

JS

Planning
File



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-212 3434

My ref:

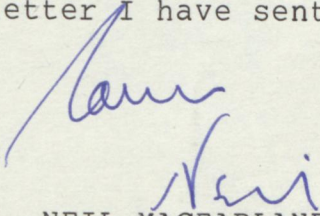
Your ref:

26 June 1985

Dear Michael:

I promised to keep the Prime Minister informed about the appeal by Conoco (UK) Limited against the refusal by Surrey County Council to grant planning permission for the drilling of an exploratory borehole and related works at Normandy, Surrey.

- / I am now able to send you the enclosed copy of the report of the Inspector who held a local inquiry into the application, together with a copy of the official decision letter issued today. You will see that it has been decided to accept the Inspector's recommendation that the appeal be allowed.
- / I also enclose a copy of the letter I have sent to Cranley Onslow.


NEIL MACFARLANE

The Rt Hon Michael Alison MP



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-212 3434

My ref: M/PSO/1319/85

Your ref: 2 June 1985

Dear Cranley,

Thank you for your letter of 27 April about the possibility of the site at Highfield Copse, where Conoco wish to locate their exploratory borehole, being of archaeological significance. I am sorry you have not had an earlier reply.

I have indeed seen the Daily Telegraph article to which you refer and I have also consulted the archaeological experts within my Department. Their advice is that the coins referred to in your letter and in the newspaper article come from a site some distance from the place where Conoco wish to drill. They accept that archaeological remains in this vicinity may be more extensive than is presently apparent, and may extend into the Conoco site, but at the moment there is no evidence to suggest that this is the case.

Under these circumstances I am sure you will understand that I would not be prepared to order the inquiry to be re-opened.

I enclose a copy of the report of the Inspector who conducted the public inquiry into the appeal, together with a copy of the official decision letter issued today. You will see that it has been decided to accept the Inspectors recommendation that the appeal be allowed.

NEIL MACFARLANE



Department of the Environment

2 Marsham Street London SW1 P 3EB

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WC2A 1EU

Your reference

Our reference

APP/B3600/A/84/20896 Part 2

Date

26 June 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 : SECTION 36
LAND AT HIGHFIELD COPSE AND POUND FARM LANE, NORMANDY, SURREY
APPLICATION BY CONOCO (UK) LIMITED

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr J Dunlop MA, DipTP, MRTPI, who held a local inquiry into the appeal by your clients Conoco (UK) Limited, under Section 36 of the Town and Country Planning Act 1971, against the refusal of the Surrey County Council to grant planning permission for the improvement of access, construction of access road and the drilling of an exploratory well, and subsequent testing in the event of hydrocarbons being present, on a site of about 1 ha on land at Highfield Copse with access off Pound Farm Lane, Normandy, Surrey (Application No 84/P 0102).
2. A copy of the Inspector's report is enclosed : his findings of fact, conclusions and recommendations are reproduced in an annex to this letter. The Inspector recommended that the appeal be allowed, subject to conditions.
3. The Secretary of State accepts the Inspector's findings of fact and is in general agreement with his conclusions.
4. The Secretary of State agrees with the view of the Inspector that the appeal site, simply by virtue of its inclusion in the Green Belt, is not automatically subject to the special policy considerations which are outlined in paragraph 9 of the Department's Circular 2/85. The Department's Circular 14/84 on Green Belts makes it clear that the objectives of the Green Belt are (a) to check the further growth of large built up areas, (b) to prevent neighbouring towns from merging with one another, or (c) to preserve the special character of a town. The Secretary of State therefore does not dissent from the view of the Inspector that the main purpose of the Green Belt is strategic or the view advanced by your clients that the primary purpose of a green belt is to restrict and regulate the growth of urban areas. The Secretary of State does not necessarily concur with the inference of the Inspector that operations by the oil and gas industry can automatically be regarded as exceptions to the control exercised by the Structure Plan Policy 3 and Local Plan Policy GB3 over development in the Metropolitan Green Belt. In considering the present case however, the Secretary of State, noting that paragraph 20 of Circular 2/85 states that "Each application should be considered on its merits and should not be influenced by any hypothetical future development", is of the opinion that the temporary nature of the work envisaged in the application would not be such as

to conflict with the purpose of the Green Belt. The Secretary of State also notes that, from an environmental point of view, the amount of woodland involved is relatively small and that the proposal incorporates provisions for the land to be replanted.

5. As regards the conditions to be imposed on the grant of planning permission the Secretary of State agrees that the draft conditions which are acceptable to your clients are broadly appropriate. He is also in general agreement with the additional conditions suggested by the Inspector and mentioned in paragraph 223 of his Report. Some of the conditions have been adapted in order to conform with Departmental practice, whilst others have been omitted on the grounds that they are not considered to be necessary. It is felt that draft condition No 3 is superfluous since it merely duplicates the points covered in the actual permission itself as amplified by the relevant further letters amending the original application. The points raised by the Inspector regarding the depth of the turning bay and the storage of plant and equipment would seem to be covered by the amending letter of 20 February 1984.

6. Accordingly, the Secretary of State allows your clients' appeal and he hereby grants planning permission for improvement of access, construction of access road and the drilling of an exploratory well, and subsequent testing in the event of hydrocarbons being present, on a site of about 1 ha on land at Highfield Copse with access off Pound Farm Lane, Normandy, Surrey, in accordance with application No 84/P 0102 dated 20 January 1984 and drawing Nos HFI-B, HFI-Aa, HFI-C, HFI-Hb and HFI-E, and amplified by the further correspondence dated 1 February 1984, 3 February 1984, 8 February 1984, 20 February 1984 and 25 April 1984 subject to the following conditions:-

- i) the development hereby permitted shall be begun not later than five years from the date of this permission;
- ii) 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 site fully restored to its former condition within a period of one year (or such other period as may be agreed in writing by the Mineral Planning Authority) from commencement of drilling operations, or within six months of the completion of flow testing, whichever is the earlier; any plant or equipment required to make the site safe to a specification agreed with the Department of Energy in accordance with the Petroleum (Production) Regulations, 1976, may remain in position;
- iii) prior to the construction of the proposed access road hereby permitted the sedge *Carex Strigosa* to be found growing at the entry to Highfield Copse shall be transplanted elsewhere within the copse to the satisfaction of the Mineral Planning Authority;
- iv) prior to the construction of the proposed access road hereby permitted measures shall be taken to the satisfaction of the Mineral Planning Authority to minimise the disturbance to any remaining occupants of the badger set at the entry to Kiln Copse;
- v) all top-soil, and sub-soil and overburden shall be separately stripped and stored for subsequent re-spreading in accordance with condition ii;
- vi) the rig employed to drill the borehole shall be the Bolden 61 or such other type as may be agreed by the Mineral Planning Authority;

vii) no watercourse shall be incorporated into or be allowed to discharge into any part of the application site nor shall there be any direct connection between the site and any watercourse. All possible steps shall be taken to prevent any suspended matter or material passing into any watercourse from the drilling and subsequent restoration operations. There shall be no discharge of sand, oil, grease or other offensive or injurious matter into any watercourse;

viii) site preparation and reinstatement work shall not be undertaken except between the hours of 0700-1900 on Monday to Friday and 0700-1300 on Saturday. No such work shall take place at any time on Sunday or public holidays;

ix) except in the case of emergency, no commercial vehicle shall enter or leave the site except between the hours of 0700-1900 on Monday to Friday or 0700-1300 on Saturday;

x) all vehicles shall turn right on leaving the site and shall follow the route shown on drawing No HFI-E;

xi) before the development commences, details of arrangements to be made for the disposal of drilling mud at a disposal point licensed under the Control of Pollution Act 1974, shall have been submitted to and approved by the Mineral Planning Authority;

xii) before any other operations are commenced, the proposed vehicular access and sight lines to Pound Farm Lane shall be provided and constructed as shown on the application drawings and the area in advance of the sight lines shall be kept permanently clear of all obstructions;

xiii) the site shall not be occupied until space has been provided, properly laid out and surfaced (in accordance with the scheme indicated on the application drawings) to accommodate

- a) parking,
- b) loading,
- c) unloading and
- d) turning

of vehicles clear of the highway and the space shall be kept clear thereafter of any impediment to its designated use;

xiv) before any drilling operations are commenced, space shall be provided within the site (in accordance with the scheme indicated on the application drawings) to accommodate

- a) parking of vehicles of site personnel, operatives and visitors (the construction vehicles and operatives cars to be parked on the rig site),
- b) loading and unloading of plant and materials, and
- c) storage of plant and materials used in constructing the development, and each facility shall, throughout the course of construction of the development be kept free from any impediment to its designated use;

xv) on completion of the drilling operations and any subsequent testing hereby permitted, the site shall be reinstated and restored in accordance with the provisions of the scheme prepared by Environmental Resources

Limited dated 10 January 1985, including the "pre drilling" and "during filling" works referred to therein, such restoration to be carried out to the satisfaction of the Mineral Planning Authority;

xvi) before any operations involving the movement of materials in bulk to or from the site are commenced, facilities shall be provided as may be agreed with the Mineral Planning Authority, after consultation with the County Highway Authority, to prevent the deposition of extraneous matter on the public highway and shall thereafter be used whenever the said operations are carried out;

xvii) the applicant shall notify the Mineral Planning Authority when the work specified in condition xv) above has been completed, and not more than one year from that date there shall be a meeting at the site which shall be attended by representatives of the applicants, the owners or their successors in title, the Forestry Commission and the Mineral Planning Authority, to monitor the success of the scheme. Should it prove necessary, further meetings will be held within the period of five years from the commencement of aftercare;

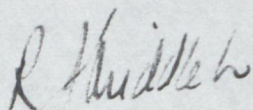
xviii) in the event of a discovery of hydrocarbons, gas testing or long term oil testing shall not take place except in accordance with a scheme which shall be submitted to and approved beforehand in writing by the Mineral Planning Authority. The scheme shall specify the nature of the work, details of any equipment and structures required, their siting and means of noise control and proof of their ability to achieve specific levels of noise and heat emission. The duration of any programme of flaring of gas approved under this scheme shall be limited to daylight hours on not more than two days per zone and the total duration of any other form of testing shall not exceed six months unless otherwise agreed in writing by the Mineral Planning Authority.

7. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if such consent, agreement or approval is refused or granted conditionally, or if the Authority fail to give notice of their decision within the prescribed period.

8. This letter does not convey any approval or consent which may be required under any enactment, bylaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

9. Your attention is drawn to the annexed memorandum relating to the provisions of Section 245 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



RJ MIDDLETON
Authorised by the Secretary of State
to sign in that behalf

SURREY COUNTY COUNCIL

APPEAL

by

CONOCO (UK) LIMITED

Inspector: James Dunlop MA DipTP MRTPI

Dates of Inquiry: 29 January to 8 February 1985

File No: APP/B3600/A/84/20869

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

March 1985

To The Right Honourable Patrick Jenkin MP
Secretary of State for the Environment

Sir

I have the honour to report that on 29 January 1985, and on 7 days thereafter, I held an inquiry at the Community Centre, Ash Hill, Ash, Surrey, into an appeal by Conoco (UK) Ltd under Section 36 of the Town and Country Planning Act 1971 against the decision of Surrey County Council to refuse planning permission for the improvement of access, construction of access road and the drilling of an exploratory well, and subsequent testing in the event of hydrocarbons being present, on a site of about 1 ha, for a temporary period, on land at Highfield Copse with access off Pound Farm Lane, Normandy, in Surrey. After closing the inquiry, I inspected the site and its surroundings, unaccompanied, on 11 February and again, accompanied on 1 February. On 20 February I visited a site at Sudbrooke in Lincolnshire where British Petroleum are engaged in drilling a production well.

1. The reasons given by the County Council for its decision are set out at Document 10c. They are:

i. The activity that would be generated by the preparation of the site, the installation of the drilling rig and its ancillary plant, equipment, stores and site buildings, and their subsequent removal, together with the activity involved in the continuous drilling operation itself would, notwithstanding the short duration of such operations, be seriously detrimental to the character of the Metropolitan Green Belt and an intrusion into this quiet rural area. Further, such activity would be damaging to the amenities of residents in the locality.

ii. Although the highway works proposed would appear to meet the need for improvement to allow traffic circulation in the narrow lanes giving access to the proposed site, the effect of introducing heavy goods or specialist vehicles into this quiet rural area would be to substantially diminish the amenities of local residents by reason of increased vehicular activity, and the resultant increase in noise, dust and fumes.

2. My report commences with a description of the appeal site and its surroundings. I then describe the proposed development by reference to the company's application for planning permission, subsequent correspondence with the County Council and certain additional information given to me at the inquiry. Next, I summarise the representations made to me as to the merits of the proposal and the objections thereto. Finally, I set out my findings of fact, conclusions and recommendation. Lists of documents, plans and photographs produced at the inquiry are attached. References in my report to the "represented parties" at the inquiry are to the appellant company, Surrey County Council and, jointly, to the Pound Farm Lane Action Group, Guildford Borough Council and Normandy Parish Council. References to the "Action Group and others" are to the Action Group and the Borough and Parish Council.

THE SITE AND ITS SURROUNDINGS

3. The appeal site comprises 2 areas of land: that required for the drilling of the well and the various plant, equipment, stores and buildings associated therewith, and that required for the construction of the access road leading thereto from Pound Farm Lane. The former, referred to at the inquiry as "the rig site" is shown coloured pink on Plan H. It is a square shaped area of land, measuring approximately 100 m by 100 m, set within and presently forming part of a broad-leaved woodland known as Highfield Copse. Hazel and ash predominate, interspersed with oak and birch. The wood extends to an overall area of some 14 ha and covers the north-east facing slope of a modest spur formation. The site itself lies towards the foot of the slope. A number of paths pass through the woodland, as shown on Plan M, but none cross the rig site. The northern boundary of the wood is defined by a railway line and the southern by a bridleway, known as Beech Lane.

4. The land required for the access road is shown coloured pink on Plan H. Commencing at a fieldgate on the east side of Pound Farm Lane, some 500 m west of the rig site, its route first follows a track along the southern boundary of woodland known as Kiln Copse. It then descends through the woodland in a south-easterly direction, following the line of a "ride" or path to a stream. There is a badger set close to the point of entry to the copse. Beyond the stream, it climbs out of the wood and crosses the open west face of the spur formation already referred to, before dropping down through Highfield Copse to the rig site. Like Highfield Copse, Kiln Copse is made up mostly of hazel and ash, interspersed with oak standards and birch.

5. The surroundings of the appeal site comprise gently undulating countryside, including further woodlands and tracts of open agricultural land. The topography and principal features of the area are indicated on Plan K. The A323 Guildford to Aldershot road runs approximately 1.5 km to the north, on an east-west alignment, and the distinctive natural feature known as The Hog's Back lies some 1.75 km to the south. This is a pronounced ridge of land, again on an east-west alignment, traversed by the A31. The small, mainly inter-war, settlements of Flexford and Ash Green are situated, respectively, about 1 km east and 1 km west of the site. The larger settlement of Ash lies some 3 km to the north-west, on the outskirts of Aldershot. The general location of the rig site, that is to say, the tree covered slope of Highfield Copse, is visible from the direction of Flexford, from a bridleway running parallel with, and to the north of, the railway line and, more distantly, from the northern slope of The Hog's Back.

6. There are a number of residential properties in the vicinity of the site, as shown on Plan 1. They include some 13 dwellings on Pound Farm Lane and Green Lane West, to the west and south of the rig site, and a group of 19 dwellings on the metalled section of Beech Lane, to the north-east. The nearest of these to the proposed borehole are a group of 3 cottages, known as Bushy Lees Cottages, fronting the south side of Green Lane West at a distance of approximately 380 m, and a dwelling known as Woodville, off Beech Lane, at a distance of approximately 400 m. The nearest dwellings to the proposed access road are "Kiln Copse Cottage" and "Schillings", marked on the plan as "Pound Cottages", which front the west side of Pound Farm Lane some 80 m south of the fieldgate at the start of the route.

7. Vehicular access from the A323 to the vicinity of the appeal site is via Wyke Lane and Pound Farm Lane. Wyke Lane leads off the southern side of the main road and proceeds in a generally southerly direction, past a group of dwellings centred on Wyke Avenue, to East Wyke Farm. Here it bends sharply to the south-west before running through the farm. It has a carriageway width, for the most part, of approximately 4 m, but widens to 5.3 m on the bend and then reduces to a minimum

width of 3.7 m as it passes through the farm buildings. A small open sided timber framed barn, with a tiled roof and evidently of considerable age, stands on the roadside at this point. There is a footpath along the east side of the lane between the main road and Wyke Avenue. Thereafter, it is bordered by grass verges and hedgerows.

8. Beyond the farm, Wyke Lane runs into Harpers road. Pound Farm Lane leads off Wyke Lane at this point, bending to the south and then proceeding southwards across the railway line to the fieldgate already referred to, a distance of some 600 m from the farm. North of the railway, the lane has a carriageway width of 3.1 to 3.3 m, again bordered by grass verges and hedgerows. At the point at which it turns off Wyke Lane, it is steeply embanked on the east side. A number of mature oak and ash trees grow in the hedgerow on the inside of the following bend. South of the railway, the carriageway reduces to 2.7 m. Two dwellings, known as Junction Cottages, front the west side of the lane immediately beyond the railway. The east side of the lane borders Kiln Copse.

9. Some 200 m or so beyond the fieldgate, Pound Farm Lane runs into Green Lane West. It is adjoined hereabouts by a duck pond and joined by a bridleway leading to Ash Green. Green Lane West in turn runs into a bridleway at Bushy Lees Cottages, the metalled roadway terminating some 700 m from the proposed access to the appeal site.

THE PROPOSED DEVELOPMENT

10. The present proposal is the subject of planning application No GU/84/0102, made in the first instance to Guildford Borough Council on 20 January 1984 (Doc 7a). The application is stated to be for full planning permission, for a temporary but unknown period, and involves the alteration of an existing vehicular access and the felling of trees. The application form otherwise indicates that the proposal relates both to the land required for the operation of the rig (OS Field No 0001) and the construction of the access road (OS Field Nos 3000, 4000 and 4688).

11. Particulars of the proposal are detailed on an attached sheet. This states the applicant's intention "to improve the existing access from Pound Farm Lane to OS Field 3000 to the requirements of the Highway Authority" and:

To construct an access road from Pound Farm Lane to the proposed drilling location and to occupy a 1 ha fenced area to drill a borehole to a depth of approximately 4,500 ft (1,368 m), evaluate results and, in the event of hydrocarbon production, to install the necessary equipment to carry out tests (including flow tests) to establish the commerciability of the discovery.

Further particulars are that:

i. Whilst the borehole is being drilled and evaluated, the area will contain the drilling outfit, ancillary equipment and temporary services. Upon completion of this phase of the development these will be removed.

ii. If hydrocarbons are encountered, it would be necessary to install well-head valve gear.

iii. In the event that hydrocarbons were present in the form of oil, it would be necessary to install a 12 ft (3.6 m) high surface pump at the wellhead to lift production to the surface, and to erect 2 temporary 12 ft (3.6 m) high storage tanks to contain production prior to its removal for testing and disposal.

iv. It may also be necessary to erect a 2 inch (50 mm) diameter ventilation stack in order to emit a small quantity of associated gas to the atmosphere.

v. Any additional equipment required would form the subject of a further application for planning consent.

vi. Should the borehole be unsuccessful, it will be plugged and made safe in accordance with a specification requiring the approval of the Petroleum (Production) Division of the Department of Energy and the site area and access road restored to its original usage to the satisfaction and requirements of the planning authority.

12. A covering letter submitted with the application (Doc 7b) stated that the company hoped to carry out the operations during the spring and summer of 1984. I was advised at the inquiry that it remains the company's intention to carry out the operations during the spring and summer months, if permission is granted on the present appeal.

13. The application was accompanied by explanatory notes prepared by John R Lawrence Partners Ltd, the company's agents (Doc 7d). These indicate under the heading "mode of operations" that all traffic to and from the site would be routed along Wyke Lane and Pound Farm Lane and that the company would carry out certain works to these roads. Specifically it would:

i. Construct 2 passing bays on Pound Farm Lane between East Wyke Farm and the railway bridge, one on either side of the lane and both within the existing highway boundary.

ii. Batten back the embankment on the east side of Pound Farm Lane, where the lane turns off Wyke Lane, and improve sight lines on the following bend.

iii. Improve sight lines on the sharp bend of Wyke Lane, short of East Wyke Farm.

iv. Protect verges and ditches on both Pound Farm Lane and Wyke Lane.

14. These works are further described in an agreement made by Conoco (UK) Ltd with Surrey County Council, referred to at the inquiry as "a works agreement", signed and dated on 29 January 1985 and supported by a "bond" in the sum of £5,000 (Doc 11). This agreement binds the company to undertake the relevant works upon obtaining and thereafter implementing the planning permission now sought. The company further undertakes, in so far as it is able, to ensure that all vehicular traffic travelling to and from the site shall only use the "permitted routes", that is to say, Wyke Lane and Pound Farm Lane.

15. The explanatory notes otherwise indicate that the site access road would be a private road, the first 15 m beyond its junction with Pound Farm Lane to be tarmacadamed and the remainder constructed with stone. Under the heading "conclusions and recommendations" permission is sought to commence the borehole "not later than three years from the date the planning application is granted" and "to drill and evaluate the borehole for a period of two years from the date that the operation commences".

16. Six plans were submitted with the application (Plans A to F). Plan HFI B showed the location of the site at a scale of 1:10,000. Plan HFI A indicated the area of land involved, at a scale of 1:2,500, and also the proposed works on Wyke Lane and Pound Farm Lane. Plan HFI C showed the layout of the rig site

at 1:500. This indicates that about $\frac{1}{2}$ of the site, comprising land at the top of the slope towards its western boundary, would be utilised to store topsoil and for a static water tank and so-called "flare pit". The remainder would be levelled by cut and fill to achieve a general level of 76 m above sea level, 4 m above datum at the lower, eastern end of the site, and surfaced with stone. The borehole would be drilled at the centre of the site, mudpits dug between the levelled area and the stockpile of topsoil and a retaining bund and interceptor ditches provided around the more easterly part of the site.

17. Plan HFI H showed the proposed access road at 1:500. This indicates that the road would lead off the carriageway of Pound Farm Lane on a curved alignment, inhibiting turning movements to and from the south. New fieldgates would be positioned some 5 m beyond the highway verge. Beyond these a 10 m turning bay would be set within Kiln Copse which, in common with the first 15 m of the road, would be tarmacadamed. A security hut would stand within the turning bay. I was advised at the inquiry that trees shown on this plan as "beech" are in fact birch. Plan HFI E shows the permitted route for vehicles travelling to and from the site. The sixth plan, unnumbered, illustrates the typical layout of a drilling site employing a Bolden 61 Rig.

18. Subsequent to the submission of the planning application, the County Planning Officer wrote to the company's agents, on 25 January and 13 February 1984, requesting certain further information (Docs 8a and 8c). In his second letter he advised, inter alia, that the depth of the turning bay should be increased to accommodate an articulated lorry. The company responded to this and other points raised by letters dated 1, 3, 8 and 20 February, 25 April and 4 May (Docs 8b to 8d and 8f to 8h). The letter dated 1 February stated that "it is intended that the Bolden 61 Rig shall be employed to drill the hole, but should this rig for some reason become unavailable, a quieter smaller rig would be used". By letter dated 3 February, the company's on-shore activities manager stated:

With regard to the drilling of the well, we intend to use exactly the same arrangement of equipment as you have permitted us to use on the Palmers Wood location, in the event that we need to test an oil discovery. Should a gas discovery be made, the arrangements will be very similar but I would need to flare the gas rather than vent it as has been done at Palmers Wood. At this stage it is really impossible to go into this, until a discovery has been made.

With regard to the direction of any testing, you are correct in believing that initial testing (drill stem testing) is normally confined to daylight hours and only lasts for a couple of days per zone of interest (not usually more than 4 zones). Should any of these tests look promising we would then require, once we had more permanently equipped the well, to run a prolonged flow test, such as one being carried out at Palmers Wood now.

19. By letter dated 8 February the company confirmed that specific locations had been identified "for the temporary storage of topsoil and subsoil arising from the earthworks associated with the access road", that "these are to be positioned to avoid any of the mature trees within the area" and that "no further areas shall be used for stockpiling unless specific agreement is reached with yourselves". An accompanying 1:500 plan, HFI-Ha, indicated the various stockpile locations. By letter dated 20 February the company agreed that sight lines at the junction of the access road with Pound Farm Lane should be shown on the drawings and no obstruction over a metre in height above the kerb line permitted in that area, that "the depth of the turning bay shall be increased to 15 metres", that "construction vehicles and operatives' cars shall be parked within the boundary

of the compound" and that "the storage of all equipment and all materials shall be within the confines of the fenced areas as detailed upon the plans within the application". An attached plan, HFI-Hb, showed the sight lines to be achieved at the junction, but did not show any increase in the depth of the turning bay. Trees on the plan identified as "beech" are, again, birch (Plan G).

