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Ms Bazalo  
Charles Russell Speechlys  
5 Fleet Place  
London  
EC4m 7RD

17 January 2018

Dear Ms Bazalo

**Site: Oxted Chalkpit, Chalkpit Lane, Oxted**  
**Application: Periodic Review of a Mineral Site Planning Permission for the Winning and Working of Chalk for the Determination of Full Modern Conditions**

I am responding to the revised Transport Assessment submitted by the Hurlstone Partnership in May 2017 and our meeting held at County Hall in July 2017. At the meeting you stated that your client had not received a formal response to the Transport Assessment (May 2017) from the County Planning Authority (CPA) or the County Highway Authority (CHA).

I apologise for the delay in responding to you and now provide the County Planning Authority's response on the Transport Assessment (May 2017). In addition to this, the County Planning Authority provides you with a response on other matters including conditions that remain un-agreed between the two parties – the County Planning Authority and your client Southern Gravel.

Officers note that paragraph 6.4 of the Transport Assessment discusses HGV movements associated with chalk export are calculated to be an average of 10 loads/ 20 HGV movements per day however no data has been submitted in respect of chalk exports either historically or current.

## **1. The Transport Assessment May 2017**

1.1 The Transport Assessment provides an assessment and its justification for why any condition that restricts the number of heavy goods vehicles (HGV) movements imposed as part of planning application TA12/902, should restrict the number of HGV movements to:

- An annual daily average of 100 HGV movements
- A daily cap of 200 HGV movements
- That such a condition should not include HGVs bringing in materials for topsoiling the site
- That such a condition should not include HGVs coming to the site to export chalk

- 1.2 The Transport Assessment provides a number of reasons why the figure advanced is acceptable for the local highway network and the application site. This includes:
- That the Environmental Permit for the application site was amended in 2016 so to increase the annual tonnage limit for waste that can be received at the site from 100,000 tonnes per annum (tpa) to 200,000 tpa
  - that the capacity of the road network is sufficient to accommodate such HGV movements
  - that there is no evidence of accidents along the road network that would warrant a lower HGV restriction
  - that there is no evidence that these number of HGV movements would lead to a significant adverse harm in terms of residential amenity (noise/ vibration/ perception) or the environment.
- 1.3 The Transport Assessment at paragraph 6.1 comments that *“in terms of transport and highway matters, the proposed development at Oxted Quarry simply seeks to maintain the ongoing activities in terms of chalk extraction and restoration in accordance with the extant planning permission that extends to 2042”*. However it then goes on to state that *“the recent increase in the permitted level of imports to 200,000 tonnes per annum would result in additional HGV movements over the year, but not necessarily an increase in overall traffic during any given day”*.
- 1.4 When planning permission TA93/0765 was granted in June 1997, no conditions were imposed with regards to the number of HGV movements that could visit the site on a daily/ weekly or annual basis. No conditions were also imposed on the volume of material that could be brought to the site to restore the chalkpit either on a daily/ weekly or annual basis. However the Waste Management Licence granted for the site in 1980 and 1998<sup>1</sup> respectively restricted the annual tonnage to 40,000tpa and a daily restriction of 150 tonnes.
- 1.5 Therefore whilst your client and the Transport Assessment wish to rely on the premise of the extant permission in terms of ‘ongoing activities’, Officers think it is pertinent to highlight two points:
- a. The extant planning permission was granted with an Environmental Permit which limited the volume of waste to the site some 160,000 tonnes less per annum than the current Environmental Permit therefore your client cannot be simply maintaining the ‘ongoing activities [...] in accordance with the extant planning permission that extends to 2042’ because the circumstances when planning permission TA93/0765 was granted has now changed.
  - b. The purpose of a periodic review of the conditions attached to the original planning permission is to ensure that old mineral sites operate to continuously high working and environmental standards. Given the changes in circumstances (with regards to environmental legislation and best practice, alongside changes to the Environmental Permit) that have taken place since TA93/0765 was granted planning permission in 1997, Officers recognise that whilst the application site has planning permission until 2042, it should be operating with high environmental standards and this includes highway matters (a matter not considered as part of the Environmental Permitting regime).
- 1.6 Officers consider that the key influence behind the submission of the Transport Assessment (May 2017) is the increase in tpa for the Environmental Permit. Officers would like to point out that dialogue has taken place with regards to a condition being imposed restricting HGV movements to/ from the application site since the

