

TO: PLANNING & REGULATORY COMMITTEE

DATE: 8 August 2018

BY: PLANNING DEVELOPMENT MANAGER

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

ELECTORAL DIVISION(S):
Dorking Rural
Mrs Clack

PURPOSE: FOR DECISION

GRID REF: 518986 148678

TITLE: MINERALS AND WASTE APPLICATION MO/2018/0444

SUMMARY REPORT

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

The retention of the BRX4 well, the regularisation of the BRX4Z side-track, and the appraisal of BRX4Z using production plant and equipment within the existing site, for a temporary period of three years (part-retrospective).

Brockham Wellsite is situated approximately 2km south east of Dorking in an area of Low Weald Farmland. The wellsite comprises an established oil and gas site originally constructed in 1987. The wellsite benefits from planning permission for the production of hydrocarbons until 31 December 2036. Following its acquisition by the current operator, the wellsite has been subject to a significant programme of improvement and refurbishment. Three wellheads are located centrally within the site comprising BRX1, BRX2 and BRX4. A side-track off BRX2, known as BRX2-Y is an oil production well where hydrocarbons are produced from the Portland Sandstone Formation.

This part-retrospective application is concerned with the exploration and appraisal stages of on-shore hydrocarbon development using conventional methods. For the avoidance of doubt, the proposal does not involve hydraulic fracturing. The BRX4 well was originally drilled during 2007 to a True Vertical Depth (TVD) of 689 metres under a temporary permission until 31 December 2008, although the well and wellhead gear have remained in place.

Owing to technical difficulties which rendered the BRX4 well no longer capable of sustained production, the well was plugged and a new side-track was drilled during January 2017 to a TVD of 1,197 metres without the benefit of planning permission. The resulting side-track, designated as BRX4Z, terminated in the Oxford Clay Formation with the target reservoir consisting of various horizons within the Kimmeridge Clay Formation. All operations were undertaken with the full agreement of the Health and Safety Executive (HSE). As required by law, appropriate, independent well examination arrangements were in place and all waste was handled in accordance with a Waste Management Plan approved by the Environment Agency (EA).

The operator had concluded that no planning permission was required for the drilling of the BRX4Z side-track well. However, the County Planning Authority's (CPA) legal advice explained that planning permission was required. Following discussions between the CPA and the site operator, the operator agreed to make this part-retrospective planning application.

The purpose of the application is to retain the BRX4 wellhead, regularise the drilling of the BRX4Z side-track, and enable the appraisal of BRX4Z for a temporary period of up to 3 years.

The intention is to ascertain whether the oil accumulations found in the Kimmeridge Clay Formation are capable of being economically exploited.

The oil and gas industry is heavily regulated and requires a range of licences, permits and consents from the Oil and Gas Authority (OGA), the EA, the HSE and the Mineral Planning Authority (MPA). In relation to policy development and decision making, national planning policy requires local planning authorities to focus on whether the development itself is an acceptable use of the land, and the impact of that use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities are required to assume that these regimes will operate effectively.

Brockham Wellsite is located within Petroleum Exploration and Development Licence (PEDL) 235 which is on the northern side of the geological feature of the Weald Basin. This licence relates to conventional oil and gas. PEDLs are issued by the OGA after a competitive process following an assessment of applications for operator competency, financial capability, geotechnical analysis and the proposed work programme. The OGA has no responsibility for onshore environmental legislation in England which is a matter for the Environment Agency and the Mineral Planning Authority. A PEDL comprises a production license which covers exploration drilling, appraisal, development and production within a defined area or block. They give the licence holder(s) exclusive rights to search, bore for and produce hydrocarbons (oil and gas) subject to necessary drilling / development consents and planning permission.

In determining this application, it is necessary to consider the proposal against National and Development Plan policies and to assess any environmental impacts of the development against those policies. The advice provided by statutory and non-statutory consultees and the views expressed by other bodies, groups and individuals will also need to be considered.

