

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 27 April 2022
Time 10.30 am
Place: Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF
Contact: Joss Butler, Committee Manager
Email: joss.butler@surreycc.gov.uk

APPOINTED MEMBERS [11]

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Ernest Mallett MBE	West Molesey;
Penny Rivers	Godalming North;
Jeffrey Gray	Caterham Valley;
Jonathan Hulley	Foxhills, Thorpe & Virginia Water;
Victor Lewanski	Reigate;
David Lewis	Cobham;
Scott Lewis	Woodham and New Haw;
Catherine Powell	Farnham North;
Richard Tear	Bagshot, Windlesham and Chobham;
Jeremy Webster (Vice-Chairman)	Caterham Hill;

EX OFFICIO MEMBERS (NON-VOTING) [4]

Tim Oliver	Leader of the Council	Weybridge;
Becky Rush	Deputy Leader of the Council	Warlingham;
Helyn Clack	Chair of the Council	Dorking Rural;
Saj Hussain	Vice-Chair of the Council	Knaphill and Goldsworth West;

APPOINTED SUBSTITUTES [12]

Stephen Cooksey	Dorking South and the Holmwoods;
Nick Darby	The Dittons;
Amanda Boote	The Byfleets;
Luke Bennett	Banstead, Woodmansterne & Chipstead;
David Harmer	Waverley Western Villages;
Trefor Hogg	Camberley East;
Riasat Khan	Woking North;
Carla Morson	Ash;
Mark Sugden	Hinchley Wood, Claygate and Oxshott;
Buddhi Weerasinghe	Lower Sunbury and Halliford;
Fiona White	Guildford West;
Keith Witham	Worplesdon;

Register of planning applications: <http://planning.surreycc.gov.uk/>

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 6)

To confirm the minutes of the meeting held on 23 March 2022.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

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

(Pages 7 - 66)

The retention of the BRX4 well for reperforation to allow for appraisal and production of hydrocarbons for a temporary period.

8 ENFORCEMENT & MONITORING UPDATE REPORT

(Pages 67 - 80)

Whilst officers report annually to the committee, due to the pandemic and inability to carry out regular monitoring, this report covers the period from 1 January 2020 – 31 March 2022.

9 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 25 May 2022.

Joanna Killian
Chief Executive
19 April 2022

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

Note: *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting

NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
5. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Democratic Services Officer for further advice.
6. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Democratic Services Officer for further advice.
7. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The [National Planning Policy Framework](#) (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

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.

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 23 March 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:

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

*= in attendance

21/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Scott Lewis. David Harmer substituted for Scott Lewis.

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

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

23/22 PETITIONS [Item 3]

There were none.

24/22 PUBLIC QUESTION TIME [Item 4]

There were none.

25/22 MEMBERS' QUESTION TIME [Item 5]

There were none.

26/22 DECLARATIONS OF INTERESTS [Item 6]

There were none.

27/22 MINERALS/WASTE WA/2017/1466 MO/2017/1432 - LAND AT EWHURST BRICKWORKS, HORSHAM ROAD, WALLISWOOD, SURREY RH5 5QH [Item 7]

Officers:

Caroline Smith (Planning Group Manager)
 Stephen Jenkins (Planning Development Manager)
 Nancy El-Shatoury (Principal Highways and Planning Solicitor)
 Joss Butler (Committee Manager)
 Samantha Murphy (Development Management Team Leader)

Speakers:

The Local Member, Liz Townsend, made the following comments:

1. That the development would have a permanent change to the environment and biodiversity.
2. Urged Members to ensure that there was a response from the Surrey Wildlife Trust before determination.
3. That there was a lack of detail on the impact to the environment within the report.
4. Urged Members to seek further information on the impact on water quality, diversion of the water course and impact on the wider Wey catchment and Thames river basin management plan.
5. Surrey had declared a climate emergency however there were no detail on how the substantial energy demands of the site would be managed.
6. That a minimum requirement of an energy statement and a firm commitment from the applicant for the use of renewable energy should be requested.
7. That the surrounding rural road network would be impacted.
8. The surrounding roads were not suitable for Heavy Goods Vehicles (HGVs) and that the report lacked defined detail on vehicle movements.
9. Urged Members to defer the application until further details were provided.

Key points raised during the discussion:

1. A Member of the Committee stated that the update sheet was published at 2:15pm the day before the meeting and that it was not enough time in advance of the meeting to properly consider the new information. The Chairman asked officers to provide an overview of the update sheet and agreed to review the update sheet process.
2. Officers informed Members that the main content of the update sheet included changes to pre-existing condition wording, a missing condition, references to relevant legislation, consultee comments and comments from the County Historical Officer.
3. Officers introduced the report and provided Members with an overview of the application while referencing photographs and plans which were presented to the Committee. The application was for the extraction of clay from an area of 43.2 hectares (ha) with restoration to agricultural grassland, lakes, woodland and grassland; together with the construction of a tile factory with a chimney, and the permanent diversion of footpath 89; and on a site of 113ha. Members further

noted details on the conditions included in the report and that there had been 84 letters of representation.

4. The Chairman highlighted that the committee had undertaken a visit to the site.
5. In regard to Condition 27, a Member asked whether issues related to the traffic routes would need to be resolved prior to any work being undertaken on the new tile factory, or at any time. Officers explained that the condition stated 'within three months' as it would capture any existing HGVs traveling on the road network. Members further noted that this application was an opportunity to agree a formal route for HGVs, communication around the route, and further improvements.
6. A Member asked whether the Section 106 agreement included any detail on improvements on the road itself and maintenance. Officers explained that there were adequate powers under Section 59 to undertake enforcement action if the road was damaged beyond normal wear and tear. Officer further noted that there was no evidence of any accidents relating to HGV usage on the route and therefore there was no area on the route that required any mitigation.
7. A Member asked whether a decision on the application was premature without further detail on the Section 106 agreement. Officers highlighted that the transport statement had provided detail on the route which was considered in the report. Members further noted that there had been no personal injury accidents involving any lorries with other road users over the last 10 years.
8. Officers highlighted that the applicant must establish a local liaison group.
9. Officers stated that the applicant was already following the measures outlined in the Section 106 agreement that that signage was already present on the route.
10. The legal representative at meeting advised Members that a breach of a Section 106 agreement would mean that the council could take action for compensation.
11. Members highlighted concerns around the threat to the ancient woodland.
12. A Members stated that the felt the application would be better considered as two applications.
13. Officers stated that detail on the removal of the tile factory after 50 years and extraction under it was covered within the application.
14. A Member highlighted various errors within conditions where references to other conditions were incomplete. Officers apologised for the errors and stated:
 - a. The aftercare conditions had been superseded by conditions within the update sheet
 - b. That Condition 34 should refer to Condition 33
 - c. Condition 59 should refer to Condition 57
 - d. Condition 66 should refer to Condition 65
15. The Committee noted concerns about whether the council had sufficient resource to ensure compliance.
16. Members requested further information around the water levels on the site. Officers stated that water levels would be controlled by outfall. Members further noted that a water management plan was conditioned to be put in place. Following further discussion, officers stated that they could add to Condition 36 (g) a note stating that the applicant should provide mechanisms for correction and how they would managed any unforeseen matters, which Members agreed.

17. In regard to water quality, officers highlighted that, as noted in Condition 38 (g), the water management plan would include detail on water monitoring which included the chemistry of the water. A Member requested that Condition 38 be amended to include reference to discharge to surface watercourse which was agreed.
18. Members noted details of the Bird Management Plan as noted within the report. Officers agreed to seek advice from the Wildlife Trust on the plan.
19. Members noted that Thames Water had confirmed that they believed there was sufficient water in the area for the tile factory.
20. Officers informed Members that the applicant had its own sustainability targets as a company.
21. Following discussion, officers highlighted the council's Section 59 powers which could be used to enforce the applicant to repair damage cause by them to the public highway during construction. Further to this, officers stated that reporting damage to the council could be included as part of the local liaison group's Terms of Reference. Officers went on to propose that Condition 29 was amended to include a clause which stated that an up to date survey was available prior to the start of construction.
22. The Committee agreed that the applicant should review the 'earliest start time' on site and have the review considered by the local liaison group.
23. Officers highlighted that the Wildlife Trust had been contacted several times on the application but no response was received.
24. The Committee unanimously agreed to the recommendation subject to the changes and additions within these minutes.

Resolved:

The Committee agreed that, subject to the prior completion of a section 106 legal agreement to secure a routing agreement for HGVs accessing and egressing the site and the relinquishing of mineral rights for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives within the update sheet and changes and additions noted within the meeting's minutes.

28/22 MINERALS AND WASTE APPLICATION WA/2021/0286 - LAND AT CHIDDINGFOLD STORAGE DEPOT, CHIDDINGFOLD ROAD, DUNSFOLD, SURREY GU8 4PB [Item 8]

David Harmer left the meeting at 11:52am

The Committee adjourned between 11:52am – 12:00pm for a comfort break

Officers:

Caroline Smith (Planning Group Manager)
 Stephen Jenkins (Planning Development Manager)
 Nancy El-Shatoury (Principal Highways and Planning Solicitor)
 Joss Butler (Committee Manager)
 David Maxwell (Senior Planning Officer)

Speakers:

None.

Key points raised during the discussion:

1. Officers introduced the report and informed Members that the application was for the change of use of north-western end of Building A from document storage (Class B8) to storage of automotive parts, processing of catalytic converters and clutches and the creation of extended hardstanding area and erection of retaining wall (part retrospective). Members noted details provided during a presentation of the photos and plans of the site, as noted within the report. Officers corrected an error within paragraph 3 which stated that the site was 207 square meters but it should state 835 square meters. Further to this, paragraph 36 should reference building A rather than building B.
2. A Member raised a concern that the applicant was part-retrospective.
3. In regard to drainage under the hardstanding, Members noted that there were two conditions proposed by officers which stated that a drainage system should be properly implemented and maintained throughout its lifetime. Furthermore, officers stated that the waste operations on site could not commence until the drainage system was approved in writing.
4. In regard to the interceptor tank held under the hard standing, a Member asked how it would be accessed for maintenance. Following discussion, another Member highlighted that the interceptor had been inspected in 2020 and so the site did have access for maintenance.
5. A Member raised a concern around the lack of reference to the actual site operation within the water environment conditions. Officers proposed to include wording such as 'the plan or scheme shall be implemented and maintained in accordance with the approved details' which was agreed by Members.
6. Members noted that there was a condition included which restricted where metallic waste could be transferred into skips.

Resolved:

The Committee agreed to **PERMIT** planning application WA/2021/0286 subject to the conditions from page 116 of the agenda and amendments / additions agreed during discussion at the meeting.

29/22 DATE OF NEXT MEETING [Item 9]

The date of the next meeting was noted.

Meeting closed at 12.38 pm

Chairman

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To: Planning & Regulatory Committee

Date: 27 April 2022

By: Planning Development Manager

District(s) Mole Valley District Council

Electoral Division(s):
 Dorking Rural
 Mrs Clack

Case Officer:
 Chris Turner

Purpose: FOR DECISION

Grid Ref: 519005 148678

Title: Minerals/Waste MO/2021/2103

Summary Report

Brockham Wellsite, Land at Felton's Farm, Old School Lane, Brockham, Betchworth, Surrey RH3 7AU

The retention of the BRX4 well for reperforation to allow for appraisal and production of hydrocarbons for a temporary period.

Brockham Wellsite is an existing wellsite extending to 1.2 hectares, which currently has three well heads (BRX2Y, BRX3 and BRX4) and is located on land at Felton's Farm, approximately 570 metres from Old School Lane, Brockham. Brockham Wellsite is located within the Metropolitan Green Belt some 870 metres east of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). Brockham Wellsite is accessed via a dedicated track leading from School Lane for some 570 metres. Footpath 86 crosses this dedicated access track 260 metres from the wellsite compound. This planning application concerns one well: BRX4.

The proposal seeks planning permission for the retention of the BRX4 well for a temporary period to allow for the reperforation of the upper section of the BRX4 well into the Portland Sandstone reservoir to allow for appraisal and production of hydrocarbons.

The perforation of the Portland Sandstone reservoir would target a new zone in an existing well, avoiding the need to drill a new well and improving the potential to enhance recovery of hydrocarbons from an existing wellsite. The perforation of the BRX4 well (the Proposed Development) would take up to one month to complete, with the operation split into three phases for this part of the proposal:

Phase 1: the bringing on to site a workover unit (up to 35m in height) or crane (up to 40m in height) and associated equipment and rig up on-site, including making the wellhead ready for operations. This is known as the mobilisation phase. This phase will last approximately 4 days.

Phase 2: this would comprise the perforation of the Portland reservoir from the BRX4 wellbore. Following the completion of the perforation run the wellbore would be made ready for production of crude oil into the existing process equipment at surface. If the well is not free flowing, an artificial lift/pumping system, such as a beam pump (nodding donkey) or linear rod pump would be installed over the well. This system would artificially lift the hydrocarbons to the surface operating 24/7. Phase 2 of the Proposed Development is proposed to last approximately 22 days. Hours of operation during this phase would be during normal hours of operation and there would be no work outside of these hours.

Phase 3: the taking down and removal from site of the workover rig or crane which is known as demobilisation. Phase 3 is proposed to last approximately 4 days.

Welfare offices and site offices will be required during this stage in addition to those that are currently permitted to remain at Brockham Wellsite. These are existing processing/utilities equipment on-site, as well as buildings of typical portacabin-style for control and security purposes, and five lighting units.

Should the perforation operation in phase 2 identify hydrocarbon reserves and be deemed successful, well BRX4 would transition to production status. This would be known as Phase 4: production from well BRX4. Permission is sought to retain the well for the period up to 31st December 2036, in line with the other wells at the wellsite, for which permission for production has already been granted.

Mole Valley District Council have objected to the proposal on the grounds that it does not consider a 15 year period to be temporary and the proposal runs contrary to Sustainable Development Goals and the district's commitment to reducing the extraction and use of fossil fuels. Brockham Parish Council have objected to the proposal on the grounds of unacceptable environmental risk, traffic movements, climate change and there should be a reduction in hydrocarbon demand. Brockham Oil Watch have also objected as have Dorking Climate Emergency and Frack Free Isle of Wight and the Weald Action Group on climate change and greenhouse gas emissions grounds and the lack of need for the proposal. 122 letters of objection have been received with one letter not objecting to the proposal.

The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, landscape and visual amenity including the workover rig/ crane during Phases 1 - 3, noise, surface water and hydrogeology, lighting, heritage assets, and Green Belt. Officers recognise that whilst the workover rig is in place during Phases 1 – 3, this would lead to harm to the landscape character, openness of the Green Belt and cause a visual impact due to its size. However this impact would be limited in duration after which the workover rig/ crane would be removed.

Officers are satisfied the proposal would not have a harmful impact on the highway network subject to the completion of a unilateral undertaking to secure the access and egress route to the site for HGV travel.

Minerals can only be worked where they are found. The applicant states that the proposed development is considered to be necessary and would address an ongoing demand for oil. Mineral extraction is considered to be a form of development that is not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. Officers recognise that whilst the workover rig/ crane are in place, this would cause harm to the openness to the Green Belt. However, these phases are limited in duration, are temporary and reversible and as such the openness of the Green Belt would be preserved and the proposal would not conflict with the purposes set out in paragraph 138 of the National Planning Policy Framework.

The recommendation is that subject to consideration of the views of the Environment Agency and subject to the prior completion of a Unilateral 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.

Application details

Applicant

Angus Energy Weald Basin No3 Ltd

Date application valid

8 November 2021

Period for Determination

7 February 2022 (Extension agreed until 13th May 2022)

Amending Documents

Two emails both dated 8 March 2022 with regards to noise
 11 and 16 February 2022 email chain with Agent
 16 and 17 February 2022 email chain with Agent
 12 March email with agent

Summary of Planning Issues

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Need	Yes	41-65
Landscape and Visual Amenity	Yes	66-85
Highways Impacts	Yes	86-100
Residential Amenity	Yes	101-124
Heritage	Yes	125-134
Water Environment	Yes	135-147
Green Belt	Yes	160-179

Illustrative material

Site Plan

Figure 01 – Site Location Plan Dated July 2021

Aerial Photographs

Aerial 1, Aerial 2

Site Photographs

Figure 01 – Looking east across the site

Figure 02 – Looking towards the southern boundary

Figure 03 – Looking west towards the main entrance to the site.

Figure 04 – Looking east across the site from within the main site.

Figure 05 – Existing amenity facilities on the site.

