Village. **Figure 8** shows the view from the end of the village towards the site. The 118 m by 55 m compound would be located 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. The range of individual habitats found within the site area are described in more detail in the Ecology section of the report. During the drilling and testing phases of the

development the site would contain a number of one storey site cabins along the western boundary, tanks, pipe racks, water tanks and the drilling rig itself. This main compound area would be divided from the area to be used initially for parking and then for flaring, by an area of coniferous plantation and acid dry dwarf shrub heath which would not be disturbed.

- 508 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 with trees to the south and south west being less mature, and therefore provide less screening. Nevertheless the applicant's submitted landscape and visual impact assessment including photomontages, show that the existing tree cover would screen the compound and the lower parts of the drilling rig from the wider landscape. The exception would be the upper two thirds of the drilling rig which at 35 m tall would protrude above the tree line. The rig would be light grey in colour and of a slender lattice construction to minimise its visual impact and the assessment concluded it would therefore be difficult to discern from distant viewpoints. The rig would be most visible from Viewpoint 3 at Footpath 249 where a greater proportion of the rig would stand above the surrounding tree-tops. The top of the rig would also be visible from Coldharbour Village and by motorists travelling along Coldharbour Lane in some locations between Anstie Lane and the site entrance. Whilst the development would have some affect on the ridgeline, which is one of the impacts highlighted in the Surrey Hills AONB Management Plan Policy LU3, this is not a permanent activity, the drilling and testing at the site would be of short duration with the rig at the site for 6 weeks.
- 509 Some trees and an area of vegetation to the south of the access road have been recently removed as a result of filming works. Whilst this has had the effect of opening up this area, the oblique location of the proposed drillsite, topography and remaining trees and intervening vegetation still provide screening from Coldharbour Village and the closest cottages.
- 510 The other aspect of the development that is likely to be visible from Coldharbour Village and particularly the properties Ivy Cottage, White Cottage and Ranmore View Cottage close to the junction with Anstie Lane, would be the three CEB's. They would be contained within a bunded area of approximately 12 m by 6 m to the south of the compound off the main access track (see **Figure 7**). This flarepit area is the closest part of the site to the residential properties in Coldharbour Village (some 512 m). The applicant's visual assessment recognises that the CEB's are likely to be seen in the view shown in Figure 8 as box like features seen against a backdrop of trees. The two CEB's for use if gas is found would be 5.2 m tall. The CEB or use if oil is found would be lower at 4.1 m. The CEBs would be located together in a flarepit surrounded by a 1 metre high bund. The CEB's would be mainly grey with steel frames in a mid green colour that should minimise any visual impact. From other viewpoints tree cover would shield the CEBs from view. On a recent visit to the site, Officers noted that the surrounding tree cover appears to have grown to a point where the CEBs would be unlikely to be visible above the tree line. If hydrocarbon were found, the CEB's would be used for 4 days for gas or 2 days for oil. The burner deck of a CEB is enclosed by an insulated heat radiation shield and the manufacturer of the flare states that the CEB achieves 99.99% complete smokeless combustion and no infra red or luminous flames. The flare produces a blue flame within the enclosed burner but no visible flame. The visual assessment states that the CEB's '*would be relatively unobtrusive in the view, seen against a background of taller woodland*'.
- 511 Given the sites locally elevated position felling of the woodland that currently screens the site could leave the compound open to view. The Forestry Commissions Long Term Species Map and Felling Map for Bury Hill, both amended in 2007, show the site as having an area of predominantly broadleaf woodland to the south and immediately to the west of the site, and also a block of broadleaf along the boundary with Coldharbour Lane. The broadleaf woodland in the area is managed by means of selective felling and natural

regeneration rather than clear felling. The felling map shows a tree block 300 m south of the site and on a downslope that was due to be felled between 2007 and 2011. This harvesting has already taken place and does not alter the screening of the site when viewed from the cottages at the eastern end of Coldharbour.

- 512 There are two areas of felling programmed in the period 2012 to 2016 which should be after the exploratory drilling had been completed and the site restored. The western section is located on the scarp sloping westwards into the valley. The County's Landscape Officer has said that if this felling was to take place during, or just before the proposed site was operational, more of the site infrastructure would be potentially visible particularly from the west of the site. It is a question of timing, and with a development of such short duration, the exploration could be completed prior to any forestry operations. Removal of the eastern block could open up glimpsed views from a short section along Coldharbour Lane. However, a band of woodland would remain alongside the road and the topography of the land would also assist in screening the site. In any event, the Forestry Commission has confirmed that it would retain buffer strips of existing mature trees on the margins of these woodland blocks to afford security and screening. The County's Landscape Officer feels that whether any further felling takes place or not, the most contentious visual issue locally would be the rig, as this would protrude above the treeline and would be more obvious if the trees were felled.
- 513 The impact of artificial lighting on the night sky is an issue in rural areas. The site is located within a predominantly rural area within the AONB, which is intrinsically a dark landscape. Policy CS13 of the Mole Valley Local Development Framework Core Strategy (Landscape Character) states that there should be particular focus on the impacts of development on levels of artificial light. Light pollution is one of CPRE's campaigns and lighting is an issue of great concern to objectors to the proposal. Rep 1399 states '*The area is spectacularly beautiful and part of its charm are the simple things like ...the sheer darkness at night allowing you to fully appreciate the night sky.*' Whilst consideration is given to the visual impact of lighting below, the amenity and light pollution issues and considered in the more detailed section on lighting found at paras 375 to 387 earlier in the report.
- 514 As drilling would take place 24 hours a day, for health and safety purposes lighting would be required at night and a red aircraft warning light would be necessary on top of the rig whilst it is onsite. During the up to 6 week drilling and testing period, lighting would be confined to the temporary car parking areas and the drillsite. There would also be some lighting requirements during the construction and reinstatement phases. The applicant has provided information on the types of lighting to be used and intends to put into place a Lighting Management Plan. The lighting assessment in the Environmental Statement does not envisage light spill extending a significant distance from the spill due to the screening afforded by the site bund and surrounding trees. The assessment acknowledges that from some of the closer viewpoints, for example the layby on the north side of Coldharbour Lane and Wolvens Lane (south), that the rig would appear dimly illuminated and that the red strobe-effect light is likely to catch the eye. The rig is also likely to be noticed by motorists travelling along the section of Coldharbour Lane between the access and Anstie Lane.
- 515 From longer views such as Ranmore and Box Hill the lighting is unlikely to be perceptible. The Authority's Lighting Consultant has raised no objection to the proposal and given the temporary nature of the lighting, the distance from neighbouring sensitive receptors and mitigation measures proposed, it is considered that there would not be an unacceptable impact on amenity or the night sky.
- 516 The woodland surrounding the drillsite is open access land and consideration has to be had to the potential for visual impact when the site is viewed in close proximity. The applicant is fencing off one side of the access track to allow users of the permissive tracks to gain access to other forestry tracks. In addition the track from the access track which

runs north then northwestward to meet up with one of the main forestry tracks would remain open to the public. These tracks would take users close to the site boundary and although there would be 4 m high bunding on the northern boundary there is likely to be some views of the site and its operational activity. Certainly users walking beside the access track will be aware of vehicles entering and leaving the site and if walking to the south of the flare area there could be views of this part of the site. These are the closest areas that the public would be able to access and recreational users would not have to move much further away into the remaining woodland before visual impact would diminish. However, for the 18 week period there would be some impact on the visual quality of this part of the AONB when in close proximity to the application site.

