APPLICATION DETAILS

Land at Kings Farm, Tilburstow Hill Road, South Godstone, Godstone, RH9 8LB

Details of a disposal of foul and surface waters statement pursuant to Condition 7 of planning permission ref: TA06/1788 dated 14 May 2007

**Applicant**

Star Energy UK Onshore Ltd

**Date application valid**

2 August 2007

**Period for Determination**

27 September 2007

**Amending Documents**

None

BACKGROUND

**Site Description**

1. The wellsite is located in a rural area within the Green Belt and in an Area of Local Landscape Character. The site is found some 1.7 km to the west of South Godstone, 2.5 km northwest of Blindley Heath and approximately 3.5 km south of Godstone village. The Redhill to Tonbridge railway is approximately 580 metres north of the proposed site beyond Lambs Business Park. The land to the north of the railway line rises steeply and falls within an Area of Great Landscape Value (AGLV). Between Lambs Business Park and the proposed wellsite, there is a site of Archaeological Importance.
2. The proposed wellsite is situated within a field used for permanent pasture. Immediately to the south and east is Birchen Coppice ancient semi-natural woodland a potential Site of Nature Conservation Importance (pSNCI). There is a hedge and treeline on the proposed wellsite western boundary, with farmland beyond. The businesses and residential property at Lambs Business Park are found at approximately 530 metres to the north of the site. The nearest group of residential properties are located to the south of the site some 650 metres distant. Residential properties are also found to the north east of the site (approximately 850 metres) and there are properties along Tilburstow Hill Road further to the east.

3. Access to the site would be gained via an existing access from the Tilburstow Hill Road which would then be extended to run approximately 1 km to the wellsite. Tilburstow Hill Road (D395) is a narrow rural road which to the north, joins the B2236 just south of Godstone village which later joins the A25 within Godstone, and to the south joins the A22 at a junction known as Anglefield Corner, approximately 1.5 km south of the proposed access.

4. However, during the 1960’s Esso Petroleum Ltd undertook drilling for oil in an area to the south of the Redhill/Tonbridge railway line between Bletchingley and South Godstone. Planning permission was obtained for the temporary installation of drilling equipment at Lagham Park Farm under consent Ref GO/R 7151 in September 1956, Kennels Farm, Bletchingley (Ref: GO/R 7441), King Farm (Ref GO/R7442 April 1966) and at Lambs Brickworks (Ref: GO/R/7666). Three of the boreholes were successful and one was ‘dry’. Natural gas was found at a depth of 1066 metres and permission was given for the installation of equipment to exploit gas at Lagham Park Farm Ref GO/R 7510 and Kings Farm Ref: GO/R 7442A.

5. The 0.21 ha wellsite at Kings Farm (known as site 1) was located in a northern part of an open field some 100 metres to the west of Tilburstow Hill Road. The wellsite was accessed by a roughly metalled farm track. The original Kings Farm site is just to the south of the access route proposed in this current planning application and part of the same access from Tilburstow Hill Road would be used to gain access to the currently proposed wellsite.

Planning History

6. Two schemes for the extraction of gas from the Bletchingley field were permitted in 1977 and 1985, but neither has been implemented. The first in November 1977, involved the transmission of natural gas by underground pipeline from the well at Kings Farm to a gas treatment plant at Lagham Park Farm. This scheme was permitted under Ref: TA77/691. The second scheme was for the production of natural gas from the three gas wells, through a pipeline from Godstone to Redhill to supply the Copyhold Works and British Industrial Sand Holmethorpe Works at Redhill. This consent was issued on 27 June 1985 under Ref: TA85/277 and RE 85/326.

7. Planning permission was granted in May 1989 Ref: TA89/181 to service the wellhead at Kings Farm to confirm the downhole integrity of the well. This involved the installation of a ‘rambler’ rig at the site for some 5 to 8 days. A similar ‘workover’ programme had been permitted in June 1985 under Ref: TA85/348 but was not implemented at that time.

8. The wellheads at all three Bletchingley sites have been plugged and the sites have been inactive for many years.
9. Planning permission was granted in May 2007 Ref TA06/1788 for construction of an appraisal wellsite to include plant, buildings and equipment; drilling of, and testing for, hydrocarbons from up to two appraisal boreholes; the erection of security fencing; construction of a new access and associated works to an existing access track; construction of a 1km extension to the existing track with three passing bays, all on some 1.2HA, for a temporary period of up to 3 years, with restoration to agriculture.