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<sup>1</sup> EAWML 19572

application was submitted in 2011. In April 2016 Mr Lamb (your client's planning agent) wrote to the County Planning Authority (CPA) agreeing to a condition which restricted the number of HGV movements associated with the site, to a daily maximum of 150 HGV movements with an average of no more than 56 HGV movements per day when taken over a 12 month period.

The CPA disagrees with the assertions made in the Transport Assessment and the proposed condition wording. The CPA, in conjunction with the County Highway Authority (CHA), consider a condition limiting the number of HGVs on the following is necessary, reasonable and relevant to planning and the application site:

- An annual daily average of 100 HGV movements
- A daily cap of 156 HGV movements
- That such a condition should include HGVs bringing in materials for topsoiling the site
- That such a condition should include HGVs coming to the site to export chalk
- That such a condition would not affect the working rights, asset value or economic viability of the application site.

1.7 The CPA and CHA reasons behind this are as follows.

## **2. Road capacity**

2.1 The Transport Assessment outlines that the road network to the application site has adequate capacity to accommodate both existing HGV movements *and* the proposed number of 200 daily HGV movements to/ from the application site. This is based on data in Table 4.2. The Officers disagree with this assertion for the following reasons.

2.2 Data is provided in the form of Table 4.2 to prove that there have historically been a high number of HGV movements on the network associated with the application site and that these have not caused an issue with capacity on the network. Officers consider it important to point out that this table is for a four year period (2007 – 2011) but only provides the peak weeks during that period of which there are only 15 weeks<sup>2</sup> over some 200 weeks<sup>2</sup>. That implies that of the four year period, there are 185<sup>3</sup> weeks where there are movements that are much lower than that shown in Table 4.2 (or 3.75 weeks of a working year of 51 weeks which have the peak movements shown in Table 4.2 so the remaining 47.25 weeks have lower HGV movements).

2.3 The data provided for the daily HGV loads during peak weeks 2007 – 2011 in Table 4.2 shows that in the 75 days sampled in that table, that

- 1.3% of the 75 days had more than 100 loads/ 200 movements
- 28% of the 75 days had more than 75 loads/ 150 movements
- 84% of the 75 days had more than 50 loads/ 100 movements

However, as the Transport Assessment states in paragraph 4.10, these are peak weeks of activity during each year between 2007 and 2011. By including all the remaining 185 weeks which have much lower HGV movements, this would decrease the percentage/ frequency of days above further. Officers disagree that Table 4.2 provides data to prove that there have been historically high numbers of HGVs associated with the application site on the local highway network *and* that this has had no impact on the capacity of the local highway network. Officers disagree

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<sup>2</sup> The total number of weeks covered by the period in Table 4.2

<sup>3</sup> Assuming a 51 working week year

that Table 4.2 can be used to justify the HGV numbers being proposed by your client.