- 517 The character of the AONB centres not only on the visual qualities of the landscape but also reflects its relative peace and quiet. Policy CS13 of the MVLDFCS 2009 (Landscape Character) states that there should be particular focus on the impacts of development on tranquillity and this issue is one of the grounds of objection raised by the Board of the Surrey Hills AONB. The Board considers that application deals with the harm to the AONB in a cursory and dismissive way with the emphasis being on mitigating the harmful effects of the proposal. It is the view of the AONB Board that the proposed measures are superficial and do little to overcome the root causes of the harmful effects. The Board concludes that the proposal is clearly contrary to development plan policies and that the harm caused would outweigh the very special circumstances and mitigating measures put forward. It goes on to say that the value of this location is its relative remoteness and tranquillity, which are qualities of significant public interest. The noise impact of the proposal has been covered earlier in the report both in terms of residential and recreational amenity. The construction and restoration phase of the development is likely to produce the highest, but not unacceptable noise levels. The whole development is limited to 18 weeks and therefore any reduction in the tranquillity of the area over that period would be temporary and have no permanent adverse affect on the enjoyment and general amenity value of this part of the AONB. The County's Environmental Noise Consultant has pointed out that the area is not always tranquil as it is subjected to forest maintenance and clearance operations, which are also for limited periods, but result in increased noise levels from the use of chain saws and heavy equipment and traffic removing logs.
- 518 The majority of Coldharbour Lane also lies within the AONB and sections of the road, feature the steeply banked sunken lane hollow ways characteristic of the AONB. LHAG believes that the vehicles associated with this development would destroy the banks of Coldharbour Lane and the cutting back of trees and foliage would all have an adverse impact on the view of travellers heading up the lane to the village. As set out in the Highways, Traffic and Access and Ecology sections, the important point to establish is whether the largest vehicle could travel along Coldharbour Lane without causing damage and if any damage was to occur, whether or not that would result in a significant adverse impact on the lane's appearance and ecology.
- 519 The applicant was asked to demonstrate whether the largest vehicles associated with the development could travel the lane without causing damage to the banks, overhanging branches of trees, tree roots and vegetation along the route given the width, bends and camber of the road. Following on from that, if some damage was likely, to assess the impact. Having carried out a Foliage Survey which involved measuring the width of the road, taking into account any restrictions posed by roots or trees protruding from the bank and recording the height of the tree canopy above the road surface, the applicant demonstrated to the Highway Authority's satisfaction that the largest vehicles can access the site along the route without causing damage, provided the vehicles are driven with care and no other traffic is on the road.
- 520 The Foliage Survey highlighted 14 points where foliage or branches would need to be cut to achieve sufficient height and width of the carriageway to accommodate the tallest vehicle of 4.30 m high and the widest at 3.17 m wide. Nevertheless, the desired tree canopy clearance height for unclassified roads is 5.4 m. The Foliage Survey demonstrates

that there are stretches of Coldharbour Lane that do not currently meet that specification and removal of foliage below 5.4 m would assist in providing greater clearance for vehicles using the lane and would not be objected to by Surrey Highways. The Arboricultural Manager for Surrey Highways does not believe that the trimming of light branches and twigs proposed would cause harm and would not noticeably affect the character of the lane in the long term. He feels that the deepest of the cuttings is least likely to be affected by overhead clearance works, owing to large trees having closed the canopy from either side of the lane, causing lower growth to be lost through daylight suppression. He notes that there is evidence that some large trees leaning over the lane show evidence of having already been clipped by high vehicles and considers one in particular will have to be removed as damage to the underside of its trunk indicates vehicles strike the tree regularly.

521 The recognised standard for tree works is BS3998 and compliance with this standard would be required from any contractor working on the highway to cut back trees. The Arboricultural Manager has requested that liaison takes place with Surrey's approved tree contractor who has a specially adapted vehicle designed for clearing routes on country roads for buses which would also provide control over the extent of the works in order that the character of the land can be preserved.

522 The swept path details provided by the applicant show that there would be little space to manoeuvre in order to align the rig trailer. Even with the driver taking due regard for safeguarding the highway the physical limitations of the lane at the very tightest point mean that traversing this point could potentially result in some damage to the bank. If any potential damage were not mitigated, it would harm the visual appearance of the lane. Officers recommended that if permission is granted a s106 legal agreement be sought containing a requirement to undertake condition surveys prior to and after the works and to make good any damage to ensure that there is no permanent harm to this feature of the AONB. (See Heads of Terms at Annex 1).

#### **PPS7 and MPS1 Required Assessment for Proposals in the AONB**

523 As referred to above at paras 495 and 496 above PPS7 and MPS1 set out criteria for assessment for major development proposals in the AONB.

524 **Point (i)** covers the need for the development and national considerations. These issues were discussed in paras 101 to 152 above and the conclusion drawn was that there is a need for the development, and that the development would be in the public interest nationally. LHAG does not agree and has drawn the conclusion that as para 10.67 of the SEP 2009 refers to hydrocarbons being exploited in modest quantities in West Sussex, Surrey and Hampshire but goes on to state that energy minerals are regionally insignificant, that the development cannot be of national significance. However, the section of the SEP 2009 to which they refer, is dealing with regional minerals supply, not need. The policy test in terms of AONB is the need for the mineral.

525 Point (i) also refers to the impact of permitting or refusing the application on the local economy. Policy EC6 of Planning Policy Statement 4 (PPS4) covers planning for economic development in rural areas and states that economic development should be strictly controlled in open countryside away from existing settlements or outside areas allocated for development.

526 The application site is situated within a rural area, some 3.5 km south of Dorking. The duration of the development is 18 weeks for the overall development and therefore it would not create any permanent employment opportunities. The two 6 week site construction period and the reinstatement phases could potentially provide some short term work for local construction and haulage firms. Beyond that, the mobilisation, drilling and de-mobilisation operations would require experienced and skilled operatives who would be



- hired in from further afield. The local economy could also benefit for the use of local suppliers for construction and process materials.
- 527 During the development construction workers and drillsite operatives would be likely to use local services, such as petrol stations, local shops and other services. Workers hired in may stay in the area for the period of the development. The numbers involved are not large and therefore any benefit would be relatively small and short lived.
- 528 LHAG and many objectors to the proposal have said that the impact on Coldharbour residents, the Village and Leith Hill as a tourist venue, would be seriously detrimental. Many have referred in particular, to the Plough Inn being reliant on tourist trade. This particularly relates to the traffic management proposals but also to the impact of the development on the wider recreational use in the locality. The issue of the impact on recreational users of the area is discussed in paras 441 to 459 and the recreation section. The environment and amenity section of the report covers the impact on the locality and the local residents.
- 529 There are local residents who have stated in their representation that they work freelance and their work would be inconvenienced by the traffic management scheme and road closures as they do not leave home during the morning and evening rush hours. Residents living along Coldharbour Lane would be able to use the road to access their properties during the road closures. It is accepted there could be some delays, or increased journey times when traffic management is operating and journey distances would be increased particularly during the period of road closure.
- 530 No shift in population would result from the proposal and therefore it should not lead to any impacts on the housing structure or an increased burden on local public services. On balance the socio-economic effects in the area of permitting the development is likely to be negative as the positive aspect in terms of further economic support for local services and businesses has to be balanced against the inconvenience to some residents and businesses. The effect of refusing the application would result in a 'do-nothing' scenario where there would be no gains or losses.
- 531 **Point (ii)** The proposed drillsite would be situated within the AONB and AGLV in an area that has few urbanising influences. As a consequence, the overall inherent landscape and visual sensitivity is high. Ideally, the drillsite would not be located in such a sensitive area. Nevertheless there are other issues that have to be balanced alongside the landscape sensitivity. The issue of the cost of, and scope for, developing outside the AONB or meeting the need for hydrocarbons in some other way was covered in the need and alternative sites paras 101 to 170 above. The whole of the Holmwood Prospect is located within the AONB.
- 532 Minerals can only be worked where they are found and as referred to in para 165 above, there are technical constraints on the location of drillsites. The Holmwood Prospect cannot be investigated from another site further afield within Surrey or the UK. A number of onshore hydrocarbon facilities in the UK coincide with major environmental designations. The possibility of carrying out exploratory drilling from a site outside the AONB was assessed in the alternative site work undertaken by the applicant and as set out in paras 157 to 161 above, no other locations were considered suitable in relation to environmental and amenity and technical constraints and Officers concluded that the option to locate the exploratory drillsite outside of the AONB was not feasible.
- 533 **Point (iii)** the effect on the environment and recreational opportunities were discussed earlier in the report and the impact on the landscape has been covered above. The applicant has identified potential impacts and proposed some mitigation measures which are covered under individual issues.

