

Planning & Regulatory Committee 13 July 2016

Item No 7

UPDATE SHEET**MINERALS AND WASTE APPLICATION GU15/P/02110****DISTRICT(S)** GUILDFORD BOROUGH COUNCIL**Albury Park Wellsite, East of New Road, Albury Surrey**

Retention of the Albury wellsite and access track for the production of Compressed Natural Gas (CNG) and electricity including: temporary flaring to re-establish gas flow, the installation of CNG production plant and equipment within the wellsite compound and also a tanker loading area, site office, lighting, security cameras, gas powered generator, coolers, generator control room, knock out pot and WC; and retention of a transformer unit, switch room, water tank, temporary parking area and perimeter fencing all on some 1.51 hectares for a temporary period of 15 years with restoration to commercial forestry.

PARAGRAPHS IN THE REPORT

- Paragraph 79 - the final sentence of this paragraph should read: "*The proposal would not involve physically expanding the wellsite however the applicant has stated that an alternative to utilising the application site would be to construct a pipeline to an alternative site of which, substantial pipeline construction could be damaging in itself*".
- Paragraph 98 – the final sentence of this paragraph should read: "*All tanker movements and maintenance and operational works would be carried out during the daytime where possible*."
- Paragraph 111 – the second sentence of this paragraph should read: "*The flare would be used during daytime hours for those 7 days, i.e. a maximum of 168 hours*".
- Paragraph 200 – the fourth sentence of this paragraph should read: "*The Environment Agency request further information on the trajectory to be provided pursuant to condition*". The Environment Agency no longer request information on the integrity of the well as they have confirmed this aspect would be part of the Environmental Permitting regime.

OFFICER CLARIFICATION***Ancient Woodland***

A number of paragraphs (160, 168, 172 – 175) discuss widening of the access track to the wellsite to accommodate parking for light goods vehicles during the construction and restoration phases of the application. It should be noted that the area identified for parking provision, as shown on plan ALB-13A, has already been disturbed and is used for the placement of logs prior to their export, as part of the logging regime that is carried out in the woodland. This can be seen in Figure 3. As such there would be no physical works required to widen this track or area above that which has already occurred and was carried out as part of GU08/0483. The proposal seeks to use an area either side of the existing access track that is designated as Ancient Woodland within the Ancient Woodland Inventory, but which has already been disturbed.

Query from Elstead Parish Council

A query has been received from Elstead Parish Council asking whether any baseline tests of soil, water or air were done as part of the planning application or are to be done prior to works commencing on site.

Soil: the wellsite pad including the impermeable membrane and the access track to the wellsite are already in existence and there are no proposals to physically extend these. For testing of soils below at random locations through the hardstanding and membrane, this would compromise the membrane. Instead Officers propose a planning condition for the membrane to be inspected before works commence on site and if necessary, upgrade and repair the membrane before commencement of the development. Additionally Officers propose a condition

requiring the testing of soils on decommissioning of the compound to ensure there is no contamination legacy. The County Geological Consultant is of the opinion that the contamination risk to soil is being adequately managed.

Groundwater: the application site is already in existence and is covered by an impermeable membrane. Officers propose a condition for checking the integrity of the membrane prior to the commencement of the development and for any repairs or upgrades to the membrane should be it required, before work commences on site. With regards to the well integrity and risk to groundwater, this matter is within the remit of the Environment Agency. The Environment Agency will require a groundwater activity Permit to be granted prior to the commencement of operations at the application site. The Environmental Permit would look at groundwater activity such as an indirect discharge of pollutants alongside the integrity of well.

Air quality: the widely accepted air pollution background concentration maps published by Defra shows background concentrations of the relevant pollutants in the Albury site area to be low to very low. The modelled emissions to take account of the operations from the proposed development have also been shown to be well below the relevant thresholds. Further to this having reviewed the technical information submitted, the County Air Quality Consultant has not requested any air quality monitoring.

FURTHER LETTERS OF REPRESENTATION

Six further letters of representation have been received, one from a resident who has already written in and provided comments; and five new addresses. Officers consider the concerns raised within the further letters of representation do not change the proposed recommendation for this proposal.

The letters of representation raises the following concerns:

- The proposal conflicts with national and local plan policy alongside policy on Green Belt
- The proposal is defined as 'major development' and under the National Planning Policy Framework (NPPF) para 116 proposals for major development within an Area of Outstanding Natural Beauty (AONB) should be refused except in exceptional circumstances where it can be demonstrated they are in the public interest. There are no reasonable exceptional circumstances and the proposal is not in the public interest given the legally binding climate change mitigation commitments and it is not in the local public interest.
- Object to the proposal as it is in the AONB. The area has been subjected to enough forestry destruction and the proposal will ruin the tranquillity.
- The proposal would harm ancient woodland and the NPPF says loss or deterioration of irreplaceable habitats, such as ancient woodland, has to be outweighed by benefits
- Object that the conclusion of the Officer report that all of the negative impacts can be outweighed by a national need for indigenous gas supply. The recently released DECC Committee on Climate Change report¹ stipulates that UK onshore gas production should only be permitted if three vital conditions are in place and none of these conditions can be met.
- Britain should be developing non-fossil energy sources instead of relying on non-renewables
- The period of gas flaring is very concerning. No detailed analysis has been produced of the gas to be flared. This is a serious omission. Flaring is incompatible with the delivery of emission reduction targets.
- There should be a detailed analysis of the effects of the exhaust emissions of this from a variety of aspects: human health, ecology, local amenity impacts and on vegetation
- The increase in vehicle movements is very concerning given the nature of their load. The roads around in AONB are totally inappropriate for these sorts of vehicle movements and the villages the HGVs will pass through are densely populated and narrow in places.

¹ DECC Committee on Climate Change "Onshore petroleum the compatibility of UK onshore petroleum with meeting the UK's carbon budgets", March 2016 and the Government Response to the Committee on Climate Change Report, July 2016 (<https://www.gov.uk/government/news/committee-on-climate-change-report-and-government-response-on-the-compatibility-of-uk-onshore-petroleum-with-meeting-the-uk-carbon-budgets>)

- Leaving shale gas in the ground will mean there is no risk of damage to groundwater, no vehicular damage to local lanes, no unforeseen consequences.
- Concern with regards to the consequences of fracking
- Concern with regards to the consequences of a specific amendment to the Infrastructure Act 2015 inserting 4B Section 4A²: supplementary provision as this is to allow hydraulic fracturing to take place at normal industry level of fluid injection without any control
- That there is a duty of care towards the public

Green Belt: matters of Green Belt and the Officer assessment on this is provided within paras 273-292 of the Officers report

AONB: matters with regards to the AONB and the Officer assessment on this is provided within paras 233-272 of the Officers report

Ancient Woodland: matters with regards to ancient woodland and the Officer assessment on this is provided within paras 168-177 of the Officers report. Please note the additional Officer comments on this matter on page 1 of this Update Sheet.

Climate Change and renewables: DECC's Committee on Climate Change report published in March 2016 was required to be carried out under the Infrastructure Act 2015 to advise the Government on the compatibility of exploiting onshore petroleum reserves and meeting carbon reduction targets. The report concludes that exploitation of *shale* gas on a significant scale would not be consistent with the UK's carbon budgets and the 2050 target unless three tests are in place. These tests are:

1. The need to regulate production emissions i.e. methane, and the need for proper decommissioning
2. That any shale gas production must be a substitute for gas importation and should not result in an increase in gas consumption
3. The need to find additional abatement measures to compensate for emissions with offsetting through reductions elsewhere in the economy

The Committee focuses primarily on shale gas production but does recognise that onshore petroleum production does include conventional hydrocarbons.

The Government provided a response to the March 2016 Committee report in July 2016. The Government response states that for a successful transition to a low carbon economy, this requires clean, safe and secure supplies of natural gas in the coming year and that shale gas can be a bridge while the UK phases out old coal generation and develops energy efficiency, renewable and nuclear. The response states that "The Government therefore believes that there is a clear need to explore and test our shale resource to better understand the potential shale gas reserve". The Government sets out how they believe the three tests can be met.

Officers note the three tests set in the Committee on Climate Change report. With regard to test 1 the Government note this is a matter to be covered within the Environmental Permit. With regards to tests 2 and 3 these matters are matters for DECC to consider in the wider context to which DECC believes the three tests can be met.

Air Pollution: the NPPF states at para 122 that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The applicant provided an assessment of the air quality impacts from the flare and the gas engine in May 2016. Information on this assessment is provided in paras 110-120. On the basis of this assessment the County Air Quality Consultant concluded that the proposal can be considered an appropriate use of the land from a planning perspective. With regards to detailed make up of the gas this would be a matter for the Environment Agency under the Environmental Permitting regime.

² <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

Traffic: matters of highways and transport are covered at paras 204-232 of the Officers report. There are no recorded accidents involving lorries using New Road. The proposed tankers after leaving the application site would travel down New Road to the A248 turning right towards the A25. The applicant does not propose that tankers would drive through the villages to the west including Albury, Chilworth and Shalford however these villages are on the A248 which is part of the strategic road network. The tankers would be driving to the Portsdown Hill facility just outside of Portsmouth. The most expedient route would be via the A3. The applicant has also confirmed that their current recording system has no incidents in respect of transport of hydrocarbon products either for our own HGVs or contractors HGVs during the last 6 years and anecdotal evidence goes back at least 10 years and confirms there have been no road traffic incidents involving the transport of hydrocarbon product by HGVs. The County Highway Authority have confirmed that there have been no accidents between the wellsite location and the A25 in the last 5 years.