Background

Site Description

1. The Brockham Well Site is situated on land at Felton's Farm. It is served by an existing private access track which connects the well site to Old School Lane which is located approximately 570 metres (m) to the east. The site lies within the Metropolitan Green Belt approximately 1 kilometres (km) south west of Brockham Village and 2km south east of Dorking. The Horsham railway line runs approximately 250m to the west of the well site compound. Tanners Brook is situated some 465m to the east of the well site and Footpath No 86 crosses the access track some 260m to the east of the compound. Surrey Hills AONB (and the AGLV) lies approximately 870m to the west and 840m to the north of the site.
2. The well site compound, the associated bunds and access track extend to 1.2 hectares (ha). The site lies within a rural landscape and is surrounded to the north, south, east and west by agricultural land. The closest residential property to the well site compound is Scammells Farm. This property is situated approximately 520m to the south-southwest of the well site on Tilehurst Lane. It is located on the opposite side of the Dorking to Horsham railway line with views in the direction of the well site being partly obscured by a railway embankment. Felton's Cottage and Felton's Farmhouse are situated just off Old School Lane approximately 585m to the east of the well site compound and around 150m south east of the site access track. All operational plant is located within the well site compound which extends to 0.5ha.
3. To avoid the village of Brockham, access for heavy goods vehicles (HGVs) is only permissible to and from the south. This requires HGVs to travel to and from the A24 at South Holmwood via Old School Lane, Bushbury Lane, Roothill Lane, Red Lane, Blackbrook Road and Mill Road.
4. The compound is secured by 2.4 metre high palisade fencing, with vehicle access gates in the south east corner of the site. Soils stripped during the site's original construction are stored in grassed bunds of around 3 metres in height, which extend along the northern and eastern boundaries of the site.
5. The site contains a number of buildings/ container units ranging between approximately 2.4 and 2.6 metres in height. To the west of the wellheads, beyond an 'L' shaped site drain, lies a containerised steam boiler, an electrical control building, a diesel generator unit and two diesel fuel tanks. A security office, site toilet facility and mess facility, each consisting of self-contained steel cabins, are located to the west of the site entrance immediately beyond which is an area set aside for car parking. To the north of the site entrance is a site office and two storage containers. The wellsite and its associated equipment benefits from

planning permission until 31 December 2036 by which date the site is required to be restored to agricultural use.

6. There are three existing well heads located centrally within the wellsite compound. These comprise Brockham 1 (BRX1), Brockham 2 (BRX2) and Brockham 4 (BRX4). BRX1 and BRX2 have both been plugged and abandoned. A side-track off BRX1, known as BRX3, is used for water reinjection. There are two side-tracks off BRX2. These comprise BRX2Z which is a former production well that has been abandoned and BRX2Y which is a production well where planning permission exists to extract hydrocarbons from the Portland Sandstone Formation. BRX4 did have planning permission for a sidetrack known as BRX4Z for the appraisal of hydrocarbons from the Kimmeridge formation for a temporary period of three years. This current planning application concerns BRX4 wellhead.

Planning History

7. This site has a long planning permission history as follows:
 - Planning permission (ref: MO86/1112) was originally granted in May 1987 for the drilling of an exploratory well and access road. The exploratory well (well head BRX 1) was drilled in August 1987;
 - Planning permission (ref: MO92/0969) was granted in January 1995 for the retention of the existing well site for further appraisal, the drilling of up to five additional wells and the installation of production and road tanker facilities. This included the drilling of well head BRX2 which was drilled in 1998. This planning permission was also subject to a Section 106 Legal Agreement for lorry routeing to/ from the well site, which restricted the number of tankers to 6 loads (12 movements) per day for a maximum of 6-months for the duration of flow testing;
 - Planning permission (ref: MO00/1706) was granted in December 2000 for the retention of an existing well site and access road for a temporary period of 12 months and the temporary installation of equipment for the carrying out of production testing operations over a 3 month period. This testing was for BRX1 and was completed in May 2001;
 - Planning permission (ref. MO01/1288) was granted in December 2001 for the retention of the existing 1.2 ha well site and access road, the erection of production equipment and the production of oil for export by tanker. Condition 4 required the development to cease on or before 31 December 2006. This application was primarily for BRX1, as BRX2 required further evaluation and appraisal. Condition 5 restricted the applicant's permitted development rights;
 - Planning permission (ref. MO06/1294) was granted in May 2007 for the continued use of 1.2ha of land for the production, treatment and export of crude oil from an existing well site without compliance with Condition 4 of planning permission ref: MO01/1288 dated 11 December 2001 such that the development shall cease and the site be restored by 31 December 2036. The applicant's permitted development rights were restricted under Condition 4. This permission allowed production from both the BRX1 and BRX2 wellheads;

- Planning permission (ref: MO07/0161) was granted in June 2007 for the installation and operation of a drilling rig for a workover programme on an existing well (BRX1) and the drilling of a new well (BRX4). This permission was time limited and required all works to cease by 31 December 2008. The BRX4 well was subsequently drilled in July 2007 and was intended to replace lost production from BRX1;
- Planning permission (ref: MO08/0894) was granted in September 2008 for the construction of a concrete hardstanding of some 1,841 square metres. This was required as a result of an environmental review and discussions with the Environment Agency. The hardstanding would be removed from the site on or before 31 December 2036 and the land restored in accordance with the approved restoration scheme;
- Planning permission (ref: MO/2017/0196) was granted retrospectively in September 2017 for the installation of on-site facilities comprising: hardstanding; site office; site toilet facilities; site security office and mess facility; storage containers; lighting units incorporating CCTV equipment; 2.4 metres high palisade fencing and gates; electrical control buildings; portable site generator with 2 no. enclosed fuel tanks and a parking area for cars and vans until 31 December 2036 with restoration to agriculture.
- Planning Permission (ref: MO/2018/0444) was granted (in part retrospectively) for the retention of the BRX4 well; the regularisation of the BRX4Z sidetrack; the appraisal of BRX4Z using production plant and equipment within the existing site, for a temporary period of three years.
- Approval was given in January 2019 (ref: MO/2019/0061) for the installation of a electric linear rod pump on BRX4.

The proposal

8. This application is seeking planning permission for the retention of the BRX4 well to allow for the reperforation of the Portland Sandstone reservoir to allow for appraisal and production of hydrocarbons for a temporary period until 2036 from that formation. The Portland Sandstone reservoir is the upper section of the BRX4 well. The applicant previously had planning permission to carry out appraisal from the Kimmeridge formation which has now time expired and the applicant states that the Kimmeridge reservoir is unviable.
9. The perforation of the Portland Sandstone reservoir would target a new zone from an existing well, avoiding the need to drill a new well and improving the potential to enhance recovery of hydrocarbons from an existing wellsite. The perforation works of the BRX4 well (the Proposed Development) would take up to one month to complete, with the operation split into four phases:
 - Phase 1: mobilisation and rig up;
 - Phase 2: perforation of well BRX4;
 - Phase 3: demobilisation and rig down; and should the perforation operation in phase 2 be successful, well BRX4 would transition to production status.
 - Phase 4: production from well BRX4.
10. Phase 1 of the Proposed Development will comprise the mobilisation of a workover unit (up to 35m in height) or crane (up to 40m in height) and associated equipment and rig up on-site, including making the wellhead ready for operations. This phase will last approximately 4 days. The workover unit or crane would be delivered on heavy goods vehicles (HGVs) which would use the approved HGV

route as described above. The applicant states that there would be a maximum of 15 two way movements in a single day. Rig operations would be conducted during normal working hours (0730 – 1800 hours Monday – Friday and 0800 – 1300 hours Saturdays).

11. Phase 2 of the Proposed Development comprises the perforation of the Portland Sandstone from the BRX4 wellbore. This phase is expected to last approximately 22 days. The applicant states that a maximum of 3 HGVs would come to the site daily during this phase. The perforation process would involve firstly plugging the Kimmeridge section in the BRX4Z side track. Once BRX4Z has been isolated and abandoned, a perforation gun would be lowered into the well to target the Portland Zone. Following the completion of the perforation run, the gun would be removed and the well completed and would be made ready for production of crude oil into the existing process equipment at surface. If the well is not free flowing, an artificial lift/pumping system, such as a beam pump (nodding donkey) or linear rod pump would be installed over the well. This system would artificially lift the hydrocarbons to the surface operating 24/7.
12. Phase 3 is the demobilisation phase and comprises the removal of the crane or workover rig. Phase 3 is proposed to last approximately 4 days and would involve a maximum of 15 HGV movements to the site in a single day.
13. Phase 4 - Should the perforation operation in phase 2 be successful, well BRX4 would transition to production status. Permission is sought to retain the well for the period up to 31st December 2036, in line with the other wells at the wellsite, for which permission for production has already been granted.
14. There are existing processing/utilities equipment on-site, as well as buildings of typical portacabin-style for control and security purposes, and five lighting units. These units already have planning permission and are not part of this planning application. In addition to the rig or crane to be used, the applicant proposes the following temporary additional welfare facilities for phases 1-3.

The Temporary Facilities would comprise 3 units which would measure:

	Height	Length	Depth
Rig Office	3m	17.2m	4m
Welfare	3m	9.6m	8m
Workshop	3m	17.5m	3.8m

No non-site derived water injection is proposed as part of this application.

Consultations and publicity

District Council

15. Mole Valley District Council – Objection and has made a stand against further fossil fuel extraction within Mole Valley:
 - Accepts within the NPPF there is general support for the extraction of fossil fuels.

- Has significant concerns regarding the sustainability and appropriateness of the current proposal. Does not consider the proposal constitutes sustainable development which forms the back bone of the NPPF.
- Mole Valley District Council does not consider a 15 year consent as a temporary consent. Considers this misleading as it is suggestive of a much shorter time period than the 15 years until 2036.
- Attention is drawn to the Sustainable Development Goals adopted by the UN Member states in 2015. The continuation of oil extraction does not fit with a number of the 17 goals, such as No7 Affordable and clean energy and No13 Climate Change.
- Mole Valley District Council declared a climate emergency and made a commitment to be carbon neutral by 2030. The Council's commitment to reducing the extraction and use of fossil fuels and its opposition to further fossil fuel extraction in the district. This commitment for all future consultation responses relating to fossil fuel extraction and request Surrey County Council to consider not renewing existing fossil fuel permissions when they come up for renewal.

Consultees (Statutory and Non-Statutory)

16. County Geological Consultant – No objection subject to conditions on removal of all facilities and prior to restoration of the site, the land is checked for any legacy of contamination before restoration soils are placed.
17. County Landscape Architect – No objection subject to conditions
18. Environment Agency - Views awaited.
19. Transport Development Planning – No objection subject to conditions
20. County Noise Consultant - No objection subject to conditions
21. Health and Safety Executive Web App – No comments to make.

Parish/Town Council and Amenity Groups

22. Brockham Parish Council – Objection on the following grounds and that the current application should be refused and all wells at Brockham be plugged and the site restored.
 - Opposed to any plans to restart production from this layer due to the associated Unacceptable Environmental Risks
 - Concern over volume of traffic and HGV movements within the village
 - Restarting long term Oil production from a field which has been unproductive for years goes against policy.
 - There is no mention of the strategic importance of need for further onshore conventional oil and gas exploration in current Government energy policy
 - Surrey County Council (SCC) and Mole Valley declared an Environmental Emergency. Brockham Parish Council declared a climate emergency in February 2021.

- COP26 – Seeking to move away from hydrocarbons. The UK Climate Change Committee's Sixth Carbon Budget (Dec 2020) said "Our Balanced Pathway sees an 85% reduction in UK oil demand".
 - Should be seeking to reduce hydrocarbon demand.
 - Requests that should the planning application be approved, conditions be imposed that request fixed monitoring points to be drilled at agreed locations around the site to give reassurance that the local water table is not detrimentally affected due to the commercial activity and that aquifers and groundwater are safe from contamination.
 - Request no amendment to the current restrictions on the vehicle access which includes traffic must not enter the site via Old School Lane via the village green.
23. Brockham Oil Watch - Objection on the following grounds:
- Angus have said that to restart production from the Portland reservoir, they would need to reinject fluids into the BRX3 to maintain pressure. This would result in truckloads of waste fluids brought to the site. This would cause a risk of groundwater pollution¹. Planning permission would be required for this. Opposed to any plans to restart production from this layer due to associated environmental risks.
 - The applicant has previously operated without necessary permissions.
 - Oil production goes against policy direction to reduce climate change. There is no need for new oil in the UK energy strategy.
24. Dorking Climate Emergency- Objection on the following grounds:
- The Government and SCC have declared a climate emergency with the clear aim of achieving carbon neutrality by 2050.
 - It contravenes the climate emergency to permit further oil extraction. BRX4 is not at present in production and has not been for some time.
 - No details on how the application will deal with additional water.
 - The history of the applicant's operation of the site.
 - Concern about earthquakes in the area.
25. Frack Free Isle of Wight – Objection on the following grounds:
- Application should be considered as new exploration
 - The proposal contradicts national strategy for emission reduction.
 - The proposal would not have lower carbon footprint than other oil sources
 - Insufficient data on long term emissions.
26. Weald Action Group – Objection on the grounds of the climate impacts, the contradiction with local and national climate policies and the lack of need for the development and as below. Also support and endorse the representations of Brockham Oil Watch on water reinjection.

¹ Please note an Environmental Permit variation has recently been granted for Permit BL9763INV005 to allow for the re-injection of imported produced water from other sites, into the Portland Sand Formation via well BRX3.

- There is no need for Oil production at Brockham. The site has been unproductive for years. This is effectively an application for new production. Request the application is determined at the Planning Committee.
 - There is no evidence that onshore Oil production provides Energy Security. The applicant refers to the 2020 Energy White Paper which is concerned almost exclusively with offshore oil and gas sector. Previous government support for onshore fossil fuel exploration stemmed from the possibility of unconventional onshore fossil fuel resource. There is no Government Energy policy that supports a view that there is a strategic need for further exploration of conventional onshore fossil fuel reserves.
 - The applicant claims there are advantages for energy security as it reduces the need for imported resources. This is a red herring. There is no evidence that increasing domestic oil production will reduce imports.
 - The proposal is at odd with the UK's obligations under the Paris Agreement on Climate Change and the UK's own Climate Change Act 2008. It is clear there is more than enough oil and gas currently operating fields. The Government recognises this at COP26.
 - Proposal would lock in continued Green House gas emissions. The NPPF promotes supporting the transition to a low carbon economy. This application is in contrast to that.
 - There are precedents for refusing minerals applications on Climate Grounds.
 - The proposal has the potential for excessive Green House gas emissions.
 - The County Council has the potential to use this to achieve the climate emergency policies. Both Mole Valley District Council and Surrey County Council have policies which do not support continued extraction of fossil fuels. SCC declared a climate emergency.
-

Summary of publicity undertaken and key issues raised by public

The application was publicised by the posting of two site notices and an advert was placed in the local newspaper. A total of 4 owner/occupiers of neighbouring properties were directly notified by letter.

27. 122 Letters of representation have been received on the application objecting on the grounds of:
- The application has the potential to cause earthquakes
 - Water injection is an environmental risk.
 - Society needs to move away from its dependencies on fossil fuels
 - The proposal could cause noise pollution
 - The proposal could cause odour pollution.
 - The proposals go against the guidance of the COP26 Conference to phase out fossil fuels.
 - Fossil fuels should no longer be extracted.
 - The proposal is at odds with the UKs climate objectives.
 - Granting permission would add to the climate emergency.
 - 15 year permission is not a temporary permission.
 - The proposal is incompatible with a zero carbon economy.
 - The proposal is contrary to Government advice on Climate Change.
 - The UK should not be investing in fossil fuels.

- Angus Energy have a very bad reputation for the works that they have carried out previously on the site.
- The proposal could potentially lead to toxic chemicals being injected into the ground.
- The proposal could lead to unacceptable truck movements.
- The proposal could lead to Environmental damage.
- The proposal will harvest a small amount of energy relative to the disruption it could potentially cause.
- The applicant should be required to conduct 3d seismic surveys.
- This additional production is not required for UK energy.
- The proposal could potentially be dangerous to the watercourse.
- The proposal could have a negative impact on Brockham Village.
- This proposal goes against Surrey County Council's Climate Emergency Strategy.
- The proposal goes against Mole Valley District Council's Climate Emergency Strategy.
- The focus for energy strategy should be on renewable energy.
- The existing infrastructure cannot support large HGV vehicles.
- The proposal does not assist in moving away from the dependency on fossil fuels.
- The International Energy Agency advises against new oil or gas extraction.
- No information has been provided in relation to the amount of oil which could be potentially extracted.
- The proposal is not compatible with SCC declaration of a climate emergency.

Officer comment: the proposal does not seek to amend the route of HGVs travelling to and from the application site to which passing bays have been installed to assist with HGVs accessing the site. With regards to the volume of oil, this will depend on the outcome of assessments from the appraisal phase. However the applicant does state that should production commence from the Portland reservoir this would generate 2 HGV movements per day which is akin with historical activities at this site. Concerns are raised above with regarding matters that come under the regime of other regulators who are responsible for ensuring safeguards and permitting requirements are satisfied. In particular, these relate to: proposals for water re-injection, the lack of a risk assessment, earthquakes and operator liability.

28. One letter has been received which raises no objection to the scheme. on the grounds the proposal is good for the nation and that home grown oil and gas should be produced for UK energy security.

Planning considerations

Introduction

29. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
30. In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 Core Strategy Development Plan

Document (SMP2011), Mole Valley Core Strategy 2009 (MVCS2009), the Mole Valley Local Plan 2000 (MVL2000) and the Mole Valley Landscape Supplementary Planning Document 2013. There is no neighbourhood plan for this planning application area.

31. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
32. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are:
 - Need for the development
 - Design and Visual Amenity
 - Highways Impacts
 - Residential Amenity
 - Heritage Impacts
 - Flood Risk and Ground Water
 - Green Belt.

Draft Mole Valley Local Plan 2020-2037

33. Mole Valley District Council is in the process of updating its Local Plan. At this current stage the Plan is in draft format and consultation has been completed as part of Regulation 19 of the Town and Country Planning Act (Local Planning) Regulations 2012. On the 14th February 2022, Mole Valley District Council submitted the Local Plan 2020-2037 to the Secretary of State.
34. In accordance with Paragraph 48 of the NPPF (2021), weight can be given to relevant policies in emerging plans according to the stage of preparation (the more advanced its preparation, the greater the weight that can be given), the extent to which there are unresolved objections to relevant policies and the degree of consistency to the relevant policies in the emerging plan to the NPPF.
35. As the plan is at an advanced stage some limited weight can be given to the policies within this plan in the determination of this planning application.