### **Conclusion on AONB/AGLV and Visual Impact**

- 534 Although the site is proposed for a particularly attractive part of the AONB, apart from the upper parts of the rig, Officers consider the development would be well screened and the access to the site and the compound itself would not be obvious or intrusive in the landscape even during the winter period. Officers are satisfied that the proposal has been considered in accordance with PPS7 and MPS1, that the need for exploration has been demonstrated, in the context of national considerations and the applicant has shown that there is no alternative site locally. Therefore Officers consider 'exceptional circumstances' have been shown.
- 535 Objectors have expressed concern regarding the visual impact from local viewpoints but the visual assessment has shown that the site would not be seen from Leith Hill Tower and the slim grey top of the rig would be difficult to discern in the wider landscape from viewpoints such as Ranmore Common and Box Hill. The combination of the undulating topography and extensive woodland cover means that local views are limited and would focus on the top section of the rig and from certain local views the CEB's. Whilst the rig would extend above the treeline, it would only be present on site for a maximum of six weeks. The proposed colour of the CEB's when seen against the backdrop of trees, should provide some mitigation.
- 536 Measures to gain access to the site via Coldharbour Lane would be noticeable and involve some temporary impact. The proposed access track would not have an unacceptable visual impact being largely screened. Vehicles entering and leaving the site travelling on local roads would have some visual impact on the locality as they are not typical of the rural environs, however the temporary nature of the proposals and the limited duration of activities is such, that it is considered that there would not be an unacceptable visual impact.
- 537 The County's Landscape Officer has reviewed the application and environmental statement. He is of the view that the Landscape and Visual Assessment has been well considered and is appropriately detailed. He does not raise objection to the proposal on landscape and visual impact grounds. The development would have some detrimental effect on the landscape and would not enhance the natural beauty of the AONB during its period of operation. Nevertheless, given its temporary nature and degree of impact, Officers do not consider that either the rig, or the development as a whole, would have a significant impact on the conservation of the natural beauty of the landscape or that the harm is so great as to justify refusing the proposal on the grounds of visual impact and impact on the AONB and AGLV.

### **OTHER ISSUES**

#### **Recent Activities at and Adjacent to the Application Site**

- 538 In March 2011 clearance works began on the land to the south of the proposed access track extending to the part of the application site which would house the flarepit. By mid April, hardstandings had been laid, marquees erected and parking of trucks, skips, cars and film trailers was taking place in association with the filming taking place in the area. A traffic management scheme was also operating on part of Coldharbour Lane. Whilst this was a matter for Mole Valley District Council as local planning authority, County Officers understand that this use and associated operations was undertaken under Part 4 Class B of The Town and Country Planning (General Permitted Development) Order 1995 (GPD0), although arguably the work went beyond that permitted by Class B, and the duration certainly exceeded 28 days.
- 539 The applicant for the current application (Europa Oil & Gas) carried out an environmental impact assessment of their proposal, for the application site and some of the surrounding land. The filming works and use of the land has raised a concern was that they had altered the baseline and some of the habitats identified in the applicant's ES. This could have implications for the mitigation measures proposed by the applicant. In particular,

there was concern about the potential loss of an area of unimproved acid grassland, which is a UK Biodiversity Action Plan (BAP) Priority habitat.

- 540 To try to ascertain the extent of changes in the locality, the County's Ecologist and Biodiversity Manager, the County's Landscape Officer and Planning Officers visited the site once filming had ceased and the structures and vehicles had been removed. An area at the entrance to the track that runs along the eastern and northern boundary of the site has been used for parking along with the northern side of the access track. To the south of the access road there is an area of approximately 0.17 ha which has been surfaced with road planings, a second area further westwards has been subjected to regrading to lower the land to the east and raised levels the land to the west. The landowner, the Forestry Commission has advised Officers that some of the hardstandings will be retained under Schedule 2, Part 7 of the GPDO for forestry operations.
- 541 Protection measures were proposed under this application both in terms of careful management of an area of Japanese Knotweed to avoid spreading this invasive plant, and the erection of protective fencing alongside the access track to protect basking adders and common lizards that may use the verges, which would also have stopped vehicles overrunning the verges alongside the track. The verge to the south of the track has now been removed and parking of vehicles occurred over the northern verge during the filming works.
- 542 The County's Landscape Officer considers that the loss of vegetation and trees which opens up the access road once the viewer is beyond the Forestry Commission's barrier set back from the access, does not compromise the baseline assessment used for the application as it has not reduced existing screening when the site is viewed from the cottages in Coldharbour Village.
- 543 The works have had some impact in terms of ecology. The area of Japanese Knotweed is now under the newly created hardstanding and the Forestry Commission has confirmed that the Knotweed had been sprayed by contractors and said that this matter will be revisited. The small area of unimproved acid grassland has also been covered over. As there is no longer any sign of either the Knotweed or the unimproved acid grassland, the proposed protective measures are no longer required. The County Ecologist and Biodiversity Manager considers that the habitats to the north of the access track will recover and therefore protective measures are still required.

#### **S106 Legal Agreement.**

- 544 In one of LHAG's representations the group has set out the terms and a number of requirements for a legal agreement. They are:
- A bond to secure remediation of the site and highways including banks;
  - Funding to support the mountain biking pathways and facilities development by the Surrey Hills Society;
  - Resurfacing of the entire highway from Knoll Road to the Plough Inn public house;
  - Replanting of trees on a ratio of 1 tree lost to 25 semi mature trees planting;
  - Weekly consultation meeting with residents for 4 weeks prior to work commencing and continuing on a weekly basis until completion;
  - Provide local employment for up to 10% of the labour force on site;
  - Provision a telephone hotline manned 24/7 during the works;
  - Provide contributions to the Village Society, finalise payments for the cricket pavilion re-development, church refurbishment and village hall re-development.
- 545 Members will see that Heads of Terms for the s106 Agreement are attached to this report at Annex 1. The legal agreement is being sought in relation to: the vehicle routing, a traffic management scheme to regulate the passage of Heavy Goods Vehicles HGVs travelling to and from the site, signage and highway and highway verge condition surveys.

- 546 Circular 05/2005 sets out the policy tests for planning obligations. The use of planning conditions and planning obligations is to make acceptable development proposals, which might otherwise be unacceptable. A legal agreement is required for matters that cannot be controlled by planning condition. In this case a legal agreement is appropriate to provide control and mitigation of the aspects of the development, which fall outside the development site's red line area and therefore cannot be conditioned.
- 547 A planning obligation must be:
- a) relevant to planning
  - b) necessary to make the proposed development acceptable in planning terms;
  - c) directly related to proposed development;
  - d) fairly and reasonably related in scale and kind to the proposed development; and
  - e) reasonable in all other respects.
- 548 The applicant would be required to pay for any damage to Knoll Road and Coldharbour Lane. This would be determined by condition surveys taking place just prior to, and on completion of, the development. This is a reasonable requirement and directly relates to the impacts of the development. The residents' request for Coldharbour Lane to be re-surfaced through to the Plough Inn without any establishment of damage to the road resulting from the application proposal is not a reasonable requirement. In any event, the site vehicles would not travel south beyond the site entrance in Coldharbour Lane. This access is some 950 m by road from the Plough Inn, which is situated on Abinger Road within Coldharbour Village.
- 549 Officers consider that payments towards re-development of the cricket pavilion and village hall, church refurbishment, mountain biking trails, are not matters related to the application proposal, necessary to make the proposed development acceptable in planning terms, nor are they reasonable for a 16 week development.
- 550 Planting on the site would take place in accordance with the restoration scheme, which would be provided for by planning condition.
- 551 The residents' request for a liaison with the applicant prior to and during the development and a telephone contact is quite reasonable but not a matter for a legal agreement between the applicant and the planning authority. There are liaison groups for several sites in Surrey and this type of forum has proved very helpful and is encouraged by this Authority. However the establishment of the group and its format is a matter for the applicant and residents and not a matter that could be required.
- 552 Whilst the 6 week site construction period and the restoration phase could potentially provide some short term work for local construction and haulage firms, beyond that, the mobilisation, drilling and de-mobilisation operations would require experienced and skilled operatives who would be hired in from further afield. It therefore could not be guaranteed that 10% of the workforce would be local.