20. The company's letter of 25 April revised certain figures given under the heading of "traffic generation" in the notes accompanying the application. The letter of 4 May enclosed a further 1:2,500 plan, HFI-Aa, (Plan H) incorporating "all the latest requirements by the County Engineer" and stated that "this plan should supersede earlier editions".

21. In refusing planning permission for the proposed development the County Council referred to "the application...dated 20 January 1984 amplified by letters dated 1 February 1984, 3 February 1984, 8 February 1984 and enclosed plan, 20 February 1984 and amending plan and 25 April 1984". No reference was made to the company's letter and plan of 4 May. It was agreed by the principal parties to the inquiry that, in the matter of plans, the relevant plans to be looked at in conjunction with the application are:

HFI-B	1:10,000	location plan
HFI-Aa	1:2,500	site plan (in substitution for HFI-A)
HFI-C	1:500	engineering and sections (rig site)
HFI-Hb	1:500	access route (in substitution for HFI-H)
HFI-E	1:10,000	prohibited routes

but that plan HFI-Hb should have shown the turning bay extended to a depth of 15 m and the trees marked "beech" as birch.

22. It was further agreed that:

i. The description of the proposed development in the county council's notice of refusal (Doc 10c) represents a fair summary of the company's intentions.

ii. Notwithstanding the reference in the refusal notice to the site as having an area of about 1 ha, the application relates both to the land required for the rig and for the improvement and construction of the access thereto from Pound Farm Lane.

iii. Subject to the information given by the company as to the type of rig to be employed, in its letter of 1 February 1984, the equipment and services to be installed at the rig site, if planning permission were granted on the present appeal, including buildings, would be covered by Classes VIII or XIX of the General Development Orders.

iv. Notwithstanding such construction as might be placed on any reference in the application documents to 'testing', the present application extends to cover drill stem tests and subsequent continuous flow or pumping tests, only, from the exploratory borehole, and does not cover any longer term 'appraisal' of such reserves of hydrocarbons as may be discovered.

23. Further particulars of the proposed development given to me during the inquiry concern the construction and height of the Bolden 61 Rig, the measures for testing any gas which may be discovered and the anticipated duration of the company's operations at Highwood Copse. In common with other on and off-shore rigs, the Bolden 61 is of open lattice construction, apart from the housing from which drill

pipes are suspended during "tripping" (when the drill string is withdrawn to permit replacement of the bit). The mast is 49.7 m high and stands on a drilling platform 5.1 m above ground level, the overall height of the rig structure thus being in the order of 55 m. The platform is enclosed to a height of some 10 m above ground level. The drill pipe housing is located at a height of about 35 m above ground level. Photographs 1 to 3 show the Bolden 61 Rig in position at sites in Surrey and West Sussex.

24. Only small amounts of gas, if any, would be vented at the rig site, via the 50 mm ventilation stack already referred to. Gas encountered in any quantity would be flared from an incinerator positioned in Field No 4688, to the west of the copse. The so-called "flare-pit" shown on Plan HFI C would not be used as such, but as a second tank for static water. The arrangements for flaring are described at Document 16. The appellant company considers that these arrangements would be permitted by Class IV of the General Development Order. This is disputed by the County Council, on the grounds that this would represent an extension of an operational development and is not separable therefrom as a temporary use of land. Be this as it may, the company is content to abide by a condition requiring the Council's approval for any programme of testing, of either gas or oil.

25. The anticipated duration of the company's operations is set out at Document 15. To the completion of drilling, including 2 to 3 weeks for the highway works covered by the works agreement and assuming reasonably dry weather, would take 13 weeks. Actual drilling would take 3 to 4 weeks and be continuous. A further week would be required to dismantle and remove the rig and another 7 weeks to reinstate the rig site and access road, assuming hydrocarbons are not encountered. If hydrocarbons were encountered, securing the well and drill stem testing would occupy 2 to 3 weeks. Longer term flow testing, with the rig removed, could take up to 6 months.

THE CASE FOR CONOCO (UK) LIMITED

LAND USE POLICIES

26. The proposed borehole would be drilled in accordance with the terms of Production License (PL) 202, awarded to the appellant company by the Secretary of State for Energy in 1982 under the provisions of the Petroleum (Production) Act 1934, as amended by section 18 of the Oil and Gas (Enterprise) Act 1982. Although the licensing regime then in force differed from that brought into effect in January of this year, the present planning application clearly falls to be determined in the light of the Department of Environment's Circular 2/85 "Planning Control over Oil and Gas Operations".

27. Circular 2/85 is specifically concerned with the control of on-shore exploration, appraisal and production. Its main thrust is towards the need to carefully assess the environmental implications of particular proposals, with a view to minimising their impact, rather than towards the restriction of on-shore operations. Paragraph 3 states that "in most cases it should be possible to find a solution so that development can proceed in an environmentally acceptable manner" and that only "exceptionally the environmental implications will be so great that the proposed development cannot be permitted on a particular site". Again, at paragraph 14, planning authorities are advised that "it is only exceptionally, and then for relatively small and sensitive areas, that circumstances would justify a presumption against exploration".

28. On a point of interpretation, the company disputes the County Council's view that "special policy considerations" should apply to the determination of this

appeal, in accordance with the provisions of paragraph 9, simply because the site is within the Metropolitan Green Belt. Green belts are not instanced or exemplified in the text of the paragraph as "areas given protection for environmental reasons", where such considerations apply. It is evident from the reference in the paragraph to National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, National Nature Reserves and Conservation Areas, and on reading paragraph 9 in conjunction with the preceding paragraph, that the areas which the Secretary of State has in mind are "those areas where there is a strong national interest in the protection of the landscape and natural environment". In the opinion of Mr Stewart, the company's expert planning witness, the primary purpose of a green belt is to restrict and regulate the growth of urban areas. The inclusion of any particular area within a green belt does not necessarily imply that its environment has any special quality.

29. The company nevertheless recognises that the control of development in the locality is subject to the policies of the approved Surrey Structure Plan and, to the extent to which it is now in an advanced state of preparation, of the Guildford Borough Local Plan, including those pertaining to the green belt, to the protection of the environment generally and to the winning of minerals. However, it is submitted that the present proposal should be treated as an exception to the normally strict control exercised over development in the green belt, because of the national interest in the exploration and discovery of our hydrocarbon reserves, the fact that oil and gas can only be found where they lie and the temporary duration of the activities for which permission is now sought, and that these activities will have no undue impact upon the environment or the amenity of those living in the area. The Council has, in any case, permitted drilling within the green belt, at Palmers Wood and Godley Bridge. It is otherwise submitted that the County's mineral policies do not apply in this case, as they relate only to the extraction of minerals, not to their discovery, and because, alone amongst mineral planning authorities in South-East England, the Council does not have any policies concerned specifically with oil and gas operations.

30. The County and Borough Councils' policies pertaining to development within or adjoining Areas of Outstanding Natural Beauty (AONB), Great Landscape Value (AGLV) and High Ecological Importance (AHEI) are noted. However, although the appeal site lies fairly close to an AGLV and AHEI, it is not within and does not adjoin either area. In any event, the permitted drilling at Godley Bridge is within the Surrey Hills AONB, and Policy CE43 of the Local Plan, which is the only reference to the control of development on land "adjoining" such environmentally sensitive areas, is concerned with the design of development, not its restriction.

31. The company contends that the proposed drilling of an exploratory borehole in Highfield Copse is not in conflict with any of the approved or emerging policies applying to the locality, that its operations will not have any undue impact upon the environment of the area or the amenity of local residents and that, in view of the national interest in the exploration and discovery of our hydrocarbon reserves, the appeal should be allowed. The company readily agrees to abide by the conditions agreed with the County Council, in the event that permission is granted.

THE NEED TO EXPLORE FOR HYDROCARBONS

32. Successive Governments have sought to encourage the full exploration of our mineral resources, including hydrocarbons. The latest expression of Government policy in this respect is found in Circular 2/85. Paragraph 4 draws the attention

of mineral planning authorities to the strategic and commercial arguments in favour of an active exploration and appraisal programme for oil and gas and concludes that "exploration and appraisal activity is therefore a sound preparation for the future, provided that it takes proper account of environmental considerations".

33. The need to balance oil and gas development with environmental considerations is appreciated. However, it is submitted that in any such exercise the national interest in the discovery of our oil and gas reserves should not be in dispute. The company should not be expected to demonstrate that the national interest is any more, or less, pressing in one location than in another. Indeed, in the case of exploration and appraisal, it would be impossible to assess the potential value to the national economy of any hydrocarbons which may be discovered, before their presence and quantity is known.

34. The contrary views of many local residents and of David Howell MP, that the present world surplus of petroleum and recent discoveries in the North Sea obviate the need to exploit our on-shore reserves, and that the national interest could well be better served by delaying, rather than bringing forward, the development of new fields, particularly in a county like Surrey, are noted. So too are the trenchant criticisms of Circular 2/85 by Professors Bowley and Scorer (Docs 4e and 4d). Nevertheless, given that this is an issue upon which the Government of the day has a clear and unequivocal policy, the present appeal must fall to be determined in the light of that policy.

35. The grant of Production Licenses under the then existing legislation was discretionary. The Secretary of State for Energy had to be satisfied that an applicant was "fit" to undertake the work involved in a competent manner. In accordance with schedule 4, clause 14, of the Petroleum Production Regulations 1976-1980, successful applicants could be required to drill a given number of exploratory boreholes within the 4 year term of the license. The boundaries of the company's license PL 202, as also those of adjoining PLs and Exploration Licenses (XLs), are shown on Plan J. They are within the general area of the Wessex Basin, one of the sedimentary basins underlying mainland Britain with hydrocarbon potential. PLs 202 and 203, granted simultaneously, confer exclusive rights on the company to search, bore for and get petroleum in parts of Surrey, Hampshire and West Sussex. The company is required to drill not less than 3 boreholes, in total, in these 2 areas, including at least one in each area, effectively by February 1986. To date it has drilled one borehole, at Godley Bridge, and obtained planning permission for a second, at Dunsfold. Both these locations are within PL 203.

36. Seismic investigations carried out by the company indicate the presence of an anticlinal or mixed anticlinal and fault feature, capable of harbouring hydrocarbons, in the Normandy area. It is believed to extend some 4 km east to west and about 1.6 km north to south. Its existence was known to the County Council's Planning Committee when it considered the present application, though the company had mistakenly advised the Council that it measured some 2.5 km by 1 km (Doc 10a, para 5.1). Further, more detailed, information has since been given to the County's geologist, including the corrected dimensions of the geological feature, and is not in dispute. The structure is unrelated to, and wholly separate from, the structures at Godley Bridge and Dunsfold.

37. The only known method to finally determine whether or not hydrocarbons are present in a structure such as that thought to underlie the Normandy area is to deep drill a borehole which penetrates the structure at its highest point. This is believed to be directly beneath, or in close proximity to, Highfield Copse. Deviated drilling, from a rig positioned at some distance from the copse, would be technically possible. However, direct drilling is always to be preferred,

as this yields geological information which can be more readily compared with the results of seismic investigations. This is of vital importance to the wider search for hydrocarbons, even if the well is found to be "dry". The greater the angle of deviation, the less useful this information will be.

38. Geological data is inevitably the first consideration in determining the most appropriate site for any exploratory borehole. Other considerations are those of environmental impact, access and land ownership. Discussion of the environmental impact of the present proposal follows. The appeal site admits of satisfactory access from the A323 via Wyke Lane and Pound Farm Lane, subject to the works covered by the works agreement with the County Council. Subject thereto, the County Engineer considers that there is no sufficient ground to object to the present proposal (Doc 10a, para 5.6). Indeed, there is no dispute between the represented parties to the present proposal as to the adequacy of the access arrangements, at least in terms of providing for the movement of vehicles between the site and the A323. The land required for the rig site is in the ownership of Lord Taylor of Hadfield, who supports the company's endeavours (Doc 5a). The owners of the land required for the construction of the access road from Pound Farm Lane have not objected to the proposal.

ENVIRONMENTAL IMPACT

39. Conoco is a major international energy company, producing and marketing crude oil, natural gas, coal and a wide variety of petroleum based products. In all its activities, the company prides itself on its awareness of environmental issues and of the need to consult with local communities. In the United States, Conoco has received various awards in recognition of its care for the environment, including the Department of the Interior's First National Safety Award for Excellence for showing "the utmost concern for environmental protection and safety" in 1983 (Doc 13, page 5). To emphasise the seriousness with which the company views environmental protection, an internal award has recently been introduced, known as the Chairman's Award for Conservation.

40. In Britain, where Conoco commenced operations in 1961 and which now represents the company's biggest area of energy investment outside the United States, its concern for the environment is evident in the treatment of the Viking Gas Terminal in Lincolnshire, the Humber Refinery at South Killingholme and the oil supply base and Northern Operations Headquarters at Aberdeen.

41. In south-east England, where the company has been involved in the discovery and appraisal of hydrocarbon reserves since 1979, it has to date drilled 7 wells (Doc 13, pages 3 and 4). The Chairman of Kent County Council's Planning Sub-Committee has written to the company in connection with its exploratory borehole at Iden Green, saying that "if the minerals industry as a whole attained your high standards and level of consultation, then many fewer problems would arise and the task of planning authorities would be much easier" and, regarding the restoration of the site, that he had "every confidence this will be accomplished to a high standard, as at your previous drilling sites in Kent" (Doc 17b). In connection with another borehole, at Wallcrouch in East Sussex, the County Planning Officer has written that:

I must congratulate your company for the excellent way in which you carried out this development and met the rigorous planning conditions which were attached to the consent. I am quite sure you appreciate that this high standard of performance by your company on-site is most helpful in alleviating concern which both the County Council and the local community may feel in respect of adverse impact of exploratory oil boring (Doc 17a).

A further letter, from the Chairman of Ticehurst Parish Council, thanks the company for its ready co-operation with local residents during the drilling and testing operations at Wallcrouch. The Council was "unable to think how things could be improved". The company's attitude had resulted in "a singular lack of hassle or disruption" (Doc 17d).

42. The present proposal represents the company's second attempt to site an exploratory borehole in the vicinity of Highfield Copse. In January 1983, following meetings with the local community and representatives of Guildford Borough Council, planning permission was sought to drill from a site on open land at the edge of the copse, some 200 m south-west of the present appeal site (Doc 53, Plan L). That application was refused for much the same reasons as has been the application now before the Secretary of State. Despite the fact that Guildford Borough Council offered no objection to the proposal, and the County Council's officers had recommended approval, the company honoured an undertaking given to local residents that it would not appeal against a refusal of permission.

43. The present site has been selected in order to overcome the objections to the previous scheme, in terms of distances from dwellings on Pound Farm Lane and Green Lane West and improved screening, and by re-routing the access road via Kiln Copse, rather than directly to Green Lane West. As previously, and in anticipation of the advice given at paragraph 15 of Circular 2/85, representatives of the company have attended a meeting of Normandy Parish Council, in November 1983, and, in February 1984, a meeting called by the Pound Farm Lane Action Group, to explain and discuss the proposal. Additionally, letters were written to individual residents in the locality (Doc 7f) and various conservation and environmental groups informed of the company's intentions (Doc 7g). The application was accompanied by a report commissioned from Acoustic Technology Limited on background noise in the vicinity of the site and predicted noise levels (Doc 7e) and by a description of the mode of operations and an assessment of their environmental impact by John R Lawrence and Partners (Doc 7d).

44. On receipt of the application, the County Council consulted the Thames Water Authority, the Health and Safety Executive and other authorities. No objections were received from those bodies (Docs 9h-9k). The Council's Officers considered that the proposed site represented an improvement on that previously put forward and overcame the objections thereto (Doc 10a, paras 5.20 and 5.28). Subject to the conclusion of agreements in respect of highway matters and to certain conditions, they recommended that permission should be granted (Ibid, para 7).

45. The County Council appears to have based its decision to refuse planning permission upon the objections of local residents. That is its privilege. However, it should be borne in mind that the Council has not called on any of its own officers to support its decision, nor indeed has the Borough Council sought to call any of its professional staff. There are 2 further points of principle which should necessarily inform the determination of the present appeal.

46. Firstly, the permission sought is temporary, and the effect of the operations and activities involved on the character and amenities of the area will be short lived. Secondly, in accordance with the advice given at paragraph 20 of Circular 2/85, the present application falls to be considered solely on its merits, and should not be influenced by any hypothetical future development. Historically, less than 10% of all exploratory wells drilled in Britain have led to production. Be this as it may and notwithstanding the scope of the company's license, the appraisal of any field discovered would be the subject of a further planning application, as would permission to produce and distribute oil from the field.

47. The submissions on behalf of the Action Group and others, that the advice given in the circular on this point may be ultra vires and that the possibility of future development is a material consideration in determining any planning application, are noted. However, unless and until a successful challenge is mounted in the Courts, the present appeal must be determined by reference to the clear advice given in the circular. The Government's views regarding hypothetical future development were foreshadowed, in almost identical terms, in paragraph 19 of the consultative circular and were well known to the company in preparing its case for the present inquiry. Indeed, its response to the objections of the County Council and local residents in respect of such development is wholly based on the circular's advice. Were the Secretary of State now to decide that this matter was a material consideration, the company would have been seriously misled.

48. Secondly, it is submitted that it is the merits of the proposed site, only, which fall to be considered. It is appreciated that where possible alternative sites for a given proposal are canvassed at an inquiry, due account may be taken of their relative merit. However, none of the parties to the present inquiry have sought to prove that any particular alternative site would be more appropriate than that now proposed. A number of local residents would appear to favour the adoption of the site first identified by the company, rather than the site in Highfield Copse. However, other than that this site is on open land, they have not sought to substantiate their views and the attitude of the Action Group is, in principle, against any drilling operations in the locality. In any event, the Council's officers clearly favour the present site against the former.

49. The County Council has suggested that the Normandy area might be explored from a site to the north of the copse, within the area licensed to Rio Tinto Zinc. Again, the Council has not canvassed the merits, or assessed the likely environmental impact, of any particular site. Furthermore, apart from the disadvantages of deviated drilling which the adoption of such a site would entail, RTZ hold an Exploration License which does not permit deep drilling. The appellant company has sought to identify the best site for its purposes, both from the technical point of view and that of environmental impact. It is not incumbent upon the company to put forward alternative sites.

Rural character and appearance of the site's surroundings

50. Subsequent to the environmental assessment prepared by John R Lawrence and Partners, accompanying Conoco's planning application, the company has commissioned a more detailed study from Environmental Resources Limited (ERL), specialist consultants in the field of environmental impact assessment (Doc 24). The visual impact of the proposed development on its surroundings is discussed at pages 39 to 45 of ERL's report. Mr Dean, a Principal Associate of the firm and previously in charge of the Environmental Planning Department of the British Gas Corporation, considers that the development would not have any significant impact upon the rural appearance of the locality. It may be noted that the Council for the Protection of Rural England, although advised of the proposal by the company, has not chosen to object.

51. The upper part of the rig would be seen above the trees of Highfield Copse from a number of residential properties and various other vantage points in the vicinity, for the 3 weeks or so that drilling would be taking place and prior to its being dismantled and removed. It should not be seen from the AGLV or AHEI to the south of Green Lane West. In any case, the mast is of simple functional design, and not unattractive. From further afield, it would be visible on clear days from The Hog's Back, within an extensive landscape of considerable diversity. Again, its impact would be slight and restricted to the few weeks during which

the rig was on site. Photographs 4 and 5 show the mast superimposed on 2 views from The Hog's Back, at points A and B on Plan P.

52. The mast would not, as some residents suppose, be floodlit. Approximately 3 lights of the fluorescent tube variety would be fixed to the side of the structure and directed towards the centre of the mast framework. The highest of these would be about 40 m above ground level, its illumination equivalent to that of a street light. There would be a small red light at the top of the mast. Photographs 6 and 7 indicate the expected appearance of the rig when seen at night-time from The Hog's Back.

53. All other equipment and buildings at the rig site would be screened by the woodland and, other than from the footpaths through the wood, which are not public rights of way, should only be seen, at some distance, from the superior vantage point of The Hog's Back in the vicinity of Wanborough. The clearing within the woodland would also be visible from this point, as indicated on Photograph 5. The passage of vehicles on the access road to the site would be seen from Pound Farm Lane and Green Lane West and, possibly, The Hog's Back, as they skirt Kiln Copse and, briefly, when crossing the open land between Kiln Copse and Highfield Copse. Again, they should only be noticed during particular phases of the operation, as when stone was being brought in or out, and their movement would be restricted to normal working hours. The track itself should only be seen from the point of access to Pound Farm Lane. It is appreciated that the passage of vehicles would also be observed on the permitted route to the site from the main road. However, even during the build up to drilling, when stone and equipment were being brought in to the site, Mr Forsyth, the company's expert witness on engineering matters, estimates that the number of heavy goods movements should not exceed 2 per hour. In the evenings and on Saturday afternoons and Sundays, when ramblers and riders may be expected to be out on the lanes, no heavy goods vehicle movements would be permitted.

54. The company would expect, and readily accepts, that any grant of planning permission should be subject to a condition requiring the reinstatement of the access track and restoration of the woodland, following the completion of its operations. ERL has prepared a restoration scheme which, it is understood, is acceptable in principle to the County Council (Doc 25). Topsoil and subsoil would be stripped from the track and rig site and separately stored. On completion of drilling and subsequent testing, if required, the stone would be removed from the rig site and track, apart from the short section of the track through Highfield Copse, which the owner wishes to retain. The rig site would be restored to its original contours, the soil replaced and the area stocked with like species. Following planting, the site would be managed for a minimum period of 5 years, with a view to promoting the growth and propagation of the formally characteristic range and density of species, and competing species weeded out. The opportunity would also be taken to monitor progress in varying management situations, to enhance present experience and knowledge of woodland restoration.

55. Soil removed from the access track would be replaced. The route of the track has been designed to minimise any damage to Kiln Copse. However, oak and ash transplants and cuttings would be planted along the route, where it passes through the copse and, where it borders agricultural land, the reinstated surface seeded with a mix of agronomic grasses and fertilised.

56. The proposed improvements to the permitted access route to the site from the A323 make provision for verges to be protected or re-seeded and, in the case of the set back to the eastern side of Pound Farm Lane beyond its junction with Wyke Lane, the planting of a new hedge. Greening up of any exposed soil should

be expected to take place in the course of the summer months following re-seeding, and colonisation: sufficient to remove any sign of the works within, say, 2 years. Thus, though roadside vegetation might exhibit a temporary loss of vigour and attractiveness, no permanent effects likely to have an impact on the local landscape are anticipated.

57. The concern expressed by the Action Group and others at the felling of part of Highfield Copse is appreciated. However, this should be viewed in the context of the overall extent of the woodland, of which the rig site represents no more than 7%, and of the considerable extent of the remaining broad-leaved woodlands in the county as a whole (Doc 22, page 35). In any event, Guildford Borough Council granted outline planning permission for a 9 hole golf course on the site of the copse in 1974 and in 1977 the Council's Planning Officer wrote to the owners that he saw "no objection to the felling of the majority of trees in this derelict wood" (Doc 36a). A felling license was subsequently issued by the Forestry Commission (Doc 36b). The Commission has more recently advised the owners of Kiln Copse that it is prepared to issue a license for the felling of trees in part of this woodland (Doc 35a).

58. It is accepted that it would take a good number of years for the rig site to regain a canopy and ground cover which was closely comparable with that of the surrounding woodland, assuming that the surrounding woodland remained undisturbed in the interim. However, by utilising existing stools reserved when the site was cleared mixed with nursery grown trees, the site would rapidly regain a generally wooded character. Once new foliage had appeared on the trees at the margins of the site it should be difficult to identify the site within the local landscape.

59. It is further accepted that, subject to the detailed timing of the drilling operation, weather conditions and the need to test the flow of any hydrocarbons which may be encountered, the restoration of the rig site and reinstatement of the access track might not proceed until the spring of the year following the commencement of operations. Even so, all works should be completed and the company's presence in the area at an end within about a year of its arrival. In sum, the impact of the proposed works upon the character of the locality would be short term and should have no noticeable permanent effect upon its rural appearance.

Ecology of Highfield Copse and Kiln Copse

60. ERL's assessment of the environmental impacts of the proposed borehole (Doc 24) is supported by an ecological survey of Highfield Copse and Kiln Copse, carried out by the same firm in September 1984 (Doc 28). This includes a systematic survey of ground flora at 20 locations on 4 transects through the rig site (Ibid, page 8) and of the upper canopy layers within 6 belt transects across the site (Ibid, page 16). Further investigations record the variety and abundance of vascular plant species elsewhere within the 2 woodlands (Ibid, pages 21-23 and 27).

