

LEITH HILL ACTION GROUP

c/o Chasemore End, Coldharbour, Surrey RH5 6HF

Ms Samantha Murphy
Surrey County Council
Planning & Development Group
County Hall
Kingston upon Thames
Surrey KT1 2DY

8th September 2017

Dear Samantha,

SCC Ref 2016/0170 (MO/2016/1563) (“0170”), SCC Ref 2016/0232 (MO/2017/0222) (“0232”), and SCC Ref 2017/001 (MO/2017/0255) (“0001”)

In our letter of 13th June in response to the previous consultation on these applications, we asked a fundamental question about the relationship between these applications and the approved development which, despite your considerable efforts to obtain a clearer view from the Applicant, is still not resolved: do these applications constitute modifications or additions to the approved development APP/B3600/A/11/2166561, or are they separate and not affected by the Conditions attaching to the approved development?

If they are proposed additions or modifications to the approved development then they breach Conditions 1, 4 and 6 of the referenced consent. At the risk of repeating ourselves:

- Condition 1 requires the development to be “carried out and completed in all respects strictly in accordance with the terms of this permission”. Those terms include a defined site with an area of 0.79 ha. These applications increase the site area by 28% to 1.01 ha (calculation in our previous consultation response). Condition 1 would therefore be breached.
- Condition 4 states: “Within 18 weeks from the commencement of the development .. all buildings, plant, machinery (both fixed and otherwise) and any engineering works connected therewith, on or related to the application site .. shall be removed from the application site and the drill-site shall be reinstated to a condition suitable for forestry ..”. There is an exception for groundwater monitoring. 0232 would increase time on site from 18 weeks to one year. As we now understand it, and contrary to previous statements, 0170 would be carried out concurrently with the construction phase of the main development; however, Table 3 of 0001 shows the main development to occupy 9 to 10 months from soil-stripping to site reinstatement. All of these would be in significant breach Condition 4.
- Condition 6 states that permitted development rights notwithstanding, “no plant, building or machinery, whether fixed or moveable, shall be erected pursuant to the said permitted development rights, on the application site”, and “no lights or fences other than those permitted by this application shall be installed or erected at the application site”. Again, there is an exception for groundwater monitoring. The two security fence applications (0170 and 0232) involve the erection of five additional office, canteen and accommodation cabins as well as associated equipment; clearly this would breach Condition 6.

These Conditions were laid down by HM Inspector following a two-week Public Inquiry preceded by several years of debate involving the Applicant, the County Council, Consultees and the public. They are explicitly there to mitigate some of the “significant harms” that HM Inspector identified would be caused by this development. They cannot be lightly dismissed.

It is hardly surprising, then, that the Applicant is at such pains to claim that these applications are separate from the approved development and so not subject to these conditions. That position is not tenable for so many reasons, including:

- It is patently false;
- The Applicant himself states (para 2.12 of the revised Environmental Assessment) that “The development forms a component part of the approved exploration activities on the main wellsite”;
- The Applicant states in his letter of 18th July “the Development would not go ahead without the exploratory wellsite and vice versa”;
- The timing of the proposed development is entirely dictated by the approved development (ES, 4.3);
- The Environmental Impact Assessment is required by EIA regulations and caselaw to consider the cumulative effects of the combined developments (and purports to do so);
- A new access ramp for vehicles servicing the approved development is located on the “new” site – i.e. the “old development is proposed to take place on the “new” site¹.

To consider these applications as separate from, and not subject to the same Conditions as the approved development would clearly be challengeable. In what must be the unlikely event that they are accepted as separate, then they would clearly have to satisfy the requirements of planning policy in relation to inappropriate development in Green Belt.

Other items mentioned in our letter of 13th June have not been addressed or have not been addressed adequately. Please refer to that letter for more detail, but in brief:

- Landscape/Visual Impact: the information provided and arguments made do not, in many cases, support the conclusions reached;
- The need for the development, in particular 0232 lasting for 52 weeks, is not clear. A “change in the security environment” since August 2015 has not been demonstrated. There are no protestors on the Site and have not been for three months;
- The baseline for Environmental Assessment is inappropriate. Can forestry activity once in five years lead to “reduced levels of tranquility”? There are no “placards, signage, shelters, and structures, and general paraphernalia littered across the access track and main part of the exploratory wellsite” – other than those put in place by the Applicant;
- Ecology: impacts over a whole year are still not adequately addressed. How will the security operate with no lighting?

The ES as a whole does not, in our view, satisfy the need stated in your letter to the Applicant of 27th July to allow a reader “to “readily understand the entirety and extent of the proposed and permitted development”.

¹ This raises a point: are these offices, accommodation cabins, canteen etc. truly required for security personnel or are they in fact needed for the main development? How many security personnel would there be?

The Applicant has declined to address your question regarding alternatives to the development as proposed. He might consider that an alternative to the 52-week fencing is the 18-week fencing, and an alternative to that is the exploration well as approved.

In conclusion, the fundamental question about the relationship between the proposed and approved developments must be addressed and answered before further progress can be made. We would be grateful if you would keep us informed as to how this is to progress.

Regards

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alan Hustings', with a long horizontal flourish extending to the right.

Alan Hustings
for Leith Hill Action Group

cc Cllr H Watson