The application site is not located within a statutorily designated area for its landscape or nature conservation importance. It is situated within a rural landscape within the Green Belt and is surrounded to the north, east, south and west by land in agricultural use.

The CPA has considered the proposal and recommended that the preparation of an Environmental Impact Assessment (EIA) in support of the development is not required. Further, in response to a third party EIA Screening Direction request to the Secretary of State, the Secretary of State has directed that the proposed development is not EIA development.

A key consideration is the need for the development. Government policy is set out within the National Planning Policy Framework (NPPF), the Annual Energy Statement, the Government's Energy Security Strategy, the UK's Energy White Paper and Department for Business, Energy and Industrial Strategy (BEIS) statistics. This requires planning authorities to give great weight to the benefits of mineral extraction, including to the economy, when determining planning applications.

Government policy makes it clear that oil and gas remains an important part of the UK's energy mix and recognises the continuing importance of fossil fuels, whilst at the same time aims to manage our reliance on them, their potential environmental effects and the risks associated with security of supply. While the Government manages the transition to a low carbon energy mix, oil and gas will remain a key element of energy supply for years to come, especially for transport and heating. Government policy therefore recognises the need to maximise both onshore and offshore indigenous oil and gas resources.

Exploration is the first phase of hydrocarbon development and is necessary in order to prove the existence of oil and gas. Appraisal or testing is the second phase of hydrocarbon development. This is required to gather additional information about the extent of the deposit or its production characteristics. Based on this information, it is then possible to establish whether viable hydrocarbon reserves are present, which may be capable of supporting longer term production

in line with Government policy. Production represents the third phase of hydrocarbon development. This would require a separate planning permission should the oil be found to be capable of being economically exploited. Officers give significant weight to Government Policy to maximise the potential of the UK's hydrocarbon reserves and conclude that there is a national need for this development.

The majority of representations received object to the application for a wide range of reasons. These include concerns in relation to the part-retrospective nature of the application and that the proposal involves hydraulic fracturing or the use of acid which would pose a significant risk to the environment and human health. There are also concerns in relation to the integrity and competence of the operator, the proposals for water re-injection, the lack of a risk assessment, the risk of accidents, explosions and earthquakes and the robustness of the regulatory process. Planning guidance enables a local planning authority to invite a retrospective planning application. Although the CPA had advised the applicant that the drilling of the side-track would require planning permission, the applicant had been advised by other parties that the works could be undertaken under existing permissions. The other matters come under the regime of other regulators who have raised no objection to the development and are responsible for ensuring that safeguards and permitting requirements are satisfied.

Objections have also been raised in relation to the additional number of Heavy Goods Vehicle (HGV) movements proposed combined with the unsuitability of local roads, the excessive duration of the proposal, and the need for the development. Objections have also been made concerning the lack of consultation and monitoring, the absence of an EIA, the visual and landscape impact, light pollution, the impacts in terms of groundwater, flood risk, noise, ecology, heritage, odour and Green Belt and the cumulative impact of the proposal.

A number of representations have been received in support of the application. These refer to the country's over-reliance on imports, the national need for oil in order to meet Government policy on energy security, how the proposal supports the transition to a low carbon economy, its contribution to UK employment opportunities, economic growth and prosperity and the rigorous testing of the proposal undertaken by other regulators. No objections have been received from Technical Consultees in relation to the environmental impact of the development.

Having assessed the merits of the application, the proposal is considered acceptable in transportation terms subject to the imposition of conditions. The environmental and amenity impacts of the proposal have been assessed including in relation to landscape and visual impact, ecology, noise, air quality (including dust and odour), lighting, surface water, groundwater, heritage assets and restoration. Taking into account the advice of technical consultees, Officers conclude that any adverse impacts are capable of being mitigated to an acceptable degree or controlled through the imposition of conditions.