#### **Surrey Hills Trust**

- 553 The Surrey Hills AONB Board in its response to the consultation on the latest Regulation 19 submission has mentioned the future establishment of a Surrey Hills Trust. This is a charitable trust fund that will shortly be set up under the Community Foundation for Surrey that will administer it. The aim of the community fund is to enhance and conserve the Surrey Hills AONB and its environs and will be used to award grants to support community projects and activities. The grants would support work to conserve and enhance the landscape, promote public understanding and enjoyment of the Surrey Hills and promote the social and economic wellbeing of the Surrey Hills and include such projects as:
- tree and hedgerow planting, pond restoration, wetland conservation and coppicing
  - education visits, outdoor activities, information and interpretation including walking trails

and leaflets

- community facilities such as village halls, local food initiatives and community and start up enterprises such as farm and village shops.

554 The Board has said that notwithstanding its serious concerns regarding this application, if the MPA are minded to permit, the Board feels that the applicants should be asked whether they would like to make a voluntary contribution towards the Fund to help offset the harm the Board consider the proposal would cause to the Surrey Hills AONB.

555 The applicant's attention has been drawn to the AONB Board's request. Officers consider that if the applicant wishes to take this matter forward, they should do so direct with the AONB Office as it is not a matter that could be required if planning permission were granted.

## HUMAN RIGHTS IMPLICATIONS

556 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.

557 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 noise during the site preparation and drilling phases of the development and this has been acknowledged and been discussed within the report. The traffic management scheme will inevitably cause disruption and some delay to local residents over the temporary period it would be operational. In addition the three day road closures for rig mobilisation and demobilisation will also cause disruption to users of Coldharbour Lane. These issues have been discussed within the report and given the scale and temporary nature of the impacts they are not considered sufficient to engage Article 8 or Article 1. 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

558 This proposal has generated considerable public concern. One of the most contentious elements of the application is its location within the AONB. Mineral working is only allowed in the AONB where there is a proven need of national significance and there is no reasonable alternative site available. As the proposal involves development inconsistent with the aim of the conservation and enhancement of the natural beauty of the AONB, the application has been treated as a Departure from the provisions of the Development Plan.

559 With indigenous supplies of oil and gas decreasing one of the key components of national energy policy is to encourage security of supply. In MPS1 the Government's stated short to medium term aim is to maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner and they do not qualify this in terms of the three stages of hydrocarbon development or size of project. The objective of this proposal is to explore a potential reserve and gain information on a geological structure that has not been drilled or tested. This is one step in the process of being able to ascertain the potential of a prospective resource. DECC has confirmed that the Government's stated aim in MPS1 remains valid and current and therefore Officers give significant weight to the statement regarding the need to maximise the potential of the UK's conventional reserves. This leads Officers to conclude that there is a national need for the development.

560 Minerals can only be worked where they are found and an exploratory drillsite needs to be relatively proximate to the potential reserve. The choice of above ground sites is

constrained by a number of factors that include geological, operational, environmental and amenity factors. The applicant has demonstrated that a step out drill from beyond 1600 metres from the target would be impractical as it would be impossible to put sufficient weight on the drillbit to drill. As the AONB boundary is some 2,400 metres from the target, it is not possible to locate an above ground exploratory site outside the AONB. The applicant undertook an alternative site assessment where environmental, amenity, access and operational constraints were considered. Officers consider that in the context of the geological structure to be explored, that the proposed site represents the best viable option from which to conduct exploration and that there are no other suitable locations available at this stage of an oil and gas development.

- 561 The application site is located in the Metropolitan Green Belt where mineral related development need not be inappropriate development provided that high environmental standards are maintained and the site is well restored. Local residents and other objectors have expressed concerns about lighting, air quality, hydrogeological and heritage issues. The applicant undertook an environmental assessment and has provided further information where necessary. Some of the concerns raised by objectors relate to issues controlled under other regulatory regimes. Technical consultees have carefully considered the application and information provided and have not objected to the development.
- 562 The proposal in this location has raised considerable public objection in terms of ecology, visual impact, noise and transportation. Nevertheless, having taken into account all the information provided by the applicant, technical consultees have no objection to the proposal.
- 563 The drillsite is proposed to be located on land that has historically been disturbed by small scale quarrying and within a Forestry Commission woodland plantation area. The locality is a popular recreational area for residents and visitors. A strip of land to the west of the site is currently identified on the Ancient Woodland Inventory as ancient replanted woodland, although this is likely to change when a review is published in June 2011 as it has been incorrectly identified in the earlier inventory. Nevertheless, part of the site is still identified as ancient woodland and should be assessed on that basis until the amendments are formally published. There have been a number of ecological surveys carried out on, and in the vicinity of the proposed drillsite. The surveys of protected species have shown that there is little likelihood of these species being found on the site and the proposal would not result in any harm to European Protected Species. Potential issues with more mobile species such as badgers and breeding birds are resolvable by imposing planning conditions regarding the timing of clearance and preventative measures such as checking before clearance commences, fencing and protection of excavations.
- 564 The proposed drillsite would be relatively well-screened by the surrounding woodland and topography. Nevertheless at 35 m tall the drilling rig would be visible during the period it would be at the site. Although it's grey colour and slender lattice construction would make it difficult to discern from distant viewpoints. The closest part of the site to the cottages at the eastern end of the Conservation Area and to Coldharbour Village would be the 1 metre high bunded flarepit containing three Clean Enclosed Burners, two standing 5.2 m high. The flares do not burn with a visible flame and would only be on site for a very limited period. Whilst the development may not enhance the natural beauty of the AONB and AGLV whilst operational, given its very temporary nature and degree of impact, Officers do not consider that either the rig or the development as a whole would have a significant adverse visual impact, or that that the harm is so great as to justify refusing the proposal on the grounds of visual impact and impact on landscape in the AONB.
- 565 One of the AONB's attributes is tranquillity and certainly many representations from the public refer to visiting the 'unspoilt' area to get away from urban life. During the 6 week drilling period the site would operate 24 hours a day and therefore the potential noise impact particularly at night, is a key issue. The predicted noise levels are below the limits set out in the Surrey Noise Guidelines and Officers consider the proposal would not

adversely affect local residential amenity and/or the environment. Acceptable noise levels could be achieved and maintained by planning condition.

- 566 Whilst the proposal would not give rise to a significant increase in vehicle movements overall, it would involve a considerable increase in the existing HGV traffic movements in this rural area, albeit over a relatively short period. This along with the physical capacity of Coldharbour Lane, which in parts is a sunken lane/hollow way, a typical feature of the AONB, has been of considerable concern. Following the submission of further information, the Highway Authority is satisfied that it has been demonstrated that the largest vehicles can traverse the road without causing damage, provided they are driven with care and there is no other traffic on the road. The proposal to close the road during the delivery of the largest loads and the operation of an HGV Traffic Management Scheme throughout the 18 week development have overcome the Highway Authority's safety concerns and from a transportation point of view is acceptable. Nevertheless, these measures, would in themselves give rise to some temporary impact in terms of the amenity and convenience of the residents of Coldharbour and the users of Coldharbour Lane.
- 567 The views of technical consultees have been reported under individual issues earlier in the report. There is no reason to believe that high environmental standards cannot be maintained during the 18 week period of activity. Consideration has been given to whether any adverse environmental impacts can be suitably mitigated and Officers consider that the planning conditions recommended relating to the protection of the environment are suitable.
- 568 The applicant is proposing that the site is restored to a forestry use, which would link to the surrounding plantation woodland. A detailed restoration scheme is being sought by way of planning condition (proposed Condition 33) which requires consideration of how the site's restoration would enhance local biodiversity for protected species. This aim is to ensure the restored site is absorbed back into the local landscape and where possible, provide some benefit in terms of enhanced nature conservation interest. Once restored the site would return to fulfilling the objectives for use of land within the Green Belt in terms of its use for forestry, landscape, nature conservation, outdoor recreation and open countryside. There is no reason to believe that the site could not be well restored and therefore Officers consider that the proposal is acceptable in terms of Green Belt policy.
- 569 Whilst it is accepted the activity associated with constructing a drill site and undertaking drilling would give rise to some temporary impact on amenity especially when considering the 'quiet' rural nature of the locality, mineral working is a temporary activity. However, in this case the mineral development would be short term and the exploration activity would take place over 18 weeks within a total site life of 3 years. The concerns of local residents and organisations such as Capel Parish Council and LHAG are acknowledged, but on the basis of the responses received from technical consultees and in assessing national policy and development plan policy matters, Officers consider that with the imposition of appropriate conditions where necessary, and subject to a s106 legal agreement relating to highway matters, the proposed exploratory drilling while giving rise to some limited harm to the AONB, would not give rise to significant or unacceptable environmental or amenity impacts and can be permitted as an exception to AONB policy.