61. Forty-six vascular species are recorded within the rig site, in varying numbers. This figure is not challenged by Dr Lindley, the expert witness called by the Action Group and others. Investigations elsewhere within Highfield Copse, supplemented by subsequent observations, have identified a total of 92 species (Doc 30). The difference between this figure and the total for the woodland as a whole observed by Mr Hall of Countryside Action and local people (125) is largely accounted for by the fact that ERL did not count plants growing on, and on the margin of, the trackway along the southern boundary of the wood. Many of these

are characteristic of rough grassland, rather than woodland (Doc 31). 45 species were found growing in the ground vegetation on or near the route of the proposed access road through Kiln Copse. This is compatible with the total number of all species found in the copse by Mr Hall and others (72).

62. Of the vascular species found within the rig site only one, *Orchis mascula*, was not encountered elsewhere in Highfield Copse. It was inconspicuous, being quite dried up, and could easily have been overlooked in other locations. The only relatively rare species likely to be disturbed by the drilling operations is the sedge *Carex strigosa*, found on the route of the access road at the entry to the copse. This would be transplanted prior to the construction of the road. *Carex strigosa* is in any case encountered in at least 5 separate clusters in Kiln Copse. The 3 orchids referred to by Mrs Kempster are not protected species. Some specimens might be disturbed by the construction of the roadway. However, others flourish elsewhere in the copse.

63. The company notes the discovery of the non-vascular basidiomycete *Sistotrema oblongisporum* by Dr Reid, thought to be in the locality of the rig site. Dr Reid writes that, while this is a new British record, "it is probably quite common, but people just do not go round collecting greyish-white films on fallen branches, especially since most mycologists, who are not specialists in the group, find them exceeding difficult to name" (Doc 29, appendix 8). Again, Dr Lindley writes that "if you send a pack of experts into almost any site they will come up with some species of interest" (Ibid, appendix 12). Of the bryophytes recorded by Mr Wright of Royal Holloway College, Mr Wright states that "none...are individually of particular note" (Ibid, appendix 7) and Dr Lindley that "no rare species are recorded" (Doc 33, para 11).

64. The company does not dispute Dr Lindley's finding that the woodlands are "species rich", but would rely upon his conclusion that "of the plant species recorded, none would be regarded as truly rare or endangered in a county or national context" (Doc 33, para 10). The impact of the proposed operations would, in any case, be restricted to the rig site itself, which represents only about 7% of the overall area of Highfield Copse, and to the route of the access road. As already stated at paragraph 54, the company's restoration programme is specifically designed to promote the growth and propagation of the range and density of plant life now found at the site and includes provision for research into woodland restoration. It is envisaged that the site would in due course be colonised by species left undisturbed in the surrounding area. Dr Lindley accepts that the programme is "well designed and would probably achieve the best results possible" (Ibid, para 18).

65. Measurement of coppice poles and ring counts indicate that Highfield Copse was last coppiced some 30 years ago (Doc 28, page 19). It is described by the Forestry Commission as "derelict woodland" and "in desperate need of management" (Doc 29, appendix 5). The Commission nevertheless believes that the copse "can still be brought back into economic and attractive woodland" by thinning, selective felling and re-planting. The present richness of plant life reflects the fact that the copse has been neglected for many years. An active management programme would inevitably have a considerable impact upon both the flora and fauna of the area, whether or not the proposed drilling operations proceed.

66. It is accepted that there is a general absence of species characteristic of secondary woodlands in Highfield Copse and that measurements made of the girth at ground level of oak standards and coppice stools suggest that the copse is of some antiquity. Mr Dean nevertheless disputes the claim made by the Action Group and others that Highfield Copse represents "ancient woodland", that is to

say, that it has been continuously planted since before 1600 if G F Peterken's classification is adopted, or 1700 if Rackham's classification is preferred. Its site is not shown as woodland on the Ordnance Survey of Surrey of 1811 (Plan Q) and as only partly wooded on Greenwood's Map of Surrey of 1823 (Plan R). The present area of the copse first appears as woodland on the 1839 Tithe Map and is there described as "Great High Field Plantation" (Plan S). It therefore seems probable that the copse was first planted during the first 2 or 3 decades of the 19th century. This is consistent with the ridge and furrow patterning of the woodland floor, indicating that the area was under the plough in Mediaeval times. Certainly, the copse is not "primary" woodland, in the sense that its tree cover should be supposed to derive from Britain's primaeval wild woods.

67. Dr Lindley initially took the view that "the woods appear from cartographical evidence to be of comparatively recent origin" (Doc 32). It is submitted that the botanical evidence upon which he has revised his opinion is by no means conclusive, there being nothing exceptional about the range of plant species which has been recorded. Be this as it may, the Nature Conservancy Council has not objected to the proposed development, although consulted by the company and evidently aware that the site might be within ancient woodland (Doc 37a).

68. There is no evidence of unusual fauna in either copse. Any birds or animals disturbed by the operations should be expected to seek refuge in one of the several nearby woodlands. With regard to birds, it may be noted that the nightingale is not listed in the Surrey Bird Recorder as rare, that Dr Lindley considers it unlikely that visiting and passage birds such as hobby and grey heron "will be significantly effected by the proposals" (Doc 33, para 15) and that the Royal Society for the Protection of Birds, although consulted by both the company and the Action Group, has not seen fit to object to the proposal (Doc 29, appendix 15). Regarding animals, Dr Lindley advises that the list of mammals and reptiles recorded by Mrs Wyllyams "is no more than one would expect from any such area of Surrey" (Doc 33, para 14) and that of insect species found in the woodlands "none is particularly rare in the county" (Ibid, para 16). The badger set near the entry of the access road into Kiln Copse appears to have been abandoned.

69. In sum, it is submitted that while Highfield Copse and Kiln Copse harbour a variety of flora and fauna, neither woodland has been designated as an SSSI or is of any exceptional interest. The company's proposal would not, in any case, have any undue impact on the ecology of these woodlands and its restoration programme provides for the site to resume, in due course, its present character.

Local residential amenity and public safety

70. The company is well aware of the need to minimise the impact of any development in the area on residential properties, even for the temporary duration of the proposed works. As already indicated, the choice of the present site was specifically intended to counter residents' objections to that first proposed, by distancing the rig from dwellings, improved screening and re-routing the access road. The borehole would be some 400 m away from the nearest dwellings, on Green Lane West and Beech Lane (Plan I.) and the access point some 80 m from the nearest dwellings on Pound Farm Lane. The visible impact of the on-site operations upon the outlook from properties in the vicinity would be restricted to that of the upper part of the rig, above the surrounding woodland, and the presence of construction and other vehicles on the access road. The re-routing of the access road has effectively relieved properties on Green Lane West, as well as Pound Cottages and Pound Farm House, from possible disturbance by traffic travelling to and from the site.

71. It is submitted that the fears of local residents in respect of possible inconvenience, diminished recreational enjoyment of Pound Farm Lane and other roads in the locality and the likelihood of a vehicle breakdown on Pound Farm Lane coinciding with some domestic emergency, or an emergency at the rig site, are exaggerated. The company readily agrees that the grant of permission should be subject to a condition restricting the hours during which commercial vehicles shall enter or leave the site (Doc 52, condition 7). Pound Farm Lane and Wyke Lane would therefore be free of such traffic on Saturday afternoons, Sundays, and, on the other days, after 7 pm. These are the times at which local people might be expected to be out walking or riding on the lanes in any number. At other times, the number of heavy vehicle movements in or out of the site would generally be no more than 2 per hour. Even during the 3 days over which the rig and other equipment would be imported to the site, Mr Forsyth estimates that there would be an average of not more than 36 heavy goods vehicle movements per day (Doc 26a)

72. The approach route from the A323 is generally straight and of more than adequate width to accommodate the widest loads to be brought into the site. Mr Forsyth has checked that the curve of the only sharp bend, to the north of Wyke Farm, will allow for the sweep of articulated vehicles and that vehicles will be able to pass through the farm without damage to roadside buildings. The works agreed with the Highway Authority will improve forward visibility on bends and permit the passage of vehicles on Pound Farm Lane. The Council's professional officers have concluded that "there would seem to be no sufficient highway reason to object to the proposal", that the agreed highway works "would not change the character of the area but would result in a permanent enhancement of the roads in question" and that "they should also ensure that emergency vehicles are not obstructed from gaining access to Green Lane West throughout the development" (Doc 10, para 5.6).

73. It is accepted that vehicles taking stone to and from the site during site preparation and restoration would be sub-contracted. The company would nevertheless be conscious of its overall responsibility for all activities associated with the development, and that its reputation was at stake. Referring to certain undertakings given by the company to Witley Parish Council in connection with the movement of vehicles to and from its drilling site at Godley Bridge, the Chairman of the Council has written to confirm that:

These undertakings were adhered to and as a result neither the Parish Council, through the Council Office, or to me personally, were there any complaints about the movements of Conoco vehicles (Doc 17c).

74. It is also accepted that a mishap occurred when the KCA rig was being taken to the company's site at Iden Green. This involved a somewhat larger load than any required to transport the Bolden 61 Rig. The company has nevertheless learnt from the experience. In his subsequent letter the Chairman of the Planning Sub-Committee writes:

I understand that this was the first time the rig has been deployed and that valuable experience will have been gained...so that similar problems can be avoided elsewhere. Our officers and the police have made recommendations to you in this respect, which I am sure you will take fully into account (Doc 17b).

75. In the unlikely event of any breakdown during site preparation or restoration, a breakdown vehicle would be permanently stationed in the turning bay at the entrance to the site. Special loads during mobilisation and demobilisation of the rig would be preceded by a second traction unit and their movement regulated

in accordance with a scheme to be agreed with the police. Only one vehicle at a time would be allowed access to Wyke Lane and Pound Farm Lane and "holding points" arranged, for example at the M3 Fleet Service Area and North Camp railway station. If, even so, a large vehicle became immobilised on Wyke Lane, alternative access could be gained to Pound Farm Lane via Harpers Road.

76. The possibility of a blockage of Pound Farm Lane coinciding with some emergency at one of the dwellings on this road or on Green Lane West, or at the appeal site, must be regarded as highly improbable. Safety at the site would necessarily be regulated in accordance with the requirements of the Department of Energy and Health and Safety Executive (Doc 19). Conoco has drilled upwards of 1,200 wells in the past 5 years, without serious incident in the form of a "blowout" (Doc 18).

77. With regard to possible disturbance from noise arising either in the course of site preparation or actual drilling, the County Engineer (Environmental Noise) considers that the impact of the present proposal will be little different to that of the company's earlier application, in respect of which he concluded: "I do not feel that it is unreasonable to allow such activity for the limited period involved". More particularly, he considered, again in respect of the earlier application, that "the continuous noise inside bedrooms will not be excessive and is unlikely to cause any disturbance" (Doc 9c).

78. Subsequent to the report by Acoustic Technology Limited (ATL) which accompanied the present application, the company has commissioned a second, more detailed, report from the same firm. This was submitted to the inquiry by Mr Gilbert, an independent consultant on transport and the environment and the author of many technical papers, articles and reports on the subject of noise. His proof of evidence, to which ATL's second report is appended at DAG6, is at Document 39. ATL has measured existing L_{10} and L_{90} noise levels at 4 residential locations in the vicinity of the appeal site, including Bushy Lees Cottages, the nearest dwellings to the proposed borehole, and extrapolated L_{eq} levels therefrom. The results are summarised by Mr Gilbert at DAG3. It is anticipated that noise levels at Pound Farm Cottages, the nearest dwellings to the access point to the site from Pound Farm Lane, will be within the same range.

79. ATL has otherwise predicted noise levels likely to arise as a result of, firstly, drilling and well evaluation activities and, secondly, road construction and site preparation, at the same 4 residential locations and also at Pound Farm Cottages, allowing for their distance from the activities concerned and ground attenuation. The results are summarised, respectively, at DAG4 and DAG5. All predictions are for "free field" noise levels in calm conditions and, in the case of DAG4, based upon the use of the Bolden 61 Rig, including brake squeal and tripping as well as drilling ahead.

80. Mr Riley, representing the Action Group and others on noise matters, finds no reason to question either the measurements made of existing noise levels or the data used to predict anticipated noise levels at residential locations. His reservations as to the predicted figures concern the need to take account of the "facade effect" of the dwellings themselves, which would add 2-3dB(A) to the free field levels, possible wind and atmospheric effects, and variations in the height of the noise source above the points of reception. Mr Gilbert accepts that an allowance should be made for the facade effect, but does not accept that wind and atmospheric conditions might increase predicted levels above existing by as much as 10dB(A). The effects of wind on noise propagation are asymmetric. Typical effects for light to moderate winds are +3dB(A) downwind and -8dB(A) upwind. Furthermore, wind tends to raise the existing continuous noise climate more than it does isolated or intermittent emissions from specific noise sources. ATL has

allowed for variations in topography between the rig site and noise reception points. In particular, an allowance of +1dB(A) has been built into the predicted noise levels at Beech Tree Farm.

81. Comparison of existing noise levels with those associated with well drilling and evaluation activities suggests that the latter would generally be lower than existing levels during the daytime and 7 pm to midnight period. Thus these activities may not be noticed during these periods. The only exception would be the flaring of gas, if required, at the estimated maximum rate. However, such activity would only take place during the day, and for a relatively short time. As already indicated, the company would accept as a condition of planning consent that the testing arrangements for any hydrocarbons encountered, including gas, should be agreed with the local planning authority.

82. Midnight to 7 am levels would generally be higher than existing L_{eq} and L_{90} levels, as summarised below:

Midnight to 7 am		dB(A)		
Locations:	Existing		Predicted (max)	
	L_{eq}	L_{90}	L_{eq}	L_{90}
Junction Cottages	36	23	33	30
Pound Cottages	-	-	34	31
Brambles	40	20	38	35
Bushy Lees	38	32	39	36
Beech Tree Farm	33	22	40	37

However, even allowing +2-3dB(A) to take account of the facade effect, these night-time levels would be within the targets set by Circular 10/73 "Planning and Noise" and British Standard 5228, and only marginally above the higher standard adopted by Hampshire County Council for the relatively long term drilling at Humbly Grove, as set out at DAG1. Mr Gilbert concludes that the midnight to 7 am noise levels may not, in practice cause a nuisance. Drilling activities would be, and would be known to be, restricted to an overall period of some 4 weeks. Furthermore, by closing, or almost closing, bedroom windows, occupants of effected properties could reduce indoor noise levels by 20-15dB(A).

83. Comparison of existing noise levels with those associated with road construction and site preparation shows that, for the most part, these activities would not result in L_{eq} levels exceeding 57dB(A) at any dwelling, though work on the construction of the access road near its junction with Pound Farm Lane could result in L_{eq} levels reaching 67dB(A) at Pound Farm Cottages. Mr Gilbert accepts that these levels would be noticeably higher than existing daytime L_{eq} levels. However, because of their short duration and because they would be limited by an agreed condition to the daytime (Doc 52, condition 6), he considers that they would be unlikely to cause significant intrusion.

84. With regard to off-site traffic noise on the permitted route from the A323, it is accepted that the passage of heavy lorries past dwellings at Wyke Avenue, Wyke Farm and Junction Cottages would be clearly heard, giving rise to isolated peak noise levels some 20dB(A) above current L_{10} dB(A) levels. Mr Gilbert nevertheless considers it unlikely that these vehicle movements would cause significant nuisance. They would be infrequent, confined to daylight hours and limited in duration.

85. In sum, it is submitted that the proposed development would have no undue impact on local residential amenity, either by way of noise or in any other manner, and would not endanger public safety.

THE CASE FOR SURREY COUNTY COUNCIL

LAND USE POLICIES

86. When the present proposal came before the County Council's Planning Committee the advice now contained in Circular 2/85 was not available, either formally or in terms of the consultative draft circulated in August 1984. The provisions of the draft circular have nevertheless been fully reported to the Committee (Doc 71). Councillors Mrs Cecilia Gerrard, Vice-Chairman of the Committee when the application was considered, and Sir Michael Creswell, a member of the Committee, are in no doubt that members would not have wished to determine the application differently had the circular been issued sooner. As it was, the decision to refuse permission was taken by 18 votes to 2.

87. The Government's evident purpose in publishing the circular is to focus the attention of mineral planning authorities on the need to take account of environmental considerations when dealing with applications to explore for, appraise or produce hydrocarbons. Paragraph 1 recognises that:

There is considerable public concern about the possible effects on the countryside and local communities, and about how far it is possible to strike a balance between the exploitation of this important national resource and the protection of the environment.

Paragraph 8 advises that:

The commercial and economic considerations that underlie particular investments are...subject to the environmental acceptability of specific projects as determined by the land-use planning system and by other environmental controls. This is true for exploration and appraisal activities as it is for commercial production.

88. The circular is also clear as to the continuing competence of mineral authorities to determine applications from the industry on the basis of their established policies. Nearly a decade ago, the Committee on Planning Control over Mineral Working remitted to the Secretary of State the question as to whether a special planning regime should apply to on-shore oil and gas. Paragraph 12 states that:

The government believed then that the provisions operative for all minerals provided a sufficiently comprehensive and distinctive framework of control to meet the Committee's concern, and this remains the position.

Paragraph 12 continues:

The Secretaries of State reaffirm their belief that planning decisions on on-shore oil and gas development should rest as far as is possible with mineral planning authorities...Most authorities have shown both imagination and good common sense in developing policies for hydrocarbons, and in deciding particular cases.

89. In determining the present appeal the Secretary of State will wish to take account of the policies of the approved County Structure Plan which informed the Council's decision. Policy 92, relating to minerals, provides that:

Permissions for the extraction of minerals will only be granted if the county planning authority is satisfied that both the need for the mineral and the nature and yield of the proposed site justify extraction (Doc 21, page 118).

Policy 93 seeks to ensure that, when permissions for mineral extraction are granted, damage to the environment is minimised.

90. There are no policies specifically relating to the extraction of hydrocarbons. However at paragraph 12.17 under the heading "Silica sand, clay, petroleum and other mineral resources" the plan provides that:

Where the need for further extraction can be proved, applications will be considered against the background of past and present workings in the area concerned and the general environment policies of the County Council (Ibid, page 120).

91. Under the heading "General Environmental Policies" Policy 70 states that local planning authorities will have regard to the environmental implications of development and that:

Development will not normally be permitted where it would have a materially adverse impact on the environment notably in respect of its scale and visual appearance, and the noise, effluent or fumes it may emit and traffic it may generate (Ibid, page 100).

92. With regard to development in the green belt, Policy 3 provides that:

Outside settlements in the green belt, local planning authorities will not normally permit development except for the essential requirements of agriculture or forestry, and any permissions granted will include conditions designed to restrict the use to that purpose for which it was permitted (Ibid, page 33).

93. The appeal site is included within an extension to the Metropolitan Green Belt formally approved by the Secretary of State in 1974 (Doc 22, page 4). Its green belt status is reaffirmed, in principle, in the Structure Plan, subject to the detailed definition of the boundaries of the green belt in local plans (Doc 21, Policies 1 and 2, page 32). The Guildford Borough Local Plan, placed on deposit in September 1983, shows the site as green belt (Plan N) and there have been no objections to its inclusion therein.

94. Policies 82 and 83 establish a further presumption against any new development within an AONB or AGLV "other than that required to meet the essential needs of agriculture or forestry" and permit the winning of minerals in such areas "only where there is an overriding economic necessity" (Doc 21, page 110). The site is not within an AONB or AGLV, but its location is clearly visible from the northern

slope of The Hog's Back, which forms part of the Surrey Hills AONB, while the associated AGLV extends to within 500 m of the proposed borehole. The impact of the development upon the character of these areas is therefore a material consideration.

95. Policy 85 seeks to ensure that "the extent of the tree cover in the county is maintained" (Ibid, page 111). Policy 91 establishes a general presumption against:

Development giving rise to noise and/or vibration unless measures will be taken as part of such development to maintain the level of noise and/or vibration below that which would significantly affect the environment of neighbouring occupiers (Ibid, page 115).

96. It is submitted that the policies of the County Structure Plan are in line with the objectives of Circular 2/85, in seeking to balance the need to win minerals with environmental considerations, and provide a full and adequate framework for the determination of the present application, as they have for previous applications by the oil and gas industry. The fact that other applications have been approved, including sites within the green belt, indicates that the Council has not set its face against development by the industry, but is concerned to weigh the merits of each case. In the present case, the Council considers that further examination of the impact of the development upon the character and amenity of its surroundings will demonstrate that the grant of planning permission would be contrary to the provisions of Policies 70, 85 and 91, and therefore also of Policy 92, and contrary to the presumption against development in the green belt, as set out at Policy 3.

97. It is further submitted that, in view of the site's green belt designation, the present application should be subject to "the most rigorous examination" advocated at paragraph 9 of the circular in respect of proposed development within National Parks, AONBs and "other areas given protection for environmental reasons". The Council does not accept that the purpose of the Metropolitan Green Belt is merely to restrain the growth of London and other urban areas. Its purpose, at least in part and in common with green belt areas elsewhere in the country, is to protect the character of the countryside which it embraces. Under the heading "Role of the green belt" paragraph 6.6 of the Structure Plan acknowledges its strategic function, then continues:

It also serves to prevent the coalescence of settlements and to protect the countryside from development. In Surrey, it has retained the character of a largely open area, mainly farmland, woodland and commons, forming a highly attractive landscape of enormous recreational value (Ibid, page 29).

Clearly, the appeal site is within an area designated and given protection for environmental reasons.

THE NEED TO EXPLORE FOR HYDROCARBONS

98. The Council appreciates that exploration for oil and gas is in the national interest. Paragraph 7 of Circular 2/85 nevertheless makes it clear that "particular investment decisions are for the oil and gas industry to justify against economic, environmental and other criteria". Again, at paragraph 8, the Government recognises that "oil and gas reserves may coincide with those areas where there is a strong national interest in the protection of the landscape and the natural environment".

In the case of areas given protection or designated for environmental reasons, paragraph 9 states that:

It will be for the industry to show in any particular case that the need to undertake the development outweighs the environmental objections, including those arising from the factors which led to the designation of the area in the first place.

The need to explore for hydrocarbons in any particular area is thus by no means overwhelming and must be balanced against the need to protect the environment.

99. The Council does not dispute the geological information upon which the company has based its present application, but contends that this does not represent evidence of any special need to explore for oil in this environmentally sensitive area. The information given to the Planning Committee was, in any case, no more than summary and mistaken in that the size of the geological formation was understated by some two and a half times. The fact that the company has been licensed to drill for oil in the area, and is expected by the Department of Energy to drill at least one exploratory borehole by February 1986, should not be regarded as evidence of need from the planning viewpoint. An applicant for planning permission cannot claim that permission should be granted simply because he has entered into some contractual obligation to do what he wants to do. It makes no difference that this obligation is to a Government Department.

100. The fact that the proposed borehole is on the boundary of the company's licensed area is, however, a matter of concern. Mr Dean concedes that the summit of the formation in question could be penetrated by direct drilling from another site, albeit near to that proposed, and that it could otherwise be explored by deviated drilling from a site to the north of Highfield Copse, within the area licensed to Rio Tinto Zinc. Even if the drilling for oil in the area were supposed to be in the national interest, which is not accepted, there would seem to be no particular need to drill from the proposed site.

ENVIRONMENTAL IMPACT

101. It is appreciated that the present proposal represents the company's second attempt to identify an acceptable site from which to explore for hydrocarbons in the Normandy area. However, while the proposal represents an improvement, in certain respects, on that first put forward, the environmental objections remain substantial. Furthermore, the company has not demonstrated that the proposed site is the best from the environmental point of view, or better than a site to the north of Highfield Copse. The Council is not asking the Secretary of State to consider the merits of any particular alternative site, but would suggest that a site to the north of the copse might be preferable, at least in so far as it would not involve the loss of woodland and could be served from Wyke Lane, rather than Pound Farm Lane.

102. The reasons for refusal highlight the main objections to the proposal, that is to say, the impact of the development upon the rural character and tranquillity of this part of the Metropolitan Green Belt and the impact of the associated traffic upon the amenity of local residents. The Council otherwise shares the concern of the Action Group and others, and of individual residents, on ecological matters and noise and, in particular, in respect of the implications of any blockage of the access to the site from the main road for the welfare and safety of those living in the area. The Secretary of State's attention is drawn to the strength of feeling in the local community against the proposal, evident from the number

of written representations made to him and to Members of Parliament and from the number of people attending the inquiry, not just on the opening day, but throughout the proceedings. In the event that permission is granted, the Council urge that it should be subject to the condition agreed with the company.