- 2.4 The Transport Assessment provides recent traffic data for the site in Table 4.4 however this is for one week only. This is data is too limited. Paragraph 4.22 states *“we are advised that since the beginning of January 2017 until East Bank Holiday week ending 14 April, the site has typically received between 50 and 60 loads/ 100 and 120 HGV movements per day with the busiest day being 78 loads/ 156 HGV movements.”*. However there is no data to back this statement up in the form of weighbridge information and this comment could be anecdotal. The limited value of the data in Table 4.4 is shown by the fact that the figures only record a maximum of 31 HGV movements over a 5 day average, 18 hour period, whereas Table 4.2 March 2011 shows much higher figures. Officers consider the data in Table 4.4 cannot be relied on.
- 2.5 The CPA dispute the comment made in paragraph 6.5 of the Transport Assessment that by comparing an average figure of 114 HGV movements (57 loads) with the historic flows identifies in table 4.2 *“that there have been numerous examples of days where the total daily flow exceeds the level identified above”*. Firstly, the 114 HGV movements has been calculated based on a 250 working days per annum whereas the remainder of the Transport Assessment says it would be 275 working days per annum. Is your client now not proposing to work Saturdays? If your client were to work 275 days in a year, this would reduce the number of HGV movements to 86. Including chalk this would be 106 HGV movements. Secondly, the CPA has not been provided with any data on historic chalk extraction and export rates to verify the figure of 20 HGV movements per day. Thirdly (and as discussed above) Table 4.2 only covers a limited number of weeks over a four year period to show a limited number of peak weeks over four years.
- 2.6 Officers consider that the statement made in paragraph 6.5 cannot be validated based on the data in Table 4.2 or the figure of an average 114 HGV movements. The figures proposed should reflect a 275 working days per annum and be compared to historic weighbridge data for the whole four year period not selected weeks alongside any recent weighbridge data since the site re-opened in 2016.
- 2.7 The Transport Assessment relies upon the TRL study into capacity of single track roads and the findings which state *“Results from the TRRL studies indicate that simply in terms of their capacity for carrying moving single lane traffic, single lane carriageways **correctly designed** [my embolding] are unlikely to incur significant increases in delay compared with traffic in free-flow conditions, at flow levels up to 300 vph (total two way)”*.
- 2.8 The words correctly designed have been emboldened as this is the salient point. The TRL study was based on a computer model and was a theoretical study based on the assumption that there was perfect visibility and a speed of 15mph. Chalkpit Lane does not meet these points. Chalkpit Lane in the section north of the M25 and south of the site access is unlikely to meet the TRL definition given its nature. In the bends to the south of the main access (the southern access), it varies between 4.3m and 4.7m. Manual for Streets illustrates what various carriageway widths can accommodate on a straight section of road. Bends in roads require a greater width to accommodate the swept path of larger vehicles. The absolute minimum for two cars to pass is 4.1m, for a car and a HGV it is 4.8m and for two HGVs 5.5m. Quite clearly two HGVs cannot pass in this narrowest stretch of Chalkpit Lane and a car and a HGV would also struggle to pass each other. This would also be the case for other stretches of Chalkpit Lane.