PRINCIPLE OF DEVELOPMENT

Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP2011)

Policy MC1 – Spatial Strategy – location of mineral development in Surrey

Policy MC12 – Oil and gas development

36. The principle of hydrocarbon development at Brockham wellsite was established under Planning Permission MO06/1294 which granted planning permission for the production, treatment and export of crude oil until 31 December 2036.
37. Paragraph 1.15 of the SMP2011 acknowledges that oil and gas are produced in modest quantities in the southern part of the County and confirms Brockham to be one of two operational sites producing oil.
38. Policy MC1 of this document recognises that future oil and gas development will be in the southern part of the County. Policy MC12 states that commercial production of oil and gas will only be permitted where it has been demonstrated

that the surface facilities are minimum and there are no significant adverse impacts associated with the extraction and processing including processing facilities remote from wellhead and transport of the product.

39. The NPPF emphasises that it is essential that there is a sufficient supply of minerals to provide for the infrastructure, buildings, energy and goods the country needs.
40. The proposal will utilise an existing wellhead at an existing wellsite that has been in operation for over 25 years and for which there is an existing permission allowing extraction of oil from the wellsite until 2036. Limited additional plant is required for the proposal to be implemented. The proposal is for the continuation of an existing wellsite in a location identified within the SMP2011 therefore the proposal accords with Policy MC1. The following sections below will discuss aspects pertaining to Policy MC12 and the NPPF.

NEED FOR THE DEVELOPMENT

Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP2011)

Policy MC1 – Spatial Strategy – location of mineral development in Surrey

Policy MC12 – Oil and gas development

41. There are three separate phases of oil and gas development: exploration, appraisal and production. Each requires separate planning permission. The existing wellsite was constructed in 1987 and has planning permission for production of hydrocarbons until 2036, after which the site is to be restored in accordance with a scheme to be submitted in 2031.
42. Under planning application MO/2018/0444 planning permission was granted part retrospectively for the retention of the BRX4 well, the regularisation of the BRX4Z side-track, and the appraisal of BRX4Z for hydrocarbons using production plant and equipment within the existing site, for a temporary period of three years. The retrospective element of this planning application was for the drilling of a side-track BRX4Z.
43. The applicant Angus Energy is an independent onshore oil and gas development company focussed on meeting the energy demands of the United Kingdom without utilising hydraulic fracturing. This application relates to conventional hydrocarbon extraction and does not relate to the extraction of shale gas through hydraulic fracturing. One of the key considerations in the determination of this application will be the need for the development.
44. The applicant has set out what they consider to be the key benefits of the proposal. These are:
 - the proposed development would be an effective and appropriate use of the land and represents sustainable development required directly in association with an existing minerals operation, at an established wellsite;
 - the perforation of the Portland Sandstone reservoir would target a new zone in an existing well, avoiding the need to drill a new well;
 - the perforation of the BRX4 well would help enable the recovery of hydrocarbons from an existing wellsite, which would support the UK's transition to a low carbon economy and the goal of achieving net zero carbon by 2050, by providing indigenous hydrocarbons and reducing the need for imported hydrocarbons, which from some sources, have a higher carbon footprint due to long distance transportation;

- the proposed development has the potential to make a contribution to helping maintain the UK's security of energy supply, by reducing the need for imported hydrocarbons;
 - if greater volumes of commercially viable reserves of oil were found at Brockham Wellsite, it would generate both national and local taxation and business rates and support the local economy through the use of local supplies and services; and
 - the proposed development will require skilled operatives throughout all of its phases. At present, three employees are directly associated with the site. Up to nine temporary employees may also be required for the duration of the proposed development. This benefit is particularly important given the current context of the COVID-19 crisis and the lasting economic impacts.
45. MC1 of the Surrey Minerals Plan (SMP) states that oil and gas development will be concentrated in the southern half of the county. Paragraph 3.17 reiterates that there are two operational sites in the County producing oil. These are at Brockham and Godstone (Kings Farm also known as Bletchingley wellsite), in the southern half of the County. It goes on to say that further exploration and appraisal activity within the licensed areas is likely as UK offshore resources decline. It is not possible to identify in advance locations within the licensed areas where proposals will be forthcoming and each must be treated on its merits.
46. Paragraphs 5.35-5.40 of the SMP2011 discuss oil and gas development in the County. Paragraph 5.36 states that conventional oil and gas development, such as this application differs from other mineral development as it involves continuous periods of working. The paragraph states that most of the disturbance takes place at the exploration and appraisal stage. Key considerations are site location, to minimise intrusion, controlling vehicular activity and vehicle routing and controlling noise and light emissions from drilling rigs. Paragraph 5.38 outlines that subsequent applications to the exploratory phase will need to consider these issues afresh given that this may lead to further applications for production.
47. SMP2011 Policy MC12 states that applications for drilling boreholes for the exploration, appraisal and production of oil and gas will be permitted only where the mineral planning authority is satisfied that in the context of the geological structure being investigated, the proposed site has been selected to minimise adverse impacts on the environment. Planning applications for drilling to appraise potential oil fields will only be permitted where the need to confirm the nature and extent of the resource and potential means of its recovery has been established. Wellsites, including the re-use of well heads used at the exploratory stage, should be located such that there are no significant adverse impacts.
48. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
49. Paragraph 209 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

50. Paragraph 211 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.
51. Paragraph 215 refers to oil, gas and coal exploration and states that minerals planning authorities should clearly distinguish between and plan positively for, the three phases of hydrocarbon development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for.
52. The Minerals NPPG sets out Guidance on the planning for mineral extraction in plan making and the application process. Paragraph 124² sets out the mineral planning authorities should take account of government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas.
53. Paragraphs 111-134 of the Officer Report³ for planning application MO/2018/0444 provides historic policy context for the Government Position on UK Energy Supply and Demand.
54. The most relevant and up to date data on UK Energy Statistics is the Digest of UK Energy Statistics (DUKES) 2020 and UK Energy Statistics is the Digest of UK Energy Statistics 2021, published by the Department for business, energy and industrial strategy (BEIS) July 2020, the Digest of UK Energy Statistics Annual data for UK 2020 published in July 2021; and the Energy Trends UK October 2021 – December 2021 published March 2022 by BEIS.
55. The Digest of UK Energy Statistics (DUKES) 2020, published by the Department for business, energy and industrial strategy (BEIS) in July 2020 stated that demand for oil in the UK continues to fall since its peak in 1998. However there remains a gap of 59 million tonnes between UK production and demand which has to be met by imports. 70% of demand for oil in the UK is for Transport.
56. DUKES 2021 was published by BEIS in July 2021 which reported on the impacts of restrictions on movement introduced as a result of COVID-19. Oil formed one-third of the total energy demand in 2020, compared to nearly half in 2019 with the largest contraction in demand being for jet fuel.
57. DUKES 2021 goes on to say that demand in 2020 fell to 52 million tonnes of oil, which comprised 48 million tonnes from UK production and just 3.9 million tonnes from net imports. The reduction in demand for oil products had a beneficial result in the balance of payments, as imports fell by nearly 70%. The demand for oil products, particularly for road and air travel, is likely to rise in the short to medium term as COVID-19 restrictions are lifted. Whether demand will return to pre-pandemic levels is unclear. However, the data for 2020 shows that the UK has the capacity to meet demand as levels fall. The vast majority will continue to be produced from the UK Continental Shelf (UKCS). However, UK onshore oil production is likely to continue to help meet an element of domestic demand as it will have significantly lower production costs compared to offshore production.
58. As the forecast demand for oil falls towards 2050, the UK is expected to be more reliant on UK production with net imports significantly reducing, as occurred in 2020. This is important for two reasons: from a balance of payments perspective,

². Reference ID: 27-124-20140306

³ Planning Officer Report Ref: MO/2018/0444 SCC Ref: 2017/0215 [Planning applications register - Surrey County Council \(surreycc.gov.uk\)](https://surreycc.gov.uk/planning-applications-register)

there will be more tax revenue, both locally and nationally; and from a security of supply perspective, with a reduced reliance upon imported oil supplies. The need to maximise UK oil production remains Government energy policy.

59. The Government Energy White Paper published December 2020 states that the domestic oil and gas industry has a critical role in maintaining the country's energy security and is a major contributor to the economy. It goes on to say that the Government will monitor the resilience of the fuel supply market and if necessary intervene to ensure there is an orderly transition to ensure that there is a secure and resilient supply of fossil fuels during the transition to net zero emissions.
60. Energy Trends October 2021 – December 2021 Published March 2022 sets out that in relation to oil and oil products demand for petroleum products was up 12 per cent in Quarter 4 of 2021 compared to Quarter 4 of 2020. There has been a steady increase in demand for petroleum throughout the year in line with easing restrictions in place to curb the COVID 19 pandemic. This was largely the result of increasing demand for transport fuels, particularly road fuels.
61. The document goes on to say that demand for primary oils was stable in 2021 compared to 2020 and up 1.1 per cent. Both imports and exports of primary oils are down relative to the pre-pandemic levels, however overall the UK was a net importer of primary oils. Production was down 14 percent in Quarter 4 2021 compared to Quarter 4 2020. Imports were used to bolster low production, up 19 per cent in the same period supporting growing demand which was up 8.9 per cent. Despite this, demand remains lower than pre pandemic levels, down 15 per cent in Quarter 4 2021 compared to Quarter 4 2019. As such demand has shown an increase post the COVID 19 pandemic within the UK whereas production levels to support this demand have fallen.
62. Surrey Minerals Plan Core Strategy Development Plan Document Policy MC12 requires that consideration be given to the identification and use of the proposed site. In this regard the proposal involves the use of an existing and established wellsite which has planning permission until 2036 for hydrocarbon development.
63. Government Data shows that there has been a growing demand for oil and oil products throughout 2021 as COVID19 restrictions were lifted. Government Policy recognises that there is a need to maintain a stable and reliable supply of indigenous energy sources including onshore oil and gas for the future. The Government recognises there is a need to maintain a stable and reliable supply of indigenous energy sources and this would include onshore oil and gas into the future. It is therefore appropriate that such indigenous supplies of natural gas and oil, regardless of how small in scale, are properly husbanded to make a valuable contribution by maximising energy recovery of indigenous supplies and contribute to the energy sector.
64. The application is seeking planning permission until the period 2036 in line with the other wells at the wellsite and for which production has already been granted. Officers are satisfied that this period is reasonable and in line with the existing permission on the site.
65. In view of the policy intention of maximising existing mineral supplies alongside a proven increase in demand for oil and oil products Officers consider that there is a demonstratable need for the proposal.

LANDSCAPE AND VISUAL AMENITY

Mole Valley Core Strategy 2009 (MVCS2009)

Policy CS13 – Landscape

Policy CS14 – Design

Mole Valley Local Plan 2000 (MVLP2000)

ENV22 – General Development Control Criteria

DRAFT Mole Valley Local Plan 2020-2037

Draft Policy EN4 – Character and Design

Surrey Minerals Plan Core Strategy 2011 (SMP2011)

Policy MC2 – Spatial Strategy

Policy MC14: Reducing the Adverse Impacts of Mineral Development

66. Policy MC2 of the SMP2011 states that Mineral development that may have a significant effect on Special Areas of Conservation, Special Protection Areas, or sites identified under the Ramsar Convention, will be subject to appropriate assessment. Permission will not be granted where there is any likelihood of adverse impact on the integrity of the area.
67. Policy MC14 of the SMP2011 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. The policy includes a range of criteria of issues which may be considered where relevant. Part III includes the appearance, quality and character of the landscape.
68. Policy CS13 of the MVCS2009 states that all new development must respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. Policy CS14 of the MVCS2009 states that all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available.
69. ENV22 of the MVLP2000 states proposed development will be required to have a layout which is appropriate to the site in terms of its scale, form and appearance and external building materials; respects the character and appearance of the locality; has regard to attractive features of the site such as trees, hedges, walls or buildings that contribute to the character of the locality and provides any necessary screening and landscaping suitable to the character of the locality.
70. Draft Policy EN4⁴ of the Draft Mole Valley Local Plan 2020-2037 states that all new development must be of high-quality design that makes a positive contribution to its local character. All development proposals must demonstrate a thorough understanding of the site and how they relate to the existing area - including features of local distinctiveness - and take opportunities to improve the quality of the landscape and townscape. The County Council Landscape Architect has been consulted on the proposals.

⁴ Design and Character

71. The site is located within the WF1 (Dorking to Hookwood Low Weald Farmland) landscape character area as defined by the Surrey Landscape Character Assessment 2015. There is also an area of predominantly plantation woodland (but including some ancient woodland) to the north-west of the wellsite. The site is not within a nationally or locally designated landscape, however the boundary of the Surrey Hills AONB (and the AGLV) lies approximately 870m to the west and 840m to the north of the site.
72. The wellsite is a long-established feature within the landscape with reasonably strong visual screening by a combination of earth bunding (c.3m height) and vegetation, including scrub and mature trees. The current infrastructure onsite is of a modest height (circa 3m) so is well screened by these boundary features.
73. The wellsite is in a relatively isolated location within agricultural fields. The nearest visual receptors having views towards the site (which may be open views or views screened/filtered by intervening vegetation) would be a combination of: a) passengers on the railway running north-south 250m to the west of the site; b) people travelling along Tilehurst Lane, Parkpale Lane, Bushbury Lane and Old School Lane; c) users of public rights of way; and d) residents of neighbouring properties. In terms of rights of way, there are a number in the vicinity including Footpath 92 260m to the east, Footpath 86 260m to the east and 570m to the south, and Footpath 84 (forming part of the Greensand Way) 400m to the north. Residential properties are located at Pondtail Farm 500m to the north-east, and along Old School Lane, Bushbury Lane and Parkpale Lane to the east. The site is largely screened from properties on Tilehurst Lane to the south-west by the intervening railway embankment.

Workover Rig/ Crane during the commissioning and decommissioning phases

74. The most prominent visual impact from the proposal will be during the mobilisation phase of the proposal which will require either a crane or a rig to be brought and placed onto the site. This will be for a temporary period lasting approximately 4 days. The applicant proposes to use either a workover rig or a crane but at this stage, does not know which one it would be. A workover rig would measure approximately 35m in height and would be a wheeled vehicle, measuring approximately 12m in length. A crane would also be wheeled and would measure approximately 40m in height and would measure 12m in length. Both of these apparatus would have a slim masts with limited profiles.
75. Given the height of both the workover rig and the crane, there are likely to be views of these plant from the wider areas, including the public footpaths, railway lines and residents of neighbouring properties. From within the Surrey Hills AONB the plant is likely to be visible from areas of higher ground with viewpoints towards the application site.
76. Given the separation distance to the AONB the County Landscape Architect does not consider that these elements of the scheme would impact on the immediate setting of the AONB. However, given the extent of long views from higher ground within the AONB, the site is within its wider setting. Whilst the tall plant would be a noticeable and discordant feature within the otherwise rural landscape, the County Landscape Architect considers the tall plant would result in a less than substantial harm to the landscape character, visual amenity and the wider setting of the AONB. The degree of harm is limited by the temporary nature of the tall plant and the short term presence. The County Landscape Architect raises no objection to

the proposal provided the workover rig/ crane are on site for the limited period sought as part of this planning application.

77. As the landscape harm from the workover rig/crane would be temporary it is not therefore considered to amount to an unacceptable impact on the landscape character or visual amenity of the area.

Welfare Units

78. During the commissioning, perforation and decommissioning phases, temporary additional welfare units may be required. The existing site has a very limited views from the surrounding area owing to the existing screening on the site as described above. The proposed welfare units during the operational phase are single storey in height and as a result are not highly visible from the surrounding visual receptors.
79. The units proposed are typical of temporary welfare units, delivered pre-built to site and not requiring any foundation excavation. The units would be similar in height and design to those already on the site and therefore not incongruous to the units already in place and would not be out of keeping with these existing units. The temporary nature of these buildings is not concurrent with the countryside character of the area, however, it is accepted they are functional units incidental to the wellsite and suitable for use on the site. These units would be removed when the decommissioning phase occurs.
80. The welfare units are not therefore considered to result in an unacceptable impact on the landscape character or visual amenity.

Production Phase

81. If the perforation of the well is successful and the well enters into the production phase, operations at Brockham Wellsite and on BRX4 would continue to be operated in accordance with the established methods of working already at the wellsite. The applicant does not propose any new or additional portacabin units in addition to those prescribed above. Production of hydrocarbons from the site has been using a linear rod pump. The applicant does not seek to work the site for a greater period of time than already permitted for Brockham Wellsite of 2036. As such, the visual impact from this phase would be no greater than the existing site and whilst the proposal would be in the landscape potentially until 2036 it would not result in a permanent change to the local landscape as the site would be restored after this date. Condition 16 of MO06/1294 requires a restoration scheme to be submitted for approval.

HGV Movements

82. The additional HGV movements proposed during the mobilisation, appraisal, decommissioning and, to a lesser extent, potential production phases, may also result in limited harm to localised visual amenity and the perceptual character of the landscape (e.g. relative tranquillity).
83. The maximum number of HGV movements would take place during the commissioning and decommissioning phase, with a maximum of 15 per day over a 4 day period. During the operational phases of the development the maximum number of trips is likely to be 2-3 two way trips per day. Outside of the mobilisation and decommissioning phase this is a very small number of HGV movements and

therefore Officers are satisfied the number of HGV movements for this proposal would not be considered detrimental to the landscape character.