Rural character and appearance of the site's surroundings

103. It is submitted that any assessment of the impact of the proposed development cannot be confined to the appearance of the rig while drilling proceeds and noise from the rig site, or to the loss of woodland, but must take account of the overall impact of the activities required to facilitate and sustain the drilling operation. On the company's own estimate these would extend over a minimum period of 21 weeks (Doc 15).

104. In the first instance, and for a period of some 2 to 3 weeks, earth moving and other equipment would be required to effect the necessary improvements to Wyke Lane and Pound Farm Lane, including the battering back of the embankment to Pound Farm Lane at its junction with Wyke Lane. The impact of the improvements, once carried out, upon the essentially rural character of these narrow country lanes would be permanent.

105. The rig site and access route would then be cleared, the site levelled and stone laid to form the access road and working surface of the rig site. This phase of the operations would last 6 weeks, subject to the locality to the sound of tree felling and the sight and sound of engineering works involving heavy plant and machinery, and require the delivery of substantial quantities of stone. Mr Forsyth, the company's expert witness on engineering matters, anticipates that up to 126 loads of stone would have to be imported to the site in 34 tonne (gross) lorries to form the access road, and up to 187 loads to surface the rig site (Doc 26b). Bearing in mind that there would be only one permitted route to the site from the A323, over which vehicles would both come and go, and various additional vehicle movements, the preparation of the site would involve a total of some 660 heavy goods and 450 light vehicle movements along Wyke Lane and Pound Farm Lane (Doc 26a).

106. Delivery of the rig and other equipment would take 3 days and involve 108 heavy goods vehicle movements. Continuing light vehicle movements would amount to 120. The majority of the vehicles bringing in the rig assembly, drill pipes, generators and other equipment would be articulated and preceded by a second traction unit, in case of breakdown. Actual drilling would last for 3 to 4 weeks and involve a further 440 heavy goods and 1,620 light vehicle movements. During this period the rig would be seen and heard within its immediate, essentially rural, surroundings, by both day and night, and visible from The Hog's Back and other vantage points further afield.

107. If neither oil or gas were encountered, the rig would be de-commissioned and removed over a period of about a week, involving a repetition of the vehicle movements associated with its arrival. The stone would then be taken away and the land reinstated over a period of 7 weeks. Again, there would be a repetition of the engineering works and vehicle movements associated with the preparation of the site. In sum, in addition to the visible and audible intrusion of the on-site operations into this peaceful rural backwater, the successive phases of the development programme would give rise to upwards of 1,900 heavy goods vehicle movements and 2,700 light vehicle movements along the normally quiet country lanes serving the site. These figures would be augmented by some 200 movements by second traction units preceding articulated vehicles, each of which would have to travel back along the permitted route between escort duties.

108. The foregoing scenario is based upon the irreducible minimum of activities associated with the proposed development, assuming fair weather and that the well proved "dry". If oil was found, drill stem testing would take about 2 weeks and involve another 100 heavy goods and 450 light vehicle movements. Longer term testing could take up to 6 months and give rise to an average of 8 heavy goods and 14 light vehicle movements per day. Adverse weather conditions or testing would be likely to delay the reinstatement of the site until the spring season of the year following that in which operations commenced.

109. Whether the company's presence in the area was confined to the 21 weeks required to merely drill the well and restore the site, or extended over some longer period, the Council contends that the scale and intensity of the activities involved would have a significant and serious impact on the rural character of the area, wholly contrary to the protection from development which its green belt designation is intended to afford. In particular, the Council is concerned at the visual and audible intrusion of so much additional traffic on the country lanes serving the site, including large numbers of heavy goods vehicles.

110. The Council understands and shares the concern of the local residents at the prospect of the company's continuing presence in the area if hydrocarbons are encountered in commercial, or potentially commercial, quantities. It is appreciated that a further planning permission would be required to facilitate the appraisal of such a discovery. In practice, however, permission could well be difficult to resist. The company would no doubt argue that the drilling of additional wells at the site would not entail further loss of woodland, the improvement of roads serving the site, or the formation of an access track, because the woodland would be already lost and the access secured. Indeed, it might also argue that continued drilling would not involve the disturbance associated with the reinstatement of the site, at least for the time being. Again, the identification of commercial reserves would presage their eventual production. It is therefore submitted that the possible long term impact of the company's presence in this green belt location should be taken into account in determining the present appeal.

Local residential amenity and public safety

111. As in the case of the proposal's impact on the rural character of its surroundings, the Council's main concern regarding the amenity of local residents stems from the amount of heavy goods and other traffic which would be generated by the development. While it is accepted that the proposed highway works would facilitate the movement of vehicles to and from the site, it is contended that the narrow and, in places, tortuous, country lanes serving the site are inherently ill-suited to the passage of so much traffic. In their present form and limited use these lanes provide local residents with a sense of seclusion and are valued as much for their pleasant ambience as their service function. The noise, fumes and, in dry weather, dust, of traffic generated by the development would detract from the amenity of residential properties along the route and those beyond the site entrance, for whose occupants the route provides the only means of access and a source of recreation.

112. Mr Gilbert, the company's expert witness on noise matters, acknowledges that properties along the route would be affected by the noise of passing heavy goods vehicles. In fact, such traffic would give rise to peak noise levels in the order of 85dB(A) at a distance of 7.5 m from the road (Doc 39, para 6.10). This represents a quadrupling in loudness of present maximum noise levels experienced in the vicinity of, for instance, Junction Cottages (Ibid, para 7.6).

113. Local residents would not only suffer the inconvenience of having to negotiate the greatly increased volume of traffic on the lanes, but their well-being would be at risk throughout the development from the possible breakdown of one of the many large vehicles travelling to and from the site, and the consequent blockage of the road. This would be a matter of particular concern to people living on Pound Farm Lane and Green Lane West, to whose homes there is no alternative route. Indeed, the fact that these roads form a cul-de-sac is one of the features which distinguishes the present proposal from others by the industry which have come before the Council. The well-meant assurances given by the company, that it would closely supervise all traffic to and from the site, do not guarantee that nothing would go wrong. A driver's error or mechanical breakdown as occurred at Iden Green in Kent, could well block Pound Farm Lane for hours if not days. The possibility that such a blockage might coincide with some domestic emergency, with fire engines, ambulances and police unable to reach the scene, may seem unlikely. But all catastrophes are unlikely and, as often as not, result from some unforeseen coincidence of events.

114. It is submitted that the unsuitability of the access route to the site to accommodate the amount of traffic generated by the development would subject local residents to a significant loss of amenity.

THE CASE FOR POUND FARM LANE ACTION GROUP
GUILDFORD BOROUGH COUNCIL AND NORMANDY PARISH COUNCIL

LAND USE POLICIES

115. Circular 2/85 is unequivocal in the importance which it attaches to environmental considerations and existing land use policies in determining the acceptability of particular proposals by the oil and gas industry. The Action Group and others share the concern of the Secretary of State and the County Council that planning decisions on on-shore oil and gas development should rest, as far as possible, with the local authorities concerned. They note the words of the Minister of State for Energy, speaking to the Landward Oil and Gas Conference that "there is no question of my allowing on-shore oil and gas exploration and production at any price" and that he will not allow a single well to be drilled on-shore "until the full rigour of local planning law has been exercised" (Doc 70).

116. Speaking in the House of Commons, Neil MacFarlane has said that:

It must be right that decisions on whether particular proposals are environmentally acceptable should be taken wherever possible by those elected to represent the people who stand to be most affected by them (Doc 68, 1357)

Again, in December 1984, Mr MacFarlane wrote to Mrs Virginia Bottomley MP that:

I have to say that my essential philosophy is to leave as many decisions as possible to the mineral planning authorities for they have far more local knowledge about the environmental advantages and disadvantages of particular sites than I or my officials can possibly have (Doc 69b).

117. In the present case, the merits of Conoco's proposal have been fully discussed at packed meetings of the Parish Council and by the Borough and County Council's. The decision, in each case and therefore at every level of local government, has been to oppose the development (Docs 9f and g and 10a).

118. The approved Structure Plan policies referred to by the County Council are fully endorsed. Further thereto, the Secretary of State's attention is drawn to the relevant policies of the Guildford Borough Local Plan. This plan has been placed on deposit and was the subject of a public local inquiry in the summer of 1984, in respect of which the inspector's report is now awaited. As already indicated, the appeal site is shown as green belt on the Proposals Map. Policy GB3 of the Local Plan provides that, other than within existing settlements, "there will be a strong presumption against any new development" in the green belt, unless required for agriculture, forestry and certain other purposes, which do not include commercial or industrial development (Doc 23, page 17).

119. Policy CEI states that "the Council will resist proposals which adversely affect the characteristic landscape of the Borough" (Ibid, page 83). In explanation, the plan points out that the Borough is renowned for the quality of its landscape, but that it should not be taken for granted and is vulnerable to economic change. The Council will therefore attempt to encourage:

A greater understanding of countryside matters including the historical and ecological value of woodlands, the value of wildlife habitats, the importance of landscape features and the problems of...agriculture.

120. Policy CE14, relating to nature conservation, provides that in Areas of High Ecological Importance (AHEI) the Council will consider all applications for development "with a view to protecting the features for which such areas are important" (Ibid, page 89). Wanborough Wood AHEI lies immediately to the south of Green Lane West, within 400 m of the rig site. Policy CE30 states that the Council will resist proposals for development which "threaten to significantly reduce the present level of woodland coverage in the Borough" (Ibid, page 96). Policy CE43 provides that the Council will be "particularly critical" of developments in or adjoining environmentally sensitive areas, including AONBs and AGLVs (Ibid, page 100). Again, as indicated by the County Council, the site lies close to the Surrey Hills AONB and associated AGLV.

121. The administrative area of the Borough, much of which is included within the green belt, is particularly vulnerable to development because of its close proximity to London. The Borough Council has therefore consistently resisted development in the green belt, in order to safeguard the rural environment. In recent years, permission has been refused for the erection of 11 dwellings and 1 dwelling on Green Lane East (Doc 60) and for a residential caravan on Green Lane West, even for a temporary period of 3 years (Doc 61). The former decisions were upheld on appeal, the inspector concluding that "the character of the area would be significantly changed with consequent detriment to the immediate area". It is submitted that similarly strict control should be exercised over the present proposals. The Action Group was formed in September 1982 in response to the company's first proposal to drill in the Normandy area. It has widespread public support and its objection to such development is shared by the Ash, Tongham and Wanborough Parish Councils, as well as the Normandy Parish Council. Approval would be contrary to the policies of the Local Plan and to the expectations of the local community and its elected representatives that the rural character of the area should be protected from inappropriate development.

THE NEED TO EXPLORE FOR HYDROCARBONS

122. The Action Group and others share the County Council's conviction that the green belt status of the appeal site brings the present case within the ambit of the advice given at paragraph 9 of the circular. It follows that the company's

proposal should be subject to "the most rigorous examination" and that Conoco should show that "the need to undertake the development outweighs the environmental objections". Be this as it may, it is clear from paragraph 7 that, in every case, the industry is required to justify the need for development against economic, environmental and other criteria. This is in line with the requirements of Policy 92 of the Structure Plan and the advice given to Cranley Onslow MP by Neil MacFarlane that "the question of need for the mineral is one which the mineral planning authority will have to be satisfied has been properly justified when considering the application" (Doc 69a).

123. Mr MacDonald, Chairman of the Action Group, challenges the wisdom of on-shore oil production at the present time, when there is a national surplus. Any oil extracted from the appeal site would therefore have to be exported at a low price. Doubtless at some time in the future demand will begin to overtake supply and the price will rise. In the meantime, it would be prudent housekeeping to leave the oil where it is. He draws the Secretary of State's attention to the recent statement by the Secretary of State for Energy, regarding our North Sea reserves, that "not only are there ample known oil reserves there for the rest of this century but, more important, the rate of oil and gas discovery continues at a truly remarkable pace" (Doc 72). The suggestion at paragraph 2 of the circular that "production of oil and gas from the North Sea is expected to peak around 1985-86" and that "new fields are needed" therefore appears unduly pessimistic. Again, writing to the Surrey Advertiser in November 1974, David Howell MP expressed his view that "in no way can it be maintained that there is a special national interest in on-shore developments or that special considerations of energy policy apply" and that "national energy policy points in the direction of deferral and delay before new on-shore wells are produced" (Doc 29, appendix 22).

124. It is appreciated that Circular 22/85 contains no precise guidelines as to how need for any given proposal is to be established. However, it is submitted that it cannot be enough for the company to rely, merely, on the supposed national need, in general terms, to identify our hydrocarbon reserves. The company has failed to indicate what special need, if any, there may be for exploring for hydrocarbons in the Normandy area.

ENVIRONMENTAL IMPACT

Rural character and appearance of the site's surroundings

125. It is submitted that the sensitivity of the Normandy area to development derives not simply from its green belt designation, but from its natural beauty and peculiar charm. The area, with its woodlands, wildlife and flowers, represents a quiet rural backwater, as yet unspoilt by industrial development or traffic, highly valued both by local residents and those from nearby villages and towns, who gain pleasure and peace of mind from walking its country lanes and bridleways. The present proposal will have a serious impact on the character of the immediate area and significantly reduce the attraction of the nearby AGLV and the Surrey Hills AONB.

126. The rig itself would be almost 50 m in height and visible from various short and longer range viewpoints, including The Hog's Back. While the mast would no doubt be well designed, on its own terms, and might well be perfectly acceptable in another context, its presence upon the appeal site would be an alien and unduly dominant feature in the local landscape, both by day, when it would be seen above the canopy of Highfield Copse, and by night, when it would be lit. The noise and visual intrusion of the associated operations would likewise have a disruptive effect upon the character of the area.

127. The intrusive impact of the large volume of traffic generated by the development, including upwards of 1,900 heavy goods vehicles, is axiomatic. The so-called improvements to the lanes leading to the site might facilitate the passage of traffic for the duration of the company's activities, but would detract from the rural character of these roads and, in environmental terms, would represent a planning loss.

128. The foregoing conclusions are based upon the admitted extent and nature of the company's activities, as described by its witnesses at the present inquiry. The Secretary of State will nevertheless wish to bear in mind that each operation of the kind now proposed is unique. While there are certain standard procedures and forecasts, there is no standard implementation. What may appear to be a precise package of operations is, in fact, no more than a rough measure of what would actually happen. Time on site, vehicle movements and practically every other aspect of the proposal could vary considerably from the company's forecasts. The company admits that its drilling operations at Iden Green were delayed by bad weather (Doc 44a). It follows that while the environmental impact of the development would be unlikely to be less than that foreseen, it could well be greater, and extended over a longer period.

129. Furthermore, and a matter of particular concern to local residents which, it is submitted, should be taken into account in determining the present application, there can be no guarantee that the company will restore the land and leave the area on completion of the presently proposed operation. Despite the need for further planning permissions to appraise and extract any oil or gas encountered in the area, the discovery of hydrocarbons in commercial quantities would be likely to lead to the company's continued presence for upwards of 20 years and to additional development. It is recognised that the company cannot anticipate the exact nature of such future development. However, a broad appreciation of what could be involved may be gained from the description of the proposed oil field development at Humbly Grove in Hampshire (Doc 66). There, Carless Exploration Limited intend to drill 59 further boreholes from 8 well sites and establish a separate gathering station and export terminal. In the event that permission is granted, which is strongly resisted, it should, at least, be subject to a bond in respect of the restoration of the site.

130. The rural character of the Normandy area would be wholly devastated by any further development which even approached the scale of that envisaged at Humbly Grove. Exploration wells should only be permitted in areas which are capable of absorbing further production sites if exploration is successful. If there is, or should be, no possibility of such further development in the Normandy area, then there is no point to the present application. The serious impact of the presently proposed exploratory phase of the company's interest in the area could well be avoided if the much more onerous impacts of the appraisal and production phases were taken into account.

Ecology of Highfield Copse and Kiln Copse

131. The Pound Farm Lane Action Group has commissioned a comprehensive survey of the ecology of Kiln Copse and Highfield Copse under the title "An Environmental Report on Highfield Copse and its Immediate Vicinity" (Doc 29). The findings of the survey have been forwarded to the Nature Conservancy Council, with a view to the area being declared a Site of Special Scientific Interest and to Guildford Borough Council with a view to the inclusion of the area within an AONB or AGLV and the protection of the woodlands under a Tree Preservation Order.

132. Mr Hall, of Countryside Action, has identified 125 vascular plant species in Highfield Copse, of which 28 species are generally regarded as indicators of "ancient woodland". These include the comparatively rare sedge *Carex strigosa*, found growing on the route of the proposed access road. Seventy-one species were found in Kiln Copse of which, again, 28 are ancient woodland indicators. With regard to Kiln Copse, Mr Webb, District Forester with the Forestry Commission, writes that his main concern is that:

The proposed access road to Highfield Copse will bisect the southern end of this very fine woodland, and although following an existing footpath, will still necessitate the cutting of a very large swathe through the woodland, especially as the developers wish to include a passing bay...It should be noted that the orchid *Orchis mascula* although not a rarity abounds along the route of the proposed road. I am sure that if an access road of this size is cut through the woodland, then windblow and wind snap of the remaining trees is likely to occur (Ibid, appendix 5).

Mrs Smith, of the Surrey Flora Committee, believes both copses to be ancient woodland. She writes that these woods "have a high ecological value", that "it is not possible to re-create such habitats with their associated communities within an acceptable time scale" and that the Committee "is therefore opposed to any planning application which would destroy the woodlands or any part thereof" (Ibid, appendix 6).

133. Dr Lodge, of the Department of Botany at Royal Holloway College, has identified 32 species of mosses and liverworts during a 3 hour visit to Highfield Copse. He writes that:

The marked lushness and diversity of this assemblage of woodland bryophytes is added confirmation of the general ecological value of Highfield Copse. Whilst many of the species recorded would no doubt persist in undamaged parts of the wood for a short time after partial clearance, experience suggests that the reduction in canopy area resulting from the proposed exploratory borehole will inevitably lead to a long-term loss of much of this component of the vegetation (Ibid, appendix 7).

134. Dr Reid, of the Royal Botanic Gardens, collected 47 species of fungi in the 2 woods when he visited the site in December 1984. These include the basidiomycete *Sistotrema oblongisporum*, a new British record, found in the vicinity of the rig site. He writes that:

It is significant that one should be able to collect so many fungi in such a short time at such an unsuitable time of year. I feel sure that with so much fallen wood and with such lack of management, that both copses would produce a most interesting and long list of species if they could be monitored regularly throughout the year (Ibid, appendix 8).

135. Mrs Wyllyams, who lives at Junction Cottages, has seen 12 species of mammal in the area, including fox, badger and roe deer, and 5 reptiles and amphibians. The badger set at the point of entry of the access road into Kiln Copse may not be abandoned, but simply dormant. John Gunningham, a member of Haslemere Natural History Society, has observed 60 species of birds in the area, including the Nightingale, which has fallen in numbers in Surrey in recent years. He writes that the area constitutes "a most valuable reservoir of wildlife and major

disturbance would be most regrettable" (Ibid, appendix 10). Mr Prater, South East Regional Officer of the Royal Society for the Protection of Birds writes that:

The fact that there are many warblers, all 3 woodpeckers, Tawny Owl, Sparrowhawk and Nightingale in the area, are all indicative of good quality habitat for birds within these woodlands (Ibid, appendix 15)

and that, while the Society will not be appearing or writing as an objector to the application "we have great sympathy with the particular case here".

136. The area is also frequented by butterflies, of which Mr Freeman has noted 22 species (Ibid, appendix 11).

137. Dr Lindley, who holds a degree in Zoology and a Doctorate of Philosophy for research studies in Ecology, and is the Surrey Trust for Nature Conservation's Conservation Officer, has studied the report commissioned by the Action Group and considered the implications of the proposed exploratory well and access road in the light of the biological data recorded therein. He is personally acquainted with most of the contributors and entirely satisfied as to the accuracy of the information which they have provided. His proof of evidence given at the inquiry is attached at Document 33.

138. Contrary to his initial impression, based on certain cartographical evidence, Dr Lindley now considers that both Highfield and Kiln Copse represent ancient woodland. Of the various maps referred to, only the Tithe Map of 1839 can be relied upon and is likely to be more accurate than the earlier County maps. The fact that the area of Highfield Copse is here referred to as a "plantation" is of little significance, as plantations were often set out on previously wooded sites. The ridge and furrow pattern of the woodland floor is similarly inconclusive, other than as an indicator that the area was in open fields in Mediaeval times. The botanical evidence, on the other hand, strongly suggests that both woodlands have been in existence since before 1600 and are therefore "ancient".

139. Of the 133 vascular plant species recorded by Mr Hall, 35 are regarded as indicators of ancient woodland in Hampshire. Data concerning ancient woodlands in Surrey has yet to be analysed, but it is likely that the ancient woodland indicators will be identical to those applicable to Hampshire. Certainly, 5 of the species recorded by Mr Hall have been found almost exclusively in ancient woodlands in Surrey and hardly ever in recent secondary woods. Again, the diversity of trees and shrubs found in the 2 woods, 28 in Highfield Copse and 22 in Kiln Copse, should be compared with the 25 to 29 species generally found in ancient woodlands in Surrey. Recent secondary woods seldom support more than 20 species.

140. Dr Lindley concludes that the 2 woodlands should be regarded as amongst the richer ancient woodlands in the County and of considerable importance in the local context. Although none of the plant species recorded are truly rare or endangered in a county or national context, *Carex strigosa*, *Epipactis purpurata*, *Hypericum androsaemum*, *Orchis mascula* and *Sorbus torminalis* are not only uncommon in Surrey, but declining. These species are virtually restricted to ancient woodland. The significance of ancient woodland for wildlife conservation is also well known, including the Purple Emperor butterfly and Silver Washed Fritillary noted by Mr Freeman. However, it is the ecological integrity and stability of the woods which is important, rather than the habitat which they provide for particular species, and the likely effect of the present proposals upon this carefully balanced system.

141. It is inevitable that woodland taken for the drilling site and access road will suffer virtually permanent damage to its plant and wildlife interest. In addition to the immediate impact of the construction work, the disturbing effects of noise, machinery, human activity and alterations to the microclimate and light conditions would have a secondary impact over a wider area. This would be exacerbated by the fact that the rig site and access route through Kiln Copse are both at the centre of woodland blocks. Conoco's proposals for restoration, assuming that hydrocarbons are not encountered in commercial quantities, may be well designed, but it would be impossible to reproduce the present character of the site, in terms of its soil structure, species composition and age structure, in less than a century. It is appreciated that the woods might, in any event, be brought back in hand by felling and replanting, and that their commercial management would to some extent conflict with the conservation of their ecology. Management is nonetheless greatly to be preferred to the destruction and disturbance now proposed. If the exploratory drilling is successful there will be considerable pressure to make the site permanent, with no possibility of any form of restoration.

142. Dr Lindley is also concerned at the prospective loss of sections of hedgerow along Pound Farm Lane. From the number of hedgerow species recorded by Mrs Wyllyams and Mr Hall, and the frequency of their occurrence, (Doc 74) it would appear that these hedges are of considerable antiquity and could well date from the Norman or early Mediaeval period. He concludes that it would be a pity to lose even small parts of these hedges.

143. The Surrey Trust for Nature Conservation believes that no further losses of, or damage to, ancient woodlands should be permitted. Even though the County is still comparatively well wooded and a reasonable number of ancient woodlands survive, some 41% of ancient woodlands known in Surrey in 1934 have been destroyed in the past 50 years. The loss of a small area of such woodland now has a significant impact on wildlife conservation in the county. Furthermore, the present proposal is the first for a drilling site in ancient woodland. If the company's application is permitted it would set a precedent for further incursions by the oil and gas industry into ancient woodland. Such a precedent would be contrary to the policies of the Nature Conservancy Council and the Forestry Commission and could prove very damaging to the wildlife of Surrey.

Local residential amenity and public safety

144. The great majority of local residents strongly object to the proposed development. Its impact upon the rural character and ecology of the area would represent a loss of amenity to those living there. People have chosen to live in the Normandy area because of its natural beauty and wildlife interest, believing it to be protected from the type of development now envisaged. Mrs Wyllyams moved to the area with her husband 11 years ago. It was and remains an ideal environment for them and their young children. Their greatest concern, as parents and teachers, has been to encourage the growth of their children's awareness of the environment; of how they form part of it and share with others the responsibility to care for it and not exploit it. Both now fear the violation of their security and the sense of responsibility which they have developed.

145. Mr and Mrs Wyllyams are especially concerned for the beauty of the immediate surroundings of their home, at Junction Cottages. In springtime, people from nearby villages and towns expect to be able to stroll down the lane, enjoying the sight of bluebells, primroses and the wildlife. In fact the whole lane, and the linking bridleways to Highfield Copse, provide an important amenity for local people, with its natural beauty, duck pond and woods, which have been left undisturbed for the last 200 years. The very presence and survival of ancient species is proof that people care for their environment. They are also concerned that, in the event of hydrocarbons being found in commercial quantities, the disused

section of railway line, westwards of Junction Cottages, which is a haven for wildlife, would be chosen as the site for a gathering station and separation plant.