11. This detail pursuant application has been submitted in response to Condition 7 of Planning Permission TA06/1788.

THE PROPOSAL

12. Condition 7 of Planning Permission TA06/1788 states:

Prior to the commencement of the development hereby permitted a scheme for the disposal of foul and surface waters shall be submitted to the County Planning Authority and approved in writing. The scheme as approved shall be implemented in full and maintained for the duration of the development unless otherwise agreed in writing by the County Planning Authority.

13. Reason:

14. The applicant has submitted a statement providing details of how surface water and foul water will be dealt with, which is intended to address Condition 7.

Surface Water

15. An impermeable membrane installed below the stoned surface ensures that no surface water or spillages permeates into the underlying sub strata. The surface water is collected in the PVC lined ditches around the perimeter of the site. This surface water is subsequently collected, via a sump, by a road tanker and removed off-site for disposal at an appropriate licensed facility.

Foul Water

16. During construction portaloo style toilet facilities will be provided for the construction workers. A foul drainage piped system will be constructed to connect the temporary drilling accommodation units to a buried cesspool. Emptying of waste will be on a regular controlled basis. No discharge to ground will be permitted.

CONSULTATIONS AND PUBLICITY

District Council

17. Tandridge District Council No objection

Consultees (Statutory and Non-Statutory)
18. County Ecologist       No objection
19. Health and Safety Executive       No objection
20. The Environment Agency       No objection

Parish/Town Council and Amenity Groups

21. Godstone Parish Council       No objection
22. Bletchingley Parish Council       No views received
23. Tilburstow Hill Residents’ Association       No views received

Summary of publicity undertaken and key issues raised by public

24. The application was publicised by the posting of 1 site notice. A total of 21 owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation have been received.

PLANNING CONSIDERATIONS

25. Given that planning permission was granted for temporary gas appraisal, the main consideration is whether the details as submitted, satisfy the requirements of Condition 7 of planning permission TA06/1788.

26. Public safety and the protection of local amenity are important considerations. The applicant must demonstrate the adequacy of the surface water and foul water drainage systems such that no discharge permeates the ground. In addition the applicant must show that appropriate measures will be employed to reduce the likelihood of water permeations from drainage, process water or drilling fluids to surface water systems during the operation of the site.

Pollution Control

Surrey Structure Plan 2004
SE1 –Natural Resources and Pollution Control

Surrey Minerals Local Plan 1993
Policy 1 – Environmental and Amenity Protection

Tandridge District Local Plan 2001
EV6 – Water Quality

27. Surrey Structure Plan, Policy SE1, ‘Natural Resources and Pollution Control’ requires development to comply with the prevailing standards for the control of emissions to air water and land. Minerals Local Plan Policy 1, ‘Environmental and Amenity Protection’ states that the Council are to be satisfied that adequate safeguards for the protection of the environment and the amenities of local residents can be secured and in particular the visual impact and the effect on the landscape should be taken into account. Tandridge District Local Plan, Policy EV6, ‘Water Quality’ states that it will resist development that would adversely affect the quality of surface water or groundwater.

28. The Environment Agency has been consulted and has raised no objection to the drainage details. The Agency requested that the County Planning Authority should
clarify the situation regarding localised drainage issues. The Local District Council has confirmed that in this instance they are unaware of any drainage problems at this particular site. Therefore, officers are minded of the Environment Agency’s decision and consider that the details of this proposal meets the requirements of the Local Plan and is unlikely to have an environmental impact on the local amenity.

HUMAN RIGHTS IMPLICATIONS

29. The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.

30. The officer’s view is that the development will not result in any pollution of the ground water by way of foul or surface sources and will therefore not result in any impact on amenity. The proposal does not engage any of the articles of the Convention and has no Human Rights implications.

CONCLUSION

31. The submitted details relating to Condition 7 were required by the Local Planning Authority to ensure that the development will not result in any pollution of the ground water by way of foul or surface water sources and does not raise any new planning issues. Officers consider that the details submitted are acceptable and therefore the requirements of Condition 7 are satisfied.

RECOMMENDATION

That the details submitted pursuant to Condition 7 of Planning Permission TA06/1788 be APPROVED.

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

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

The development

1 ensures that following the development there is no pollution of the ground water;

2 is in accordance with the development plan policies so far as they are relevant to the application and there are no material considerations which indicate otherwise; and

3 any harm can be adequately mitigated by the measures proposed in the application and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/ provisions:
HUMAN RIGHTS ACT 1998
GUIDANCE FOR INTERPRETATION

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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

The Development Plan

Surrey Structure Plan 2004:
SE1 – Natural Resources and Pollution Control

Surrey Minerals Local Plan 1993:
Policy 1 – Environmental and Amenity Protection

Other Documents

Tandridge District Local Plan 2001
EV6 – Water Quality