Conclusion

84. The proposed development would result in maximum landscape harm during Phases 1 - 3 when tall plant is proposed. Outside of this, the wellsite is afforded screening which would limit views into the site. Likewise, the proposed development would not result in a significant level of HGV movements which would result an intensification contrary to the existing landscape character.
85. The tall plant would be an incongruous feature in the landscape and would have some harm on the visual amenities of rights of way users and residencies. However, the rig/crane would be a temporary measure on site for four weeks and would be removed once that phase has completed. Officers recognise there would be visual harm caused by this phase, however this would be limited due to the short duration of this phase after which the visual harm to the landscape character and visual amenities would be significantly reduced as the proposed welfare units would be well screened and would not result in a detrimental impact to landscape character. As such the proposal is considered to accord with Policies MC2 and MC14 of the SMP2011, Policies CS13 and CS14 of the Mole Valley Core Strategy 2009, ENV22 of the Mole Valley Local Plan 2000 and EN4 of the Local Plan 2020-2037

HIGHWAYS IMPACTS

Mole Valley Local Plan 2000

MOV2 – Movement Implications of Development

MOV5 – Parking Standards

Surrey Minerals Plan Core Strategy 2011

Policy MC15: Transport for Minerals

86. SMP2011 paragraph 7.1 recognises that lorry traffic is one of the most significant impacts of mineral working in Surrey, and the one that usually causes the most public concern. This is because they are usually noisier and more intimidating than ordinary traffic. Paragraph 7.7 explains that it is important that mineral development does not compromise highway safety and to consider the needs of pedestrians, cyclists, horse riders and other vulnerable road users. Paragraph 7.9 refers to the need to ensure that the effects of mineral traffic on local communities, the environment and the local road network, are carefully considered. Paragraph 7.10 recognises the need to consider the routing of vehicles between the proposed development and the motorway and primary route network including the use of lorry routing agreements where appropriate.
87. Policy MC15 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management and explore how movement of minerals within and outside the site will address issues of emissions control, energy efficiency and amenity. Mineral development involving transportation by road will be permitted only where:
 - i) there is no practicable alternative to the use of road based transport that would have a lower impact on communities and the environment;
 - ii) the highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and

- iii) arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.
- 88. Policy MOV 2 of the MLP2000 states that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character in the area, having regard to all forms of traffic generated by that development. Policy MOV5 seeks to ensure that proposals are served by adequate parking.
- 89. The NPPF at paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 90. Draft Policy INF1⁵ of the Draft Mole Valley Local Plan 2020-2037 states that development proposals will be assessed for their impact on the highway and public transport network as well as the local environment.
- 91. The wellsite is served by a private access track running west from Old School Lane. This access track is already in place and has been used for some time in association with hydrocarbon activity at Brockham wellsite. Old School Lane is a relatively narrow and lightly trafficked rural lane and is largely devoid of any road markings. A complex of agricultural buildings, including the residential properties of Felton's Cottage and Felton's Farmhouse, are situated to the south of the site access. As the route along Old School Lane towards the A25 to the north via Brockham is deemed unsuitable for HGV traffic, a lorry routeing agreement was put in place in accordance with a legal agreement dated 9 January 1995. This required lorry access / egress to and from the site from the south with traffic directed along Old School Lane, Bushbury Lane, Roothill Lane, Red Lane, Blackbrook Road and Mill Road, in order to travel to and from the A24 at South Holmwood. The legal agreement also required highway improvements in respect of the provision of lay-bys and passing places between the application site and the junction of Red Lane and Blackbrook Road, which were to be maintained in good condition.
- 92. The legal agreement was subject to a variation and was superseded by a new legal agreement dated 25 April 2007. This was prepared in association with planning permission ref: MO06/1294 for the retention of the wellsite until 2036. The current legal agreement requires the passing bays and lay-bys to be maintained. Following the completion of restoration, the passing bays and lay-bys are to be removed and the highway reinstated to the reasonable satisfaction of the Council. Given the above both the access road, its point of entry on to Tilburstow Road; and the local highway network are of an appropriate standard for the proposal and would provide a safe and suitable access to the application site. Officers are satisfied the requirements of Policy MC15(ii) is met.
- 93. Whilst the above legal agreement was in place for the previous planning application, in order to ensure that access arrangements are sufficiently clear for the current application, the granting of permission of this application would be

⁵ Transport

subject to a unilateral undertaking being completed which will provide an agreed route for HGV traffic to and from the site.

94. The application site is not located in close proximity to a railway line or waterway. As such transportation of oil and of plant and equipment to/ from the site can only be by road. Officers are satisfied that there is no practicable alternative to the use of road based transport that would have a lower impact on communities and the environment as required by Policy MC15(i).
95. The maximum number of vehicle movements associated with the development would be during the commissioning and decommissioning phases. These phases would generate some 15 two way HGV movements per day but for a limited period of 4 days each. These are when the proposal would require the rig being set up and the rig taking down. Outside of these periods during the perforation period and the production period the HGV movements would be limited to a maximum of 3 and 2 HGV movements per day.
96. In addition to HGV movements it is anticipated that there would be some staff vehicular movements in light goods vehicles/ cars. The Planning Statement sets out that during normal operations there would be two staff on site. There would therefore be very little vehicular movement associated with low staff numbers.
97. The County Highway Authority have been consulted on the proposal and have assessed the application on safety, capacity and policy grounds. As the proposal would have a maximum of 15 two way HGV movements per day for a limited time period the County Highway Authority does not consider this to be a significant amount of vehicular movements. They have raised no objections subject to conditions to secure the HGV route to the site and limit the HGV movements so that they shall not take place between the hours of 08:00-09:00 hours and 15:30-18:00 hours and no laying up of HGVs on Old School Lane or Bushbury Lane. This is to avoid inconveniencing other road users.
98. The recommendation of the application is subject to the completion of a unilateral undertaking to secure the routing of the HGVs to and from the site. The unilateral undertaking would be a legally binding means of ensuring HGVs leaving the site and arriving at the site would not pass through Brockham Village.
99. The site is considered large enough to accommodate the additional staff parking associated with the proposal.
100. The proposal would therefore not be considered to have a materially harmful impact highway safety and would not inconvenience other road users. The proposal is therefore considered to accord with Policies MOV2 and MOV5 of the Mole Valley Local Plan 2000, Draft Policy INF1 of the Draft Mole Valley Local Plan 2020-2037 and Policy MC15 of the Surrey Minerals Plan Core Strategy 2011.

RESIDENTIAL AMENITY

Mole Valley Local Plan 2000

ENV22 – General Development Control Criteria

ENV57 – Lighting Proposals

Surrey Minerals Plan Core Strategy 2011

MC14 – Reducing the Impacts of Mineral Development

101. Policy ENV22 of the MLP2000 advises that where the principle of new development accords with other policies of the plan a design and layout will be required which does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, noise, traffic or other adverse environmental impact.
102. Policy ENV57 of the MLP2000 advises that illumination of buildings will not be permitted where the proposal would significantly and adversely affect the amenities of residential properties.
103. Policy MC14 of SMP2011 states that mineral development will be permitted only where the planning authority can be satisfied there would not be significant adverse impacts. It goes on list a range of criteria which may be considered as part of the decision making process including noise and the cumulative impacts arising from the interactions between mineral developments and other forms of development.

Overbearing Impact, Loss of light, Privacy.

104. The application site is well separated from residential dwellings. The closest residential dwellings are 48 and 47 Tilehurst Lane which measure approximately 550m from the site to the south west and Felton's Farm is located to the east of the site and measures approximately 600m.
105. These separation distances are considered adequate that the proposal, during commission, operation and decommission would not result in an overbearing impact, harmful loss of light or outlook. The workover rig proposed as part of the commissioning phase of the development would not cast shadows onto the garden areas or living areas of these dwellings.
106. During the operational phase a 'nodding donkey' pump would potentially be used to extract oil. This has a limited profile which would not cast shadows onto these nearby properties.
107. The amenity units proposed are single storey in height and are also well separated from surrounding residential units. Therefore there would be no residential harm generated from these units by way of an overbearing impact, harmful loss of light or outlook.

Noise

108. Unwanted sound may have an adverse effect on the environment and on the quality of life enjoyed by individuals and communities. The NPPF at paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life;
 - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
109. Specifically in relation to noise from minerals development proposals, paragraph 211 of the NPPF states that when determining planning applications, local planning authorities should ensure that unavoidable noise is controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
110. The NPPG sets out guidance on the consideration of noise when determining planning applications for all development. Para 003⁶ of the noise section states that in decision taking this should take into account the acoustic environment and in doing so should consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. Paragraph 006⁷ recognises that some types and level of noise will cause a greater adverse effect at night than if they occurred during the day or because there is less background noise at night; that noise may be more noticeable if it is non-continuous and may have a tonal nature to it. The paragraph additionally notes that the local topography should also be taken into account.
111. The Minerals NPPG states that in relation to noise the mineral planning authorities (MPAs) should take account of the prevailing acoustic environment and in doing so consider whether the proposal would give rise to adverse impacts and enable a good standard of amenity to be achieved⁸. Paragraph 021⁹ outlines that for normal operations carried out at a mineral site, MPAs should aim to establish a noise limit through a planning condition, at the noise sensitive property that does not exceed the background noise level (LA(1h)) by more than 10dB(A) during normal working hours and that the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations that may give rise to particular noisy short term activities, paragraph 022¹⁰ states that an increased temporary daytime noise limit of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered to facilitate essential site preparation and restoration work. But where such work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered.
112. The nearest noise sensitive receptors to the wellsite compound include:
- Felton's Farmhouse, located to the immediate south of the access track, and approximately 600 m southeast of the wellsite compound;
 - properties in Strood Green, the closest of which is located approximately 450 m southeast of the access track and 910 m southeast of the wellsite compound;
 - properties in Brockham village, the closest of which are adjacent to Middle Street, located approximately 480 m east of the access track and 1 km east of the wellsite compound;

⁶ Reference ID: 30-003-20190722

⁷ Reference ID: 30-006-20190722

⁸ Paragraph: 020 Reference ID: 27-020-20140306

⁹ Reference ID: 27-021-20140306

¹⁰ Reference ID: 27-022-20140306

- Pondtail Farm Cottage, located approximately 500 m north of the access track and 530 m northeast of the wellsite compound;
 - No. 47 and 48 Tilehurst Lane, located approximately 550 m southwest of the wellsite compound;
 - Parkpale Cottages and surrounding properties, located approximately 530 m south of the access track and 580 m southeast of the wellsite compound;
 - Gamekeeper's Cottage and Goldenlands Farm, both located approximately 850 m west of the wellsite compound; and
 - residential properties adjacent to Punchbowl Lane, located approximately 930m northwest of the wellsite compound.
113. The applicant, in support of the application has included as part of their planning statement a section on potential noise generating elements of the scheme. Officers consider that the likely noise generating elements of the proposal are as follows:
- Temporary noise and vibration impacts associated with HGV movements during commissioning and decommissioning phase.
 - Operation of site generator (existing)
 - Temporary noise during the commission of the works for the operation of the Workover rig/ crane.
 - Operation of the Beam Pump or Linear Rod Pump.
114. The site has a complex planning history and the authority has been consistent in applying conditions to control and monitor noise from activities taking place on the site. Officers have consulted its noise consultant on the application.
115. Planning Permission ref: MO/2018/0444 (no longer extant), was granted (in part retrospectively) for the retention of the BRX4 well; the regularisation of the BRX4Z sidetrack; the appraisal of BRX4Z using production plant and equipment within the existing site. This application is similar to MO/2018/0444 in that requires a workover rig/ crane as part of the proposal ~~and phases~~.
116. Condition 13 of MO/2018/0444 specifically related to the use of a workover rig. The condition requires the submission of details on noise and lighting for the rig as well as HGV movements required in delivering the rig and associated parts to the site. As this new planning application would require a workover rig or crane, Officers consider it reasonable to attach this condition to this current planning application should permission be granted. Furthermore, as the applicant has provided further details of the specification of the workover rig, a condition is recommended so that the specification of this workover rig remains as per these details.
117. Condition 7 of planning permission ref: MO/2018/0444 removed permitted development rights for bringing plant, building or machinery on to the site. Officers propose that this condition also be imposed as part of this proposal. As such, should the applicant require further plant or structures an application for prior approval would be required. Planning approval MO/2019/0061 approved details for the erection of a linear rod pump on BRX4 to lift oil from the well, replacing an existing 'nodding donkey' pump. Should the proposal enter Phase 4, the linear rod pump would be retained on site to facilitate that phase. If the well did not enter the production phase the pump will be required to be removed. Officers note that historically these pumps have not been noted as causing a noise nuisance. Officers therefore consider it reasonable to condition that a beam pump operating on site be of the same specification as the existing pump.

118. The HGV units associated with the proposal are considered low and as they would be temporary during the commissioning and decommissioning phase of the development the County Noise Consultant is satisfied that it would not result in an unacceptable noise impact.
119. The County Noise Consultant has reviewed the previously approved permissions and the associated conditions as well as the information submitted as part of the current planning application. They raise no concern subject to the implementation of conditions. The CNC recommends that a Noise Management Plan be provided for Phase 4 of the development proposal should it enter that phase. A Noise Management Plan is required for Phases 1 – 3 as part of the proposed workover rig condition. Officers are satisfied the proposal would not result in adverse impacts in relation to noise and that the proposal would allow for a good standard of amenity to be achieved in accordance with the guidance of the NPPG.
120. The proposal, subject to the implementation of conditions would therefore be considered to accord with Policy ENV22 of the Mole Valley Local Plan 2000 and Policy MC14 of the SMP2011.

Lighting

121. No additional lighting is proposed as part of this application and it is not expected that light spill from the welfare units would be so significant as to have a harmful impact on the residential amenity of surrounding neighbours.
122. The applicant has confirmed that no drilling will take place outside of normal working hours. Therefore, it is unlikely that external lighting would be required on the rig. In the event that lighting would be required on the workover rig/ crane a condition is recommended that will require details of lighting that will be used on the workover rig to minimise light spill or skyglow. This is considered pertinent given the countryside location.
123. Subject to the implementation of this condition the proposal is considered to accord with Policy ENV57 of the Mole Valley Local Plan.
124. The proposals are not considered to result in unacceptable material harm to the residential amenity of the nearby local residents owing to the separation distances to these neighbours. In relation to noise and lighting, conditions are recommended to ensure the proposals do not lead to unacceptable noise or light pollution. The proposals are therefore considered to accord with Policy ENV22 and ENV57 of the Mole Valley Local Plan and MC14 of the SMP2011.

HERITAGE

Mole Valley Local Plan 2000

Policy ENV39 – Development in Conservation Areas

Surrey Mineral Plan Development Plan Document 2011

MC14 – Reducing the adverse impacts of mineral development

125. Paragraphs 195 of the NPPF 2021 states: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

126. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
127. With regards to conservation areas, Section 72 of the 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
128. Policy MC14 of the SMP2011 states that in determining planning applications for mineral development impacts related to certain issues where relevant will be considered. It goes on to list suggested criteria for consideration. It states that consideration should be given to the historic landscape, sites or structures of architectural and historic interest and their settings and sites of existing or potential archaeological interest or their setting.
129. Policy ENV39 of the MMLP2000 states that Development in Conservation Areas, or adjacent to and affecting their setting, shall preserve or enhance the character and appearance of the Area. It goes on to state that significant views into and out of Conservation Areas will be safeguarded.
130. Draft Policy EN6¹¹ of the Draft Mole Valley Local Plan 2020-2037 states that when conserving and enhancing designated and non-designated heritage assets, the Council will have regard to the impact of new development on their fabric, integrity and significance, and their settings. It lists a range of criteria for assessing heritage assets which include the significance and importance of the asset.
131. The application site is situated approximately 700 metres to the south west of the Brockham Conservation area containing a number of listed buildings. The nearest listed building is Grade II listed Felton's Farm Cottage which is situated on Old School Lane around 585m east of the wellsite. There are two further Grade II listed buildings situated around 600m north west of the wellsite comprising Dairy at Park Farm and Home Farmhouse. The nearest Scheduled Monument is 'Betchworth Castle' which is situated 1.3km to the north and the nearest Registered Park and Garden (the Grade II* 'The Deepdene (including Chart Park)' is situated around 880m to the west.
132. The proposal site is well separated from any heritage assets on a site which is an established well site. Owing to the separation distance to these heritage assets Officers are satisfied that the proposal would not result in harm to the historic landscape, sites or structure of architectural and historic interest and their setting. As the proposal does not involve any new excavations there would be no impact on sites of existing or potential archaeological interest or their settings.

¹¹ Heritage Assets

133. The proposed workover rig/ crane which would be required during the commissioning phase and decommissioning phase of the development would potentially be visible from the nearby Brockham Conservation Area, however, this would be for a temporary period for a small number of days and therefore the character and appearance of the Conservation Area would be preserved.
134. Officers are therefore of the view that the proposed development would accord with ENV39 of the MVLP2000, MC14 of the SMP2011, and draft Policy EN6 of the Draft Mole Valley Local Plan 2020-2037.

