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Planning & Development Group
County Hall
Kingston upon Thames
Surrey KT1 2DY

Our ref: ROMP Appeal SCC Ref 2012/0114/TA/2012/902/
Your ref:

18 June 2019

Dear Sir/Madam

**ENVIRONMENT ACT 1995 SCHEDULE 14
PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS (ROMP)
NOTIFICATION OF APPEAL AGAINST CONDITIONS IMPOSED.**

SITE: Oxted Quarry, Chalkpit Lane, Oxted, Surrey RH8 0QW

APPELLANT: Southern Gravel Ltd

APPEAL REF: APP/ROMP/19/01

APPEAL START DATE: 5 June 2019

I am writing in connection with the above to inform you that Southern Gravel Ltd have appealed conditions 24, 25 and 26 relating to highways and transportation issues imposed on Surrey County Council's decision ref TA/2012/902 dated 21 November 2018.

The Planning Inspectorate has decided that the ROMP appeal will be determined by public inquiry. The public inquiry is to be arranged by the Planning Inspectorate and at present no details are known. We will write to you in due course to inform you about the arrangements for the public inquiry should you wish to attend.

You need take no action on receipt of this letter, but should you wish to make representations to the Planning Inspectorate about the ROMP appeal this letter provides you with the relevant information you require.

Brief description of the application and Surrey County Council's decision

TA2012/902 was an application made in 2012 for a periodic review of a mineral planning permission (ROMP) for the quarrying (extraction) of chalk at Oxted Quarry (also known as Oxted Chalkpit) submitted in accordance with Schedule 14 of the Environment Act 1995. The application proposed 37 planning conditions to apply to the future working of chalk and restoration of the site. The application was accompanied by an Environmental Statement.

To fully apply modern standards to the remaining chalk extraction operations and restoration at the site, and having taken into account revisions to the proposals and the

views of consultee, county council planning officers considered substantial modifications to the applicants proposed conditions and additional conditions were necessary. The application was reported to the 17 October 2018 Planning and Regulatory Committee. The planning officer's report set out the conditions proposed by Southern Gravel Ltd together with suggested modifications and additions and recommended 55 planning conditions. Apart from three conditions relating to highways and transportation issues, all other conditions had been agreed with the appellant.

Following a debate the Planning and Regulatory Committee resolved, subject to an amendment to condition 25, to approve the 55 new modern planning conditions as set out in the planning officer's report. The decision notice was issued on 21 November 2018.

Description of the planning conditions in dispute

The appeal relates to planning conditions 24, 25 and 26 imposed on TA/2012/902 relating to highway and transportation matters. These conditions read as follows:

24. There shall be no Heavy Goods Vehicle departures from Oxted Quarry between 0800 – 0900 and 1500 – 1600 hours Monday – Friday during school term time only for Downs Way School, St Mary's CofE Junior School and Oxted School to avoid school run times. The operator is required to obtain the dates for the current and forthcoming academic year from the schools and shall forward a copy of these dates to the County Planning Authority within 7 days of receipt.
25. There shall be no more than an average of 76 daily Heavy Goods Vehicle (HGV) movements (38 in and 38 out) to/ from the site Monday – Saturday over any 12 month rolling period with the maximum number of HGV movements in any one day not to exceed:
 - 112 (56 in and 56 out) Monday to Friday
 - 72 (36 in and 36 out) Saturday

The site operator shall maintain records of the numbers of HGVs accessing and egressing the site daily. These records shall be submitted to the County Planning Authority in April, July, October and January each year and, if requested by the County Planning Authority, be provided within 7 days of that request.

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

The appellant's grounds of appeal

The appellant's grounds of appeal are summarised below. More detail can be found in the appeal documents submitted by the appellants.

"Southern Gravel Limited consider that Conditions 24, 25 and 26 do not comply with the requirements set out in national planning practice guidance (PPG) for reviews of mineral permissions" (see paragraph 186 reference ID:27-196-20140306).

“The conditions do not meet the six tests for planning conditions as set out in the National Planning Policy Framework updated in July 2018 (six Tests) which states in paragraph 55 that: *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.”*”

“Furthermore, the conditions will adversely and materially affect the viability of the ongoing operations at Oxted Quarry.”

The appellant is seeking to have conditions 24 and 26 deleted and for condition 25 to be *“amended to allow an average daily flow of 100 HGV movements and increase the maximum daily limit for HGV movements to 200”*.

Making comments and other information about this appeal

If you would like to make representations in respect of this appeal your comments should be made in writing to the case officer **Stephen Allen** at the following address **Environment & Transport Team, The Planning Inspectorate, Room 3A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**, quoting the following appeal reference number: **APP/ROMP/19/01**. Email: environment.appeals@pins.gsi.gov.uk. Wherever possible you must submit **three copies** of your letter (unless sent electronically).

Representations must be sent to the Planning Inspectorate **by 17 July 2019**. Please note if comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned.

Please be aware that your comments will be disclosed to the parties to the appeal(s) unless your representations are withdrawn before the 6 weeks deadline (17 July 2019).

The Planning Inspectorate will not acknowledge representations. They will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal.

Information about the appeal and the appeal documents are available view on the Surrey County Council website at <https://www.surreycc.gov.uk/land-planning-and-development/planning/applications-register/process/appeals/current-minerals-and-waste-planning-appeals>.

When made, the decision will be made available to view on our website.

The appeal documents are also available for inspection at Tandridge District Council, **Tandridge District Council, Council Offices, Station Road East, Oxted, Surrey, RH8 0BT** during office hours (8.30am-5pm on Monday to Thursday and 8.30am 4.30pm on Fridays).

I hope the above is clear, but should you have any queries please get in contact by email to mwcd@surreycc.gov.uk or telephone (020 8541 9897).

Yours sincerely

Susan Waters

Ms Susan Waters
Planning Development Management Technical Support Team