**RECOMMENDATION**

The recommendation is, that subject to the application being referred to the Secretary of State as a Departure, to PERMIT subject to

- 1 the prior completion of a s 106 legal agreement for:
  - (i) The routing of HGVs and non-standard road vehicles to and from the site via Knoll Road and Coldharbour Lane only;
  - (ii) The provision, implementation and monitoring of a traffic management scheme to regulate the passage of HGVs travelling to and from the site at all times;
  - (iii) The provision of warning signs for all users of rights of way that lead off Coldharbour Lane at the point at which they meet the highway;
  - (iv) The undertaking of surveys before and after the works to determine the condition of the highway and the highway verges and the making good of any damage resulting from the passage of vehicles associated with the development all at the applicant's expense.
- 2 the imposition of the following planning conditions.

**CONDITIONS****Approved Documents**

- 1 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the terms of this permission: the following approved plans are contained in the application:

<b>Title</b>	<b>Drawing No</b>	<b>Date</b>
Site Application Area	2.9	January 2007
Rig Access Route to Site	5.9 Rev A	July 2009
Traffic Management Scheme	5.3 Rev B	June 2009
Proposed Site Entrance & Vehicle Swept Paths	4.1	July 2007
Cross Section of Site & Flare Compound	4.3	August 2006
Typical Section Through Cellar	4.4	August 2007
Site layout Drill Stem Testing	4.6 Rev B	July 2007
Plans & Elevations Proposed Site Cabins	4.7	May 2007
Restoration Profile	4.10	July 2007
Rig Lighting Location Plan & Spill Light Isolux Contour Plan	0277-1300-001Rev A	July 2009

No variations and/or omissions shall take place without the prior written approval of the County Planning Authority.

- 2 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 therefore shall be made known to supervising staff on the site.

**Temporary Permission and Commencement**

- 3 This planning permission shall be limited to a period of 3 years from the date of the decision notice. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of the implementation of the planning permission.



### Time Limits

- 4 Within 18 weeks from the commencement of the development as notified pursuant to Condition 3 above, all buildings, plant, machinery (both fixed and otherwise) and any engineering works 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 drillsite shall be reinstated to a condition suitable for forestry. The site shall be fully restored in accordance with the detailed restoration scheme required under Condition 33 below within no more than three years of the date of this permission. Notwithstanding this, any plant or equipment required to make the site safe in accordance with Department for Energy and Climate Change requirements at the time and agreed with the County Planning Authority, may remain in position.
- 5 Unless otherwise agreed in writing by the County Planning Authority, the flares (Clean Enclosed Burners) shall be operated for no longer than 4 days over a period of 1 week. The applicant shall notify the County Planning Authority of the commencement of flaring within 3 days and keep daily records which should be available at all times.

### Hours of Operation

- 6 With the exception of drilling, gas flaring and access by HGVs as specified in Conditions 7 and 16, 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 to 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 Holidays or National Holidays.

- 7 Heavy Goods Vehicles (HGVs) shall not congregate in Knoll Road prior to 0915 hours and shall only use Coldharbour Lane to access or egress the drillsite between the hours of 0930 to 1500 hours Monday to Friday and between 0930 to 1300 hours on a Saturday and at no time on Sundays, Bank Holidays or National Holidays and no more than three HGVs shall congregate in Knoll Road at any one time.

### Limitations

- 8 Notwithstanding any provision to the contrary under Parts 19 or 22 of the Town and Country Planning (General Permitted Development Order) 1995 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 siting, detailed design, specifications and appearance of the installation, such details to include the levels of noise emission and tonal characteristics of any plant or machinery;
  - (b) no lights or fences other than those permitted by this application shall be installed or erected at the application site unless details of them have been submitted and agreed to in writing by the County Planning Authority.

### Highways & Access

- 9 Prior to the commencement of the development hereby permitted a Method of Construction Statement shall be submitted to the County Planning Authority and approved in writing. Such a Method Statement shall include details of:
  - a) parking for vehicles of site personnel, operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of plant and materials;
- d) programme of works.

Only the approved details shall be implemented during the site construction period.

- 10 Prior to the commencement of the development hereby permitted, facilities shall be provided as must be agreed with the County Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The measures as agreed shall thereafter be retained and used for the duration of the development.

#### **Dust**

- 11 No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. Should such an emission occur, the activity shall be suspended until as a result of different methods of working, the addition of additional dust suppression measure or changed weather conditions, it can be resumed without giving rise to that level of dust emissions.

#### **Noise**

- 12 For temporary operations such as site preparation and reinstatement, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 m above ground level and 3.6 m from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 55 LAeq during any 30 minute period.
- 13 The level of noise arising from any operation, plant or machinery on the site, when measured or recalculated as at a height of 1.2 m above ground level and 3.5 m from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 45 LAeq during any 30 minute period between 0730 and 1800 hours.
- 14 Notwithstanding the provisions of Condition 12 above, during the hours of 1800 to 0730 hours the level of noise arising from any activity on site including the drilling operations, when recalculated as at a height of 4 m above ground level and 3.5 m from the façade of any noise sensitive building that faces the site shall not exceed 42 LAeq, during any 30 minute period.
- 15 Between the hours of 1800 to 0730 inclusive, no tipping shall be undertaken, nor shall casing be cemented except in cases of emergency or with the prior written agreement of the County Planning Authority.
- 16 Gas flaring shall only be undertaken between the hours of 0730 to 1930 Monday to Friday and 0800 to 1300 hours on a Saturday and at no time on a Sunday, Bank Holiday or National Holiday except in cases of emergency or with the prior written agreement of the County Planning Authority. The level of noise arising from gas flaring when measured or recalculated as at a height of 1.2 m above ground level and 3.5 m from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 53 LAeq during any 30 minute period.
- 17 During the hours of 1800 to 0730 inclusive the level of noise arising from oil flaring when measured or recalculated as at a height of 4 m above ground level and 3.5 m from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 42 LAeq during any 30 minute period.
- 18 All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