WATER ENVIRONMENT

Surrey Minerals Plan Development Plan Document

MC14 – Reducing the adverse impacts of mineral development

Mole Valley Core Strategy

CS20 – Flood Risk Management

Mole Valley Local Plan 2000

ENV67 – Groundwater Quality

135. According to the Environment Agency's Flood Maps the application site lies primarily within Flood Zone 1, having less than a 1 in 1,000 annual probability of river or sea flooding. This includes the wellsite compound where all operational activity will take place. The eastern end of the access track is within Flood Zones 2 and 3 in the vicinity of Tanner's Brook. The application site does not lie within a Groundwater South Protection Zone.
136. SMP2011 Policy MC14 states that mineral development will be permitted only where a need has been demonstrated and sufficient information has been provided for the mineral planning authority to be satisfied that there would be no significant impacts arising from the development, including potential impacts in relation to flood risk, water quality and land drainage.
137. MVCS2009 Policy CS20 states that applications or allocations within Flood Zone 2 will only be considered if it can be demonstrated that there are no suitable alternatives in areas of lower risk and that a Flood Risk Assessment will be required for sites within or adjacent to areas at risk of surface water flooding as identified in the Strategic Flood Risk Assessment. To further reduce the risk from surface water flooding all development should work towards mimicking greenfield run-off situations. This is echoed in paragraph 018¹² of the NPPG.
138. Mole Valley Local Plan 'saved' Policy ENV67 states that development will not be permitted which in the opinion of the Council, after consultation with the Environment Agency, may have an adverse impact on the quality of groundwater.
139. As described above, the wellsite lies within an area of Flood Zone 1 but part of the access track is in Flood Zone 2 but there are no works proposed to the access track. Officers have carried out a sequential test because of this in accordance with the criteria set out in paragraphs 019, 033 and 034 of the NPPG¹³. Paragraph 109 states that a sequential test is not required for development proposals in Flood Zone 1. The aim of the sequential test is to keep development out of Flood Zone 2 and 3. Paragraph 018 outlines the sequential approach saying a sequential test should be applied for minerals related development although it is recognised that

¹² Reference ID: 7-018-20140306

¹³ Reference ID: 7-019-20140306, 7-033-20140306 and 7-034-20140306

mineral deposits can only be worked where they are found. However, mineral working should not increase flood risk elsewhere and needs to be designed, worked and restored accordingly. Mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk.

140. Paragraph 019 states that planning authorities in their decision making should take into account the flood risk vulnerability of landuses. Minerals working and processing (except for sand and gravel working) is classified as Less Vulnerable in Table 2: Flood risk vulnerability classification. In accordance with Table 3 Flood risk vulnerability and flood zone 'compatibility', Less Vulnerable development such as this proposal is acceptable in both Flood Zone 1 and 2 therefore the development is appropriate in this regard.
141. The Planning Statement outlines that the site is underlain by an impermeable membrane, with localised areas of concrete hardstanding around the wells. In addition to this, the main process area includes a reinforced concrete bunded area within which all process equipment is located and all liquids (hydrocarbons, produced waters and any fuels/chemicals) are stored. The operational area of the site drains to an interceptor ditch to the west and south which collects all surface drainage and rainfall from the lined wellsite footprint. There are no proposed changes to this. The County Geological Consultant has reviewed the proposal and recommends a condition that the site is checked for legacy of contamination on restoration.
142. As the proposal is within an existing wellsite and there are no changes to the impermeable area of the site the proposal would not increase the risk of surface water flooding generated by the site and therefore there would be no increase in runoff rate or volume. Officers are satisfied the proposal would not introduce any new flood risk to the area. However, the applicant has included mitigation measures to mitigate against the risk of fluvial flooding in the form of flood resilience measures to reduce the risk to occupants of the site in the event of a flood. These include the provision and maintenance of the welfare facilities and a flood evacuation plan.
143. In relation to Flood Risk the proposal is therefore considered to accord with CS20 of the Mole Valley Core Strategy and MC14 of the Surrey Minerals Plan.
144. According to the Planning Statement, the site is underlain by unproductive clay strata of the Wealden Clay Formation. Whilst the principal aquifers of the Chalk Group are the Lower and Upper Greensand outcrop to the north and south, owing to the local geological structure, they are not present beneath the site. The only aquifers within 400m of ground level at the site are the Tunbridge Wells Sands and Ashdown Sands. Whilst these aquifers are present beneath the site, they are at a depth of between 229m and 437m below ground level and are overlain by a significant thickness of Weald Clay. This in turn is overlain by an impermeable liner and concrete hardstanding. There are no proposed changes to this impermeable layer at the site providing protection to the groundwater.
145. The site is also covered by an Environmental Permit regulated by the Environment Agency to ensure works are undertaken in line with approved plans and procedures. With regards to sub surface operations, BRX4 is already constructed with a series of casings reducing size, sealed in place with cement grout. The well casing provides extra containment to isolate the fluids within the well from the

surrounding rock. The construction of the well and the procedures adopted during perforation operations are designed to ensure that none of the fluids discharged to any potable groundwater bearing horizons. The Environment Agency are the prime regulatory in relation to groundwater and are responsible for water quality and resources including managing the risk of flooding. Views of the Environment Agency are awaited.

146. A number of representations received have raised concerns about the potential for water reinjection into the Brockham Wellsite. Water reinjection currently takes place into BRX3 but this is site derived water separated into produced water fluids, water from bunds and cellars that is reinjected. There is no planning permission for the reinjection of processed waters that are not derived from Brockham Wellsite i.e. imported processed waters.
147. The Environment Agency (EA) has recently granted an amendment to the Environmental Permit for Brockham Wellsite to allow the re-injection of processed water resulting from the extraction of hydrocarbons from the Portland Sand Formation and Kimmeridge Clay Formation, and re-injection of imported processed water from other sites (i.e. imported processed waters), into the Portland Sand Formation via well BRX3 (emission point W2) for production support. The Environmental Permitting process is a separate regulatory regime to planning. No water reinjection from non site derived water is proposed as part of this application and water reinjection would be subject to a separate planning application.

GREEN BELT

Mole Valley Draft Local Plan 2020-2037

Draft Policy EN1 – Green Belt

Surrey Minerals Plan Core Strategy 2011

Policy MC3: Spatial Strategy - Mineral Development in the Green Belt

148. Policy MC3 of the SMP2011 states that mineral extraction in the Green Belt will only be permitted where the highest standards of operation are maintained and the land restored to beneficial after uses consistent with Green Belt objectives within agreed time limits. The policy states that proposals in the Green Belt for mineral development other than mineral extraction and primary treatment will only be permitted where very special circumstances exist.
149. Draft Policy EN1 of the Mole Valley Draft Local Plan 2020-2037 states that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy. It goes on to state that inappropriate development will not be permitted in the Green Belt, unless very special circumstances are demonstrated which are concluded to outweigh the potential harm, including harm to the openness of the Green Belt and the purposes of including land within it.
150. Brockham Wellsite is located within the Metropolitan Green Belt where policies of restraint apply. The NPPF states at paragraph 137 that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 138 goes on to state that Green Belt serves five purposes. These are:
 - To check unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;

- To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration.
151. The most relevant for this planning application is to assist in safeguarding the countryside from encroachment.
 152. Green Belt policy guards against inappropriate development. The NPPF states at paragraph 147 that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
 153. The NPPF requires at paragraph 148 that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
 154. Minerals can only be worked where they are found and a feature of such development is that it is reversible through restoration and a temporary activity. Paragraph 150 of the NPPF sets out certain forms of development that are not considered to be inappropriate development in the Green Belt “provided they preserve its openness and do not conflict with the purposes of including land within it”.
 155. One of these forms of development is mineral extraction. For oil and gas extraction there are three stages to the mineral development involving exploration, appraisal and production stages. This proposal involves the perforation of an existing well head and appraising the viability of the reserve following which, if viable, moving into the production stage.
 156. The proposal therefore constitutes mineral extraction and can be considered appropriate development for the purposes of paragraph 150 of the NPPF provided it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. The proposal involves the bringing onto site a workover rig or a crane to enable the carrying out of the perforation. This workover rig or crane will be noticeable in the landscape and would cause some harm to the Green Belt by its presence. However this harm would be limited as the workover rig or crane would be on site for a very limited period of time and then it would be removed thereby preserving the openness of the Green Belt.
 157. As part of the proposal, a rig office, welfare office and workshop are required to provide the necessary facilities to enable the perforation of the wellhead into the Portland Formation. The rig office allows for the management of the rig on site and the welfare office provides facilities for the additional workers required for the application. The workshop would provide the ability to maintain the rig and any other machinery to its best standard limiting improper operation which could lead to harm to amenity.
 158. These are a necessary and an ancillary part of the mineral extraction process, and therefore are considered to fall under the exception for mineral extraction of paragraph 150 of the NPPF. Officers recognise that these units would be in addition to those already at the wellsite however these would also be limited on site for the duration of the perforation and appraisal activities; and should viable reserves be identified and BRX4 move into production, the units would be

removed. The units would also not increase the size of the wellsite compound as such there would be no further encroachment into the Green Belt.

159. As the proposal is not considered to be inappropriate development it therefore accords with draft policy EN1 of the Mole Valley Draft Local Plan. The proposal involves activity that would occur at the site for a limited duration in the form of the workover rig or crane; and the location of offices and a workshop. However these would be limited in duration and would not increase the physical size of the wellsite compound. Should viable reserves be found in the Portland reservoir, the applicant proposes to husband these until 2036 in accordance with the planning permission ref: MO/06/1294 after which the site is to be restored in accordance with condition 16 of that planning permission. Officers recognise the mobilisation, appraisal and demobilisation phases would cause limited harm to the Green Belt by virtue of the activities. However Officers consider that the limited duration and reversibility of these phases would ensure the openness of the Green Belt is preserved and the countryside is not encroached upon; and as such the proposal would accord with MC3 of the Surrey Minerals Plan 2011.

OTHER MATTERS

Climate Change

160. Section 14 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change. Paragraph 152 states that the Planning system should support the transition to a low carbon future in a changing climate. It goes on to say it should minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
161. Paragraph 8 of the NPPF sets out that achieving sustainable development means the NPPF has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These three objectives are:
- Economic
 - Social
 - Environmental
162. The environmental objective includes mitigating and adapting to climate change and moving to a low carbon economy.
163. The Climate Change NPPG 2019 states that addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. In relation to climate change legislation the NPPG advises that planners should be aware of the Climate Change Act 2008 and for plan making Section 19(1A) of the Planning and Compulsory Purchase Act 2004.
164. The Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. The Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990. The Act is a legally binding framework to cut UK greenhouse gas emissions (Net Zero by 2050) and a framework for building the UK's ability to adapt to the changing climate.

165. The Energy White Paper 2020 sets out guidance on the measures the Government is seeking to implement to achieve the Net Zero target established in the Climate Change Act 2008. Page 16 of the document sets out the Government's Key commitments to achieving net zero. There are three target commitments as part of this document. These are to: Transform Energy, supporting a green recovery from COVID19 and creating a fair deal for consumers. It is notable that in achieving these targets the document does not refer to ceasing of hydrocarbon extraction onshore or offshore.
166. The Climate Change Committee (CCC) is an independent, statutory body established under the Climate Change Act 2008 which advises the Government on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions and preparing for and adapting to the impacts of climate change. In part of their role they conduct independent analysis on climate change policy.
167. The CCC has acknowledged in its 2019 report "Net Zero: The UK's Contribution to Stopping Global Warming" that a net zero economy would not be hydrocarbon free.
168. In their letter dated 24th February 2022 to Rt Hon Kwasi Kwarteng MP in response to a consultation on the proposed Climate Compatibility Checkpoint for oil and gas licensing in the North Sea the CCC acknowledge that as the UK is a net importer of oil and gas and will continue to be for the foreseeable future, that UK carbon budgets can still be met if new UK fields are developed providing additional actions are taken to reduce emissions. The letter considers the arguments for UK oil overall and goes on to state that ending UK exploration would send out a clear signal in relation to the UK commitment to tackling climate change. However, the CCC recognise that there are additional considerations that extend beyond the statutory remit of the CCC.
169. The letter states that the emissions footprint for producing both oil and gas in the UK is lower than the global average and there would be further emission advantages to UK production where it can be used locally. The letter goes on to acknowledge that whilst other markets may reduce this advantage from decarbonising extraction it is expected that some advantages will still remain.
170. Conference of the Parties (COP26) was the 26th meeting of the Countries committed to the United Nations Framework Convention on Climate Change (UNFCCC). The conference was held in Glasgow in November 2021. The meeting marked a step towards global efforts in addressing climate change which included a material increase in ambitions to reduce emissions across the world, finalisation of rules on reporting emissions and international carbon trading, and the launch of a range of new initiatives and sector deals. The CCC set out in their document 'COP26: Key Outcomes and Next Steps for the UK', outcomes from the COP26. Key to UK actions include seeking to reduce emissions in all sectors, addressing consumption emissions, phasing out of fossil fuel subsidies and strengthening its adaptation policies. The COP26 provided an update on the progress on the Paris Agreement and part of the outcomes for the UK according to the CCC was consideration of its adaption policies, which are the policies the UK is seeking to implement to tackle Climate Change. The outcomes of the COP26 however, are not set in law, nor did it provide new planning policies.
171. Surrey County Council and Mole Valley District Council both announced a Climate Emergency in 2019.

172. On the back of this Mole Valley District Council produced its Climate Change Strategy. The strategy sets out a declaration as to how the Council seeks to contribute towards the Government's Net Zero Target. It is largely in accordance with the Government's Net Zero strategy, however it is more specific to Mole Valley District Council. Although it does not directly address oil extraction as one of its strategic priorities, it does seek to lobby Government to cease fossil fuel extraction.
173. Surrey County Council produced its own Climate Change Strategy which sets out how Surrey County Council and the other 11 authorities will work towards achieving Net Zero. The Strategy does not directly address fossil fuel extraction, however, the strategic priorities include measures to move away from fossil fuel combustion and to pursue expansion of renewable energy generation. It is guided by the principles of the Government's Net Zero Strategy.
174. The proposal is for the reperforation of an existing well and the retention of this existing well for the production of hydrocarbons. Should the proposed perforation be successful and lead to the production of hydrocarbons this would result in the extraction of hydrocarbons from an existing wellsite. The Climate Change Act seeks to reduce greenhouse gas emissions to net zero by 2050, representing a 100% reduction from the levels identified in 1990.
175. The Energy White Paper 2020 provides guidance for Policy in achieving this target. The energy white paper does not conclusively advise against the extraction of hydrocarbons and the Climate Change Committee which provided advice to the Government to achieve net zero also acknowledges that a net zero future is not necessarily absent of hydrocarbons. The CCC also acknowledge that there are clear advantages of domestic oil production in terms of the lower emissions particularly if that oil is used locally. It is noted by the CCC that it is particularly difficult to try and estimate the global climate impact from the extraction of UK Oil and the potential that could have in supporting the global market.
176. At a local level the proposed development would maximise the existing wellsite and would not require additional construction of ancillary fences, foundations or otherwise to support the proposal. The proposal is supported by a drainage strategy and flood risk assessment which consider climate change in the context of water infrastructure through the lifetime of the development.
177. At a national level the proposed development would provide hydrocarbon extraction at an existing wellsite whereby there are clear advantages to reducing transport and production greenhouse gases when compared to sourcing fossil fuels from other countries.
178. Climate change and energy policies are interlinked, and the Government recognises that the way we produce and use energy plays a major part in meeting the challenge of climate change and has emissions targets and policies in place for a transition towards a low carbon energy mix. The Government is undertaking activities in a number of areas to enhance energy security whilst also delivering wider energy goals, which includes measures to maximise economic production of domestic oil and gas reserves; and prevent possible disruptions to the UK energy supply. In view of the above and the UK Government's current policy, Officer consider that the proposed development would not be in conflict with the Government's climate change agenda.

179. Third party representations made reference to the statements made at the COP26 conference. COP26 was a conference of Countries committed to the United Nations Framework Convention on Climate Change (UNFCCC). It did not set policy or law in relation to Climate Change.

Human Rights Implications

180. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
181. It is the view of Officers that the scale of any potential impacts are not considered sufficient to engage Article 8 or Article 1 of the Convention and that potential impacts can be mitigated by planning conditions. As a consequence, this proposal is not considered to interfere with any Convention right.

Conclusion

182. The proposed development is seeking permission for the reperforation and retention of well BRX4 to produce hydrocarbons at the existing Brockham Wellsite. The proposed application would allow the applicant to target a new zone in an existing wellsite, which would potentially enhance recovery of hydrocarbons from an existing well. The proposal would be carried out over four phases, which should the appraisal phase identify viable reserves, the wellhead would move into production.
183. The proposal would assist in addressing an identified need for hydrocarbons, is considered to be appropriate development in the Green Belt, would not lead to harm to residential amenity, heritage assets, flood risk, or ground water. The proposal does not involve the reinjection of processed water that has not been generated at this site. whilst an Environmental Permit has been granted for this, this is not for this planning application.
184. The proposal would involve the minimum surface facilities and infrastructure and Officers are satisfied that there would be no significant adverse impacts associated with the perforation of the well, appraisal phase or the production phase. Give the application site's location, access to/ from the application site can only be via the highway network. The proposal would generate up to 15 HGV movements per day during the mobilisation and demobilisation phases which are limited in duration and would the applicant is offering a Unilateral Undertaking for routing of HGVs to/ from the application site that avoids Brockham Village. The County Highway Authority raise no objection to the proposal. consequently Officers are satisfied the proposal meets the requirements of Policies MC12 and MC15 of the SMP2011.
185. The proposal accords with national and local planning policies and would require skilled operatives. The permission is a temporary permission for 12 years after which the site would be restored back to an undeveloped agricultural field.
186. Officers consider that with the imposition of appropriate conditions where necessary the proposed development would not give rise to significant adverse environmental or amenity impacts and should therefore be approved.

