

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 27 April 2022 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

These minutes are subject to confirmation by the Committee at its next meeting.

**Members:**

(\* = present)

Tim Hall (Chairman)\*  
Penny Rivers\*  
Jeffrey Gray\*  
Jonathan Hulley  
Victor Lewanski\*  
David Lewis\*  
Catherine Powell\*  
Richard Tear\*  
Jeremy Webster (Vice-Chairman)\*  
Scott Lewis\*  
Ernest Mallett

Buddhi Weerasinghe\* (as substitute)

**30/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Jonathan Hulley. Buddhi Weerasinghe acted as a substitute.

**31/22 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes were APPROVED as an accurate record of the previous meeting.

**32/22 PETITIONS [Item 3]**

There were none.

**33/22 PUBLIC QUESTION TIME [Item 4]**

There were none.

**34/22 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**35/22 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**36/22 MINERALS/WASTE MO/2021/2103 - BROCKHAM WELLSITE, LAND AT FELTON'S FARM, OLD SCHOOL LANE, BROCKHAM, BETCHWORTH, SURREY RH3 7AU [Item 7]**

**Officers:**

Caroline Smith (Planning Group Manager)  
Stephen Jenkins (Planning Development Manager)  
Sonia Sharp (Senior Highways and Planning Solicitor)  
Joss Butler (Committee Manager)  
Chris Turner (Senior Planning Officer)

**Speakers:**

Jerry Hamilton made representations in objection to the application. The following key points were made:

1. That BP's original proposals included promises to the local community and that the community were now dealing with Angus Energy.
2. Provided a comparison between BP and Angus Energy.
3. That Angus Energy had exposed gaps between regulators and pushed boundaries to see what they could get away with.
4. That Angus Energy's procedures and record keeping had been found to be inadequate.
5. That local people needed more reassurance.
6. That Angus Energy had stated that the volume of water produced from the site alone was insufficient yet no application had been submitted to bring water from other sites.
7. Questioned whether, in the future, the site would turn from a failed oil producer to a waste disposal site.
8. Asked that, if approved, the committee ensured that safeguards were put in place by drilling monitoring boreholes to monitor any possible ground water contamination. It was also asked that monitoring data was reported publicly.

The applicant, George Lucan, spoke in response to the public speakers' comments. The following key points were made:

1. That the site's predecessors had breached planning policy.
2. That the applicant had committed to engaging with the local community and recently held a site visit for local Members to observe the site and local water monitoring data.
3. That the company was now very different from the one three years ago.
4. That the site was compliant and had received safety upgrades over the previous three years.
5. That protestors had been a nuisance to the local community.
6. That Angus Energy had promoted its desire to use hydrocarbon revenue and redeploy them into alternative energy production.
7. That transition to alternative energy needed to be a measured and steady process.

The Local Member, Helyn Clack, made the following comments:

1. That the community had a good relationship with the previous site developer.

2. The community had lost trust with the current site developer.
3. That the Local Member had not been invited to inspect the site.
4. Queried whether 15 years was a temporary permission.
5. Asked for details on the restoration of the site if oil was not found.
6. Asked whether the developer would set up a local liaison group to discuss issues and progress throughout the development period.
7. In the event of earthquake activity in the area, the Local Member asked whether the applicant would cease all work onsite until an investigation was completed on whether or not the site's activities had an involvement.
8. Highlighted that local residents had complained about a bad smell in Brockham during exploration on site. The Local Member asked whether the applicant would ensure that no noise or emissions impacted local residents.
9. Asked whether the applicant would ensure that no damage to the water table was incurred and that no water ejected from the site was contaminated.
10. Stated that the biggest impact of the application would be on the local highways.

