

Planning and Regulatory Committee

30 October 2024

WRITTEN RESPONSES TO SUPPLEMENTARY QUESTIONS**PUBLIC QUESTIONS****1. Deborah Elliott asked the following supplementary question:**

In UK Oil & Gas PLC's (UKOG) recent statements, they say there have been in talks with Surrey County Council since June. Could you confirm and provide evidence of this? If this is true, why has drilling been permitted by the Council in the interim without any planning permission in place?

In response, officers stated that they could not provide evidence while in the meeting but confirmed that there had been an ongoing dialogue with the operator. As per the published public question responses, the council had not permitted drilling and that it was the council's position that the extraction of oil at the site is unlawful. Officers agreed to provide a written response outside the meeting.

Response:

As per the verbal response at the meeting, SCC has not permitted the continued drilling and extraction at the site since the quashing of the planning permission in June 2024. The continued extraction has been at the operator's own risk of formal enforcement action given it is continuing in breach of planning control.

Following the Supreme Court Decision, the Council entered into correspondence with the applicant's planning agent in June 2024. The Council sent an email dated 21 August 2024 stating that the development is unlawful and therefore at risk of formal enforcement action, thereby putting the operator on notice of this fact. Subsequent correspondence between the Planning Development Manager and Applicant's agent from August to October 2024 related to when the applicant intended to submit additional information to set out their position in relation to the development and redetermination of the planning application.

Officers from the Enforcement and Monitoring Team also made contact with the operator to arrange a visit to the site as part of the on-going investigation into what development had taken place at site. This visit took place on 16 October 2024. Following this there were further exchanges with the operator and representatives to set out that the development was unlawful and that it was operating in breach of planning control. Further exchanges took place over the following 2 weeks which resulted in a meeting on 25 October 2024 at which the operator set out their intention to cease production at the site. A site visit was carried by the Enforcement and Monitoring team on 31st October. On the same date a formal request was made to the operator for information regarding what development has occurred at the site and details necessary to progress the Council's on-going consideration of formal action.

The Enforcement and Monitoring team remain in regular communication with the operator in order to bring the situation to a resolution. This is in relation to the voluntary cessation of

principal production and removal of the associated infrastructure. In addition, officers are liaising with colleagues at the Environment Agency and Health and Safety Executives regarding their roles as regulators and to obtain technical understanding of the necessary steps involved in cessation. Regular monitoring visits will be undertaken to ensure that the cessation and removal of associated infrastructure is being done.

No decisions have been taken regarding whether further formal enforcement action may also be required and this remains an on-going consideration following review of the information provided by the operator in response to the formal request made on 31st October.

2. Jackie Macey asked the following supplementary question:

The delayed action from Surrey County Council has led Chris Coghlan MP to say Surrey County Council owe residents of a full explanation of their conduct over the last four months. You state in your response that you UKOG has been put on notice. When did this happen and exactly what does this mean?

Officers stated that, as mentioned in the previous response, 'put on notice' meant that UKOG had been informed the extraction was considered unlawful and that there had been ongoing dialogue over the past four months. Officers agreed to provide a written response outside the meeting.

Response:

As per the verbal response at the meeting, SCC has not permitted the continued drilling and extraction at the site since the quashing of the planning permission in June 2024. The continued extraction has been at the operator's own risk of formal enforcement action given it is continuing in breach of planning control.

Following the Supreme Court Decision, the Council entered into correspondence with the applicant's planning agent in June 2024. The Council sent an email dated 21 August 2024 stating that the development is unlawful and therefore at risk of formal enforcement action, thereby putting the operator on notice of this fact. Subsequent correspondence between the Planning Development Manager and Applicant's agent from August to October 2024 related to when the applicant intended to submit additional information to set out their position in relation to the development and redetermination of the planning application.

Officers from the Enforcement and Monitoring Team also made contact with the operator to arrange a visit to the site as part of the on-going investigation into what development had taken place at site. This visit took place on 16 October 2024. Following this there were further exchanges with the operator and representatives to set out that the development was unlawful and that it was operating in breach of planning control. Further exchanges took place over the following 2 weeks which resulted in a meeting on 25 October 2024 at which operator set out their intention to cease production at the site. A site visit was carried by the Enforcement and Monitoring team on 31st October. On the same date a formal request was made to the operator for information regarding what development has occurred at the site and details necessary to progress the Council's on-going consideration of formal action.

The Enforcement and Monitoring team remain in regular communication with the operator in order to bring the situation to a resolution. This is in relation to the voluntary cessation of principal production and removal of the associated infrastructure. In addition, officers are

liaising with colleagues at the Environment Agency and Health and Safety Executives regarding their roles as regulators and to obtain technical understanding of the necessary steps involved in cessation. Regular monitoring visits will be undertaken to ensure that the cessation and removal of associated infrastructure is being done.