146. The utilisation of Wyke Lane and Pound Farm Lane by traffic generated by the development would virtually imprison local residents in their homes. They would be unable to walk the lane in safety or drive to and from the A323 without the inconvenience and delay which would result from their meeting on-coming traffic, or having to follow slow moving heavy goods vehicles. Other roads in the locality would also, doubtless, be affected. Drivers of vehicles sub-contracted to bring stone to and from the site would wish to take the shortest and quickest route possible and cannot be expected to adhere to the permitted route. Harpers Road, beyond the junction of Pound Farm Lane and Wyke Lane, would provide a short cut to The Hog's Back and the A31.

147. An accident or breakdown on the narrow stretch of Pound Farm Lane serving the site would cut residents off from emergency services. Conoco's own experience at Iden Green illustrates how this could happen, despite the company's best endeavours. Referring to the need to bring drilling equipment to the site, the company wrote to local residents that "we will do our best to ensure the operation is conducted as smoothly as possible and with the minimum of disruption" (Doc 44a). Nevertheless, 2 vehicles were immobilised on the access road, albeit somewhat wider than Pound Farm Lane, and could not be moved till the following day (Doc 44b). When the rig was demobilised, the company took the precaution of having a heavy mobile crane on site, in case of a further mishap. None occurred, but when the crane finally left the site it became immobilised and was not moved for 2 days. Unlike the access route to Iden Green, Pound Farm Lane is a cul-de-sac. The consequences of a similar breakdown on Pound Farm Lane could be catastrophic.

148. The Action Group and others are not satisfied that the on-site operations would not cause those living nearby considerable disturbance. Mr Riley, who holds an MSc from the University of Southampton Institute of Sound and Vibration, is a member of the Institute of Acoustics and currently holds the post of Senior Consultant to the Acoustical Investigation and Research Organisation Limited, has examined the reports prepared by ATL and Mr Gilbert's proof of evidence. Mr Riley's proof of evidence is at Document 75. He does not question the measured L_{90} noise levels at the 4 locations chosen, and regards the predicted free field levels at these locations as reasonable for calm weather conditions, albeit they would appear to assume that noise sources will be at the centre of the rig site, and at ground level, whereas the centre of the site is some 10 m above Beech Tree Farm. However, he is concerned that ATL has not taken into account the facade effect of the dwellings themselves, which can heighten noise by up to 3dB(A), nor the effects of wind and atmospheric conditions. These could well raise levels at downwind receiving points by 5dB(A), and under particularly unfavourable conditions by up to 10dB(A).

149. On the basis of ATL's own calculations, predicted L_{eq} would exceed the measured, after midnight, L_{90} levels by between 6dB(A) and 18dB(A). When account is taken of the facade effect, the difference would range between 9dB(A) and 21dB(A) (Doc 75, page 5). Taking into account adverse weather conditions, the difference could be as much as 19dB(A) to 31dB(A). At Beech Tree Farm, facade levels in the order of 48dB(A) could be quite common, with moderate westerly winds. With windows fully open, as they are likely to be in the summer, this would be equivalent to a level of 43dB(A). Bearing in mind that the predicted L_{eq} effectively conceals peak noise levels, which may be associated with brake squeal and tripping, a moderately light sleeper could be caused significant sleep disturbance in this situation.

150. Mr Riley accepts that the drilling operation should take some 4 weeks, rather than the "several months" which he anticipated when preparing his proof, and that over a relatively short period a degree of tolerance is to be expected. He nevertheless considers that the present proposal will give rise to complaints and considerable disturbance.

151. Mr Riley's conclusions are borne out by the experience of people living in the vicinity of the company's exploratory well at Godley Bridge. Mr Whiffin, whose home is some 700 m from the site, writes that he "suffered considerable disturbance from noise, which was intrusive and offensive" and that "noise was considerable during the normally silent hours at night and was frequently interspersed with hammering when lengths of drill etc were being added" (Doc 4e). Mr Gilroy, whose home is at much the same distance from the site as those nearest to the present site, writes that:

Drilling took place around the clock and we could hear the noise of the rig and the allied noises of activity, including the voices of those working on the site. Although my wife and I sleep on the opposite side of the house from that facing the site, we were constantly being woken up at night. For those sleeping facing the rig at the sides of the house, the disturbance was even greater. When we complained, Conoco made certain modifications to the rig in an effort to reduce the noise level but this did not make a great deal of difference (Doc 4f).

He adds that "the many weeks that Conoco were active on the Godley Bridge site were extremely unpleasant ones for us" and that "we strongly abhor any oil or gas exploration, appraisal or extraction anywhere in close proximity to people's homes".

152. It is submitted that the company has under-estimated the intrusive impact of noise from the site and the general impact of the proposed operations on the amenity of those living in the area, even if the operations are limited in duration.

REPRESENTATIONS ON BEHALF OF HADFIELD (ESTATE AGENTS) LIMITED

153. Representations were made to me by Mr Nicol on behalf of Hadfield (Estate Agents) Limited, the freehold owners of Highfield Copse. His address to the inquiry is at Document 51. In sum, the owners fully support Conoco's appeal. The location, appraisal and exploration of British oil resources is not simply a private matter, but of very real public significance. But for the utilisation of such resources our international balance of payments situation would be far worse than it is now. It is important for us to know what our reserves of this valuable commodity are and where they lie, even though they may not be exploited immediately.

154. The owners are satisfied that Conoco would demonstrate due respect for the local environment and seek to minimise any adverse impact of its activities. Some temporary disturbance should be accepted as in the national interest. It would, in any case, be better for local people that exploration is permitted now, in a carefully regulated manner, rather than thrust upon them in the event of some national emergency.

155. Highfield Copse has proved difficult to exploit either agriculturally or as woodland. Plans for a proposed 9 hole golf course, although approved by the Borough Council, have come to nothing. The owners are only too glad to make part of the land available to the appellant company, to enable this important investigation to be carried out.

REPRESENTATIONS BY DAVID HOWELL MP

156. Mr Howell's statement to the inquiry is at Document 47. His constituency extends to the south side of Green Lane West and therefore includes the homes of those most likely to be effected by the development. He appreciates their concern and is opposed to the development for 3 main reasons. Firstly, the operation as a whole, and in particular the weight and volume of traffic generated thereby, would have a dramatic effect on the lives of local people. Furthermore, the breakdown of just one heavy lorry on Pound Farm Lane would place their safety at risk. Secondly, the site is within the green belt. Whilst he appreciates that minerals can only be exploited where they occur, very great care is needed before any mineral working is permitted in the green belt. Thirdly, the exploration for, appraisal and production of hydrocarbons is unacceptable in a rural area containing so many small communities and individual residential properties. He considers that this is one of those small and sensitive areas referred to at paragraph 14 of Circular 2/85 where a presumption against exploration is justified.

157. He is aware that the circular enjoins mineral planning authorities to consider each application for an exploration well on its merits, without reference to any hypothetical future development. The circular nevertheless recognises, at paragraph 23, that should hydrocarbons be found as a result of exploratory drilling, "it will often be necessary to attempt to delineate the extent of the field by drilling further wells from other sites in the area", and that appraisal wells "may subsequently be required for production purposes". Thus, even if drilling an exploration borehole can in theory be totally isolated from possible future activities, we know that in practice, once there are promising signs of hydrocarbons, we are dealing with a virtually unbreakable chain and sequence of operations. This would have a devastating impact on the area.

158. He regards the idea of rural Surrey as a major oil or natural gas field, with its well-heads, flaring, maintenance, separation plants, gathering stations and, possibly, export termini, as wholly inappropriate and unacceptable. There is no current need for oil or gas which justifies such activities, whether temporary or long lasting, in the attractive surroundings of Highfield Copse. On the contrary, we have a world oil glut and vast surpluses of natural gas. In such circumstances, the national interest could well be better served by delaying rather than bringing forward the development of new fields.

159. For these 2 further reasons, that there is a strong likelihood of subsequent operations and the slender national interest now involved in exploiting fresh discoveries, it would seem that the case for resisting exploration drilling in environmentally sensitive areas is overwhelming.

REPRESENTATIONS BY CRANLEY ONSLOW MP

160. Mr Onslow's statement to the inquiry is at Document 48. His constituency includes the appeal site and much of the surrounding countryside. A large number of his constituents are very concerned at the prospect of exploration for hydrocarbons in this area. Those who live in the immediate area are particularly concerned at the site chosen by Conoco because of the difficult and dangerous access to it. They are fearful of the consequences if the lane should be blocked and emergency services could not reach them. Altogether, over 1,000 people have written to him objecting to the proposal. He submits their letters as evidence of the strength of local feeling against it (Doc 49). He has also had letters from people living further afield, anxious lest the fine view to the north from The Hog's Back should be disfigured by development of this kind. Such development would be very detrimental to what must be one of the finest views in this part of England.

161. He considers it quite unrealistic to ignore the virtual certainty that planning applications for appraisal wells would follow successful exploration, and applications for further development follow successful appraisal. Industrial activity of this sort may be acceptable in some areas, where population is sparse, there are few environmental considerations and development pressures do not have to be resisted in order to maintain the integrity of the green belt. He does not believe that environmentally tolerable sites for appraisal or further development can be found if oil or gas are discovered in the Normandy area and therefore sees no point in inflicting on his constituents, or those of Mr Howell, the noise and disturbance to their peace of mind which would result from approval of the present application.

REPRESENTATIONS BY LOCAL RESIDENTS AND MR CHATER

162. Individual residents strongly support the County Council's decision to refuse planning permission for the proposed development and endorse the case made on their behalf by the Pound Lane Action Group.

163. Mrs Kempster of Mittersill, Green Lane East, Normandy is concerned at the effect which the development would have on flora and fauna in Kiln Copse and Highfield Copse. Three species of orchid grow down by the stream in Kiln Copse, the Early Purple, Early Marsh and Spotted. She understands that these are becoming rare, are protected by law and are not easily transplanted. She presumes that they are in the way of the access road, as nearby trees have been marked with a white cross. The woods are also the home of deer, which require cover and are easily disturbed, and of the Nightingale.

164. Mr Hill of Birch Croft, Glaziers Lane, Normandy, emphasises the natural beauty of the locality. On a summer's day the bridlepaths are the nearest thing to paradise on earth. The area is frequented by ramblers, seeking peace and quiet, and school parties from the towns. The proposed development and the associated traffic, and in particular the passage of lorries along the country lanes, would radically alter the character of the area. It is not enough to assert that such disruption would only be temporary. The likelihood of further development, if hydrocarbons are found, must be taken into account. There is no hope that they would be left in the ground until some future date. Testing and appraisal might continue for 3 years or more, as at Humbly Grove. A commercial find would prolong the company's activities for 20 years.

165. There is no need to exploit our on-shore reserves at the present time. Off-shore reserves have been grossly understated and their production has not, as the Government has suggested, passed its peak. We should learn from West Germany, which with no oil has achieved a £50 billion balance of payments surplus, rather than seek to bail out an ailing economy for a few more years by extracting the last drop of our natural resources.

166. Mrs Ashworth of 20 Orchard Close, Normandy considers that the main objection to the proposed development is the inadequacy of the local road network to accommodate the greatly increased volume of traffic associated therewith, without risk of accident. It is not sufficient to merely make a few minor improvements to the so-called permitted route to the site from the A323. The main road itself is narrow and the scene of frequent traffic hold-ups. In any case, sub-contractors bringing in or taking away stone could not be relied on to follow the permitted route; they would tend to use whichever route best suited them. The Chief Constable has already voiced his concern at the alarming road accident figures in the County (Doc 45, page 16). Furthermore, existing delays to traffic movement

in the area, including level crossings, military vehicles on the main roads and horses on the lanes, could well make it difficult to respond promptly to a blow-out or other disaster at the rig site.

167. Mr Beer, of Corrie, Hazel Road, Ash Green, is the Chairman of the Ash Green Residents' Association. The Association has balloted its members on the proposed development and the majority are opposed to it, for a variety of reasons.

168. People are concerned for the environment in which they live, which they consider most beautiful. Many have made a conscious investment in peace and quiet, by buying homes in the area. Now, with the mere threat of development, houses are becoming difficult to sell. Ash Green is a very quiet village. Passing trains can be clearly heard, although some distance away. The operation of the rig, including the inevitable clanking of pipes during tripping, is bound to cause disturbance. The local lanes are narrow and in places tortuous. It is hazard enough to be confronted by an occasional car, let alone one of the many heavy goods vehicles which will be travelling to and from the site. The presence of the rig will detract from the fine views of the area gained from The Hog's Back.

169. Residents of Ash Green share the anxiety of other local people at the prospect of possible further development. If oil or gas is found this seems inevitable, involving storage and distribution facilities. There would be little difference between such development and any other industrial development. Yet it has hitherto been inconceivable that industrial development would be permitted in this quiet rural area.

170. Mr Dow, of Kiln Copse Cottage, Pound Farm Lane, has lived in the area for 3 years. He believes that the development should not be permitted because of the impact which it would have on the quality of life, because of the strength of local opinion against it and because of the possibility of future development. Pound Farm Lane is a quiet rural road where the passage of a single vehicle attracts attention and children can play unattended. Many people stroll or ride along the lane of a summer's evening. Deer graze in the adjoining fields. The company's operations would have a disastrous impact on this peaceful rural environment. His own home is within 70 yds or so of the right angled access off the lane to the site, where heavy vehicles would be bound to slow down and change gear to negotiate the bend. This would be very noisy. The Secretary of State should respect the strength and virtual unanimity of local opinion. He should also take account of the likelihood of further development in the area if hydrocarbons are found. The size of the structure which the company wish to explore indicates that the impact of such development could well be much more widespread. All the paraphernalia of a productive field would have to be accommodated within a rural landscape to which it would be entirely alien.

171. Mrs Hodgson, of Poyle House, Poyle Road, Tongham, is an American by birth. During the first 30 years of her life she witnessed the devastation of her homeland by insensitive development. After coming to Britain, she and her husband chose to live in the green belt because they believed that their environment would be protected. She did not come to live in the countryside of Surrey in order to be next door to an oil well. If the development were permitted she would not be able to sell up and move, as house prices are clearly depreciating. In any case, she would not know where to move to, as if development is allowed in this area, nowhere in South East England would be safe from depredation.

172. She has personal experience of the results of increased traffic on previously quiet and narrow country roads. Poyle Road used to be much like Pound Farm Lane, albeit not as beautiful. Since the highway authority routed traffic to The Hog's Back along Poyle Road its character has changed completely. Lorries run off the

road into the mud and there are frequent accidents. She is also concerned that the installation of the rig may disrupt the flight pattern of mallard and heron which visit the pond in her garden and that, notwithstanding the declared intentions of Conoco to restore the woodland, the owners might frustrate its endeavours.

173. Mr Howell, of Brambles, Green Lane West has lived in the area many years and for the past two and a half years at his present home. The amount of traffic which the company now admits would be associated with the development is clearly much greater than was anticipated when permission was first sought. Even the latest figures may well prove to be an under-estimate. They take no account of sight-seers. A director of Conoco has said that 500 people went to look at the company's rig at Iden Green which was less noticeable than the proposed rig would be.

174. The supposed improvements to the access route would themselves cause inconvenience and obstruction, particularly the removal of the earth bank on Pound Farm Lane near the junction with Wyke Lane, and would damage the verges. The clearance of the rig site and the construction of the access road would destroy the woodlands. The construction of the road through Kiln Copse would inevitably affect a wider area than its 5 m width. Mr Howell is part owner of Kiln Copse, which is profuse with wild flowers through the spring and summer months. The company accepts that its restoration plan is no more than "experimental". The decision of the elected representatives of the area to withhold planning permission should be supported.

175. Mr Wicks, of Schillings, Pound Farm Lane, questions the supposedly temporary duration of the company's activities, the need for any oil which might be discovered, the company's reliability in adhering to agreed procedures and the suitability of the proposed site.

176. He sees the present proposal as the first step towards the industrialisation of this part of South East England. If oil is found the infrastructure required to support production would include numerous wells, gathering and pumping stations, export facilities, pipelines, rail sidings and special roads and have a wholly unacceptable impact on the area. Even the details of the immediate proposal are in doubt, the company having now indicated that it may require an incinerator to flare gas.

177. There is a world glut of oil, world manufacturing capacity is reducing and with real determination alternative energy sources could be deployed to conserve petroleum reserves. For the people of the United Kingdom it would be sheer folly to consume a natural resource which, when exhausted in say 25 years time, would leave us defenceless against economic or even military depredations. It should be treated as a basic strategic reserve. We need go no further at the present time than to identify possible hydrocarbon bearing structures, by remote sensing and other non-intensive means. Henry Kissinger wrote in the Sunday Times of 3 February this year that:

The present temporary respite from oil pressures must be used to expand conservation policies and to encourage the development of alternative sources of energy - exactly the opposite of present shameful trends. Otherwise the 1990s, once more facing an energy shortage, may well curse the blindness and lack of foresight of current leaders.

For the people of Normandy there will be no gains in terms of employment or an improved quality of life, only a net cost in terms of the damage done to their environment. The only beneficiaries will be the shareholders of the Dupont Corporation.

178. The company's record in adhering to agreed procedures does not inspire confidence. Woodland on The Hog's Back where seismic investigations have been carried out has been left damaged. At drilling sites at Iden Green and Godley Bridge anticipated noise levels have been exceeded, the duration of drilling has been much longer than expected, passing places have been ignored by lorry drivers, with consequent damage to verges, and vehicles have become bogged down, blocking roads.

179. The company appears to consider that by setting up its rig in a supposedly "derelict" woodland it will not have any harmful impact. In fact, Highfield Copse is not "derelict" in the sense of being ownerless or abandoned, but simply neglected. It is this very neglect which has given it its special character and ecological interest. No weight should be attached to the fact that the company has purchased a production license from the Government. This does not make it an agent of government. It remains, simply, a private company, its main purpose being to make a profit.

180. Mr Bussingham, of 14 Culls Road, Normandy, considers that the local road network is simply not good enough to accommodate the traffic generated by the development. On his way to the inquiry he found himself behind a tractor. There were soon 10 cars behind him. Had they met a heavy goods vehicle coming from the opposite direction, there would have been chaos.

181. Mrs Parker, of 18 Ashville Road, Ash has lived in the area for 21 years. Her home is up the hill from the lower lying land where the development is proposed. She can hear the trains passing through Wanborough Station. She would hear the rig as clearly as those living nearer by. There have been many traffic accidents in the area, some never reported.

182. Mr Gray, of Woodpeckers, Beech Lane, has visited the drilling operations at Humbly Grove. He has no doubt that the amenity of the 20 or so properties on Beech Lane, which lie downwind of the rig site, will be effected by noise and smells. Some dwellings are only 400 m or so from the proposed borehole.

183. Mrs Newman, of Bromble, Westwood Lane, often walks down Pound Farm Lane to enjoy its beauty and tranquility. She and her husband have recorded the song of the Nightingale in Highfield Copse, where it has been a regular visitor for at least the past 5 years. The proposed development would destroy its habitat.

184. Mr Egglestone, of Manor Bungalow, Normandy, is concerned that the appellant company should be able to destroy the amenity of the locality, apparently without having to offer any compensation to local residents.

185. Col Stock, of Christmas Pie Copse, Green Lane East, Normandy, has had 20 years of experience in traffic control, route planning and heavy vehicle convoy control as an officer of the Royal Military Police. He has also acted for over 4 years as a security consultant in the oil and gas industry.

186. He considers that the planned approach to the site from the A323 is wholly inadequate. It is too narrow and fraught with a succession of "critical points", including the housing estate, sharp bends, junctions, the farm and the railway bridge (Plan O). In a number of places it is impossible for 2 moving vehicles, even cars, to pass one another. Particular problems and difficulties arise because Pound Farm Lane is a cul-de-sac. In military terms, an operation equivalent to that envisaged by the appellant company would require 24 hour supervision by 7 to 8 men with radio intercommunication, designated one-way sections and traffic signals. Time is of the essence in drilling operations and, whatever the company's intentions, agreed procedures cannot be expected to be adhered to at all times. He has no doubt that there will be accidents.

187. From the security point of view, he regards the site as an open invitation to vandalism and terrorist attack, set in woodland and with little or no evident security provision. This must be regarded as a serious problem. The inadequate access arrangements would impede prompt response to any attack.

188. He further considers that the present proposal cannot be disassociated from the possibilities of further appraisal and eventual production. The company must be reasonably confident of discovering hydrocarbons in the area, on the basis of their seismic surveys. Exploration and production represents a single chain of interlinked activities and investment in the oil industry. The area is one of outstanding beauty, where the various facilities required to support production would be entirely out of place, would degrade the environment and destroy the present quality of the countryside. For the time being, at least, there is no need to prospect for oil in Surrey. Major oil companies estimate that the present world surplus of petroleum will continue until, and past, the end of the century. He has personal experience of the impact of Conoco's proposal upon house prices and sales. His house was for sale, and he had a buyer, in 1982. Then, within a few days of exchange of contracts, when the company's intentions became known, he lost the sale (Document 50).

189. Mr Messer, of the Manor House, Hunts Hill Road, Normandy, commented to the Secretary of State on the consultative draft circular on oil and gas operations. In his view the circular, as issued, still does not achieve the right balance between national, commercial and environmental interests. A particular point of concern is the differing approach to possible future development as between proposals for exploration and appraisal. It would seem only logical that when considering an application for an exploratory well the subsequent need for further appraisal wells should be taken into account. Inspection of the site and its surroundings demonstrates that this attractive green belt area is totally unsuited to oil field development, or indeed to any other major industrial development, in the present state of technology and in the absence of any immediate national need. If this is so, then there can be no reason to grant permission for the first stage in this process.

190. Nevertheless, the circular makes it quite clear that environmental interests can prevail over those of the oil and gas industry. They should certainly do so in the present case.

191. Mr Messer is also concerned that the law of compensation has not as yet developed in this country, as it has in the United States, to embrace the damage which may be done to community or individual interests in the course of oil field development. A heavy burden therefore rests on the shoulders of those who must determine particular planning applications, as the only protection available to local people, who must suffer the consequences of any approved development, is through the planning process.

192. Finally, Mr Chater, who lives about 11 km from the appeal site, told me that he is a member of the Institute of Directors and of the Association of Project Managers, is Chairman of Save our Surrey, a conservation group formed as a result of Conoco's activities at Godley Bridge, and of Freedom from Oil, a federation of conservation groups from Kent to Dorset. He shares the concern of local people in the present case, as his own home is several hundred metres from another proposed borehole site, in an area blighted by the threat of hydrocarbon development.

193. Firstly, he considers that possible future development, if the present proposal is permitted, cannot be regarded as "hypothetical". Hypothetical is defined in Fowler's Oxford Dictionary as "of or resting on a supposition made as the basis of forreasoning; ditto of groundless assumptions". There is nothing hypothetical

about the fears and concerns of the local community, nor about the developer's plans. Once a decision is taken to drill an exploratory borehole, hypothesis no longer has a place. The developer is launched upon a single project, and it is his undisputed intention to develop an oil field. Therefore, in assessing the effects of the proposal on the environment, it is the effect of the project as a whole which should be taken into account.

194. Secondly, he doubts that any meaningful balance can be achieved between the interests of the developer and the protection of the environment. The choice is, simply, between an oilfield and unspoilt countryside. There is no prospect that the detailed implementation of the proposed development would other than disrupt the local quality of life.

195. Thirdly if, in the event, permission is granted, it should only be given if Conoco has entered into specific bonds, guaranteeing the company's intentions to abide by any undertakings, either voluntary or imposed, as to its working practices, and providing an immediate source of compensation in the event of mishaps.

FINDINGS OF FACT

196. I find the following facts:

1. The appeal site lies in gently undulating countryside about 1.5 km south of the A323 Guildford to Aldershot Road and 1.75 km north of The Hogs Back.
2. Vehicular access to the vicinity of the site from the A323 is via Wyke Lane and Pound Farm Lane.
3. Wyke Lane has a carriageway width, for the most part, of approximately 4 m, but narrows to 3.7 m where it passes through a farm. It is adjoined by a group of dwellings at Wyke Avenue and by dwellings at the farm.
4. Pound Farm Lane varies in width between 3.3 and 2.7 m. Between Wyke Lane and the proposed site access it is adjoined by a pair of cottages known as Junction Cottages. Beyond the proposed access it runs into Green Lane West and together therewith forms a cul-de-sac off Wyke Lane, some 1,300 m long, serving 13 residential properties.
5. The appeal site comprises 2 areas of land: that required for the drilling rig and associated equipment and that required for the proposed access road thereto from Pound Farm Lane.
6. The rig site consists of a 100 m square of land forming part of a 14 ha broad-leaved woodland known as Highfield Copse. Its general location is visible from bridleways and other vantage points in the area and, more distantly, from The Hogs Back.
7. The route of the access road leads off Pound Farm Lane 600 m south of its junction with Wyke Lane and passes, in part, through a further broad-leaved woodland, known as Kiln Copse.
8. Highfield Copse is made up of hazel and ash, interspersed with oak standards and birch. It was last coppiced about 30 years ago. It shelters a wide variety of vascular and other plant species of which a significant number are indicators of "ancient woodland".