Fracking and the Infrastructure Act 2015: It states in the Infrastructure Act 2015 that after Section 4 of the Petroleum Act 1998 that sections 4A "Onshore hydraulic fracturing: safeguards" and 4B "Section 4A: supplementary provision" should be inserted. The representation made is concerned with Section 4B however it should be noted that Section 4A sets out the safeguard measures for proposals for fracturing in England or Wales. Section 4B states:

"Associated hydraulic fracturing" means hydraulic fracturing of shale or strata encased in shale [Officer underlining emphasis] which:

- a) *Is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and*
- b) *Involves, or is expected to involve, the injection of*
 - i. *More than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or*
 - ii. *More than 10,000 cubic metres of fluid in total'*

The representation is concerned that this provision would enable conventional wells to carry out hydraulic fracturing if such wells are to use less than 10,000 cubic metres of fluid in total.

However, what should be noted is the Officer underlined text that this part of the Infrastructure Act 2015 relates to wells drilled into shale or strata encased in shale. This application **does not seek to drill a well into shale or strata encased in shale but the Purbeck Sandstone** which is part of the uppermost Jurassic Purbeck Group which is a different geological strata to shale. This application also **does not seek to carry out new drilling** but to produce gas from an existing well which has been proven to contain economically viable reserves of gas from a conventional reservoir.

RECOMMENDATION

Condition 9 should be moved to sit underneath the 'Pre-commencement' heading and become Condition 2 with all subsequent conditions renumbered up until condition 10.

Condition 4 (now newly numbers conditioned 5) should read:

The development hereby permitted shall cease no later than 15 years from the date of the implementation of the planning permission referred to in Condition 4 above or the depletion of the reservoir, whichever is the sooner. All buildings, plant and machinery (both fixed and otherwise) and any engineering works connected therewith, on or related to the application site (including any hard surface constructed for any purpose), shall be removed from the application site and the site shall be fully restored to a condition suitable for forestry in accordance with the details set out in Conditions 42 - 44. Notwithstanding this, any plant or equipment required to make the site safe in accordance with DECC requirements at the time and agreed with the County Planning Authority, may remain in position.

Condition 6 should read:

a) *With the exceptions of the Compressed Natural Gas (CNG) plant and CNG tanker movements and loading, no lights shall be illuminated, nor shall any operations or activities authorised or required by this permission including access by HGVs, take place other than during the hours of:*

0800 - 1800 hours Monday - Friday

0800 - 1300 hours Saturday

Apart from the exceptions referred to above and in b) below, there shall be no working at any time on Sundays, Public Holidays, Bank Holidays and National Holidays. This condition shall not prevent emergency repairs, engineering works and floodlighting being on for maintenance reasons.

b) *The gas flaring as described in Section 5.3 of the Planning Statement "Upgrading/ Plant Installation – Well Workover and Flaring" shall take place for a one off period of no longer than seven (7) days between the hours of 08:30 – 17:00 Monday – Friday and 08:30 – 13:00 on Saturdays*

The condition heading Well Trajectory and Integrity for Condition 9 should read just *Well Trajectory*

Condition 13 should read:

There shall be no means of access to the site, either vehicular or pedestrian, other than the existing access to New Road as identified in drawing number ALB-10A "Site Location Plan" 8 Sept 2015

Condition 16 should read:

Prior to the decommissioning and restoration of the site, the traffic management plan shall be updated, submitted to and approved in writing by the County Planning Authority to manage HGV movements to and from the site. The decommissioning and restoration phase of the development hereby permitted shall be carried out in accordance with the updated traffic management plan.

Condition 23 should read:

The rating level from the development during operation, determined in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound', should not exceed 26 dB $L_{Ar, 15 mins}$, between the hours of 23:00 and 07:00 outside any bedroom at night (at the façade but as a freefield level). The noise should not contain any noticeable tonal or other acoustic features. It will be necessary to measure at locations closer to the development and predict noise at the sensitive locations by means of standard acoustic calculation methods, allowing for any non-site noise.

Condition 36 should read:

There shall be no widening of the access track between the end of the car parking as shown on plan ALB-13A "Access Layout and Parking" 8 Sept 2015 and the wellsite.

Condition 39 should read:

The perimeter drain surrounding the application site shall only be cleared and drained between the months of September to November, except in emergency situations, the reason for which shall be notified in writing to the CPA within 7 days of such an event taking place.

Condition 42 should read:

Restoration of the application site shall be undertaken in accordance with the "Restoration and Aftercare" document (April 2016) and drawings ALB-16B "Wellsite Restoration Plan" 8 April 2016 and ALB-17B "Access Restoration" 8 April 2016

A new informative should be added to read:

The definition of 'school morning' and 'school afternoon' is that during school term times which are published on the Surrey County Council website.

A new informative should be added to read:

The applicants attention is drawn to the potential need to obtain a Hazardous Substances Consent, or make a variation to their existing Hazardous Substances Consent SCC/HSC/2012/0001 GU12/P/01761, for the development proposal prior to operation