Recommendation

The recommendation is that subject to consideration of the views of the Environment Agency and subject to the prior completion of a Unilateral 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.

1. The development hereby permitted shall be carried out in accordance with the following Plans / drawings:
 - Proposed Elevation A & B (A) 2101 PL(2-)-412 dated 27 August 2021
 - Proposed Plan Option A, Drawing No. 2101 PL(2-)-410, dated 27 August 2021
 - (Proposed A) Existing Elevation, Drawing No. C & D 2101 PL(2-)-403 Rev. P2, dated 27 August 2021
 - Existing Plan Drawing, No. 2101 PL(2-)-401, Rev P2 dated 19 August 2021
 - Site Plan, Drawing No. 2101 PL(2-)-400 Rev P2, dated 19 August 2021
 - Existing Elevation A & B, Drawing no. 2101 PL(2-)-402 Rev P1, dated 20 August 2021
 - Existing Elevation C & D, Drawing no. 2101 PL(2-)-403 Rev P1, dated 20 August 2021
 - Site Access Visibility Splay, Drawing no. 208.0002.004, dated 8 November 2021

For the avoidance of doubt, hydraulic fracturing shall not be undertaken as part of this development
2. The permission hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be for a period of three years from the date of this permission for the appraisal of the well BRX4 and if hydrocarbon production reserves are found within well BRX4 until 31 December 2036. If hydrocarbon reserves are not found, then the wellhead shall be decommissioned and any plant or equipment required to make the wellhead safe to a specification agreed with the Health and Safety Executive shall remain in position and the land restored in accordance with a scheme to be submitted and approved by the County Planning Authority.
4. Prior written notification of: (i) the date of commencement of the appraisal of the BRX4 hereby approved and, (ii) the removal of all appraisal plant and machinery and the plugging of the BRX4Z shall be sent in writing to the County Planning Authority not less than seven days before such commencement.
5. With the exception of flowing of hydrocarbons, the use of gas in on-site processes and essential site monitoring or maintenance, no lights shall be illuminated, except that essential for security or health and safety, and no operations or activities authorised or required by this permission shall take place except between the hours of :
 07:30 and 18:00 hours on Mondays to Fridays; and
 08:00 to 13:00 hours on Saturdays
 Apart from the exception referred to above, there shall be no working at any time on Sundays, Bank Holidays, Public or National Holidays.
6. Notwithstanding any provision to the contrary under Part 17 (Class A,B, C) of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order:

- a) no plant, building or machinery whether fixed or moveable, other than those permitted by this application, shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of air quality and noise emissions and their tonal characteristics;
 - b) no lights or fences other than those already permitted shall be installed or erected at the application site.
7. No workover rig or crane shall be brought onto the site without prior written approval by the County Planning Authority of a 'scheme of work' detailing the operations involved. Such a scheme shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, which shall include:
 - (a) details of all lighting to be used both on the workover rig and at the wellsite and mitigation measures to ensure no light spill or sky glow;
 - (b) details of the number of Heavy Goods Vehicle (HGV) movements per day over the workover programme;
 - (c) a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the levels of noise at each location alongside mitigation measures. The 'scheme of work' shall be implemented as approved.
 8. Prior to the commencement of development, a Goods Vehicle Traffic and Route Management Plan ('Routing Agreement') (as detailed within the s106 legal agreement) for the movement of HGVs in association with the development hereby permitted, shall be submitted and approved in writing by the County Planning Authority. The 'Routing Agreement' shall be implemented, carried out and maintained as approved and in accordance with the s106 legal agreement.
 9. No HGV movements to or from the site shall take place between the hours of 8.00 and 9.00 am and 3.30 and 6.00 pm nor shall the contractor permit any HGVs associated with the development or associated operations at the site to be laid up, waiting, in Old School Lane or Bushbury Lane during these times.
 10. In the event of any damage to the public highway between the site and Red Lane caused by the development hereby permitted the applicant or operator shall repair such damage in liaison with the County Highway Authority.
 11. The applicant will ensure that appropriate measures are taken to minimise noise disturbance from operations by including appropriate acoustic enclosures on all suitable equipment so as to protect nearby residents and users of the local network of public rights of way.
 12. During daytime hours (Mondays to Fridays 07:30 to 18:00 hours and Saturdays 08:00 to 13:00 hours), noise levels at specified noise sensitive receptors (NSRs) shall not exceed the existing/pre-works representative background sound level (LA90,1h, free field) by more than 10 dB(A), or as near this level as practicable, up to a maximum noise limit of 55 dB LAeq,1h (free field).
 13. The noise arising from the operations or the use of any plant or equipment associated with such operations on the site of the development hereby permitted, may not exceed the 1/3 octave values (criterion value) in the table:

	lowest 25% of night values	criterion value, dB
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16Hz	36.6	34
20Hz	35.3	32
25Hz	35.3	32
31.5Hz	33.9	31
40Hz	34.8	32
50Hz	34.0	31
63Hz	34.8	32
80Hz	33.1	30
100Hz	30.8	28
125Hz	27.4	24
160Hz	25.7	23
200Hz	24.9	22
250Hz	24.7	22
315Hz	25.5	22
400Hz	24.0	21
500Hz	24.1	21
630Hz	24.2	21
800Hz	23.2	20
1kHz	22.6	20
1.25kHz	23.7	21
1.6kHz	23.7	21
2kHz	24.7	22
	lowest 25% of night values	criterion value, dB
2.5kHz	23.0	20
3.15kHz	24.2	21
4kHz	25.5	22
5kHz	24.3	21
6.3kHz	25.0	22
8kHz	25.3	22
10kHz	24.2	21
12.5kHz	24.1	21

14. Notwithstanding the provisions of Condition 13 (above) during the night time hours between 22.00 and 07.00 noise arising from the site will not exceed 35dBA Leq (1 hour) and so to ensure these levels are not exceeded the following measures shall be undertaken:

- (a) the generators on this site shall be housed and equipped with silencers designed to ensure specified noise levels are not exceeded and thereafter maintained in good condition;

15. Prior to commencement of hydrocarbon production from BRX4 (Phase 4) hereby permitted a noise management plan shall be submitted to and approved in writing by

the County Planning Authority, taking into account the noise limits set in condition 13. The noise management plan should also include details of the design, specification and predicted noise of all noise generating plant, including acoustic characteristics (assessed in accordance with BS4142). The noise management plan should also include details of an operational noise monitoring programme, including noise monitoring locations and methodology. The results of the monitoring should be made available to the CPA on request within 14 days. Measurements should only be undertaken by those competent to do so (i.e. Member or Associate grade of the Institute of Acoustics). Should the site fail to comply with the noise limits set in Condition/s 13, within 14 days of any breach of the noise limits, the applicant shall submit a scheme for approval in writing by the CPA to attenuate noise levels to the required level which shall be implemented within 7 days of the CPA issuing approval for the scheme, or the source of noise shall cease until the scheme is in place.

16. Decommissioning of the site shall not commence until the Operator has prepared a scheme of inspection and testing of the ground and any shallow groundwater at the site for any contamination legacy resulting from the operations. The scheme shall include the compound and all pipelines, service trenches and access roads. The scheme shall describe how the exposed ground and any groundwater or remnant surface water present shall be inspected, sampled and tested after removal of all the installations, well cellars, hardstandings, membranes and roads, foundation slabs, ditches, drainage features, pipelines and pipe bedding etc, to demonstrate that there is no legacy of contamination before restoration soils are placed. The work shall be designed and undertaken under the direction of a competent and experienced contaminated land specialist. The scheme shall be approved in writing by the CPA before commencement of any decommissioning.

The scheme shall be implemented as approved, and the results submitted to the CPA in the form of a Geo-environmental decommissioning report demonstrating that the site contains no legacy of pollution or contamination. The County Planning Authority shall be informed when the post decommissioning sampling is due to take place and shall be afforded the opportunity to inspect the ground surface before the site is restored.

If either: a) during any oil or gas development operations at the wellsite facility or (b) on implementing the scheme of inspection and testing, contamination not previously identified is found to be present at the site then no further development or decommissioning work shall be carried out until the Operator has submitted a further scheme of inspection and testing (if required) and a remediation strategy to the County Planning Authority detailing how this not previously identified contamination shall be dealt with, and written approval of the scheme has been obtained from the County Planning Authority. The further investigations and remediation strategy shall be implemented as approved, and the results submitted to the CPA in the form of a verification report.

17. Before commencement of the development hereby permitted, a Flood Evacuation Plan shall be submitted to and approved in writing by the County Planning Authority. The Flood Evacuation Plan shall include the following details for: i) flood warning procedures; ii) safe points of extraction and evacuation; iii) the areas of responsibility for those participating in the Plan; iv) implementation procedures; v) communication strategies for occupiers; and vi) details of a scheme to periodically update the Plan. The Flood Evacuation Plan shall thereafter be maintained and adhered to throughout all phases of the development hereby approved.

18. Development shall not commence until a surface water management plan (SWMP) has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme before any part of the development hereby permitted commences. The SWMP shall provide details of the management of surface water levels and flow and any pollution during operations and also details for surface water management during any periods in the decommissioning phase before final restoration, when the existing site drainage arrangements have been removed or cease to be effective.

Reasons

1. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to Surrey Minerals Plan 2011 Policy MC14.
2. To comply with Section 91 of the Town and Country Planning Act 1990
3. To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Policy MC17 of the Surrey Minerals Plan 2011.
4. To ensure that site operatives are conversant with the terms of the planning permission in the interests of the local environment and amenity to accord with Policy MC14 of the Surrey Minerals Plan 2011.
5. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
6. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
7. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Policy MC14 of the Surrey Minerals Plan 2011.
8. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011.
9. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011.
10. In order to ensure that the development should not prejudice the free flow and condition of safety on the highway, nor cause inconvenience to other highway users and to comply with the terms of Policy MC15 of the Surrey Minerals Plan 2011.
11. To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from noise in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
12. To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from noise in accordance with Policy MC 14 of the Surrey Minerals Plan 2011.

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15. To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from noise in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
16. To ensure there is no legacy of soil or groundwater pollution remaining on site after decommissioning.
17. To ensure the site operatives are safe from flood risk in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
18. To ensure the site would not result in flood risk in accordance with Policy MC14 of the Surrey Minerals Plan 2011.

INFORMATIVES

1. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The developer is advised that Public Footpath Number 86 crosses the access route to the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation. The applicant shall ensure that the safety of the public is ensured by placing warning notices at the crossing point.
4. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: (delete as appropriate) entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on noise/traffic/heritage/flooding/landscape/visual impact/Green Belt and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of draft legal agreements. This approach has been in accordance

Town and Country Planning Act 1990 – guidance on the determination of planning applications

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to *'have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations'*. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and subsequent updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 Planning Practice Guidance (PPG), as amended, provides related guidance. The NPPF should be read alongside other national planning policies for waste; traveller sites; planning for schools development; sustainable drainage systems; parking and Starter Homes.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

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 Chris Turner

Tel. no. 07812 776002

Background papers

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

Other documents

The following were also referred to in the preparation of this report:

Government Guidance

National Planning Policy Framework

Planning Practice Guidance

The Development Plan

Surrey Minerals Plan Core Strategy Development Plan Document (DPD) 2011

Mole Valley Core Strategy 2009

Mole Valley Local Plan 2000

Other Documents

National Statistics, Digest of UK Energy Statistics (DUKES) 2020, July 2020

Department for Business, Energy and Industrial Strategy, Energy Trends UK, October to December 2021 and 2021, March 2022.

Planning Officer Report Ref: MO/2018/0444 SCC Ref: 2017/0215 Planning applications register - Surrey County Council (surreycc.gov.uk)

National Statistics, Digest of United Kingdom Energy Statistics (DUKES) 2021: Chapters 1 to 7, July 2021.

Department for Business, Energy and Industrial Strategy, Energy white paper: Powering our net zero future, December 2020

Surrey County Council, Landscape Character Assessment, 2015

Future Mole Valley (Local Plan 2020-2037)

Surrey County Council Guidelines for Noise and Vibration Assessment and Control (surreycc.gov.uk)

The Climate Change Act 2008

Committee on Climate Change, Net Zero The UK's contribution to stopping global warming, May 2019

Committee on Climate Change, Letter: Compatibility of New Oil and Gas, February 2022

Committee on Climate Change: COP26: Key Outcomes and Next Steps for the UK, December 2021

Mole Valley District Council, Climate Change Strategy

~~Surrey County Council, Surrey's climate change strategy, 2020~~

Draft Heads of Agreement V.1 – APRIL 2022

7

These Draft Heads of Agreement relate to the following planning application which is being reported to the 27 April 2022 Planning and Regulatory Committee:

Application Ref. MO/2021/2103: The retention of the BRX4 well for reperforation to allow for appraisal and production of hydrocarbons for a temporary period.

Site: Brockham Wellsite, Land at Felton's Farm, Old School Lane, Brockham, Betchworth, Surrey RH3 7AU

Set out below are the broad heads of agreement, subject to the granting of planning permission for the above application, to be included in a legal agreement between Landowners, (Applicant and Landowner) and Surrey County Council (County Planning Authority) to secure:

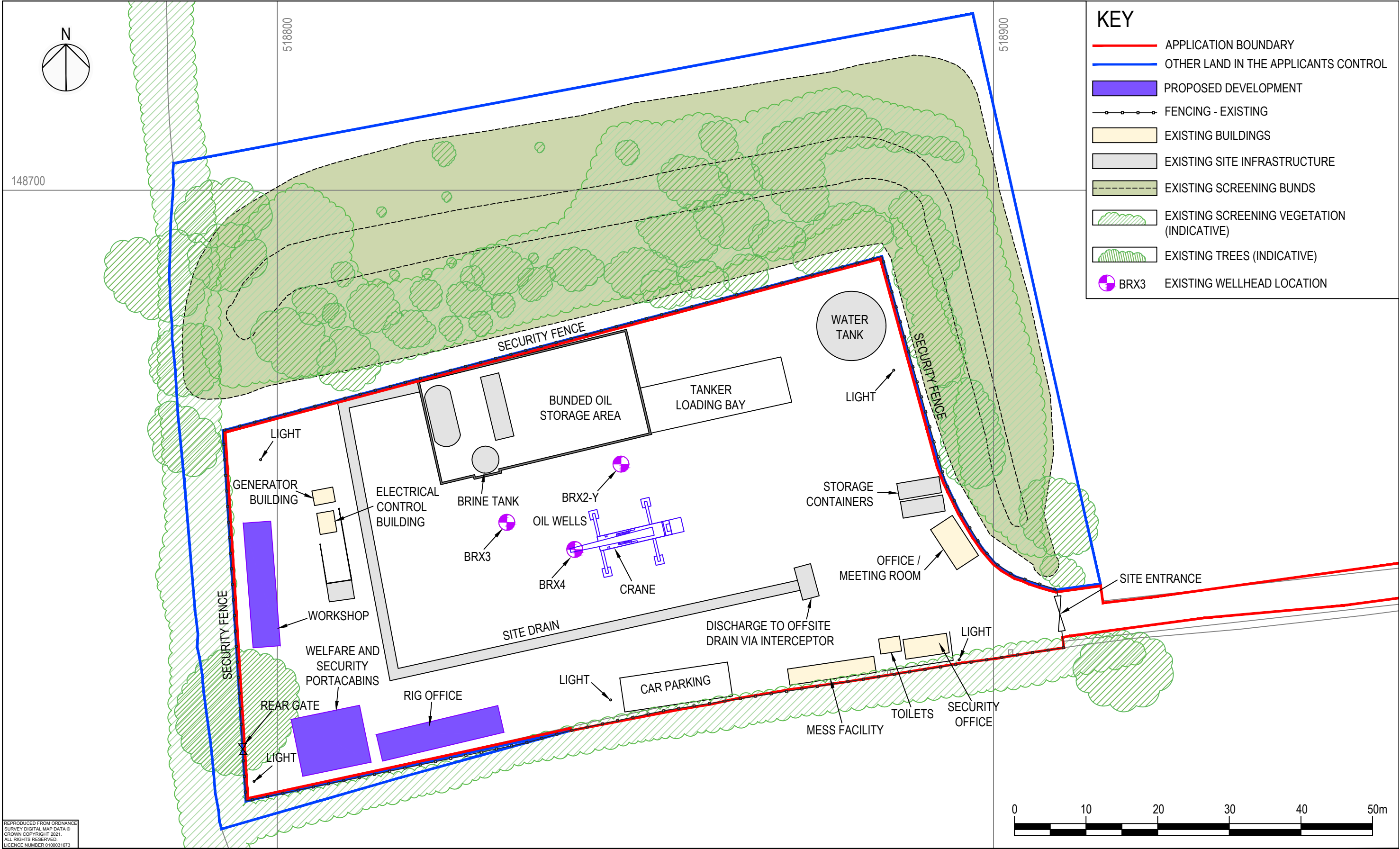
Routing of Heavy Goods Vehicles

The Owners shall submit for the written approval of the County Council, a Goods Vehicle Traffic and Route Management Plan. The approved plan shall be implemented by the Owner within 3 months of the execution of the S106 agreement.


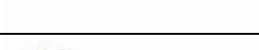
1.1 The Goods Vehicle Traffic and Route Management Plan shall include the following details;

- Written instructions and means of communication of the approved route for goods vehicles that the Owners propose to use to inform all employees, suppliers and customers as to the approved route to be observed by all goods vehicles travelling to and from the site. The approved route shall be in accordance with Drawing No. Figure 2.1: Site Location and Approved Heavy Goods Vehicle (HGV) Route (contained within the Transport Statement dated October 2021, Pg. 8).