9. Kiln Copse is similarly species rich, including ancient woodland indicators.
10. None of the vascular plant species recorded in either copse are truly rare or endangered in a county or national context, but the comparatively rare sedge *Carex strigosa* grows on the route of the proposed access road at the entry to Highfield Copse.
11. The basidiomycete *Sistotrema oblongisporum* has been found in the vicinity of the rig site, a new British record, but is probably quite common.
12. There is no record of unusual fauna in either copse, though the Nightingale is a regular visitor to Highfield Copse and there is an abandoned or dormant badger set beside the route of the access road, at its entry into Kiln Copse.
13. Neither copse has been declared a Site of Special Scientific Interest.
14. There are a number of dwellings in the locality of the site, including the 13 residential properties on Pound Farm Lane and Green Lane West and a group of 19 dwellings to the north-east of the rig site, on Beech Lane.
15. The nearest dwellings to the proposed access borehole are a group of 3 cottages on Green Lane West, at 380 m, and a dwelling off Beech Lane, at 400 m.
16. The nearest dwellings to the proposed access road are a pair of cottages on Pound Farm Lane, some 80 m beyond the point at which the road would lead off the lane.
17. The proposed borehole would be drilled in accordance with the terms of Production Licence 202, awarded to the appellant company by the Secretary of State for Energy in 1982.
18. Seismic investigations indicate the presence of a geological feature in the Normandy area, measuring some 4 km east to west and 1.6 km north to south, capable of harbouring hydrocarbons.
19. The summit of the geological feature is thought to lie below Highfield Copse.
20. The present proposal represents the company's second attempt to obtain planning permission for an exploratory borehole in the Normandy area. A previous application related to an area of open land on the edge of Highfield Copse, at a lesser distance from dwellings in the locality and with access via the head of Green Lane West.
21. Details of the present proposal are given on a sheet attached to the application form and elaborated in subsequent correspondence between the County Council and the company.
22. The company would employ a Bolden 61 or a smaller, quieter rig. The Bolden 61 stands some 55 m high, including the drilling platform.
23. Prior to commencing work on site, the company would undertake certain improvements to Wyke Lane and Pound Farm lane, which are the subject of a "works agreement" with the Highway Authority.

24. The improvements would take 2 to 3 weeks and include the battening back of a section of the embankment to Pound Farm Lane, the construction of passing places and clearance of sight lines on the inside of bends.
25. Assuming reasonable weather conditions, preparation of the rig site and construction of the access road would take 6 weeks.
26. Actual drilling would take 3 to 4 weeks, and be continuous.
27. If hydrocarbons are encountered, drill stem testing would take about 2 weeks and longer term flow testing, if required, up to 6 months.
28. Any gas encountered in other than minimal quantities would be flared via an incinerator set up on open land beyond the confines of Highfield Copse.
29. On completion of drilling and any subsequent testing programme, the rig site and access road would be reinstated. This would take 7 weeks, after which the site would be managed for a minimum period of 5 years.
30. Reinstatement would be in accordance with a scheme designed to promote the growth and propagation of the formerly characteristic range and density of plant species.
31. Site preparation, actual drilling and reinstatement would give rise to upwards of 1,900 heavy goods vehicle movements and 2,700 light vehicle movements on Wyke Lane and Pound Farm Lane, as well as some 200 movements by second, back-up, traction units.
32. Drill stem tests, if required, would involve a further 100 heavy goods and 450 light vehicle movements. Flow tests would give rise to 8 heavy goods and 14 light vehicle movements per day.
33. Comparison of predicted noise levels associated with drilling and evaluation activities with existing levels, at residential locations in the vicinity of the rig site, indicate that the former will generally be below the latter, other than in the midnight to 7 am period.
34. In the midnight to 7 am period, predicted L_{eq} will, in one location, be 43 d B(A), assuming calm weather conditions and allowing for the facade effect of the dwelling itself. This would exceed the measured L_{90} noise level by 21 d B(A).
35. At other locations late night L_{eq} predictions are in the range 36 to 42 d B(A) and exceed existing L_{90} levels by 9 to 21 d B(A).
36. Comparison of existing noise levels with those associated with road construction and site preparation shows that, for the most part, these activities would not result in L_{eq} levels exceeding 57 d B(A) at any dwelling, though work on the construction of the access road near the junction with Pound Farm Lane could result in L_{eq} levels reaching 67 d B(A) at the nearby pair of cottages on Pound Farm Lane.
37. The passage of heavy goods vehicles along Wyke Lane and Pound Farm Lane would give rise to peak noise levels in the order of 85 d B(A) at a distance of

7.5 m from the road. This represents a quadrupling in loudness of present maximum noise levels experienced in the vicinity of Junction Cottages.

38. The County Council's officers recommended that the present application should be approved, subject to certain conditions.

39. The officers consider that, subject to the completion of the improvements to Wyke Lane and Pound Farm Lane covered by the works agreement, there would seem to be no sufficient highway reason to object to the proposal.

40. The County Engineer (Environmental Noise) does not consider it unreasonable to permit the proposed activities for the limited period involved, and does not consider that the continuous noise inside bedrooms of nearby dwellings would be excessive or likely to cause disturbance.

41. The appeal site and its surroundings form part of the Metropolitan Green Belt.

42. The Hogs Back is included within the Surrey Hills Area of Outstanding Natural Beauty and an associated Area of Great Landscape Value extends to within 500 m of the proposed borehole.

43. The control of development in the locality of the appeal site is subject to the policies of the approved Surrey Structure Plan, including those applying to the green belt, minerals, the environment generally, the maintenance of the county's tree cover and development giving rise to noise.

44. The relevant policies of the Structure Plan are amplified in the deposited Guildford Borough Local Plan, the subject of a public local inquiry in the summer of 1984 in respect of which the Inspector's report is awaited.

45. The proposed development is strongly objected to by the great majority of local residents. They are supported by their Parish Councils and Members of Parliament, as well as by members of the Borough and County Councils.

46. If permission is granted on the present appeal, the company would expect and accept that this should be subject to conditions regulating the character of its activities, including conditions requiring the site to be reinstated in accordance with an agreed scheme and restricting working hours during site preparation and reinstatement.

MY CONCLUSIONS

Bearing in mind my findings of fact:

197. The present appeal clearly falls to be determined in the light of the advice given in Circular 2/85. This is not to say that the general applicability of the approved County Structure Plan and deposited Borough Local Plan to the control of development in the locality of the appeal site should not be taken into account, but that my conclusions must necessarily be informed by the particular considerations applying to development by the oil and gas industry, as set out in the circular. I regard 3 such considerations as being of special relevance to the decision in the present case.

198. Firstly, subject to environmental considerations, the discovery, appraisal and, over time, exploitation of on-shore hydrocarbon reserves is in the national interest. I appreciate that there is a contrary view, as expressed at the inquiry and in written representations. Indeed what may or may not be in the national interest at any given time will doubtless always be open to question, in many spheres of government policy. The Government of the day should nevertheless be expected to have its policies. In the case of on-shore development by the oil and gas industry the policy is clear: development is to be encouraged, subject to its environmental acceptability. I further consider that it is unreasonable to expect the industry to specify or quantify the particular need for a given proposal in every case, and certainly not in the case of an exploratory borehole, where the nature and amount of any hydrocarbons which may be encountered cannot be foreseen. Thus in weighing the national interest against environmental considerations in such cases, the former should be regarded as constant. It is the quality of the environment and the likely impact of the development thereon which will vary from case to case.

199. Secondly, each phase of development by the industry, whether exploration, appraisal or production, represents a separate entity in planning terms. While it may nevertheless be sensible to take account of the long-term suitability of a proposed appraisal well for production purposes, an application for an exploratory borehole falls to be determined wholly on its merits, without reference to possible future development. Given the clear advice of the Circular on this point, I regard the appellant company's reluctance to discuss the likely impact of any hypothetical future development as entirely reasonable. Equally, I consider that the temporary nature and limited duration of the proposed operations are material considerations in any assessment of their environmental impact. It may be that, if permission is granted on the present appeal and hydrocarbons are encountered, the local planning authority will find it difficult to resist further applications to appraise or exploit such a discovery. Alternatively, the likely impact of any future development proposed by the company may militate against further permissions. That is a risk which the company would take, if the present appeal succeeds and it drills an exploratory borehole, as it would risk finding the well dry.

200. Thirdly, while the national interest in exploiting our oil and gas reserves can be in conflict with that of protecting the environment, and a balance must be struck, it should be possible in most cases to find a solution so that development can proceed in an environmentally acceptable manner. Only exceptionally will the environmental objections be so great that the proposed development cannot proceed on a particular site. The emphasis of the circular is thus on the resolution of possible objections to development, by way of discussion, agreement, conditions and the preparation of satisfactory restoration proposals, rather than on restriction. Indeed, as stated at paragraph 16, oil and gas proposals are unlikely to raise wholly new issues of principle and their impact on the environment can be considerably less than other forms of mineral working.

201. Special policy considerations are nevertheless applicable to development in National Parks, Areas of Outstanding Natural Beauty "and other areas given protection for environmental reasons". The parties to the present appeal differ as to whether or not the site's green belt status brings it within the ambit of these special considerations. My view is that it does not. To my mind, the advice given at paragraph 9 of the circular represents a re-affirmation of the Government's concern to safeguard the character of those areas where there is a strong national interest in the protection of the landscape and the natural environment. I share the opinion of the appellant's planning witness that the main purpose of the Metropolitan Green Belt, as of other green belt designations, is strategic, and that the inclusion of the appeal site therein does not, of itself, imply that the local landscape and natural environment are endowed with any special quality or interest. In the event that I am mistaken in my understanding of the circular on this point, I shall add a rider to my recommendation, based upon the assumption that the special policy considerations referred to at paragraph 9 do apply in the present case.

202. I am equally of the opinion that the potential sensitivity of a particular site to development should not depend upon its inclusion within an area designated for environmental reasons. The circular indicates that there may be a presumption against exploration, albeit exceptionally, in relatively small and sensitive areas. Given the intimate scale and frequently changing character of the English landscape, I do not doubt that there will be small areas of great natural beauty or interest beyond the boundaries of specific designations, whose character would be seriously and irretrievably damaged by oil and gas operations. Furthermore, their sensitivity to such development may not be derived only from their natural attributes. In my view questions of local residential amenity are also a material consideration, including possible disturbance by noise and inconvenience or other problems associated with traffic to and from the site.

203. Before proceeding further, I shall address myself to the question as to whether or not the quality of the site's immediate environment warrants a presumption against the grant of planning permission in the present case. The value placed upon a particular landscape is an emotive issue and inevitably subjective. I well understand that appreciation heightens with familiarity. Indeed, I would not doubt that almost any given area of the English countryside is cherished by those who live in it, however planners and other supposed experts may choose to classify it. I therefore appreciate the concern of local people in the present case to protect their environment. Furthermore, I consider that their concern is justified, to the extent that the Normandy area is certainly, in my view, a most pleasant and attractive area which remains essentially rural in character. In my opinion its sensitivity to development demands that the utmost care should be taken to ensure that development by the industry should not be unduly intrusive and does not have any serious lasting impact upon its present landscape character and sense of rural tranquility. However, I am bound to say that I consider the attraction and charm of the site's surroundings typical of much of the English countryside and does not set them apart therefrom. In other words, I find nothing exceptional about the area, which warrants a presumption against any development by the industry.

204. I find myself supported in this conclusion by the fact that neither the County Council nor the Borough Council has seen fit to apply any special classification to the area; nor has the Nature Conservancy Council declared it to be of Special Scientific Interest. As I have indicated, exclusion from, or inclusion within, the boundaries of such classifications should not be regarded as final proof of an area's worth, one way or the other. However, in the present case, the Borough Council has but recently prepared its Local Plan, and should be expected to have considered whether or not, for instance, the area should be included within the

boundaries of the nearby AGLV, or of the Wanborough Woods AHEI, and officers of the Nature Conservancy Council have visited the area.

205. With the advice of Circular 2/85 in mind, I turn now to the merits of Conoco's present application. Firstly, I do not consider that the proposed development, as described by the company when permission was applied for and in subsequent correspondence, is self-evidently in conflict with any of the policies of the approved County Structure Plan or draft Borough Local Plan. In my opinion, the need to explore for minerals in the Normandy area, and hence the provisions of Structure Plan Policy 92, should not be at issue, both because of the national interest in discovering the extent of our hydrocarbon reserves and the promising character of the seismic investigations carried out in the area, which is not in dispute. I am likewise of the opinion that operations by the oil and gas industry can reasonably be regarded as an exception to the normally strict control exercised by Structure Plan Policy 3, and Local Plan Policy GB3, over development in the Metropolitan Green Belt, again because of the national interest in the discovery, appraisal and production of on-shore hydrocarbons, because, as with other minerals, such minerals can only be found where they lie and, in the case of the present proposal, because of its temporary nature.

206. In respect of Structure Plan Policies 82 and 83, and Local Plan Policies CE14 and CE43, I appreciate that the appeal site lies close to an AGLV and AHEI, and not far from the Surrey Hills AONB. However, the presumption against development in these areas should not, in my view, apply to proposed operations beyond their boundaries. The issue raised by the site's proximity to these areas is, rather, that of the compatibility of the development with their special interest and character. I note, in any case, that Structure Plan Policy 82 does not rule out the possibility of mineral workings in AONBs. In respect of Structure Plan Policy 85 and, more particularly, of Local Plan Policy CE30, which represents the detailed application of Policy 85 to the Guildford area, I do not consider that the proposed development threatens to "significantly" reduce the present level of woodland coverage in the Borough. Firstly, the amount of woodland involved is small. Secondly, the proposal incorporates provisions for the land to be re-planted.

207. The further policies referred to by the County Council and the Action Group and others concern the need to ensure that proposed development does not detract unduly from the local environment, or from the amenity of local residents, and are thus in line with the emphasis placed in the circular on environmental considerations. As to whether or not the present proposal is in conflict therewith must depend upon an assessment of its particular environmental impact.

208. Three matters of possible concern have been identified by objectors to the development, both at the inquiry and in the written representations: its impact upon the rural character and appearance of its surroundings, its impact upon the ecology of Highfield Copse and Kiln Copse and the hedgerows along the access route and its impact on local residential amenity and public safety. With regard to the first of these matters, I have already indicated my view that this is an area where great care must be taken to ensure that development by the industry does not appear unduly intrusive and does not have any serious lasting impact upon its present landscape character and rural tranquility. In my opinion, the company has given due consideration to the need to minimise the visual impact of the on-site operations. The choice of site for the rig represents an evident improvement, in this respect, upon the more exposed site first put forward. From my inspection of the site and surroundings, I suspect that the rig and other on-site equipment and buildings would be somewhat more noticeable than the company anticipates from the vicinity of Beech Tree Lane and, possibly, from viewpoints to the north of

the railway. This is because of the site's elevation in relation thereto and the fact that its more easterly half would stand proud of the woodland floor. However, bearing in mind that the rig is only expected to be in position for some 4 to 6 weeks, and that other equipment and buildings would be unlikely to remain on the site for more than, at most, 6 months, I do not consider that this is a matter for any great concern.

209. From other vantage points in the vicinity, only the upper part of the rig should be seen above the woodland canopy. This would be an alien element in this essentially rural landscape but, again, of short duration. I would not expect the rig to be readily visible from the AGLV to the south of Green Lane West, or to have any significant impact on views over the area obtained from The Hog's Back.

210. The consequent loss of woodland, both in Highfield Copse and Kiln Copse, is regrettable. However, this is mitigated by the concealment thereby afforded to the rig site and, in part, the access road, and the company's commitment to replant these woodland areas as soon as possible following completion of its exploration programme. On the basis of the representations made to me, I am not persuaded that there is any better site in the vicinity from which the geological feature in question could be satisfactorily explored with less impact upon the local landscape.

211. On the subject of the company's restoration proposals, I agree with the Action Group and others that these should encompass the reinstatement of the access road as well as that of the rig site, as indeed is the case so far as ERL's scheme is concerned. As envisaged by the District Forester, the cutting and leaving of an open swathe through Kiln Copse, and no doubt also at the entry to Highfield Copse, might well result in damage to these woodlands as a whole from windblow and wind snap. Notwithstanding the evident wish of the owners that part, at least, of this road should be retained, I consider that, if permission is granted, it should be reinstated in its entirety.

212. Traffic generated by the operations would certainly detract from the rural character of the approach route to the site from the A323 and, when seen on the access road, from the site's immediate surroundings. However, such traffic would seem to me to be an attendant feature of drilling operations in almost any rural area and its amount in the present case is in part a product of the distance of the site from the existing road network and the consequent length of the proposed access road, and of the need to secure the reinstatement of the site and access road when drilling is completed, which have other advantages. Here again, while the immediate impact of such traffic may be considerable, due account should be taken of its limited duration.

213. My only reservation in respect of the routing of the site traffic concerns the proposed improvements to Wyke Lane and Pound Farm Lane. I do not doubt the necessity for these works and for the most part think they would have little impact upon the rural character of the lanes. I am nevertheless concerned lest the clearance of the sightlines on the inside of the bend on Pound Farm Lane, 100 m or so beyond its junction with Wyke Lane, should entail the loss of the trees which I noted in this vicinity when I inspected the site. To my mind, this would be unfortunate and I doubt that their retention would seriously impede the forward visibility of drivers on this section of the lane. Their possible loss arises from the works agreement between the company and the Highway Authority, the import of which is less than clear on this matter, rather than from the terms of the company's planning application. In my view, it is a matter which can be left to the good sense of the company and the Authority, if permission is granted and the works agreement takes effect.

214. In sum, I do not think that the operations now proposed would be unduly intrusive or have any serious lasting impact upon the character of the site's attractive and tranquil rural surroundings.

215. Regarding the impact of the proposed operations on the ecology of Highfield Copse and Kiln Copse, I consider the question as to whether or not these 2 woodland areas were first planted before 1600, or 1700, and should therefore be classified as "ancient", is to some extent academic. What matters is that they have the richness and variety of flora generally regarded as characteristic of ancient woodlands. That is not in doubt and that is why Dr Lindley and others are concerned at the prospect of the proposed development. For my part, I shall consider the impact of this development "as if" the woodlands are ancient, whether or not they should be classified as such as a point of fact.

216. I appreciate Dr Lindley's concern that incursions into ancient woodland habitats should be resisted, as a matter of principle, and lest permission in the present case should be regarded as a precedent for development by the oil and gas industry in ancient woodlands. Nevertheless, there are a number of considerations which, to my mind, mitigate the impact of the operations in this respect, and may well distinguish the present proposal from possible future proposals involving ancient woodland. Firstly, Highfield Copse is believed to be above the summit of the geological formation which the company wishes to explore. It therefore represents the ideal place in which to drill an exploratory borehole, at least from the technical point of view. Secondly, as I have already indicated, siting the rig within the copse has advantages in terms of minimising its impact on the local landscape, and there is no evidently better site from this point of view. Thirdly, by routing the access road through part of Kiln Copse, rather than directly to Green Lane West, the company has considerably reduced the potential impact of traffic on the amenity of residential properties on Green Lane West and Pound Farm Lane. Fourthly, the rig site represents no more than some 7% of the overall area of Highfield Copse, and few, if any, of the plant species found within the site are not found elsewhere in the woodland. Fifthly, and most importantly so far as the ecology of the woods is concerned, none of the flora or fauna recorded are regarded by their finders or Dr Lindley as particularly rare or endangered in either a county or national context. Sixthly, as I have already stressed repeatedly, the present proposal, and hence the company's presence in the woods, is temporary and not permanent. Finally, and again a matter of particular importance, the restoration plan drawn up by ERL has, to my mind, been carefully considered, with an evident understanding of the problems involved, and is, by common consent, likely to achieve the best results possible.

217. I do not doubt that, despite the company's best endeavours, the proposed operations would have some impact on the ecological systems presently supported and sheltered by Highfield Copse and Kiln Copse. Nevertheless, for the foregoing reasons, I do not consider that the severity of their effect thereon, such as it may be, warrants my recommending that planning permission be refused.

218. I have 2 reservations, both of which should be satisfactorily disposed of by the attachment of appropriate conditions to any grant of planning permission. Firstly, although Mr Dean advised me that the fairly rare sedge *Carex strigosa*, found growing on the route of the access road at the entry to Highfield Copse, would be re-planted elsewhere in the copse prior to road construction works, I find no reference to this in the "pre-drilling" activities set out in the restoration plan. Secondly, there is some uncertainty as to whether the badger set which lies close to the point at which the access road would enter Kiln Copse, is abandoned or simply dormant. I consider that the company should further investigate this matter prior to the construction of the road and, if simply dormant, take steps to minimise possible disturbance to the badgers, and at least to avoid their destruction.

219. I do not consider that prospective loss and cutting back of the short lengths of hedgerow along the approach route, to facilitate the passage of traffic generated by the development, should have any significant or lasting impact on the ecology of the hedgerows along the route, as a whole.

220. Turning, finally, to the impact of the development on residential amenity and public safety, I consider that the evident care taken by the company to minimise adverse impact on the rural character and appearance of the site's surroundings will likewise protect this aspect of local residential amenity. The enjoyment of Pound Farm Lane and Wyke Lane for walking and relaxation will certainly be considerably diminished, if not lost, while operations proceed; but this would be temporary, and limited to the permitted working hours. Some disturbance from noise is also to be expected. However this would, for the most part, be confined to the midnight to early morning period. From this point of view, it is not so much the perceived volume by which the fluctuating sound from the rig site would exceed existing background noise levels which concerns me, as the likelihood of such sound resulting in loss of sleep. Even if Mr Riley's predictions were to materialise, facade levels would only be slightly above those generally found tolerable, and then only in adverse weather conditions and on warm summer nights when residents wished to have their windows open. In my opinion, these levels should not result in undue loss of amenity, given the knowledge that the actual drilling and associated night time noise would be over and done with within a period of some 4 weeks.

221. With regard to public safety, I accept that the access route to the appeal site is well short of the ideal and that, even with the improvements agreed with the Highway Authority, the company will need to control and regulate the movement of its own and its contractors' vehicles with the utmost care, if a mishap is to be avoided. I am satisfied that the company is aware of its responsibilities in this matter and appreciates that it is in its best interests to avoid any occurrence which would endanger public safety or damage its reputation. Similar considerations apply to on-site safety, which would in any case be subject to the requirements of the Department of Energy and the Health and Safety Executive.

222. The foregoing considerations lead me to the conclusion that the drilling of an exploratory borehole in the Normandy area, from the site in Highfield Copse and in the manner proposed, would be unlikely to have any significant or lasting impact on the environment and ecology of the area, or on local residential amenity. I recognise that my conclusion in this respect will profoundly disappoint members of the Action Group and other local residents, the strength of whose objections to this proposal is not in question, and for whose carefully reasoned case and demeanour at the inquiry I have great admiration. Nevertheless, I am bound to say that, having considered all the representations made at the inquiry and in writing, I find no sound and clear cut reason for recommending that permission be withheld.

223. In reaching my conclusions on the various matters raised I have borne in mind the company's readiness to accept and abide by appropriate conditions which would regulate and restrict the scope of the proposed operations. I have nonetheless given thought to the adequacy and relevance of the conditions agreed between the company and the County Council, as set out at Document 52, and now refer to these in turn.

1. No particular reason is advanced by the Council for limiting the duration of the permission to 3 years, rather than the 5 years normally allowed in respect of a full planning permission, other than that the company stated that permission was sought to commence work not later than 3 years from the date on which permission was granted, when its application was submitted. It may be that local residents would prefer that the operations were over

and done with as soon as possible, but they did not make this point to me at the inquiry. I therefore can see no good reason for restricting the duration of the permission to 3 years.

2. I have already indicated my view that the access road, as well as the rig site, should be reinstated on completion of the operations. I therefore consider that the words in brackets "apart from the proposed access road" should not appear in any condition framed along the lines of Condition 2. I further consider, for reasons which I shall elaborate in due course, that the reference to the restoration of the site should be replaced by reference to its restoration "in accordance with the scheme hereinafter referred to".