- 2.9 Paragraph 7.5 goes on to justify that Chalkpit Lane has capacity for the application site's HGVs. However this paragraph is based on a frequency of 57 loads/ 114 movements **not** the maximum number of 200 HGV movements being sought. If the assumption was based on the requested maximum of 200 HGVs per day there would be 18 movements per hour, or 1 every 3-4 minutes. As paragraph 7.5 states, it takes 2-3 minutes to travel between the site access and the junction of Chalkpit Lane and Barrow Green Road. The chances of site related HGVs meeting along Chalkpit Lane in the narrow sections are high.
- 2.10 Officers are also aware that the western border of the Woldingham and Oxted Downs Site of Special Scientific Interest (SSSI) runs parallel to Chalkpit Lane immediately south of number 72 Chalkpit Lane until the point at which footpath 94 enters onto Chalkpit Lane. Approximately 30m north of footpath 94, the SSSI immediately abuts Chalkpit Lane – there is no buffer zone between the two at this point – for some 17m. The number of HGVs proposed in paragraph 11.48, and the frequency as described above, would create a high risk of overrunning onto the SSSI causing damage. Officers are concerned that the number of HGV movements your client is proposing would increase this risk.
- 2.11 Paragraph 10.2 of the Transport Assessment acknowledges that “*the local road network is constrained in terms of its geometric layout and falls short of modern desirable standards for HGV access*”. Officers consider the Transport Assessment’s conclusion that the capacity of Chalkpit Lane is sufficient to accommodate the numbers proposed in paragraph 11.48 is incorrect due to the nature of the road and there being narrow stretches and that paragraph 7.5 relies on a frequency of 57 loads/ 114 movements.
- 2.12 Officers dispute the comments made in paragraph 6.8 that the proposal for an average flow of 50 loads/ 100 HGV movements is comparable with historic activities at the site based on a meeting note from 1959 which states that about 250 lorry loads per week at peak periods go from the site. Whilst the number of movements may have been circa 250 loads per week, lorry/ HGV sizes in 1959 would have been substantially smaller than the modern 4 axle vehicles that currently access the site to deposit material/ export chalk. This comparison is irrelevant to the current application.
- 2.13 Whilst Officers recognise that there can be other HGVs using Chalkpit Lane as stated in paragraph 4.18 of the Transport Assessment, when the application site is operating the number of 3 or 4 axle rigid vehicles increases significantly. When the application site is not operational, HGVs travelling along Chalkpit Lane are predominantly 2 axle vehicles<sup>4</sup>.
- 2.14 Officers recognise that due to the historical nature of the site, it has been operational for a number of years using Chalkpit Lane despite Chalkpit Lane’s limitations. However there are width constraints on Chalkpit Lane, which (as a consequence of two HGVs meeting or a car and a HGV meeting) can cause intimidation and create a high risk of damage to the SSSI; and given there is no scope for widening Chalkpit Lane, Officers consider a restriction on the number of movements would assist in reducing the likelihood of two HGVs meeting.

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<sup>4</sup> This data has been obtained from the permanent traffic counter on Chalkpit Lane which provides data not just on the number of vehicles but the size of vehicle.

### **3. Site access and visibility splays**

3.1 A discussion took place at the meeting of July 2017 with regards to the adequacy of the site accesses<sup>5</sup>. There are two matters this letter wishes to raise.

3.2 a) Northern access

The northern access is currently not used for site operations. At the meeting of July 2017 your client said that the northern access would be used for vehicles bringing in plant/ machinery to the application site. A discussion took place recognising that the northern access could not be used for access/ egress to the application site by site related HGVs unless and until adequate measures had been installed for the cleaning of HGV wheels. A weighbridge would also be required to satisfy the requirements of the Environmental Permit. It was agreed that a Condition could be imposed to this effect and I attach a draft condition below:

*The upper access, as shown in plans 9409/5b "Northern Access" and 9409/5c "Upper access entrance design", shall not be used until a scheme for the installation and operation of facilities to keep the public highway clean, plus details of any weighbridge, offices, fencing, gates, lighting or structures that are required at the upper access has been submitted to and approved in writing by the County Planning Authority. The details shall be implemented in accordance with the approved scheme.*

3.3 b) Southern access

The Transport Assessment acknowledges at paragraphs 3.2 and 3.3 that the southern site access is "*below desirable standards*" however "*remains as previously accepted when activities at the site have been considered historically*". Paragraph 3.3 of the Transport Statement states that visibility at the site access measures 20m to the nearside edge in the trailing traffic direction (to the left on exit), and 48.9m to the nearside edge in the leading direction (to the right on exit), from a setback distance of 2.4m. Forward visibility towards a vehicle emerging from the site access extends approximately 57m from the north and 75m from the south. As this section of Chalkpit Lane is subject to a 40mph speed limit, the required visibility should in fact be 120m, based on the guidance in the Design Manual for Roads and Bridges (DMRB). It should be recognised that whilst the physical visibility at the site access has remained unchanged since when planning application ref: TA93/0765 was approved, the Environmental Permit tonnage limit has changed.