**Key points raised during the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted that the application was for the retention of the BRX4 well for re-perforation to allow for appraisal and production of hydrocarbons for a temporary period. The committee further noted details of the different phases of the application and the photographs and plans presented at the meeting.
2. Members noted details of the update sheet.
3. Members noted details of the Environmental Agency (EA) response which was published within a supplementary agenda.
4. A Member stated that the current EA permit allowed for the import of water for injection however the permission did not. Officers were asked what conditions could be included within the decision which addressed residents' concerns about the potential import of water for injection. Officers confirmed that the permission did not allow for the import of water for injection and the current permission allowed only for the injection of site derived water. Officers further informed Members that, in the event of additional development which required planning, the applicant would need to submit a further application. The Member requested that a condition be included which stated wording similar to 'that there be no importation of waste water in respect of this permission' which was agreed.
5. A Member raised concern around the use of water and water contamination during times of limited supply nationally. Officers stated that the Environmental Agency had confirmed that there was no connection between the potential aquifers in the area. Members further noted that the site was fully contained and that it was officers' understanding that there was a low risk of contamination due to the geology of the area.
6. A Member stated that they felt the 'need' for the application had not been properly established within the report.
7. A Member said that the country had a limited supply of hydrocarbons and should aim to become more self-sufficient.

8. Following the local Member's comments, a Member asked whether a condition was included to monitor odour emissions from the site. Officers confirmed that the Environmental Agency and the Health and Safety Executive (HSE) were the regulating authorities for odour and should monitor the site.
9. Officers informed the committee that any earthquake activity was outside the council's remit however activity was previously investigated by an independent authority and declared to have no connection with the oil exploration in the area.
10. A Member raised concerns due to the presence of a diesel generator onsite as it was not a representation of best practice currently. Officers suggested that an informative to any permission could be included which stated that seeking a sustainable alternative for power generation on site was encouraged. This was agreed by Members.
11. Members agreed to include an informative that the formation of a Community Liaison Group for the site was encouraged.
12. A Member asked whether a condition could be included which prevented oil extracted from the site from being exported overseas. Officers stated that a condition of this nature was outside the remit of the committee.
13. A Member highlighted that there were durations included within the recommendations for vehicle movements and hours of operation which were not reflected within the draft Section 106 heads of agreement. Officers confirmed that any discrepancies would be fixed during finalisation. Further to this, Members noted that the existing permission included a condition which limited the hours of HGV movements and that these limitations would need to be reflected within the current application to ensure consistency.
14. Members discussed whether or not 'need' had been established for the permission. Officers stated that, in their view, 'need' had been established.
15. The Chairman moved the recommendation, including any additional and revised conditions and informatives agreed within these minutes, which received 8 votes for, 2 against and no abstentions.

**Resolved:**

Therefore it was agreed that, subject to the prior completion of a Section 106 agreement undertaking to secure a routing agreement for HGVs accessing and egressing the site for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives within the report and any additional and revised conditions and informatives noted within the minutes of the meeting.

**37/22 ENFORCEMENT & MONITORING UPDATE REPORT [Item 8]**

**Officers:**

Ian Gray, Planning Enforcement Team Leader

**Key points raised during the discussion:**

1. Officers introduced the report and noted that it covered the period from 1 January 2020 – 31 March 2022. Members also noted that the report was for information and did not include a decision.

2. Officers provided an overview of the monitoring and reporting process for a monitoring visit. Members noted that the number of overall monitoring visits had reduced from previous years.
3. The Committee thanked officers for their work to support enforcement and monitoring.
4. The Committee discussed issues related to noise levels from D&E Roberts Recycling Yard as noted within the report. A Member stated that, as with previous sites with similar circumstances, due to having multiple different ownerships and multiple different regulatory schemes, enforcement could be challenging. The Member further stated that they believed there was a need for a legislation change to aid resolution during circumstances like this. The Committee agreed that the Chairman write to the relevant minister to outline the difficulties that the County Council faced and to lobby for change.
5. The Chairman moved that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act. The committee agreed to move into Part 2 (Private).

**Resolved:**

The Committee noted the report.

**38/22 DATE OF NEXT MEETING [Item 9]**

The date of the next meeting was noted.

Meeting closed at 12.15 pm

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**Chairman**