## Ecology & Biodiversity

- 19 Prior to the commencement of the development wooden 1.2 metres posts at 3 metre centres shall be erected from the security gate along the northern edge of the access track until it meets the fence of the drillsite compound both shown on Figure 4.6 Rev B dated July 2007.
- 20 Prior to commencement of any development hereby permitted newt barriers shall be erected at the edges of, and along the full length of the site access track from Coldharbour Lane until the northern boundary meets the fence of the drillsite compound and the southern boundary meets the site compound entrance both shown on Figure 4.6 Rev B dated July 2007. The newt barriers shall be erected in accordance with Figure 4 page 50 of the Great Crested Newt Mitigation Guidelines English Nature 2001 and the barriers shall be maintained for the duration of the development.
- 21 An Ecological Clerk of Works shall be present at the site to oversee the site clearance and decommissioning and in particular to:
  - Check the site prior to the erection of the newt barriers to ensure any reptiles or amphibians are outside the site exclusion zone;
  - Ensure that if any protected species are found within the site, a habitat management or translocation programme shall be sent to the County Planning Authority for approval in writing and the approved measures carried out in full;
  - Supervise the erection of newt barriers
- 22 No removal or cutting of vegetation including trees and shrubs shall be carried out between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the County Planning Authority in advance of such works.
- 23 Prior to the commencement of any site clearance or ground works, the site and up to 50 metres from the site boundary or 100 metres if pile driving is to be carried out, shall be checked by a suitably qualified person to establish the presence or activity of, or otherwise, of badgers including badger feeding areas, tracks, holes and setts. If present, measures for their protection during the course of development shall be submitted to the County Planning Authority for approval in writing. The approved protection measures shall be implemented prior to the commencement of the development hereby permitted and those that require to be retained shall be maintained for the duration of the development.
- 24 Prior to the commencement of any clearance operations between the months of 1st April and 31 August inclusive, a breeding bird survey shall take place to establish the presence, or otherwise, of bird nests on the site and up to 500 metres from the site boundary. The survey and measures for the protection of and minimisation of disturbance during the course of the development shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with the approved details of protection.
- 25 During site preparation works and reinstatement, all open trenches, pits and excavations shall be covered outside of working hours and checked every morning for the presence of any animals. If any are found, sloping boards shall be put in place and no further work on the trench shall take place until any animal has escaped.
- 26 A survey shall be undertaken by a licensed bat worker prior to the felling or lopping of any mature trees in connection with any works hereby permitted. A written report that sets out the results of the survey and specifies any measures that may be necessary to protect any bat(s) identified and the roost(s) shall be submitted to the County Planning Authority and approved in writing. The measures as approved, shall be implemented and complied with

in full. Felling and lopping works may only be carried out in accordance with the approved details.

### Lighting

- 27 Obstacle lighting consisting of the 200 candela LL330 series shall be placed on the top of the drillrig for the duration that the drillrig is on site. The periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP 168 Licensing of Aerodromes'.
- 28 During the drilling period all lighting shall be positioned and maintained in accordance with Drawing No 0277-1300-001 Rev A 'Rig Lighting Location Plan & Spill Light Isolux Contour Plan' dated July 2009 and with the exception of the aircraft warning light referred to in Condition 27 above, all practical efforts shall be taken to minimise any upward waste of light from site luminaries and to minimise light spill into the surrounding woodland by the fitting and use of an appropriate masks or shields.
- 29 No development shall commence until a Light Management Plan has been submitted to the County Planning Authority and approved in writing. The Light Management Plan shall include details of :
- the siting of temporary security lighting for all phases of the development, taking into account the location of sensitive receptors;
  - the hours lights would be illuminated and good practice measures to minimise the use of lights;
  - measures to control and minimise light spill
  - measures for reviewing any unforeseen impacts.

The approved Light Management Plan shall be implemented for the duration of the development.

### Contamination

- 30 Pre and post development geochemical soil testing shall be carried out across the drilling compound and separate reports shall be submitted to the County Planning Authority, before site operations commence and within two weeks of decommissioning, for approval in writing. The methodology and scope of the pre and post development geochemical testing shall be agreed in writing with the County Planning Authority before commencement. The pre development report shall set out details of:
- 1) The collection of near surface (top 300 mm) soil samples from across the base of the levelled drilling compound in a grid pattern (not greater than 20 m spacing). This shall be carried out prior to the claying of the membrane and placement of the compound crushed rock hardstanding at the commencement of development. The locations and elevations shall be recorded using accurate GPS measurement or other survey techniques.
  - 2) The results of testing undertaken for a range of potential contaminants relevant to the proposed works.

The post development sampling report to be submitted after decommissioning but prior to the commencement of restoration shall set out details of:

- 1) The soil samples collected from adjacent to the same sampling points after removal of the hardstanding and membrane. Any areas of soil showing discolouration or other signs of contamination below the membrane shall be sampled and tested as well.
- 2) Comparison of the laboratory results for the pre and post phases.

The CPA shall be informed when the post decommissioning sampling is due to take place and shall be afforded the opportunity to inspect the ground surface before the site is restored.

Where the post decommissioning report shows some contamination impact, a scheme for the design and implementation of any remediation shall be submitted to the County Planning Authority for approval within one month of the submission of the post commissioning report.

The final restoration of the site shall take place in accordance with the approved scheme.

### **Soils**

- 31 All topsoil and subsoil shall be permanently retained on the site for subsequent use in restoration. No soils or soil making material for use in the restoration shall be brought onto the site without the prior written approval of the County Planning Authority.
- 32 The restoration soils shall be spread over the site at an even depth and shall not exceed the final levels shown on The Restoration Profile Drawing No 4.10 dated July 2007.

### **Landscape and Restoration**

- 33 Prior to the commencement of the development hereby permitted, a Landscape, Ecology and Restoration Plan to be implemented on the cessation of the site decommissioning shall be submitted to the County Planning Authority for approval in writing. The Landscape, Ecology and Restoration Plan shall include details of:
  - 1) the excavation, storage and reinstatement of soils to ensure the survival of the of the existing seed bank;
  - 2) programme for the implementation of the restoration;
  - 3) provision for the promotion of biodiversity focusing on native species whilst taking into account the use of the land for commercial forestry;
  - 4) planting specification including details of species, size and spacing;
  - 5) the reinstatement of the access track.

The plan as approved shall be carried out in full unless otherwise agreed in writing by the County Planning Authority

- 34 All planting implemented pursuant to this permission shall be maintained in good healthy condition and be protected from damage for five years from the completion of site restoration. During that period any trees or shrubs which die, or are severely damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.

### **Aftercare**

- 35 The restored land shall be brought to the required standard for forestry use. The applicant shall notify the Mineral Planning Authority when the planting or seeding has been completed and not more than one year after that date there shall be a meeting at the site which shall be attended by representatives of the applicant, the owners or their successors in title and the County Planning Authority, to monitor the success of the aftercare. Should it prove necessary, further meetings will be held within the period of five years from the commencement of aftercare.

### **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 so as to minimise its impact on the amenities of the local area and local environment in accordance with the terms of the The South East Plan 2009 Policies C3, SP5; Surrey Minerals Plan 1993 Policies 1, 5 and 15; Mole Valley Local Plan 2000 (saved policies) MOV2, ENV 22, ENV 23 and ENV57 and Mole Valley Development Framework Core Strategy 2009 Policies CS1, CS13, CS18.
- 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 Surrey Minerals Local Plan 1993 Policy 1.
  - 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 comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990.
  - 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 Surrey Minerals Local Plan 1993 Policy 5.
  - 5 To enable the County Planning Authority to exercise planning control over the development so as to minimise the impact on local environment and amenity to comply with The South East Plan 2009 Policies C3, SP5; Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved policies EN4, ENV22 and ENV23 and Mole Valley Local Development Framework Core Strategy 2009 Policies CS1, CS13.
  - 6 To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Local Plan 1993 Policies 1 and 15.
  - 7 To protect the amenities of local residents and so as not to prejudice highway safety nor cause inconvenience to other road users in accordance with Policies 1 and 15 in the Surrey Minerals Local Plan 1993; saved Policy MOV2 in the Mole Valley Local Plan 2000 and Policy CS13 of the Mole Valley Local Development Framework Core Strategy 2009.
  - 8 To safeguard the environment and protect the amenities of the locality in accordance with the terms of The South East Plan 2009 Policy SP5; Surrey Minerals Local Plan 1993 Policies 1 and 15; Mole Valley Core Local Development Framework Strategy 2009 Policies CS1 and CS13.
  - 9 In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policies MOV2 and ENV22; and Mole Valley Core Local Development Framework Strategy 2009 Policies CS13 and CS18.
  - 10 In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policies MOV2 and ENV22; and Mole Valley Core Local Development Framework Strategy 2009 Policy CS13 and CS18.
  - 11 In the interests of local amenity and to comply with Surrey Minerals Local Plan 1993 Policy 1.
  - 12 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.