3.4 For example, in 1997 the Waste Management Licence was 40,000tpa. This would have generated circa 20 movements per day for a 250 working day year or 18 movements for a 275 working day year. Your client is now seeking an increase in HGV movements to an average of 100 and a cap of 200 based on the Environmental Permit which is 200,000tpa, a fivefold increase from 40,000tpa to 200,000tpa, with no consequential amendments to the visibility splays. The CPA is aware that the physicality of the visibility splays cannot be changed as they are restricted by existing development. Therefore, the CPA would request to see evidence that the restricted southern site access can accommodate the numbers of HGVs being proposed as part of the Transport Assessment, without leading to conditions prejudicial to highway safety, and could increase the risk of accidents taking place on Chalkpit Lane. This evidence would take the form of weighbridge data to demonstrate that the site is operating with traffic figures proposed as part of

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<sup>5</sup> Condition 18

the Transport Assessment to justify the proposal.

#### 4. **Relationship with the Environmental Permit**

- 4.1 It has been following your client obtaining an Environmental Permit variation in December 2016 increasing the tpa to 200,000 from 100,000, that your client now states that the HGV limitations in any condition considered as part of this planning application should be increased. The County Planning Authority disagrees with this approach for the following reasons.
- 4.2 Paragraph 122 of the NPPF states that “*local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively*”.
- 4.3 Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. The Permitting regime does not have to take into account off-site traffic implications in terms of their impact but focus on whether the site can be operated and managed in a manner to prevent or minimise pollution<sup>6</sup>. Whilst the planning and permitting regimes are closely aligned they are not bound by each other. Therefore the variation to the Environmental Permit is a material consideration in the County Planning Authority’s decision making process but the increase in tonnage allowed by the Permit should not dictate the proposed limits for HGV movements.
- 4.4 Paragraph 6.2 of the Transport Assessment it states that “*The recent increase in the permitted level of imports to 200,000 tonnes per annum would result in additional HGV movements over the year, but not necessarily an increase in overall traffic during any given day*”. This statement is contradictory in relation to paragraph 11.48 of the Transport Assessment which states your client is wishing to increase the daily maximum limit from 150 HGV movements to 200 HGV movements as part of the ongoing dialogue with the County Planning Authority and further to Mr Lamb’s email in April 2016. This is also contradictory to the request for a high daily cap.
- 4.5 Officers have considered the increase in tpa as set out in the Permit variation (December 2016) and make the following observations:

**Table 1**

<b>Environmental Permit limit of 200,000tpa</b>	
275 <sup>7</sup> days per annum bringing in materials in a 17t payload	86 HGV movements per day
250 <sup>8</sup> days per annum bringing in materials in a 17t payload	94 HGV movements per day

- 4.6 The figures
- for solely the Environmental Permit are lower than both the average annual figure of 100 HGV movements and some way off the daily HGV cap figure of

<sup>6</sup> Environment Agency “Guidance for developments requiring planning permission and environmental permits”, October 2012

<sup>7</sup> Paragraph 4.8 of the Transport Assessment refers to 275 working days per annum.

<sup>8</sup> Paragraph 6.3 of the Transport Assessment refers to 250 working days per annum.

- 200 proposed in paragraph 11.48 of the Transport Assessment.
- for both the Environmental Permit and the chalk are both lower than the maximum cap of 150 daily HGV movements agreed by Mr Lamb in April 2016

4.7 It is unclear whether from paragraph 6.3 of the Transport Assessment whether your client is relinquishing Saturday working at the site or not. The Transport Assessment document does not appear to decide whether the site is operating on a 250 working day year or a 275 working day year. As all previous analysis was undertaken on the basis of 275 working days per annum, the figure quoted of 94 movements is not comparable and the figure of 86 movements<sup>9</sup> would be appropriate. Therefore by the Transport Assessment's own admission the average number of HGV movements to the application site should be lower than the 100 now being proposed.