3. I am concerned that there should be a reasonable degree of certainty as to what is to be permitted and am not satisfied that Condition 3 would achieve this objective. Firstly, I consider that any permission granted should refer, specifically, to the substantive plans which I have listed at paragraph 21 of my report. This would be best done in the preamble to any grant of planning permission, rather than by way of condition. The further details referred to in the particulars of the proposed development which accompanied the application are clear and should be referred to as such. The import of the subsequent correspondence between the County Council and the company, which the Council advised me should be regarded as "submitted documents" is less clear. I consider it better, therefore, that the condition should refer simply to the plans and stated particulars and that other matters covered in subsequent correspondence should be the subject of separate conditions. In sum, the Council advised me that the particular matters of concern in this respect, and not covered by other conditions or detailed in the plans are: (i) that the rig employed to drill the borehole should be the Bolden 61 or some quieter smaller rig (per letter of 1 February), (ii) that the depth of the turning bay at the entry to the site from Pound Farm Lane should be not less than 15 m (per letter of 20 February), (iii) that construction vehicles and operatives' cars should be parked within the confines of the rig site (per letter of 20 February) and (iv) that the storage of all plant and equipment should be within the confines of the fenced areas shown on the plans (per letter of 20 February). The Council further considers that any flaring and testing should be along the lines of that at Palmers Wood (per letter of 3 February). I shall refer further to this matter in due course.

4. The need to separately store and strip topsoil, subsoil and overburden is taken into account in ERL's restoration plan. The sites for such storage purposes are shown on Plan HFI-Hb. I see no reason for these matters to be the subject of a separate condition.

5. I consider that the matters here referred to duplicate existing controls over pollution of watercourses.

6-13. I regard these conditions as relevant to the satisfactory regulation of the company's activities. With regard to Condition 9, I was advised by the Council, and it is agreed by the company, that the choice of disposal point for any mud from the site is a material consideration from the planning point of view.

14. I have attached considerable importance to the restoration plan for the rig site and access road prepared by ERL, subject only to my caveat regarding the badger set and the sedge *Carex strigosa*. To my mind a certain requirement that the site should be reinstated and restored in accordance therewith

would be generally sufficient, and preferable to the 5 provisos of Condition 14. I recommend that this condition should be reworded along the following lines:

"On completion of the drilling operations and any subsequent testing hereby permitted, the site shall be reinstated and restored in accordance with the provisions of the scheme prepared by Environmental Resources Limited dated 10 January 1985, including the "pre-drilling" and "during drilling" works therein referred to, and that, additionally and prior to the construction of the proposed access road, the badger set at the entry to Kiln Copse shall be investigated with a view to minimising disturbance to any remaining occupants, and the sedge *Carex strigosa*, found growing at the entry to Highfield Copse, shall be transplanted elsewhere within the copse."

15. If Condition 14 is reworded in the manner proposed, I consider that the first sentence of Condition 15 becomes superfluous. The further requirements of this condition seem to me sensible.

16. I regard this condition as relevant to the satisfactory regulation of the permitted activities.

224. My only remaining concern in respect of conditions is that there should be certainty that the restoration of the site should proceed immediately following, or soon after, the permitted operations. I would not recommend that the restoration works should be the subject of a bond as canvassed by the Action Group and others, but that their timing should be a further requirement of either Condition 2 or Condition 14. I would suggest the addition thereto of words such as:

"Within one year of the removal of the buildings, plant and machinery from the site, the site shall be restored in accordance with..."

225. I regard the first 3 "informatives" appended to the list of agreed conditions as helpful. The further informative regarding "reserved" matters would seem to serve no purpose, as the application is, and the permission would be, for full planning permission.

RECOMMENDATION

226. I recommend that planning permission be granted in the terms, and subject to the conditions, which I have indicated.

RIDER, PERTAINING TO MY UNDERSTANDING OF PARAGRAPH 9 OF CIRCULAR 2/85

227. In the event that I have misunderstood the import of paragraph 9 and that the present proposal should be subject to the special policy considerations therein referred to, simply because the site is within the Metropolitan Green Belt, I would not wish to recommend other than I have. The quality of the local landscape has required me to carefully assess the impact of the proposal thereon and I have concluded that it would not have any significant impact on the present character of the site's attractive surroundings. I have otherwise concluded, for the reasons

stated at paragraph 205 of my report, that the proposal can reasonably be regarded as an exception to the strict control normally exercised over development in the green belt. In my view, and for these same reasons, it would not prejudice the continuing protection of this part of the green belt.

I have the honour to be
Sir
Your obedient Servant

JAMES DUNLOP

APPEARANCES

FOR CONOCO (UK) LIMITED

Mr P T S Boydell

- Queen's Counsel, instructed by Messrs Denton Hall and Burgin, Solicitors.

Mr K J Lindblom

- of Counsel.

They called:

Mr R H Stewart
ARIBA MRTPI MBIM

- Director of Planning in the firm of RMJM London Limited.

Mr F E Dean BSc ARCS
CEng FlntEnergy
FlntGas FlntPet

- Principal Associate of Environmental Resources Limited.

Mr M S Forsyth BSc CEEng
MICE

- Project Engineer with Travers Morgan and Partners.

Mr D A M Gilbert MSc CEEng
MICE MIHT MITE (USA)

- Independant Consultant on Transport and the Environment.

FOR SURREY COUNTY COUNCIL

Mr D Mole

- of Counsel, instructed by Mr F A Stone, Clerk and Chief Executive to the Council.

He called:

Mr H E H Holmes FRTPI
FRICS

- Town Planning Consultant, previously Deputy County Planning Officer, Surrey County Council.

Sir Michael Creswell

- County Councillor, Chairman of Countryside Sub-Committee.

Mrs C Gerrard

- County Councillor, Vice-Chairman of Policy Committee.

FOR HADFIELD (ESTATE AGENTS) LIMITED
SECTION 29 PARTY

Mr H G S Nicol

- Solicitor.

FOR POUND FARM LANE ACTION GROUP
GUILDFORD BOROUGH COUNCIL AND NORMANDY PARISH COUNCIL

Mr B Ash

- of Counsel, instructed by Messrs Penningtons, Solicitors, of Highfield, Brighton Road, Godalming.

FOR POUND FARM LANE ACTION GROUP (Continued)

He called:

- Mr W C Thomson MRIBA FRTPI - Director of Colin Buchanan and Partners.
- Dr A Lindley MA PhD
MBritEc Soc - Conservation Officer, Surrey Trust for Nature Conservation.
- Mr P P Riley MSc MIDA
MInstP MInstA - Senior Consultant, Acoustical Investigation and Research Organisation Limited.
- Mr A W MacDonald - Chairman, Pound Farm Lane Action Group.
- Mr J B Lockyer Nibbs - Borough Councillor and Parish Councillor.
- Mrs C Wyllyams - Local resident, of 2 Junction Cottages, Pound Farm Lane.

MEMBERS OF PARLIAMENT

- The Right Honourable David Howell - Member of Parliament for Guildford.
- The Right Honourable Cranley Onslow - Member of Parliament for Woking.

INTERESTED PERSONS

- Mrs J Kempster - Mittersill, Green Lane East, Normandy.
- Mr R Hill - Birch Croft, Glaziers Lane, Normandy.
- Mr M Ashworth - 20 Orchard Close, Normandy.
- Mr R Beer - Corrie, Hazel Road, Ash Green.
- Mr K Dow - Kiln Copse Cottage, Pound Farm Lane.
- Mrs M Hodgson - Poyle House, Poyle Road, Tongham.
- Mr B Howell - Brambles, Green Lane West, Normandy.
- Mr R P Wicks - Schillings, Pound Farm Lane, Normandy.
- Mr C M Bussingham - 14 Culls Road, Normandy.
- Mrs Parker - 18 Ashville Road, Ash.
- Mr Gray - Woodpeckers, Beech Lane, Normandy.
- Mrs M Newman - Bramble, Westwood Lane, Normandy.

INTERESTED PERSONS (Continued)

Mr R M Egglestone	- Manor Bungalow, Normandy.
Colonel P Stock	- Christmas Pie Copse, Green Lane East, Normandy.
Mr C J Messer	- Manor House, Hunts Hill Road, Normandy.
Mr A G Chater	- Chairman, Save Our Surrey, Chairman, Freedom from Oil.

DOCUMENTS

- Document 1 - Lists of persons attending inquiry.
- " 2 - Notice of the inquiry and circulation list.
- " 3 - Written representations received from organisations
- a. Wanborough Parish Council
 - b. Tongham Parish Council
 - c. Pound Farm Lane Action Group
 - d. Ash Green Residents' Association
 - e. Countryside Action
 - f. The Benenden Society
 - g. Surrey Amenity Society
 - h. Surrey Flora Committee
- " 4 - Written representations received from various individuals.
- a. Cranley Onslow MP
 - b. David Howell MP
 - c. Professor M Bowley
 - d. Professor R S Scorer
 - e. Mr A H Whiffin
 - f. Mr I Gilroy
- " 5 - Written representations received from Section 29 parties
- a. Lord Taylor of Hadfield
 - b. Taylor Woodrow Property Company
- " 6 - Written representations received from local residents.
- " 7 - Documents submitted with planning application GU/84/0102
- a. Application form and attached sheet
 - b. Covering letter
 - c. Notices and certificate
 - d. Explanatory notes prepared by John R Lawrence and Partners Ltd
 - e. Report No. 1423 by Acoustic Technology Ltd
 - f. Local residents informed of Conoco's proposals by the company
 - g. Conservation and Environmental Groups informed of Conoco's proposals by the company

DOCUMENTS (Continued)

- Document 8 - Post application correspondence between Surrey County Council and applicant dated:
- a. 25 January 1984
 - b. 1 February 1984
 - c. 3 February 1984
 - d. 8 February 1984
 - e. 13 February 1984
 - f. 20 February 1984
 - g. 25 February 1984
 - h. 4 May 1984
- " 9 - Replies to consultation by County Planning Officer from
- a. County Engineer (Highways)
 - b. County Engineer (Waste Disposal)
 - c. County Engineer (Environmental Noise)
 - d. County Archaeologist
 - e. Fire Brigade
 - f. Normandy Parish Council
 - g. Guildford Borough Council
 - h. Thames Water Authority
 - i. Mid-Southern Water Company
 - j. Health and Safety Executive
 - k. British Rail
- " 10a - Report by County Planning Officer to County Planning Committee on 16 May 1984, together with Committee's resolution thereon.
- b - Report of Vice Chairman to County Planning Committee on 20 May 1984.
- c - Notice of refusal of planning permission in respect of application GU/84/102.
- " 11 - Copy of undertaking given on 29 January 1985 by Conoco with Surrey County Council, together with bond in sum of £5,000.
- " 12 - List of exploration wells drilled in Surrey.
- " 13 - Particulars of Conoco (UK) Ltd.
- " 14 - Paper on radioactive sources on a drilling site, prepared by Mr Dean.
- " 15 - Programme for site operations.
- " 16 - Note on flaring prepared by Mr Dean.
- " 17 - Letters addressed to Conoco (UK) Ltd by
- a. County Planning Officer, East Sussex
 - b. Chairman of Planning Sub Committee, Kent
 - c. Chairman of Witley Parish Council
 - d. Chairman of Tilehurst Parish Council
- " 18 - Conoco: Worldwide blowout statistics.

DOCUMENTS (Continued)

- Document 19 - Departmental responsibilities for certain safety and pollution matters.
- " 20 - Summary of on-shore hydrocarbon policies and guidelines, as issued by minerals authorities, prepared by Mr Stewart.
- " 21 - Surrey Structure Plan - Written Statement.
- " 22 - Surrey Structure Plan - Report of Surrey, Volume 6a.
- " 23 - Guildford Borough Local Plan.
- " 24 - Assessment of the environmental impacts of the proposed bore-hole investigation at Normandy, prepared by Environmental Resources Ltd.
- " 25 - Restoration plan for Normandy site, prepared by Environmental Resources Ltd.
- " 26a - Tables of estimated traffic generation prepared by Mr Forsyth.
b - Approximate estimates of material quantities for site preparation.
- " 27 - Letter dated 9 August 1984 addressed to John R Lawrence Partners Ltd by the County Engineer.
- " 28 - Report on an ecological survey of Highfield Copse and Kiln Copse, by Environmental Resources Ltd.
- " 29 - An environmental report on Highfield Copse and its immediate vicinity, Pound Farm Lane Action Group.
- " 30 - Vascular plant species lists for rig site and remainder of Highfield Copse, ERL.
- " 31 - Plant species characteristic of rough grassland, trackways and waste places not recorded on ERL species lists.
- " 32 - Letter dated 8 November 1984 addressed to Chief Planning Officer, Guildford Borough Council, the Conservation Officer, Surrey Trust for Nature Conservation.
- " 33 - Proof of evidence given to the inquiry by Dr A Lindley.
- " 34 - Application No. 229/84 for a Felling Licence, made by Sherwood Brothers.
- " 35a - Letter dated 16 January 1985 addressed to Sherwood Brothers by the Conservator, Forestry Commission.
b - Letter dated 1 February 1985 addressed to Chief Planning Officer, Guildford Borough Council by the District Forester, Forestry Commission.
- " 36a - Letter dated 22 April 1977 addressed to Messrs F and C E Taylor by the Planning Officer, Guildford Borough Council.
b - Undated letter addressed to Messrs F and C E Taylor by the Conservator, Forestry Commission.

DOCUMENTS (Continued)

- Document 37a - Letter dated 25 January 1984 addressed to Conoco (UK) Ltd by Mr Tinning, Nature Conservancy Council.
- b - Letter dated 30 January 1984 addressed to Mr Tinning by Jenny Stephens, Conoco (UK) Ltd.
- c - Letter dated 31 January 1984 addressed to Dr Lindley, Surrey Trust for Nature Conservation, by Jenny Stephens.
- " 38 - Letter dated 7 February 1985 addressed to Mr Fellingham by Keith Kirby, Nature Conservancy Council.
- " 39 - Proof of evidence given to the inquiry by Mr D A Gilbert, together with maps, tables and appendix referred to therein.
- " 40 - Extract from BS 5228: Part 1: 1984.
- " 41 - Oil and gas development in the South-East - synopsis of a paper by Mr H E H Holmes.
- " 42 - Letter dated 18 December 1984 addressed to the Clerk of Normandy Parish Council by the Clerk to Ash Parish Council.
- " 43 - Minutes of meeting of Normandy Parish Council on 17 November 1983.
- " 44a - Letter dated 2 November 1984 addressed to local residents in the vicinity of Iden Green by Ian Foster, Conoco (UK) Ltd.
- b - Extract from The Courier, 9 November 1984.
- " 45 - Accident statistics, Surrey 1983-84.
- " 46 - Analysis of written representations carried out by Conoco (UK) Ltd.
- " 47 - Text of statement made at the inquiry by Right Honourable David Howell MP.
- " 48 - Text of statement made at the inquiry by Right Honourable Cranley Onslow MP.
- " 49 - Objection slips addressed to Right Honourable Cranley Onslow MP, together with list of signatories.
- " 50 - Letter dated 30 July 1982 addressed to Colonel Stock by R D Scott.
- " 51 - Statement made at the inquiry on behalf of the owners of land at Highfield Copse.
- " 52 - Conditions agreed between Surrey County Council and Conoco (UK) Ltd in the event of permission being granted.
- " 53 - Planning application No. GU/83/0019 and related correspondence.
- " 54 - Report by County Planning Officer to County Planning Committee on 20 April 1983 and the Committee's resolution thereon.
- " 55 - Decision of Surrey County Council in respect of application No. GU/83/0019.

DOCUMENTS (Continued)

- Document 56 - Resolution of Guildford Borough Planning Committee on 15 May 1984 in respect of item 1096.
- " 57 - Report to County Planning Committee in respect of application No. TA/84/61, and the Committee's resolution thereon.
- " 58 - Report to County Planning Committee in respect of application No. WA/82/754, and the Committee's resolution thereon.
- " 59 - Notes prepared by Mr Dean on drilling sites shown in photographs 1 to 3 at:
- a. Palmers Wood, Surrey.
 - b. Baxter's Copse, West Sussex
 - c. Godley Bridge, Surrey
- " 60 - Decisions of Guildford Borough Council in respect of application Nos 79P/1509 and 79P/1906, together with the inspector's decisions in respect of appeals made by the applicant.
- " 61 - Decision of Guildford Borough Council in respect of application No. 77P/1530.
- " 62 - Decision of Guildford Borough Council in respect of application No. GU/R.382/3/72/WAN, and the Secretary of State on appeal.
- " 63 - Decisions of North Riding of Yorkshire County Council in respect of proposal exploratory boreholes, dated 10 February 1966 and 11 March 1971.
- " 64 - Decision of Dorset County Council in respect of application No. DR/28/2/78.
- " 65 - Decision of Peak Park Joint Planning Board in respect of application No. NP/S/582/8.
- " 66 - Extract from report to Hampshire County Planning Committee regarding proposed development at Humbly Grove oilfield.
- " 67 - Declared Local Nature Reserve and Sites of Special Scientific Interest, Nottinghamshire, including description of SSSI at Redgate Woods and Mansey Common.
- " 68 - Extract from Hansard for 24 May 1984.
- " 69 - Letters written by Right Honourable Neil Macfarlane MP to:
- a. Cranley Onslow MP (dated 22 November 1984)
 - b. Virginia Bottomley MP (dated 8 December 1984)
- " 70 - Department of Energy Press Notice, 28 November 1984.
- " 71 - Report of the County Planning Officer to Surrey County Planning Committee on "Planning Control over Oil and Gas Operation".

DOCUMENTS (Continued)

- Document 72 - Extract from The Times, 6 February 1985.
- " 73 - Extract from Daily Telegraph, 1984.
- " 74 - Hedgerow species recorded by Mrs Wyllyams and Mr Hall.
- " 75 - Proof of evidence given to the inquiry by Mr P P Riley.

PLANS

Submitted with planning application No. GU/84/0102:

- Plan A - 1:2,500 referenced HFI-A.
- " B - 1:10,000 referenced HFI-B.
- " C - 1:500 referenced HFI-C.
- " D - 1:500 showing typical site layout for Boldon 61 rig.
- " E - 1:10,000 referenced HFI-E.
- " F - 1:500 referenced HFI-H.

Submitted subsequently:

- Plan G - 1:500 referenced HFI-Hb.
- " H - 1:2,500 referenced HFI-Aa.

Further plans:

- Plan I - 1:2,500 showing general locality of appeal site and 100 m radii from centre of rig site.
- " J - 1:50,000 showing oil and gas licence areas and well sites in Surrey.
- " K - 1:10,000 showing locality of appeal site.
- " L - 1:10,000 showing location of site the subject of application No. GU/83/0019.
- " M - 1:10,000 showing public rights of way and footpaths in vicinity of Highfield Copse.
- " N - 1:50,000 Guildford Borough Local Plan Proposals Map.
- " O - Unscaled, indicating critical points on access route as identified by Colonel Stock.
- " P - 1:10,000 showing positions from which Photos 4 and 5 were taken.
- " Q - Ordnance Survey Map of Surrey, 1811.
- " R - Greenwood's Map of Surrey, 1823.

PLANS (Continued)

Plan S - Title Map, 1839.

PHOTOGRAPHS

- Photo 1 - Bolden Rig 61 at Palmers Wood.
- " 2 - Bolden Rig 61 at Baxter's Copse.
- " 3 - Bolden Rig 61 at Godley Bridge.
- " 4 - Photomontage of site seen from point A on Plan P.
- " 5 - Photomontage of site seen from point B on Plan P.
- " 6 - As photo 4, at night
- " 7 - As photo 5, at night

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by these Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), which relate to the procedure on cases dealt with by the Secretary of State.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the Inspector's report, whichever is the later, for an opportunity of inspecting any documents, photographs and plans appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.

FINDINGS OF FACT

196. I find the following facts:

1. The appeal site lies in gently undulating countryside about 1.5 km south of the A323 Guildford to Aldershot Road and 1.75 km north of The Hogs Back.
2. Vehicular access to the vicinity of the site from the A323 is via Wyke Lane and Pound Farm Lane.
3. Wyke Lane has a carriageway width, for the most part, of approximately 4 m, but narrows to 3.7 m where it passes through a farm. It is adjoined by a group of dwellings at Wyke Avenue and by dwellings at the farm.
4. Pound Farm Lane varies in width between 3.3 and 2.7 m. Between Wyke Lane and the proposed site access it is adjoined by a pair of cottages known as Junction Cottages. Beyond the proposed access it runs into Green Lane West and together therewith forms a cul-de-sac off Wyke Lane, some 1,300 m long, serving 13 residential properties.
5. The appeal site comprises 2 areas of land: that required for the drilling rig and associated equipment and that required for the proposed access road thereto from Pound Farm Lane.
6. The rig site consists of a 100 m square of land forming part of a 14 ha broad-leaved woodland known as Highfield Copse. Its general location is visible from bridleways and other vantage points in the area and, more distantly, from The Hogs Back.
7. The route of the access road leads off Pound Farm Lane 600 m south of its junction with Wyke Lane and passes, in part, through a further broad-leaved woodland, known as Kiln Copse.
8. Highfield Copse is made up of hazel and ash, interspersed with oak standards and birch. It was last coppiced about 30 years ago. It shelters a wide variety of vascular and other plant species of which a significant number are indicators of "ancient woodland".

9. Kiln Copse is similarly species rich, including ancient woodland indicators.
10. None of the vascular plant species recorded in either copse are truly rare or endangered in a county or national context, but the comparatively rare sedge *Carex strigosa* grows on the route of the proposed access road at the entry to Highfield Copse.
11. The basidiomycete *Sistotrema oblongisporum* has been found in the vicinity of the rig site, a new British record, but is probably quite common.
12. There is no record of unusual fauna in either copse, though the Nightingale is a regular visitor to Highfield Copse and there is an abandoned or dormant badger set beside the route of the access road, at its entry into Kiln Copse.
13. Neither copse has been declared a Site of Special Scientific Interest.
14. There are a number of dwellings in the locality of the site, including the 13 residential properties on Pound Farm Lane and Green Lane West and a group of 19 dwellings to the north-east of the rig site, on Beech Lane.
15. The nearest dwellings to the proposed access borehole are a group of 3 cottages on Green Lane West, at 380 m, and a dwelling off Beech Lane, at 400 m.
16. The nearest dwellings to the proposed access road are a pair of cottages on Pound Farm Lane, some 80 m beyond the point at which the road would lead off the lane.
17. The proposed borehole would be drilled in accordance with the terms of Production Licence 202, awarded to the appellant company by the Secretary of State for Energy in 1982.
18. Seismic investigations indicate the presence of a geological feature in the Normandy area, measuring some 4 km east to west and 1.6 km north to south, capable of harbouring hydrocarbons.
19. The summit of the geological feature is thought to lie below Highfield Copse.
20. The present proposal represents the company's second attempt to obtain planning permission for an exploratory borehole in the Normandy area. A previous application related to an area of open land on the edge of Highfield Copse, at a lesser distance from dwellings in the locality and with access via the head of Green Lane West.
21. Details of the present proposal are given on a sheet attached to the application form and elaborated in subsequent correspondence between the County Council and the company.
22. The company would employ a Bolden 61 or a smaller, quieter rig. The Bolden 61 stands some 55 m high, including the drilling platform.
23. Prior to commencing work on site, the company would undertake certain improvements to Wyke Lane and Pound Farm lane, which are the subject of a "works agreement" with the Highway Authority.

24. The improvements would take 2 to 3 weeks and include the battening back of a section of the embankment to Pound Farm Lane, the construction of passing places and clearance of sight lines on the inside of bends.
25. Assuming reasonable weather conditions, preparation of the rig site and construction of the access road would take 6 weeks.
26. Actual drilling would take 3 to 4 weeks, and be continuous.
27. If hydrocarbons are encountered, drill stem testing would take about 2 weeks and longer term flow testing, if required, up to 6 months.
28. Any gas encountered in other than minimal quantities would be flared via an incinerator set up on open land beyond the confines of Highfield Copse.
29. On completion of drilling and any subsequent testing programme, the rig site and access road would be reinstated. This would take 7 weeks, after which the site would be managed for a minimum period of 5 years.
30. Reinstatement would be in accordance with a scheme designed to promote the growth and propagation of the formerly characteristic range and density of plant species.
31. Site preparation, actual drilling and reinstatement would give rise to upwards of 1,900 heavy goods vehicle movements and 2,700 light vehicle movements on Wyke Lane and Pound Farm Lane, as well as some 200 movements by second, back-up, traction units.
32. Drill stem tests, if required, would involve a further 100 heavy goods and 450 light vehicle movements. Flow tests would give rise to 8 heavy goods and 14 light vehicle movements per day.
33. Comparison of predicted noise levels associated with drilling and evaluation activities with existing levels, at residential locations in the vicinity of the rig site, indicate that the former will generally be below the latter, other than in the midnight to 7 am period.
34. In the midnight to 7 am period, predicted L_{eq} will, in one location, be 43 d B(A), assuming calm weather conditions and allowing for the facade effect of the dwelling itself. This would exceed the measured L_{90} noise level by 21 d B(A).
35. At other locations late night L_{eq} predictions are in the range 36 to 42 d B(A) and exceed existing L_{90} levels by 9 to 21 d B(A).
36. Comparison of existing noise levels with those associated with road construction and site preparation shows that, for the most part, these activities would not result in L_{eq} levels exceeding 57 d B(A) at any dwelling, though work on the construction of the access road near the junction with Pound Farm Lane could result in L_{eq} levels reaching 67 d B(A) at the nearby pair of cottages on Pound Farm Lane.
37. The passage of heavy goods vehicles along Wyke Lane and Pound Farm Lane would give rise to peak noise levels in the order of 85 d B(A) at a distance of

7.5 m from the road. This represents a quadrupling in loudness of present maximum noise levels experienced in the vicinity of Junction Cottages.