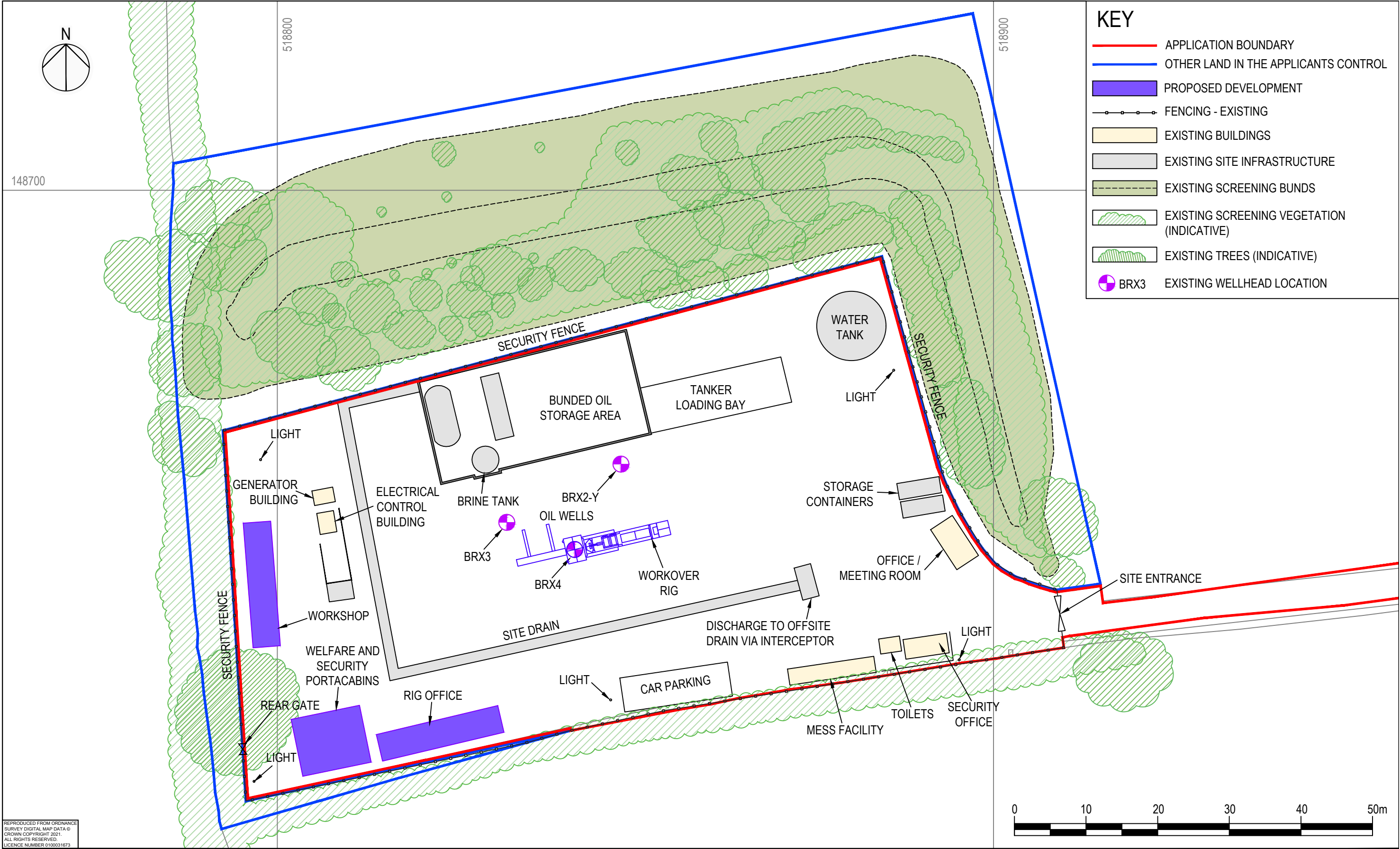
- A review of the highway directional signage on the approved route required to direct all goods vehicles accessing and egressing the application site, and identification of any highway signage improvements that are required.
- A schedule of regular maintenance for the highway directional signage.
- The issuing of instructions by the Owners to suppliers and customers to prevent them from accessing and egressing the site outside of the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 hours on Saturday.
- The issuing of instructions by the Owners to employees, suppliers and customers that waiting or parking on the public highway within the vicinity of the site is strictly prohibited.
- The issuing of instructions by the Owners to all drivers of goods vehicles accessing and egressing the site to abide by the Highway Code at all times, particularly the need for drivers to take due care and attention on the approved route and to observe the posted speed limit.
- The issuing of instructions by the Owners to all drivers of goods vehicles accessing and egressing the site to drive at a speed not exceeding 30mph along the Route identified in the Goods Vehicle Traffic and Route Management Plan.



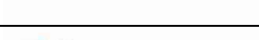
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Agenda Items

Item 7 – Brockham Wellsite, Bletchworth
(MO/2021/2103)



SURREY
COUNTY COUNCIL

2021 Aerial Photos

Aerial 1: Surrounding area



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All boundaries are approximate

Aerial 2: Application site

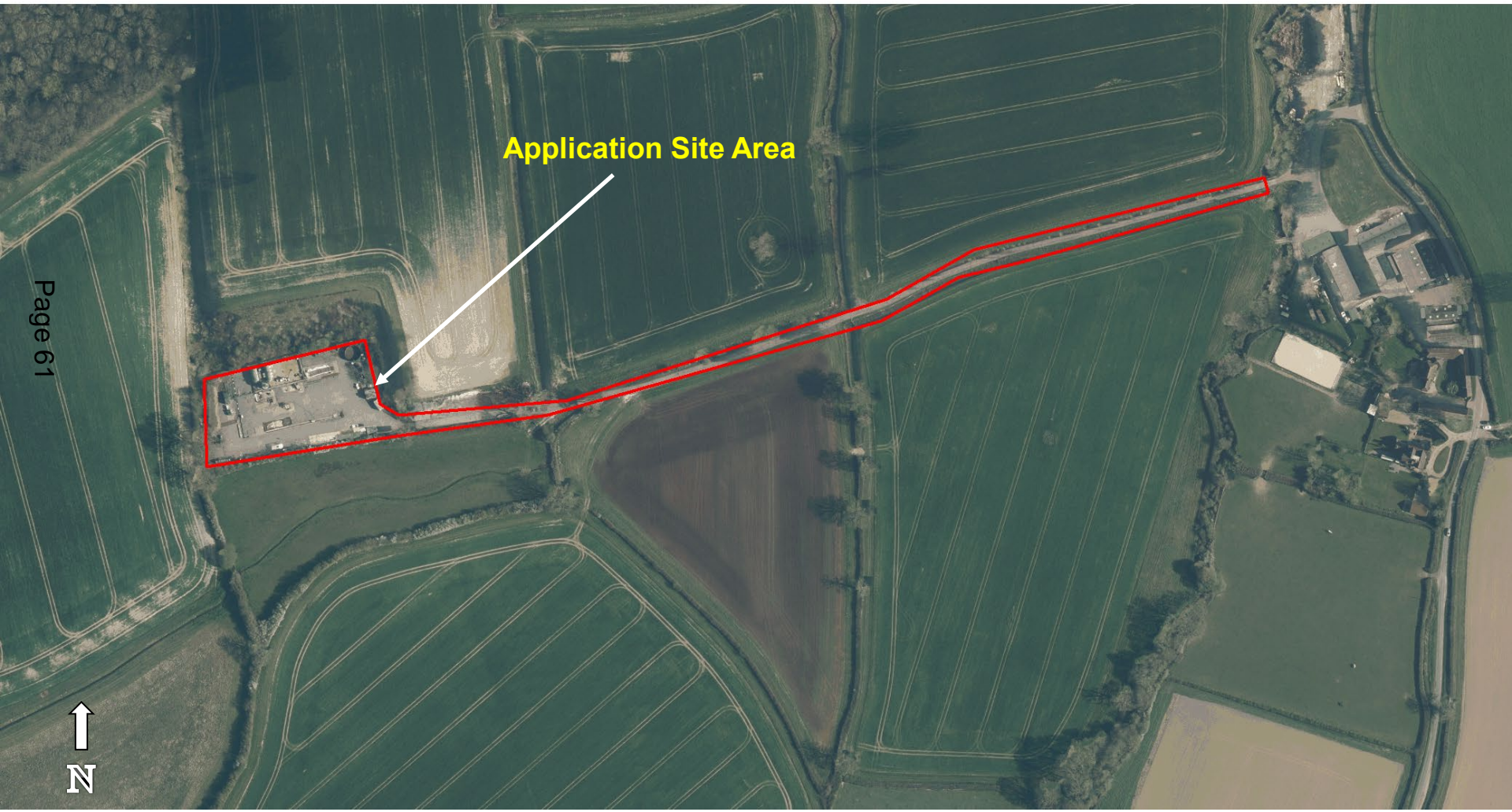




Photo 1 - Looking East Across the Site



Photo 2 - Looking towards the southern boundary.





Photo 3 - Looking west towards the entrance to the main well site.



Photo 4 - Looking East across the site from within the site.





Photo 5 - Existing amenity facilities on the site.



TO: PLANNING & REGULATORY COMMITTEE**DATE:** 27 April 2022**BY:** PLANNING ENFORCEMENT TEAM LEADER**DISTRICT(S):** ALL**ELECTORAL DIVISION (S):****PURPOSE:** FOR INFORMATION**GRID REF:****TITLE:** ENFORCEMENT & MONITORING UPDATE REPORT

SUMMARY

Whilst officers report annually to the committee, due to the pandemic and inability to carry out regular monitoring, this report covers the period from 1 January 2020 – 31 March 2022.

1

MONITORING OF AUTHORISED MINERAL & WASTE SITES

- 1.1 Surrey County Council as the County Planning Authority (CPA) has had a proactive monitoring system of authorised Mineral and Waste (M&W) sites for many years. This includes monitoring and pursuing outstanding requirements of planning conditions within planning permissions, which also covers County Council development (Reg 3). This work, along with dealing with complaints is undertaken by our Development Management (DM) Team, which includes planning officers and a newly appointed Monitoring Officer (MO), with guidance from Enforcement Officers (EO) if identified breaches are not resolved. Environment Enhancement (EE) Officers monitor sites with extensive screen planting and those in progressive restoration or aftercare and undertake annual joint inspections with DM officers on some sites.
- 1.2 Monitoring ensures DM officers benefit from practical comprehension of functioning sites whilst gaining accelerated insight into a broader range of operational issues. Such experience assists them in working with developers in a positive and proactive way as required by the National Planning Policy Framework.
- 1.3 In April 2019 we changed the system as to who undertook such site monitoring from two dedicated MOs in the Enforcement & Monitoring Team to include planning officers in DM, in order to increase the future resilience of the DM team. This changes in the system would improve the insight of DM officers in respect of site operations and management controls faced by the

M&W industry. This in turn gives the DM team a better understanding of the applications they deal with, and the conditions required to control them.

- 1.4 All changes to working practice, take time to settle after implementation, and we are fortunate in having three former MOs within the DM team, who have assisted DM officers with the process.
- 1.5 We now finally have a full complement of officers in the DM team, so we anticipate that our monitoring performance will improve considerably and that we should re-establish our previous standards in achieving 80-90% compliance with our scheduled targets. The Covid pandemic inevitably has had some impacts on monitoring, which stopped site visits for some time and is still restricting some being undertaken from both the CPA and site operator perspective.
- 1.6 We are undertaking fewer site visits than previously but are aiming to achieve better results by focusing on breaches rather than site progress. The team will pursue outstanding breaches and any unauthorised development that is identified, which may result in either cessation of certain activities or pre-application discussions ultimately leading to retrospective planning applications. Should the unauthorised development lead to enforcement work, this will involve planning officers, which will broaden the experience of the DM team.
- 1.7 Enforcement Officers will continue to deal with wholly unauthorised development on sites with no planning permission for waste related development, working in partnership with both the Environment Agency and Local Planning Authority at all times.

2 ACTION AT AUTHORISED MINERAL AND WASTE SITES

- 2.1 **Stanwell Quarry, Stanwell Moor Road, Stanwell:**
Further to a Planning Contravention Notice (PCN) being issued in January 2020, a retrospective planning application to address the unauthorised installation of an open-ended structure including containers and canopy for storage of parts and tools and maintenance of plant and equipment used in connection with the aggregate recycling facility and the restoration of the site has been approved.
- 2.2 **Addlestone Quarry, Byfleet Road, Addlestone:**
Two PCNs were issued in April 2020 in relation to unauthorised development involving contractor's plant storage area, materials storage areas, new buildings and erection of large gabion walls and access gates. These matters are the subject of ongoing discussions between DM officers and the site operator.
- 2.3 **D&E Roberts Recycling Yard, Plough Industrial Estate, Kingston Road, Leatherhead:**

Following concerns about noise levels from the site during the summer of 2020 a noise survey was undertaken in November 2020 that demonstrated the site to be in compliance with the noise condition for the site.

- 2.4 Following a subsequent complaint about the way officers dealt with the complainant's concerns, a case was raised with the ombudsman, which was upheld on 6th September 2021 and resulted in 6 of 9 points dismissed by the Ombudsman, but considered the following required action by the CPA:
- i) 'The Council's Planning Enforcement Protocol (the "Protocol": 2015) says it will carry out routine monitoring to ensure compliance with planning conditions. The Council has since explained it carries out general monitoring rather than noise monitoring, however its policy does not make this clear. I find the Council did not carry out noise monitoring at the site in line with its policy and/or its policy does not accurately reflect its practice. This is fault. Mr X had repeatedly asked the Council about its routine monitoring and challenged why it had not carried this out. He also raised this in complaint to the Ombudsman. Mr X's expectations were raised, and he suffered frustration when the Council did not meet these. This is injustice.'
 - ii) 'I acknowledge Mr X would like the Council to ensure its practice reflects the Protocol, that is, it should carry out routine noise monitoring. However, the Council has discretion as to its enforcement policy and it is not within my remit to say what it should or should not include. The Council has confirmed it does not carry out routine noise monitoring. Therefore, it should ensure its Protocol is clear on this point.'
 - iii) 'The Council told Mr X its decision there was no breach of the noise condition on 26 November. I am satisfied it reached this decision taking into account the information available to it at the time, which it reasonably believed was accurate. I therefore find no fault in the Council's decision making. It would have been helpful if the decision letter had addressed Mr X's comments that the site was quieter than normal that day. It would also have been helpful if the Council had explained why it did not investigate if there was any breach when measuring noise from other homes. However, I note the Council had opportunity to address these points in response to Mr X's complaints.'
 - iv) 'While the Council completed its complaints process in a timely manner, it did not address Mr X's concerns that the noise monitoring did not pick up the noisiest activities and that the site was quieter on the day of monitoring. Nor did it answer Mr X's query (first raised on 18 December) as to whether it would carry out monitoring from homes closer to the southern site. I consider this amounts to fault. I am satisfied this caused Mr X distress and uncertainty as to whether the Council had taken into account relevant information and properly reached its finding that there was no breach. I note the Council has provided further information on comments on my draft decision, however I consider it should offer a further response directly to Mr X.'

- 2.5 As a result, the following actions were implemented:
- 2.6 A review of the 2015 Protocol was undertaken and the 2022 Protocol includes amended wording to specifically address point i) above, that has resulted in 'ensure' being removed as it was an absolute which was/is impossible to guarantee and advises that authorised sites will receive site monitoring visits by CPA officers.
- 2.7 The Protocol was updated in February 2022 and states that no monitoring of noise (and matters such as dust and vibration), will be formally undertaken, but that if it is considered appropriate, technical assessment will be sought by independent consultants.
- 2.8 A written apology was issued and £100 paid in compensation for distress and uncertainty caused.
- 2.9 Two further days of noise monitoring by RPS our technical noise consultants were commissioned in November and December 2021, with the site operator not advised of this, with the noise consultant not going onto the site.
- 2.10 RPS's conclusion of this testing was that the 'site is likely to be non-compliant with the SCC planning condition criteria, albeit potentially not by a significant margin'.
- 2.11 The site area is split between CPA & Mole Valley (MV) DC planning control, with the latter managing an area covered by a Lawful Use Certificate (LUC) for industrial storage. Lawful use certificates carry no planning conditions. Environmental Health Officers from MV DC have investigated noise complaints by the same complainant and found no statutory nuisance in November 2021. The complainant does not accept that the site is split into two different planning units and wrongly believes that SCC has responsibility for all noise arising from the whole D&E Roberts site.
- 2.12 It was established by officers through communications with RPS that their report indicated the whilst the site was apparently non-compliant in terms of exceeding the 50dBA limit of the noise condition and was attributable solely to the SCC controlled part of the site on two separate periods during the 10-Hr working day on 8 December 2021, the time periods were slightly shorter than the required 30-minutes and an actual breach may be difficult to prove.
- 2.13 However, RPS subsequently advised that modelling demonstrated that the noise would have exceeded 50dBA over a 30-minute period, as the average of 53dBA for the two periods of 24 and 26 minutes would not have reduced to 50dBA, even had the remaining 6- or 4-minute periods been silent when tested.
- 2.14 As a result, officers have:
- a) Sought clarifying reports from RPS.

- b) Asked the operator to consider what other noise mitigation may be employed at the site to help further reduce the noise levels emanating from the site, which may or may not require planning permission.
- c) Will in due course consider further noise monitoring to be undertaken by RPS.
- d) A meeting with the complainant has been arranged.