- 13 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 14 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 15 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 16 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 17 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 18 To ensure the minimum disturbance and avoid nuisance to the locality to comply with The South East Plan 2009 Policy C3; Surrey Minerals Local Plan 1993 Policy 1; and Mole Valley Local Development Framework Core Strategy 2009 Policy CS13.
- 19 To protect the area of dry dwarf shrub heath a UK priority habitat from vehicle damage to accord with Surrey Minerals Local Plan 1993 Policies 1 and 15, Mole Valley Local Plan 2000 saved Policy ENV15, Mole Valley Local Development Framework Core Strategy 2009 Policy CS15 and guidance contained in Planning Policy Statement 9.
- 20 In order to safeguard and protect reptiles and amphibians in accordance with Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policy ENV15; Mole Valley Local Development Framework Core Strategy 2009 Policy CS15 and the Wildlife and Countryside Act 1981.
- 21 To ensure the protection of species and habitats and to accord with Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policy ENV15 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS15.
- 22 To ensure that breeding birds are not disturbed by the removal of habitat, to comply with Surrey Minerals Local Plan 1993 Policy 1 and Mole Valley Local Plan 2000 saved Policy ENV15 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS15.
- 23 To safeguard badgers and their setts which are protected under the Protection of Badgers Act 1992 and prevent harm to foraging badgers
- 24 In order to protect nesting birds with particular reference to Nightjar a species listed on Annex I of the EC Birds Directive from disturbance and to comply with Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policy ENV15 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS15.
- 25 To safeguard badgers and their setts which are protected under the Protection of Badgers Act 1992 and prevent harm to foraging badgers.
- 26 To comply with the requirements of the Habitat Regulations and to protect species of conservation concern in accordance with The South East Plan 2009 Policy NRM5; Surrey Minerals Local Plan 1993 Policy 1; Mole Valley Local Plan 2000 saved Policy ENV15 and Mole Valley Local Development Framework Core Strategy 2009 Policy CS15.

- 27 Permanently illuminated obstacle lighting is required for the duration of the exploration while the drill rig is on site to avoid endangering the safe movement of aircraft and the operation of Gatwick Airport.
- 28 In the interest of residential amenity and the local environment and to comply with Surrey Minerals Local Plan 1993 Policy 1 and Mole Valley Local Plan 2000 saved Policy ENV57.
- 29 In the interest of residential amenity and the local environment and to comply with Surrey Minerals Local Plan 1993 Policy 1 and Mole Valley Local Plan 2000 saved Policy ENV57.
- 30 To demonstrate that there has been no long term contamination of the near surface natural soils at the site as a result of the development and to ensure the site can be suitably restored in accordance with the terms of the Surrey Minerals Local Plan 1993 Policy 1 and Policy 15.
- 31 To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with The South East Plan 2009 Policies SP5 and C3; Surrey Minerals Local Plan 1993 Policies 1 and 5; Mole Valley Local Development Framework Core Strategy 2009 Policies CS1 and CS13.
- 32 To enable the County Planning Authority to adequately control the development and to secure restoration of the site to a condition capable of beneficial afteruse to comply with Surrey Minerals Local Plan 1993 Policies 1 and 5.
- 33 To secure restoration and assist in absorbing the site back into the local landscape as soon as practical and to enhance nature conservation interests to accord with The South East Plan 2009 Policies NRM5 and NRM7, Surrey Minerals Local Plan 1993 Policies 1 and 5; and Mole Valley Local Development Framework Core Strategy 2009 Policy and CS15.
- 34 To comply with Section 197 of the Town and Country Planning Act 1990, and to assist in absorbing the site back into the local landscape to comply with The South East Plan 2009 Policy NRM7; Surrey Minerals Local Plan 1993 Policies 1 and 5; Mole Valley Local Development Framework Core Strategy 2009 Policies CS1 and CS15.
- 35 To secure restoration to the required standard and assist in absorbing the site back into the local landscape in compliance with Schedule 5 paragraph 2 of the Town and Country Planning Act 1990 and Surrey Minerals Local Plan 1993 Policy 5.

## INFORMATIVES

- 1 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).
- 2 Notice must be given (ideally more than 7 working days) to the Environment Agency under section 199 of the Water Resources Act 1991 for drilling of a borehole other than for the purposes of establishing the presence, quantity and quality of water.
- 3 The Groundwater Regulations 1998 require that substances falling within List 1 (the most toxic and persistent substances) must not enter groundwater and the entry of substances in List 2 (less toxic but nevertheless polluting substances) must be limited so as to avoid pollution. It is an offence under these Regulations to dispose or tip for the purpose of disposal any of these substances where they might result in a discharge to groundwater



unless authorised. Such an offence would be treated as contravening s85 of the Water Resources Act 1991.

- 4 The installation of the Bentomat lining is to be carried out in accordance with the manufacturer's guidelines and particular attention is to be given to the sealing of seams, penetrations and punctures, and any pre-hydration that may be required.
- 5 The applicant is advised to liaise with Surrey Highways before commencing any tree works on Coldharbour Lane. All tree work carried out on the highway must be BS3998 compliant.
- 6 A groundwater discharge permit would be required for any proposal to discharge groundwater into a public sewer. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team telephone 020 8507 4890 or by email on [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 7 The applicant should aim to meet vehicle emission standards such as Euro III or Euro IV to reduce potential local air quality impacts.

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**THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(ENGLAND) (AMENDMENT) ORDER 2003**

**Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.**

The reasons for the grant of planning permission are as follows;

- 1 the proposed development does not accord with Policy C3 of The South East Plan 2009 and Policy CS13 of the Mole Valley Local Development Framework Core Strategy 2009. The proposed development would be relatively well-screened but for the 18 week operational period of the development it would have some detrimental effect on the landscape and would not enhance the natural beauty of the AONB. The need for the development and that this would be in the public interest nationally has been shown, and in the context of the geological structure to be explored, the proposed site represents the best viable option for the minimisation of potential environmental and residential impact and there are no suitable alternative locations available at this exploratory stage. These other material considerations outweigh the policy constraints in the development plan and there are no material considerations which indicate otherwise;
- 2 the development will provide the benefit of facilitating the confirmation of whether a hydrocarbon reserve exists in accordance with national policy for maximising the potential of the United Kingdom's oil and gas reserves; and
- 3 any other harm in terms of visual amenity, transportation and access, ecology, noise, air quality, lighting, recreation and soils can be adequately mitigated by the measures proposed in the application, Environmental Statement, the proposed s106 Legal Agreement and conditions subject to which planning permission is granted and the additional controls afforded through other regulatory regimes.

The proposal has been considered against the following development plan policies/ provisions:

**The South East Plan 2009**

Policy CC1 Sustainable Development  
 Policy CC6 Sustainable Communities and Character of the Environment  
 Policy C3 Areas of Outstanding Natural Beauty  
 Policy NRM1 Sustainable Water Resources and Groundwater Quality  
 Policy NRM2 Water Quality  
 Policy NRM4 Sustainable Flood Risk Management  
 Policy NRM5 Conservation and Improvement of Biodiversity  
 Policy NRM7 Woodlands  
 Policy NRM9 Air Quality  
 Policy SR5 Green Belts

**Surrey Minerals Local Plan 1993**

Policy 1 Environmental and Amenity Protection  
 Policy 5 Restoration  
 Policy 15 Environmental & Ecological Impact of Hydrocarbon Development

**Mole Valley Local Plan 2000**

Policy ENV4 Landscape Character  
 Policy ENV15 Species Protection  
 Policy ENV22 General Development Control Criteria  
 Policy ENV23 Respect for Setting  
 Policy ENV39 Development in Conservation Areas

Policy ENV50 Unidentified Archaeological Sites  
 Policy ENV51 Archaeological Discoveries During Development  
 Policy ENV57 Lighting Proposals  
 Policy ENV67 Groundwater Quality  
 MOV2 The Movement Implications of Development

### **Mole Valley Local Development Framework Core Strategy 2009**

Policy CS1 Where Development Will be Directed (A Spatial Strategy)  
 Policy CS13 Area of Outstanding Natural Beauty and Area of Great Landscape Value  
 Policy CS14 Townscape, Urban Design and the Historic Environment  
 Policy CS15 Biological and Geological Conservation  
 Policy CS18 Transport Options and Accessibility  
 Policy CS20 Run-off from New Development

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### **CONTACT**

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### **BACKGROUND PAPERS**

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

#### **Government Guidance**

Our Energy Future – Creating a Low Carbon Economy – DTI 2003  
 Energy Review – DTI July 2006  
 Energy White Paper 'Meeting the Energy Challenge' – BERR 23 May 2007  
 UK Renewable Energy Strategy 2009