38. The County Council's officers recommended that the present application should be approved, subject to certain conditions.

39. The officers consider that, subject to the completion of the improvements to Wyke Lane and Pound Farm Lane covered by the works agreement, there would seem to be no sufficient highway reason to object to the proposal.

40. The County Engineer (Environmental Noise) does not consider it unreasonable to permit the proposed activities for the limited period involved, and does not consider that the continuous noise inside bedrooms of nearby dwellings would be excessive or likely to cause disturbance.

41. The appeal site and its surroundings form part of the Metropolitan Green Belt.

42. The Hogs Back is included within the Surrey Hills Area of Outstanding Natural Beauty and an associated Area of Great Landscape Value extends to within 500 m of the proposed borehole.

43. The control of development in the locality of the appeal site is subject to the policies of the approved Surrey Structure Plan, including those applying to the green belt, minerals, the environment generally, the maintenance of the county's tree cover and development giving rise to noise.

44. The relevant policies of the Structure Plan are amplified in the deposited Guildford Borough Local Plan, the subject of a public local inquiry in the summer of 1984 in respect of which the Inspector's report is awaited.

45. The proposed development is strongly objected to by the great majority of local residents. They are supported by their Parish Councils and Members of Parliament, as well as by members of the Borough and County Councils.

46. If permission is granted on the present appeal, the company would expect and accepts that this should be subject to conditions regulating the character of its activities, including conditions requiring the site to be reinstated in accordance with an agreed scheme and restricting working hours during site preparation and reinstatement.

MY CONCLUSIONS

Bearing in mind my findings of fact:

197. The present appeal clearly falls to be determined in the light of the advice given in Circular 2/85. This is not to say that the general applicability of the approved County Structure Plan and deposited Borough Local Plan to the control of development in the locality of the appeal site should not be taken into account, but that my conclusions must necessarily be informed by the particular considerations applying to development by the oil and gas industry, as set out in the circular. I regard 3 such considerations as being of special relevance to the decision in the present case.

198. Firstly, subject to environmental considerations, the discovery, appraisal and, over time, exploitation of on-shore hydrocarbon reserves is in the national interest. I appreciate that there is a contrary view, as expressed at the inquiry and in written representations. Indeed what may or may not be in the national interest at any given time will doubtless always be open to question, in many spheres of government policy. The Government of the day should nevertheless be expected to have its policies. In the case of on-shore development by the oil and gas industry the policy is clear: development is to be encouraged, subject to its environmental acceptability. I further consider that it is unreasonable to expect the industry to specify or quantify the particular need for a given proposal in every case, and certainly not in the case of an exploratory borehole, where the nature and amount of any hydrocarbons which may be encountered cannot be foreseen. Thus in weighing the national interest against environmental considerations in such cases, the former should be regarded as constant. It is the quality of the environment and the likely impact of the development thereon which will vary from case to case.

199. Secondly, each phase of development by the industry, whether exploration, appraisal or production, represents a separate entity in planning terms. While it may nevertheless be sensible to take account of the long-term suitability of a proposed appraisal well for production purposes, an application for an exploratory borehole falls to be determined wholly on its merits, without reference to possible future development. Given the clear advice of the Circular on this point, I regard the appellant company's reluctance to discuss the likely impact of any hypothetical future development as entirely reasonable. Equally, I consider that the temporary nature and limited duration of the proposed operations are material considerations in any assessment of their environmental impact. It may be that, if permission is granted on the present appeal and hydrocarbons are encountered, the local planning authority will find it difficult to resist further applications to appraise or exploit such a discovery. Alternatively, the likely impact of any future development proposed by the company may militate against further permissions. That is a risk which the company would take, if the present appeal succeeds and it drills an exploratory borehole, as it would risk finding the well dry.

200. Thirdly, while the national interest in exploiting our oil and gas reserves can be in conflict with that of protecting the environment, and a balance must be struck, it should be possible in most cases to find a solution so that development can proceed in an environmentally acceptable manner. Only exceptionally will the environmental objections be so great that the proposed development cannot proceed on a particular site. The emphasis of the circular is thus on the resolution of possible objections to development, by way of discussion, agreement, conditions and the preparation of satisfactory restoration proposals, rather than on restriction. Indeed, as stated at paragraph 16, oil and gas proposals are unlikely to raise wholly new issues of principle and their impact on the environment can be considerably less than other forms of mineral working.

201. Special policy considerations are nevertheless applicable to development in National Parks, Areas of Outstanding Natural Beauty "and other areas given protection for environmental reasons". The parties to the present appeal differ as to whether or not the site's green belt status brings it within the ambit of these special considerations. My view is that it does not. To my mind, the advice given at paragraph 9 of the circular represents a re-affirmation of the Government's concern to safeguard the character of those areas where there is a strong national interest in the protection of the landscape and the natural environment. I share the opinion of the appellant's planning witness that the main purpose of the Metropolitan Green Belt, as of other green belt designations, is strategic, and that the inclusion of the appeal site therein does not, of itself, imply that the local landscape and natural environment are endowed with any special quality or interest. In the event that I am mistaken in my understanding of the circular on this point, I shall add a rider to my recommendation, based upon the assumption that the special policy considerations referred to at paragraph 9 do apply in the present case.

202. I am equally of the opinion that the potential sensitivity of a particular site to development should not depend upon its inclusion within an area designated for environmental reasons. The circular indicates that there may be a presumption against exploration, albeit exceptionally, in relatively small and sensitive areas. Given the intimate scale and frequently changing character of the English landscape, I do not doubt that there will be small areas of great natural beauty or interest beyond the boundaries of specific designations, whose character would be seriously and irretrievably damaged by oil and gas operations. Furthermore, their sensitivity to such development may not be derived only from their natural attributes. In my view questions of local residential amenity are also a material consideration, including possible disturbance by noise and inconvenience or other problems associated with traffic to and from the site.

203. Before proceeding further, I shall address myself to the question as to whether or not the quality of the site's immediate environment warrants a presumption against the grant of planning permission in the present case. The value placed upon a particular landscape is an emotive issue and inevitably subjective. I well understand that appreciation heightens with familiarity. Indeed, I would not doubt that almost any given area of the English countryside is cherished by those who live in it, however planners and other supposed experts may choose to classify it. I therefore appreciate the concern of local people in the present case to protect their environment. Furthermore, I consider that their concern is justified, to the extent that the Normandy area is certainly, in my view, a most pleasant and attractive area which remains essentially rural in character. In my opinion its sensitivity to development demands that the utmost care should be taken to ensure that development by the industry should not be unduly intrusive and does not have any serious lasting impact upon its present landscape character and sense of rural tranquility. However, I am bound to say that I consider the attraction and charm of the site's surroundings typical of much of the English countryside and does not set them apart therefrom. In other words, I find nothing exceptional about the area, which warrants a presumption against any development by the industry.

204. I find myself supported in this conclusion by the fact that neither the County Council nor the Borough Council has seen fit to apply any special classification to the area; nor has the Nature Conservancy Council declared it to be of Special Scientific Interest. As I have indicated, exclusion from, or inclusion within, the boundaries of such classifications should not be regarded as final proof of an area's worth, one way or the other. However, in the present case, the Borough Council has but recently prepared its Local Plan, and should be expected to have considered whether or not, for instance, the area should be included within the

boundaries of the nearby AGLV, or of the Wanborough Woods AHEI, and officers of the Nature Conservancy Council have visited the area.

205. With the advice of Circular 2/85 in mind, I turn now to the merits of Conoco's present application. Firstly, I do not consider that the proposed development, as described by the company when permission was applied for and in subsequent correspondence, is self-evidently in conflict with any of the policies of the approved County Structure Plan or draft Borough Local Plan. In my opinion, the need to explore for minerals in the Normandy area, and hence the provisions of Structure Plan Policy 92, should not be at issue, both because of the national interest in discovering the extent of our hydrocarbon reserves and the promising character of the seismic investigations carried out in the area, which is not in dispute. I am likewise of the opinion that operations by the oil and gas industry can reasonably be regarded as an exception to the normally strict control exercised by Structure Plan Policy 3, and Local Plan Policy GB3, over development in the Metropolitan Green Belt, again because of the national interest in the discovery, appraisal and production of on-shore hydrocarbons, because, as with other minerals, such minerals can only be found where they lie and, in the case of the present proposal, because of its temporary nature.

206. In respect of Structure Plan Policies 82 and 83, and Local Plan Policies CE14 and CE43, I appreciate that the appeal site lies close to an AGLV and AHEI, and not far from the Surrey Hills AONB. However, the presumption against development in these areas should not, in my view, apply to proposed operations beyond their boundaries. The issue raised by the site's proximity to these areas is, rather, that of the compatibility of the development with their special interest and character. I note, in any case, that Structure Plan Policy 82 does not rule out the possibility of mineral workings in AONBs. In respect of Structure Plan Policy 85 and, more particularly, of Local Plan Policy CE30, which represents the detailed application of Policy 85 to the Guildford area, I do not consider that the proposed development threatens to "significantly" reduce the present level of woodland coverage in the Borough. Firstly, the amount of woodland involved is small. Secondly, the proposal incorporates provisions for the land to be re-planted.

207. The further policies referred to by the County Council and the Action Group and others concern the need to ensure that proposed development does not detract unduly from the local environment, or from the amenity of local residents, and are thus in line with the emphasis placed in the circular on environmental considerations. As to whether or not the present proposal is in conflict therewith must depend upon an assessment of its particular environmental impact.

208. Three matters of possible concern have been identified by objectors to the development, both at the inquiry and in the written representations: its impact upon the rural character and appearance of its surroundings, its impact upon the ecology of Highfield Copse and Kiln Copse and the hedgerows along the access route and its impact on local residential amenity and public safety. With regard to the first of these matters, I have already indicated my view that this is an area where great care must be taken to ensure that development by the industry does not appear unduly intrusive and does not have any serious lasting impact upon its present landscape character and rural tranquility. In my opinion, the company has given due consideration to the need to minimise the visual impact of the on-site operations. The choice of site for the rig represents an evident improvement, in this respect, upon the more exposed site first put forward. From my inspection of the site and surroundings, I suspect that the rig and other on-site equipment and buildings would be somewhat more noticeable than the company anticipates from the vicinity of Beech Tree Lane and, possibly, from viewpoints to the north of

the railway. This is because of the site's elevation in relation thereto and the fact that its more easterly half would stand proud of the woodland floor. However, bearing in mind that the rig is only expected to be in position for some 4 to 6 weeks, and that other equipment and buildings would be unlikely to remain on the site for more than, at most, 6 months, I do not consider that this is a matter for any great concern.

209. From other vantage points in the vicinity, only the upper part of the rig should be seen above the woodland canopy. This would be an alien element in this essentially rural landscape but, again, of short duration. I would not expect the rig to be readily visible from the AGLV to the south of Green Lane West, or to have any significant impact on views over the area obtained from The Hog's Back.

210. The consequent loss of woodland, both in Highfield Copse and Kiln Copse, is regrettable. However, this is mitigated by the concealment thereby afforded to the rig site and, in part, the access road, and the company's commitment to replant these woodland areas as soon as possible following completion of its exploration programme. On the basis of the representations made to me, I am not persuaded that there is any better site in the vicinity from which the geological feature in question could be satisfactorily explored with less impact upon the local landscape.

211. On the subject of the company's restoration proposals, I agree with the Action Group and others that these should encompass the reinstatement of the access road as well as that of the rig site, as indeed is the case so far as ERL's scheme is concerned. As envisaged by the District Forester, the cutting and leaving of an open swathe through Kiln Copse, and no doubt also at the entry to Highfield Copse, might well result in damage to these woodlands as a whole from windblow and wind snap. Notwithstanding the evident wish of the owners that part, at least, of this road should be retained, I consider that, if permission is granted, it should be reinstated in its entirety.

212. Traffic generated by the operations would certainly detract from the rural character of the approach route to the site from the A323 and, when seen on the access road, from the site's immediate surroundings. However, such traffic would seem to me to be an attendant feature of drilling operations in almost any rural area and its amount in the present case is in part a product of the distance of the site from the existing road network and the consequent length of the proposed access road, and of the need to secure the reinstatement of the site and access road when drilling is completed, which have other advantages. Here again, while the immediate impact of such traffic may be considerable, due account should be taken of its limited duration.

213. My only reservation in respect of the routing of the site traffic concerns the proposed improvements to Wyke Lane and Pound Farm Lane. I do not doubt the necessity for these works and for the most part think they would have little impact upon the rural character of the lanes. I am nevertheless concerned lest the clearance of the sightlines on the inside of the bend on Pound Farm Lane, 100 m or so beyond its junction with Wyke Lane, should entail the loss of the trees which I noted in this vicinity when I inspected the site. To my mind, this would be unfortunate and I doubt that their retention would seriously impede the forward visibility of drivers on this section of the lane. Their possible loss arises from the works agreement between the company and the Highway Authority, the import of which is less than clear on this matter, rather than from the terms of the company's planning application. In my view, it is a matter which can be left to the good sense of the company and the Authority, if permission is granted and the works agreement takes effect.

214. In sum, I do not think that the operations now proposed would be unduly intrusive or have any serious lasting impact upon the character of the site's attractive and tranquil rural surroundings.

215. Regarding the impact of the proposed operations on the ecology of Highfield Copse and Kiln Copse, I consider the question as to whether or not these 2 woodland areas were first planted before 1600, or 1700, and should therefore be classified as "ancient", is to some extent academic. What matters is that they have the richness and variety of flora generally regarded as characteristic of ancient woodlands. That is not in doubt and that is why Dr Lindley and others are concerned at the prospect of the proposed development. For my part, I shall consider the impact of this development "as if" the woodlands are ancient, whether or not they should be classified as such as a point of fact.

216. I appreciate Dr Lindley's concern that incursions into ancient woodland habitats should be resisted, as a matter of principle, and lest permission in the present case should be regarded as a precedent for development by the oil and gas industry in ancient woodlands. Nevertheless, there are a number of considerations which, to my mind, mitigate the impact of the operations in this respect, and may well distinguish the present proposal from possible future proposals involving ancient woodland. Firstly, Highfield Copse is believed to be above the summit of the geological formation which the company wishes to explore. It therefore represents the ideal place in which to drill an exploratory borehole, at least from the technical point of view. Secondly, as I have already indicated, siting the rig within the copse has advantages in terms of minimising its impact on the local landscape, and there is no evidently better site from this point of view. Thirdly, by routing the access road through part of Kiln Copse, rather than directly to Green Lane West, the company has considerably reduced the potential impact of traffic on the amenity of residential properties on Green Lane West and Pound Farm Lane. Fourthly, the rig site represents no more than some 7% of the overall area of Highfield Copse, and few, if any, of the plant species found within the site are not found elsewhere in the woodland. Fifthly, and most importantly so far as the ecology of the woods is concerned, none of the flora or fauna recorded are regarded by their finders or Dr Lindley as particularly rare or endangered in either a county or national context. Sixthly, as I have already stressed repeatedly, the present proposal, and hence the company's presence in the woods, is temporary and not permanent. Finally, and again a matter of particular importance, the restoration plan drawn up by ERL has, to my mind, been carefully considered, with an evident understanding of the problems involved, and is, by common consent, likely to achieve the best results possible.

217. I do not doubt that, despite the company's best endeavours, the proposed operations would have some impact on the ecological systems presently supported and sheltered by Highfield Copse and Kiln Copse. Nevertheless, for the foregoing reasons, I do not consider that the severity of their effect thereon, such as it may be, warrants my recommending that planning permission be refused.

218. I have 2 reservations, both of which should be satisfactorily disposed of by the attachment of appropriate conditions to any grant of planning permission. Firstly, although Mr Dean advised me that the fairly rare sedge *Carex strigosa*, found growing on the route of the access road at the entry to Highfield Copse, would be re-planted elsewhere in the copse prior to road construction works, I find no reference to this in the "pre-drilling" activities set out in the restoration plan. Secondly, there is some uncertainty as to whether the badger set which lies close to the point at which the access road would enter Kiln Copse, is abandoned or simply dormant. I consider that the company should further investigate this matter prior to the construction of the road and, if simply dormant, take steps to minimise possible disturbance to the badgers, and at least to avoid their destruction.

219. I do not consider that prospective logs and cutting back of the short lengths of hedgerow along the approach route, to facilitate the passage of traffic generated by the development, should have any significant or lasting impact on the ecology of the hedgerows along the route, as a whole.

220. Turning, finally, to the impact of the development on residential amenity and public safety, I consider that the evident care taken by the company to minimise adverse impact on the rural character and appearance of the site's surroundings will likewise protect this aspect of local residential amenity. The enjoyment of Pound Farm Lane and Wyke Lane for walking and relaxation will certainly be considerably diminished, if not lost, while operations proceed; but this would be temporary, and limited to the permitted working hours. Some disturbance from noise is also to be expected. However this would, for the most part, be confined to the midnight to early morning period. From this point of view, it is not so much the perceived volume by which the fluctuating sound from the rig site would exceed existing background noise levels which concerns me, as the likelihood of such sound resulting in loss of sleep. Even if Mr Riley's predictions were to materialise, facade levels would only be slightly above those generally found tolerable, and then only in adverse weather conditions and on warm summer nights when residents wished to have their windows open. In my opinion, these levels should not result in undue loss of amenity, given the knowledge that the actual drilling and associated night time noise would be over and done with within a period of some 4 weeks.

221. With regard to public safety, I accept that the access route to the appeal site is well short of the ideal and that, even with the improvements agreed with the Highway Authority, the company will need to control and regulate the movement of its own and its contractors' vehicles with the utmost care, if a mishap is to be avoided. I am satisfied that the company is aware of its responsibilities in this matter and appreciates that it is in its best interests to avoid any occurrence which would endanger public safety or damage its reputation. Similar considerations apply to on-site safety, which would in any case be subject to the requirements of the Department of Energy and the Health and Safety Executive.

222. The foregoing considerations lead me to the conclusion that the drilling of an exploratory borehole in the Normandy area, from the site in Highfield Copse and in the manner proposed, would be unlikely to have any significant or lasting impact on the environment and ecology of the area, or on local residential amenity. I recognise that my conclusion in this respect will profoundly disappoint members of the Action Group and other local residents, the strength of whose objections to this proposal is not in question, and for whose carefully reasoned case and demeanour at the inquiry I have great admiration. Nevertheless, I am bound to say that, having considered all the representations made at the inquiry and in writing, I find no sound and clear cut reason for recommending that permission be withheld.

223. In reaching my conclusions on the various matters raised I have borne in mind the company's readiness to accept and abide by appropriate conditions which would regulate and restrict the scope of the proposed operations. I have nonetheless given thought to the adequacy and relevance of the conditions agreed between the company and the County Council, as set out at Document 52, and now refer to these in turn.

1. No particular reason is advanced by the Council for limiting the duration of the permission to 3 years, rather than the 5 years normally allowed in respect of a full planning permission, other than that the company stated that permission was sought to commence work not later than 3 years from the date on which permission was granted, when its application was submitted. It may be that local residents would prefer that the operations were over

and done with as soon as possible, but they did not make this point to me at the inquiry. I therefore can see no good reason for restricting the duration of the permission to 3 years.

2. I have already indicated my view that the access road, as well as the rig site, should be reinstated on completion of the operations. I therefore consider that the words in brackets "apart from the proposed access road" should not appear in any condition framed along the lines of Condition 2. I further consider, for reasons which I shall elaborate in due course, that the reference to the restoration of the site should be replaced by reference to its restoration "in accordance with the scheme hereinafter referred to".

3. I am concerned that there should be a reasonable degree of certainty as to what is to be permitted and am not satisfied that Condition 3 would achieve this objective. Firstly, I consider that any permission granted should refer, specifically, to the substantive plans which I have listed at paragraph 21 of my report. This would be best done in the preamble to any grant of planning permission, rather than by way of condition. The further details referred to in the particulars of the proposed development which accompanied the application are clear and should be referred to as such. The import of the subsequent correspondence between the County Council and the company, which the Council advised me should be regarded as "submitted documents" is less clear. I consider it better, therefore, that the condition should refer simply to the plans and stated particulars and that other matters covered in subsequent correspondence should be the subject of separate conditions. In sum, the Council advised me that the particular matters of concern in this respect, and not covered by other conditions or detailed in the plans are: (i) that the rig employed to drill the borehole should be the Bolden 61 or some quieter smaller rig (per letter of 1 February), (ii) that the depth of the turning bay at the entry to the site from Pound Farm Lane should be not less than 15 m (per letter of 20 February), (iii) that construction vehicles and operatives' cars should be parked within the confines of the rig site (per letter of 20 February) and (iv) that the storage of all plant and equipment should be within the confines of the fenced areas shown on the plans (per letter of 20 February). The Council further considers that any flaring and testing should be along the lines of that at Palmers Wood (per letter of 3 February). I shall refer further to this matter in due course.

4. The need to separately store and strip topsoil, subsoil and overburden is taken into account in ERL's restoration plan. The sites for such storage purposes are shown on Plan HFI-Hb. I see no reason for these matters to be the subject of a separate condition.

5. I consider that the matters here referred to duplicate existing controls over pollution of watercourses.

6-13. I regard these conditions as relevant to the satisfactory regulation of the company's activities. With regard to Condition 9, I was advised by the Council, and it is agreed by the company, that the choice of disposal point for any mud from the site is a material consideration from the planning point of view.

14. I have attached considerable importance to the restoration plan for the rig site and access road prepared by ERL, subject only to my caveat regarding the badger set and the sedge *Carex strigosa*. To my mind a certain requirement that the site should be reinstated and restored in accordance therewith

would be generally sufficient, and preferable to the 5 provisos of Condition 14. I recommend that this condition should be reworded along the following lines:

"On completion of the drilling operations and any subsequent testing hereby permitted, the site shall be reinstated and restored in accordance with the provisions of the scheme prepared by Environmental Resources Limited dated 10 January 1985, including the "pre-drilling" and "during drilling" works therein referred to, and that, additionally and prior to the construction of the proposed access road, the badger set at the entry to Kiln Copse shall be investigated with a view to minimising disturbance to any remaining occupants, and the sedge *Carex strigosa*, found growing at the entry to Highfield Copse, shall be transplanted elsewhere within the copse."

15. If Condition 14 is reworded in the manner proposed, I consider that the first sentence of Condition 15 becomes superfluous. The further requirements of this condition seem to me sensible.

16. I regard this condition as relevant to the satisfactory regulation of the permitted activities.

224. My only remaining concern in respect of conditions is that there should be certainty that the restoration of the site should proceed immediately following, or soon after, the permitted operations. I would not recommend that the restoration works should be the subject of a bond as canvassed by the Action Group and others, but that their timing should be a further requirement of either Condition 2 or Condition 14. I would suggest the addition thereto of words such as:

"Within one year of the removal of the buildings, plant and machinery from the site, the site shall be restored in accordance with..."

225. I regard the first 3 "informatives" appended to the list of agreed conditions as helpful. The further informative regarding "reserved" matters would seem to serve no purpose, as the application is, and the permission would be, for full planning permission.

RECOMMENDATION

226. I recommend that planning permission be granted in the terms, and subject to the conditions, which I have indicated.

RIDER, PERTAINING TO MY UNDERSTANDING OF PARAGRAPH 9 OF CIRCULAR 2/85

227. In the event that I have misunderstood the import of paragraph 9 and that the present proposal should be subject to the special policy considerations therein referred to, simply because the site is within the Metropolitan Green Belt, I would not wish to recommend other than I have. The quality of the local landscape has required me to carefully assess the impact of the proposal thereon and I have concluded that it would not have any significant impact on the present character of the site's attractive surroundings. I have otherwise concluded, for the reasons

stated at paragraph 205 of my report, that the proposal can reasonably be regarded as an exception to the strict control normally exercised over development in the green belt. In my view, and for these same reasons, it would not prejudice the continuing protection of this part of the green belt.

I have the honour to be
Sir
Your obedient Servant

JAMES DUNLOP