4.8 Officers also make the following observations that based on an annual average of 100 HGV movements coming to the site in 17t payload vehicles this would result in

- 233,750 tonnes of material coming to the site with 275 working days
- 212,500 tonnes of material coming to the site with 250 working days

4.9 The above figures show that the average HGV numbers to bring in material to restore the application site your client is seeking in the Transport Assessment would result in more than the Permit restrictions allow and are not necessary. A lower HGV average figure (as shown in the Transport Assessments own figures) and daily cap figure would allow for both flexibility for contracts to be obtained and operated therefore not affecting the economic viability of the application site; and for sufficient material to be brought to site in line with the Permit's 200,000tpa limit.

**5. Noise and Vibration**

█ [REDACTED]

█ [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

█ [REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



■ [Redacted text]

■ [Redacted text]

**6. Inclusion of chalk figures**

- 6.1 Officers recognise that all discussions that have taken place until July 2017 had been on the basis that a condition limiting the number of HGV movements to/ from the application site would only limit HGVs bringing in material to restore the application site. On careful consideration of this proposal and review of legislation and planning policy guidance, Officers consider that, in combination with HGVs bringing restoration materials to the application site, there is justification for including the vehicles associated with chalk movements with regards to noise. As described above, the County Noise Consultant recommends that a cap of 156 HGV movements be associated with the application site to ensure there is no significant adverse impact with regards to noise. This is for all HGVs associated with the site.
- 6.2 Officers have reviewed whether the inclusion of vehicles associated with chalk movements would conflict with the working rights of the application site in accordance with Schedule 14 paragraph 13(3) of the Environment Act 1995 and consider that a condition limiting all HGV movements to the application site would not fall foul of any of the criteria listed within Schedule 14 paragraph 13(3).
- 6.3 Officers have reviewed the definition of asset value as set out in the NPPG and consider that a condition limiting all HGV movements would not affect the asset value of the application site, i.e. the amount of chalk material that would be lost relative to the amount of workable material in the site for which planning permission exists. Officers consider given the figure of 40,000 tpa of won and worked chalk (which is presented in the planning application) would generate approximately 18 movements per day which could be accommodated within 156 HGV movements.
- 6.4 Officers consider any proposed condition limiting HGV movements to/ from the site should safeguard the environment and residential amenity and to ensure this, should include all HGVs regardless of what the HGV is removing/ bringing to the application site. Having reviewed legislation and planning guidance, Officers consider that HGVs associated with export of chalk from the site can be included in such a condition.

**7. Highway safety**

- 7.1 Officers note the comments in the Transport Assessment on accident data and only wish to comment that with respect of paragraph 5.8, 7.1 and 10.2, the application site was dormant for the majority of the additional period considered in terms of recorded injury accidents.

## **8. Road surveys**

- 8.1 The County Planning Authority are proposing a condition requiring your client to carry out surveys of Chalkpit Lane to ascertain if damage to the highway has occurred and, if there has been damage, for your client to contribute to this. The County Planning Authority considers this request is reasonable on the basis that the application site generates the largest number of HGVs travelling along Chalkpit Lane. This can be evidenced by the data provided in table 4.1 and paragraphs 4.4 – 4.6 of the Transport Assessment where it states that of the 24 hour flow between Monday to Friday, for example, was 1559 movements of which 23 (1.5%) were classified as HGVs. Paragraph 4.5 goes on to outline that “*during the AM peak hour a total of 166 movements including 2 (1.2%) HGV were recorded. The comparable PM peak flow was 146 movements including 1 HGV which represents 0.7% of the total flow*”. Paragraph 4.7 also states that of traffic data collected in May 2011 (when the site was not operational) that “*the average combined number of HGV movements over the same period was found to be 48, which equates to 1.9% of the total volume*”.
- 8.2 If the figures now being proposed in paragraph 11.48 were to be set in a condition, this would result in an increase of HGV movements on the network above the baseline figures quoted in paragraph 4.4 of:
- A quintupling of the average number of HGV movements on the network from 23 HGV (baseline) to 123 HGVs with the numbers in para 11.48. The baseline HGVs would represent 19% of all HGV movements on the network when using the HGV numbers proposed in paragraph 11.48.
  - Increasing the maximum daily HGV movements by over 900% from 23 to 223 HGVs on the network. The baseline HGVs would represent 10% of all HGV movements on the network when using the HGV numbers proposed in paragraph 11.48.
- 8.3 Based on the baseline HGV numbers and the proposed HGV numbers in paragraph 11.48, approximately 80-90% of HGV travelling along Chalkpit Lane would be travelling to/ from the application site placing a high probability that damage caused to the public highway of Chalkpit Lane would be caused by vehicles travelling to/ from the application site. On this basis, the CPA considers it reasonable, related to planning and related to this planning application that a condition be imposed requiring your client to carry out a survey of the condition of the road and then to fund repairs to Chalkpit Lane.