No decisions have been taken regarding whether further formal enforcement action may also be required and this remains an on-going consideration following review of the information provided by the operator in response to the formal request made on 31st October.

3. Neville Kemp asked the following supplementary question:

On 2 October 2024, thanks to the dedicated journalism of Ruth Hayhurst of Drill or drop, it was revealed that, until last week, when, curiously, the company announced a suspension of their operations, Horse Hill Development Limited were continuing to extract oil in flagrant disregard of the Supreme Court judgement in June, which had found against the Council's decision allowing continued production. In its failure to uphold this judgement over the past four months, and moreover, to honour its declaration of a climate emergency in 2019, are we to infer a Council bias in favour of the oil and gas industry?

In response, the Chairman acknowledged that part of the question was outside the remit of the Planning and Regulatory Committee. The Chairman agreed to provide a written response outside the meeting.

Response:

As noted at the meeting, this question goes wider than the remit of the Planning and Regulatory Committee. However, regarding the work of the Committee and officers within the Planning Teams, relevant investigations, assessments and decision are dealt with on the basis of the relevant planning issues and are not impacted by the identity of an applicant or other interested party. The other written responses provided in this note set out the reasons why the current investigation has taken time. This is due to the nature of the process and not any other factors.

MEMBER QUESTIONS

1. Cllr Jonathan Essex asked the following supplementary question:

As this relates to a decision of the Supreme Court and the activities pursuant have continued for the past five years, it would seem unreasonable to think the courts would anyway not support such immediate enforcement, so it's unclear why prior investigation appears to have been undertaken first rather than first taking immediate formal enforcement action. The supplementary question is to ask whether the Surrey County Council will now, if not already, formally issue and publish a stop notice to ensure that continued operations at the Horse Hill site do now cease and immediately instead commence clearance and full restoration of the site.

Officers stated that the investigation was ongoing and agreed to provide a written response outside the meeting.

Response:

Planning practice guidance states "Effective enforcement action relies on accurate information about an alleged breach of planning control". This is vitally important to ensure that any formal

action taken is robust and not open to challenge. It is particularly necessary to ensure that the breach of planning control that is being alleged is accurately described.

In the case of Horse Hill, the nature of the development is complex and there is lengthy planning history to the site. The Supreme Court decision quashed the planning permission for “the retention and extension of an existing well site, and vehicular access to allow: the drilling of four new hydrocarbon wells and one water reinjection well; the construction of a process and storage area and tanker loading facility; new boundary fencing; well maintenance workovers and sidetrack drilling; and ancillary development enabling the production of hydrocarbons from six wells for a period of 25 years”. The quashing of that planning permission meant that there is no planning permission covering development at the site. However, the development that has occurred at the site is not the same as that described in the quashed planning permission. A robust investigation is necessary to fully and accurately describe the development that constitutes the breach of planning control at the site. This includes a full review of the planning history.. A failure to assess whether or not this may be applicable to any of the development at site would leave any formal action potentially vulnerable on appeal.

The complex nature of the development at site, including all the individual elements of equipment, and the planning history, alongside the other demanding work of the Council’s Planning Enforcement and Monitoring Team mean that the investigation has taken time. Although the operator states they have ceased production, this work remains on-going and the investigation is still live.

Officers from the Enforcement and Monitoring Team also made contact with the operator to arrange a visit to the site as part of the on-going investigation into what development had taken place at site. This visit took place on 16 October 2024. Following this there were further exchanges with the operator and representatives to set out that the development was unlawful and that it was operating in breach of planning control. Further exchanges took place over the following 2 weeks which resulted in a meeting on 25 October 2024 at which operator set out their intention to cease production at the site. A site visit was carried by the Enforcement and Monitoring team on 31st October. On the same date a formal request was made to the operator for information regarding what development has occurred at the site and details necessary to progress the Council’s on-going consideration of formal action.

The Enforcement and Monitoring team remain in regular communication with the operator in order to bring the situation to a resolution. This is in relation to the voluntary cessation of principal production and removal of the associated infrastructure. In addition, officers are liaising with colleagues at the Environment Agency and Health and Safety Executives regarding their roles as regulators and to obtain technical understanding of the necessary steps involved in cessation. Regular monitoring visits will be undertaken to ensure that the cessation and removal of associated infrastructure is being done.

No decisions have been taken regarding whether further formal enforcement action may also be required, and this remains an on-going consideration following review of the information provided by the operator in response to the formal request made on 31st October.

Edward Hawkins
Chairman of the Planning and Regulatory Committee