Planning Policy Guidance Note 2 (PPG2) 'Green Belts' - January 1995  
 Planning Policy Guidance Note 13 (PPG13) 'Transport' – March 1994  
 Planning Policy Guidance Note 24 (PPG24) 'Planning and Noise' 1994  
 Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' – 2005  
 'Planning and Climate Change' a supplement to PPS1 – December 2007  
 Planning Policy Statement 4 'Planning for Sustainable Economic Growth' - December 2009  
 Planning Policy Statement 5 'Planning for the Historic Environment' – March 2010  
 Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' – August 2004  
 Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation' – August 2005  
 Planning Policy Statement 22 'Renewable Energy' (MPS22) - 2004  
 Planning Policy Statement 23 (MPS23) 'Planning and Pollution Control' - November 2004  
 Planning Policy Statement 25 (MPS25) 'Development and Flood Risk) and associated Practice Guide - Revised March 2010  
 Minerals Policy Statement 1 'Planning and Minerals' and associated Practice Guide November 2006  
 Minerals Policy Statement 2 (MPS2) 'Controlling and Mitigating the Environmental Effects of Mineral Extraction in England' - March 2005  
 Minerals Planning Guidance Note 7 (MPG7) 'Reclamation of Mineral Workings' November 1996  
 The Town and Country Planning Development Management Procedure (England) Order 2010 SI 2010 No. 2184  
 The Town and Country Planning (General Permitted Development) Order 1995 SI 1995 No. 418  
 Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999

Circular 06/05: Biodiversity and Geological Conservation- Statutory Obligations and their Impact Within The Planning System August 2005

Circular 02/99: Environmental Impact Assessment Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations)

Circular 05/205 : Planning Obligations July 2005

### **The Development Plan**

The South East Plan 2009

Surrey Minerals Local Plan 1993

Mole Valley Local Plan 2000 (saved policies)

Mole Valley Local Development Framework Core Strategy 2009

### **Other Documents**

Surrey Minerals Plan Core Strategy Development Plan Document Proposed Document for Submission to the Secretary of State - November 2009

Surrey Minerals Plan Minerals Site Restoration Final Draft Supplementary Planning Document Part 2 - November 2009

Energy Statistics - DECC 23 December 2010

Annual Energy Statement - DECC 27 July 2010

Energy Markets Outlook – DECC & Ofgem 16 December 2009

Energy Trends – DECC December 2010

Onshore Oil and Gas Factsheet DCLG November 2006

Minister of State for DECC speech 'UK Security of Supply: The Westminster Viewpoint – 10 February 2009

Development Control: Planning for Air Quality 2010 - Environmental Protection UK 2010 update

The Control of Dust and Emissions from Construction and Demolition – Best Practice Guidance 2006 (Greater London Authority and London Councils)

The Design Manual for Roads and Bridges Volume 11

Institute of Environmental Management and Assessment Guidance Note 1

Guidance Notes for the Reduction of Obtrusive Light – The Institution of Lighting Engineers 2005

Lighting in the Countryside: Towards Good Practice - DCLG 8 July 1997

Guidelines for Noise Control Minerals and Waste Disposal – Surrey County Council September 1994

Noise Policy Statement DEFRA March 2010

The Future of Surrey's Landscape and Woodlands – Surrey County Council 1997

The Surrey Hills AONB Management Plan 2009 - 2014

Ancient Woodland Standing Advice - Natural England February 2009

Protected Species Standing Advice - Natural England February 2009

Dormouse Conservation Handbook 2006

Great Crested Newt Mitigation Guidelines - Natural England 2001

Ancient Woodland Inventory for Surrey – English Nature 1997

Inspectors Report on the Examination into the Mole Valley Local Development Framework Core Strategy Development Plan Document - 31 July 2009

## **Section 106 - Draft Heads of Terms**

**These Draft Heads of Terms relate to Planning Application No: MO09/0110 which involves:**

The 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 0.79ha, for a temporary period of up to 3 years, with restoration to forestry.

Set out below are the broad heads of agreement, subject to the grant of planning permission for the above application, to be included in a legal agreement between the Europa Oil & Gas Ltd (Applicant) and Surrey County Council (Mineral Planning Authority) in relation to:

- (i) The vehicle routing,
- (ii) A traffic management scheme to regulate the passage of Heavy Goods Vehicles (HGVs) travelling to and from the site,
- (iii) Signage; and
- (iv) Highway and Highway verge condition surveys.

### **Outline of the Basic Transportation Agreement**

#### **Vehicle Routing**

The routing of Heavy Goods Vehicles (HGVs) and non-standard road vehicles to and from the site via Knoll Road and Coldharbour Lane only.

#### **Traffic Management Scheme**

The provision, implementation and monitoring of a traffic management scheme as generally described in paragraphs 7.4.1 to 7.4.39, Figure 5.3 Revision B dated June 2009 and Figure 5.9 Revision A dated July 2009 and Appendix 7.4 of the Environmental Statement and Regulation 19 submission, to control access to the site by HGVs at all times during all phases of the development.

#### **Signage**

The provision of warning signs for all users of rights of way that lead off Coldharbour Lane at the point at which they meet the highway.

#### **Highway and Highway Verge Condition Surveys**

The undertaking of surveys both before, and after the works, of Coldharbour Lane and Knoll Road to determine the condition of the highway and the highway verges and the making good of any damage resulting from the passage of vehicles associated with the development, all at the applicant's expense.

## GLOSSARY

ITEM NO: 7

AADT	Annual Average Daily Traffic
AGLV	Area of Great Landscape Value
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQS	Air Quality Strategy
AQMA	Air Quality Management Areas
BAP	Biodiversity Action Plan
bgl	Below Ground Level
BOAT	Byway Open to All Traffic
bopd	Barrels of Oil Per Day
BS	British Standard
CAP	Civil Aviation Publications
CEB	Clean Enclosed Burner
CPRE	Campaign to Protect Rural England
CROW	Countryside and Rights of Way Act 2000
DAS	Design & Access Statements
dB	Decibels
DCLG	Department for Communities and Local Government
DECC	Department of Energy and Climate Change
DEFRA	Department for Environment Food and Rural Affairs
DMRB	The Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EPUK	Environmental Protection United Kingdom
ES	Environmental Statement
EU	European Union
GDPO	The Town and Country Planning General Permitted Development Order
ha	Hectare
HGV	Heavy Goods Vehicle
HIS	Habitat Suitability Indices
HSE	Health and Safety Executive
IEMA	Institute of Environmental Management and Assessment
ILE	Institute of Lighting Engineers
km	Kilometres
LREP	Landscape, Ecology and Restoration Plan
LA	Local Authority
LGV	Light Goods Vehicle
LMP	Lighting Management Plan
LHAG	Leith Hill Action Group
MAGIC	Multi-Agency Geographic Information for the Countryside
m	Metres
mmscfd	Million Standard Cubic Feet of Gas Per Day
MPA	Minerals Planning Authority
MPG	Minerals Policy Guidance
MPS	Minerals Policy Statement
mt	Million Tonnes
MVLP2000	Mole Valley Local Plan 2000
MVLDFCS DPD 2009	Mole Valley Local Development Framework Core Strategy Development Plan Document 2009
NPSE	Noise Policy Statement for England
OS	Ordnance Survey
PAWS	Plantations on Ancient Woodland Sites
PEDL	Petroleum Exploration and Development Licence

PONS	Petroleum Operations Notice
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSPB	Royal Society for the Protection of Birds
SCC	Surrey County Council
SEP 2009	South East Plan 2009
SM	Scheduled Monument
SMLP	Surrey Minerals Local Plan
SMPCS DPD	Surrey Minerals Plan Core Strategy Development Plan Document
SNCI	Site of Nature Conservation Importance
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
t	Tonnes
TA	Transport Assessment
TMS	Traffic Management System
TS	Transport Statement
TwH	Terawatt-hour
UK	United Kingdom
WHO	World Health Organisation
WONS	Web Operations Notification System