3 ACTION AT UNAUTHORISED SITES INVOLVING WASTE DEVELOPMENT

3.1 Sites where Appeals have been lodged against Enforcement Notices:

3.2 Brick Kiln Farm, Old Lane, Ockham:

Further to PCNs issued on 21 June 2019 and 14 August 2019, an Enforcement Notice (EN) was issued on 25 September 2020 to address a material change of use of land to a mixed use comprising a soil and aggregate treatment facility involving the importation, deposit, storage and processing (sorting, separation, screening, crushing) of inert waste and non-hazardous waste material for recovery and sale as soil, soil substitute, hardcore and recycled aggregate; the parking of vehicles and storage of plant and machinery, and the siting of waste containers associated with the recovery and sale of soil, soil substitute, hardcore, and recycled aggregate; the siting of concrete blocks, a timber sentry post, a large green structure for office and welfare purposes with related green concrete base and protective rail and block barrier and associated operational development comprising the creation of soil bunds; and the erection of two metal gates all to facilitate the recovery and sale of soil, soil substitute, hardcore, and recycled aggregate.'

- 3.3 An appeal was scheduled to take place by a hearing on 23 November 2021, for one day. However, the Planning Inspectorate wrote to the main parties on 28 October 2021, suspending the hearing following further review of the appellant's submission and the concerns raised by the County Planning Authority, regarding the adequacy of the appellants Environmental Statement (ES). The Planning Inspectorate (PINS) has therefore given formal notice (under Regulation 41 of the Environmental Impact Assessment Regulations 2017) to the appellant requesting the submission of a revised ES which correctly assesses the effects of the alleged breach. The applicant was advised by PINS to respond to them in writing with a timescale by which they would submit an ES by the end of March. A revised ES briefing note was sent to PINS and the agent has advised that he intends to submit the ES by the end of July 2022. We are awaiting clarification from PINS as to whether they will accept the agent's proposal and when we may expect the appeal to take place, which is set to be heard via a hearing.

3.4 Sites where Enforcement Notices have been issued in 2021 or where there is ongoing action:

3.5 Hedgehog Field, Dowlands Lane, Copthorne:

Unauthorised construction of screening bunds, land raising of field, storage of arboricultural waste and construction of timber gates. The importation for the

landraising was initially stopped by the landowner after a visit from SCC Enforcement Officers but resumed briefly to complete the soiling of the field and an area of hardstand within the field entrance.

- 3.6 Pre-application advice in relation to a green waste processing site was provided, advising it was unlikely to be supported by the CPA. PCN issued 4 August 2019 and EN issued 24 March 2021 to address a material change of use of the Land to a mixed use for the importation and deposit of construction, demolition and excavation waste, and arboricultural waste (woodchip, logs and cord wood). The demolition waste also includes waste that appears highly likely to contain asbestos. Without planning permission there has also been associated operational development on the Land, comprising the land raising and creation of perimeter bund using construction, demolition and excavation waste and the erection of a timber gate-type structure behind the five-bar gate which is adjacent to Dowlands Lane.
- 3.7 Compliance requiring the removal of surrounding bunds and the reduction of the field level to original levels is overdue, in view of extenuating circumstances, the compliance period has been extended, with compliance dates ranging between May to July 2022.
- 3.8 **Acre Farm, Hare Lane, Blindley Heath:**
 Allegations of importation and burning of mixed waste.
 PCN issued 11 March 2021 and EN & SN issued 24 June 2021.
'Without planning permission, change of use of the land from agricultural to a sui generis use, involving the importation, deposit and disposal of both mixed inert and non-inert waste materials, comprising but not limited to soils, organic waste, timber, plastics, scrap metals and white goods along with disposal of combustible waste by burning.'
- 3.9 EN partially complied with as waste no longer being imported and burnt, but a stockpile of waste which should have been removed by early February 2022 has been spread on the land. The site has been made more secure through the erection of fencing and a new field gate. Legal Services will write to the landowner advising that if waste is not removed prosecution for non-compliance is likely.
- 3.10 **Crosswinds, northwest of junction of Ironsbottom and Collendean Road, Norwood Hill:**
 Importation of inert waste soils used to raise land levels and create boundary bund resulted in a PCN being issued on 3 August 2021, a TSN issued 9th August 2021 and an EN & SN were issued on 14 September 2021 to address the unauthorised importation and disposal of waste soils and soils; resulting in the subsequent raising of land levels between October 2020 to December 2020 inclusive, and again between May 2021 to July 2021 inclusive; the unauthorised importation, deposit, disposal and burial of non-soil waste materials on the land prior to being covered with imported waste soils and soils: and the unauthorised importation, deposit and disposal by burning of timber, green waste and mixed waste building materials on the land.

- 3.11 The EN was not complied with. None of the 9 landowners according to Land Registry searches have responded to the copies of the EN that were sent to them, as all have been returned as, meaning service has not been affected. Counsel advice has been taken in relation to potentially prosecuting someone who claims to own the land, and is responsible for the breach, but is not the registered landowner. Next steps are being considered with Legal Services.
- 3.12 **The Paddocks, Rose Lane, Ripley:**
PCN issued in September 2021 to address local concerns of waste importation and burning. Burning ceased, but subsequently resumed and an EN was issued 21 January 2022 to address the unauthorised development.
- 3.13 The unauthorised material change of use of land from agricultural to a mixed use comprising agriculture and a sui generis use comprising the unauthorised importation, disposal and burning of combustible waste, the importation, storage and sorting of scrap metal and the unauthorised importation and disposal of mixed soils and hardcore leading to the raising of land levels.
- 3.14 An appeal was received which revealed a fault with the notice. As a result, the EN was withdrawn and a new EN will be issued. It is anticipated that the revised EN will not be appealed. A future planning application submission has been referred to and is likely to be a Guildford BC matter, as is unlikely to involve waste issues.
- 3.15 **Site for which Enforcement Notices are anticipated:**
- 3.16 **Birchenwood Farm, West Park Road, Newchapel:**
Access gates secured by landowner living in Spain who had claimed he was trying to sell the land and had nothing to do with what happened.
PCN issued February 2021 to address:
The unauthorised importation and disposal of waste, comprising but not limited to mixed soils, hardcore and rubble for the purpose of waste disposal causing the raising of land levels, between May 2020 to August 2020 inclusive and from mid-January 2021 to February 2021 inclusive, plus the importation, deposit, storage and disposal of mixed and shredded waste in October which was burnt in March 2022.
- 3.17 EN instructions drafted April 2021. Trial pits arranged by SCC and dug in September 2021 to establish the depth of the waste tipped by August 2021. Subsequently, 3 loads of shredded waste fines were still tipped on site on 27 October 2021. Access re-secured with concrete block behind gates. Ground works commenced in March 2022 in relation to the erection of an agricultural barn previously accepted by Tandridge DC as agricultural permitted development, but now being challenged by them.
- 3.18 EN instructions are to be re-drafted to incorporate the shredded waste and incorporate a plan to show pre-tipping levels over the area of land that are required to be reinstated, based on ground levels of areas of adjacent woodland.

3.19 Land south of Newchapel Road and west of Rowlands Farm, Eastbourne Rd, Newchapel:

Several hundred tonnes of inert waste comprising soils and hardcore were tipped within a field without the landowner's consent. It is considered that the landowner is a victim of crime.

3.20 PCN issued and TSN issued 5 March 2021. The landowner was given considerable time to clear the site, but it has not been done, so instructions to issue an EN to require the clearance and restoration of the field will be prepared.

3.21 Hades Wood Farm, Cogmans Lane, Smallfield:

Allegations of sporadic importation and burning of waste causing smoke nuisance. A PCN was issued on 2 June 2016 which led to a cessation of complaints.

3.22 A further PCN was issued on 23 April 2021 and a TSN issued 26 April 2021 to address:

'The importation, deposit and disposal by burning of mixed waste materials.'

Fires resumed September late 2021 and have increased in frequency.

EN instructions likely to be drafted, if it is possible for the CPA to do so, as there remains an undetermined planning application with Tandridge DC and it may be in mixed use.

3.23 Sites where Enforcement Notices may be issued:

3.24 Nobles Mead, Blackberry Lane, Dormansland:

We were advised after the alleged importation and spreading of soils had apparently taken place within an extended garden area of a residential property and those soils had been deposited within 8m of a brook. The EA were made aware but have not responded as yet. A PCN was issued in November 2020. The impact upon a listed building shown as being on the land was explored and dismissed, as it highlighted a mistake in its listing that was corrected as a result of our investigation. Consideration of next steps under consideration as it may be deemed as an LPA matter an extension to a residential curtilage.

3.25 Stubpond Fishery, Newchapel:

MV Haulage noted at the front of the site (suspected unauthorised recycling). New gates prevent access to site. New scaffold structure can be seen from gate. Known infill of front pond. CLEUD position still to be resolved in addition to MV Haulage use. DM to assess the CLEUD position prior to arranging inspection of the land.

4 Sites where unauthorised development led to retrospective planning applications: resulting in permission issued, awaiting determination or discussion ongoing and application awaited:

- 4.1 **NJB Recycling, Epsom Chalk Pit, College Road, Epsom** - Retrospective planning permission was resolved to be granted by P&R Committee on 25 February 2022 to continue to operate as a materials recycling facility, but with all recycling operations conducted within two new buildings, subject to referral to the Secretary of State (SoS).
- 4.2 The application was referred to the Secretary of State due to the development involving a departure from Green Belt policy (inappropriate development) and including the provision of buildings where the floor space to be created by the development is 1,000 square metres or more.
- a) If the SoS decides not to get involved (i.e., does not call-in the application), the CPA may then issue the decision.
 - b) If SoS calls-in the application, i.e., taking the decision-making process out of the hands of the CPA, there will be a public inquiry chaired by a planning inspector, who will make a recommendation to the Secretary of State who will take the final decision.
- 4.3 Pending the outcome of the above processes the site will operate in the open and not inside buildings.
- 4.4 Potential enforcement consideration:
What action do we take if/when the trommel on site continues to be used on site and not within a building ?
- 4.5 The Officers report stated that we do not consider it appropriate or expedient for the CPA to take formal enforcement action against development at a time when a planning application to regularise the operations being undertaken is in the processing of being determined. Should the current planning application be refused, the question of the expediency of enforcement action against the unauthorised aspects of the proposed development would need to be revisited.
- 4.6 The EA permit contains conditions that they may enforce, and Environmental Health Officers may address statutory nuisance. Therefore, Officers will continue to liaise with the other regulatory bodies in monitoring the site activities, revisiting the consideration of enforcement if expedient.
- 4.7 **Dean Oak Cottage, Deanoak Lane, Leigh, Reigate:**
Unauthorised landraising took place in April 2019 and importation was stopped by the landowner after a visit from SCC Enforcement Officers, after which the imported waste soils were re-profiled. A retrospective planning application seeking to regularise the development has been submitted and no objections have been received to date, though DM planners are awaiting a consultation response from the Environment Agency.
- 4.8 **Hathersham Lane, Smallfield:**
A retrospective planning application is awaited, to address material changes in use identified by SCC Enforcement Officers at a Materials Recycling Facility

involving soil screening and to address a reduction in size of the site that now involves both concrete crushing and scrap metal storage. Discussion between DM and the operator's planning consultant is ongoing.

4.9 1 Lyne Lane, Lyne:

Landraising with screened soils derived from both site derived stockpiles of soil plus imported inert waste soils was identified. Breaches were raised with the landowner and importation subsequently ceased. A site visit and meeting with the landowner's representative in August 2021 resulted in communications with their planning consultant and a retrospective planning application is now under discussion.

4.10 MFC Skips @ Paddock Farm off Caterham By-Pass, Caterham:

Unauthorised use of the land as a skip waste transfer yard. Site meeting and discussions with operator and agent has resulted in a CLUED submission to the CPA, the intention of which will be to demonstrate that the claimed use has continued for no less than 10-years. Unlike a planning application, the submissions are considered on the balance of probability, not on the planning merits of the development.

4.11 Land forming part of Bullhousen Farm off Shaftesbury Road, Bisley, Surrey, GU24 9EW:

Unauthorised land raising works involving the import of inert waste soils and small scale burning of waste. Site visited and PCN issued in 2022. EN likely if an anticipated retrospective planning application does not materialise.

4.12 Honeycrook Farm, Green Lane & Axes Lane, Salfords:

A PCN was issued in March 2021 in relation to both the import and burning of mixed waste and the import, deposit, storage and burning of green waste. The landowner advised the former was only reject timber and has ceased and believes he would qualify for immunity for the latter. Site to be revisited and EN progressed if either activity is ongoing.

5 Updates on Sites Where Enforcement Action Was Previously Taken:

5.1 Land at Stoney Castle Ranges, Grange Road, Pirbright – Further to issue of an EN, successful prosecution for failing to comply and a subsequent Proceeds of Crime Act (POCA) conviction, the waste remains on site in breach of the extant EN as was previously advised in September 2021: see previous report.

5.2 Wrays Farm, Lonesome Lane, Reigate – Further to PCNs issued 29 December 2008 and 30 August 2013. An EN was issued on 3 January 2018 to address:

'Without planning permission, change of use of the land from a mixed use comprising residential, agriculture, woodworking workshop, office, gymnasium, building construction and contracting business to a mixed use comprising residential, agriculture, woodworking workshop, office,

gymnasium, building construction and contracting business and the unauthorised importation, deposit, storage, processing (screening) of construction, demolition and excavation waste and the unauthorised importation and breaking of vehicles for scrap together with the unauthorised importation, storage, sorting and transfer of industrial and hazardous waste.’

- 5.3 An appeal was lodged. A public inquiry in February 2019 resulted in SCC withdrawing due to new information emerging about activities on the site falling under the jurisdiction of the district planning authority on what was a county-issued enforcement notice.
- 5.4 Further PCNs were issued on 4 November 2020, 11 January 2021 & 15 July 2021
- 5.5 A ‘second bite’ EN was to be issued but following a site visit with counsel and LPA enforcement officers, we were advised by counsel that the apparent breaches of planning control at the site fall within the remit of the Borough Council as district planning authority, the use of the site not being wholly or mainly waste-related matters. SCC does not have power to issue an enforcement notice in those circumstances. SCC have advised R&B BC’s Head of Planning of this view.

6 Sites where Enforcement Action is not possible or is not considered necessary:

- 6.1 **Paygate Wood, West Park Road, Newchapel:**
A historic undetermined planning application was withdrawn, and it was considered that no further action was required in respect of minor unauthorised tipping of waste soils, which has been colonised and is now considered ecologically acceptable by the CPA’s ecologist.

7 Examples of successful negotiation and ongoing challenges include:

- 7.1 **Randall’s Yard, Lyne Lane, Lyne:**
Unauthorised waste transfer station (WTS), with burning of some waste in skips. PCN issued March 2021. The landowner gave notice to the tenant who vacated the site, removing skips and the associated waste.
- 7.2 **BH Skips, Stroud Lane, Virginia Water:**
Skip operations and waste disposal. Clearance of the land was achieved without the need for any formal enforcement action.
- 7.3 **Edolphs Farm, Charlwood, Surrey:**
Use of land by a waste contractor for storage, transfer and processing of mixed inert materials coupled with the construction of a soil bund from imported materials. The landowner was given time to evict the operator, and this was coupled with clearance of the site. Clearance was achieved without the need for any formal enforcement action.

8 Sites involving Mixed Uses: composites of CPA & LPA matters

- 8.1 The question of jurisdiction with regard to mixed uses is a matter of planning judgement, i.e., whether the mixed uses in each circumstance meet the definition of 'County Matters' as per Section 2(a) of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003.
- 8.2 Our attention to this arose after having to withdraw from an appeal against ENs issued by both the CPA & Guildford BC at Papercourt Farm, Ripley and more recently at Wrays Farm, Reigate (as detailed above).
- 8.3 Sites involving mixed uses on land may be dealt with by the CPA, providing that the identified County related matters are taking place within a clearly defined planning unit and are larger in nature than those matters that fall under the remit of the District or Borough Council and as such the use of the land is wholly or mainly used for waste use: ie waste importation leading to recovery, treatment, storage, processing, sorting, transferring or depositing (disposal) of waste.
- 8.4 We are finding an increasing number of sites which involve a mix of unauthorised development, comprising both CPA and LPA matters, and once investigated and determined these are referred back to the Borough and Districts Enforcement Teams.

9 *Future changes in legislation:*

9.1 **Government announcement to review the UK's waste disposal system**

The Government has announced that it plans to tackle what the Head of the Environment Agency has referred to as the "new narcotics" of fly-tipping and waste crime. The following link may be of interest and refers to some of the problems faced under the current Environment Act legislation.

[Fly-tipping: Government plans to tackle 'new narcotics' of waste crime - BBC News](#)

- 9.2 MPs are seeking a review of sections of the Town and Country Planning Act 1990. MPs have called for a Government review of the exploitation of retrospective planning applications and enforcement powers in relation to commercial development. The following links may be of great interest and the discussion identifies some of the problems faced under the current TCPA legislation.

[Planning Permissions and Unauthorised Developments: 26 Jan 2022: House of Commons debates - TheyWorkForYou](#)

<https://www.drben Spencer.org.uk/campaigns/celebrating-and-strengthening-our-communities/Planning-enforcement-bill>

- 9.3 SCC will provide comment as and when the opportunity arises on each of these matters and will also encourage and support the Planning Officers Society

(POS) as the national body representing planners to make their voice heard as this is clearly a national, not just a Surrey problem.

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BACKGROUND PAPERS:

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