## **9. Wheel Cleaning (condition 15)**

- 9.1 The condition as written is requesting the submission of details for keeping the highway clean. The wording as proposed is the exact same wording as that imposed on Condition 5 of planning permission TA93/0765. Officers consider that given the site is currently operating without these details having been agreed, it is necessary for the details to come in promptly and consider 3 months is a reasonable time in which to submit these details given their outstanding nature.
- 9.2 At the meeting of 12 July 2017 it was agreed that a plan showing the location of the wheel washing facilities and information on how the public highway clean would be submitted to accompany this planning application. As this information has not been forthcoming, the County Planning Authority will maintain its position to include this condition and that the timeframe for submitting the details is necessary and reasonable given no such details have been forthcoming and the site is currently operating.

**10. Condition 10**

10.1 Condition 10(c) was discussed at our meeting whereby it was agreed that the intention for condition 10(c) was that broad areas of stockpiling of material brought to site to facilitate the restoration would be shown on a plan. Based on this agreement, please confirm that you agree that Condition 10(c) wording is agreed.

**11. Condition 19a**

11.1 The CPA continues to maintain this condition is necessary for safety and amenity reasons.

**12. Condition 21a**

12.1 The CPA disagrees with your comments that "*this condition is unnecessary as it is physically impossible for two HGVs to leave the site at the same time*". Whilst Officers accept there is a process of weighing the HGVs and washing their tyres/ chassis before leaving the site, this process can vary in time. The condition is necessary to ensure that HGVs leaving the site do not travel together on Chalkpit Lane. Paragraph 11.33 and its reference to queuing on the public highway refers to the queuing back onto Chalkpit Lane from the application site whilst HGVs are waiting to *go into* the application site. Condition 21a seeks to alleviate congestion of HGVs on Chalkpit Lane *leaving* the application site to assist in providing protection of the environment and amenity of those living on Chalkpit Lane. Officers recognise that your client operates a set of Site Rules for HGV drivers however these are not within the remit of the CPA to control and therefore, in planning terms, has no weight. Consequently the CPA considers this condition is necessary for the reasons set out above, is precise in its wording, is relevant to planning and the site, is enforceable; and is reasonable in all other respects.

**13. New planning application**

13.1 At the meeting in July 2017 it was discussed that your client had installed buildings and structures at the site entrance including a new gate, new fence, new gantry, new double storey site office and new weighbridge. It was agreed at the meeting of 12 July 2017 that these are new structures at the application site. Condition 10 of TA93/0765 restricts the Permitted Development Rights at the application site preventing the installation or erection of plant, building, machinery whether fixed or moveable; or lights or fences at the site without the prior approval of the County Planning Authority. A ROMP application is to modernise planning conditions on an existing planning permission. A ROMP application is not to allow for new development. As the structures have been installed and erected on site and prior approval has not been sought, your client will need to submit a planning application for the retention of these items. It was agreed at the meeting of 12 July 2017 that such a planning application would be forthcoming. Please can you provide a timescale by which this planning application will be submitted by.

**14. Conclusion**



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Please call me if you have any queries on the above. I look forward to hearing from you.

Yours sincerely

Mrs Samantha Murphy  
Principal Planning Officer  
Planning and Development Group