Minerals-related development need not be inappropriate in the Green Belt provided that it preserves openness and does not conflict with the purposes of including land in the Green Belt. If the appraisal of BRX4Z reveals that commercial production is not commercially viable, all plant and machinery associated with this application will be removed, the BRX4Z side-track well plugged and the BRX4 wellhead restored as an operational area of the wider site. If appraisal testing reveals that hydrocarbon resources could be extracted economically, this would require further planning permission.

The application site comprises an existing production wellsite which benefits from planning permission until 2036 when it is to be restored back to agriculture. Officers consider that the proposal would enable the highest environmental standards to be maintained and the land to be well-restored to a beneficial after-use consistent with Green Belt objectives and within agreed time limits. Accordingly, the proposal meets the policy requirements for mineral development in the Green Belt.

Taking into account the need for the development in the context of national policy and other relevant policy tests, Officers recommend that the application be permitted subject to appropriate conditions to protect the environment and amenity.

The recommendation is to permit subject to conditions.

APPLICATION DETAILS

Applicant

Angus Energy Plc

Date application valid

19 February 2018

Period for Determination

21 May 2018

Amending Documents

Email from planning agent entitled, "Planning Application MO/2018/0444 (SCC Ref: 2017/0215): Brockham Wellsite dated 13 June 2018 containing the following attachments:

- Report No. LS0180439 entitled, "H1 Air Quality Impact Assessment of Release from an Emergency Flare", SOCOTEC UK Limited for Angus Energy Plc, Issue 2, dated 29 May 2018;
- Drawing No. AEP-04-BRO-022: Well Schematic Diagram for BR X4Z, Revision 2, 24 March 2017.

Report No. LS0180132 entitled, "H1 Air Quality Impact Assessment of A Well Site Gas Engine and Ancillary Plant", SOCOTEC UK Limited for Angus Energy Plc, Issue 3, dated 28 June 2018.

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 for the Development	Yes	100 - 168
Highways, Traffic and Access	Yes	169 - 191
Landscape and Visual Impact	Yes	195 - 215
Ecology and Biodiversity	Yes	216 - 226
Noise and Vibration	Yes	227 - 242
Air Quality	Yes	243 - 274
Lighting	Yes	275 - 282
Water Environment and Geotechnical	Yes	283 - 306
Heritage Assets	Yes	307 - 319
Restoration	Yes	320 - 325
Green Belt	Yes	330 - 350

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 – Site Location and Application Site Area
Plan 2 – Indicative Site Layout Plan

Aerial Photographs

Aerial 1 – Site Location Showing the Surrounding Area to the Application Site
Aerial 2 – Site Location Showing the Application Site Area

Site Photographs

Figure 1 – Site Access from Old School Lane Looking North
Figure 2 – Entrance to Wellsite Compound Looking West
Figure 3 – Existing Wellsite Compound Looking North West
Figure 4 – Existing Wellsite Compound Looking East
Figure 5 – BRX4 Well and Bunded Storage Area

BACKGROUND

Site Description

1. Brockham Wellsite is situated on land at Felton's Farm. It comprises an established oil and gas site constructed in 1987. The wellsite compound, associated bunds and access track extend to 1.2 hectares. The site is located within a rural landscape and is surrounded to the north, south, east and west by agricultural land.
2. The wellsite lies within the Metropolitan Green Belt approximately 1km south west of Brockham Village and 2km south east of Dorking. It is served by an existing private access track which connects the wellsite to Old School Lane some 570 metres to the east. 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.
3. All operational plant is located within the wellsite compound which extends to around 0.5 hectares and is constructed on a sealed membrane. The compound contains a 48.5 square metre area of concrete hardstanding. It is secured by 2.4 metre high palisade fencing with vehicle access gates in the south east corner of the site. There is an emergency access on the eastern boundary. 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. The wellsite has been subject to a significant programme of improvement and refurbishment following its acquisition by the applicant. This has resulted in a well maintained, modern site designed to meet current environmental standards.
4. 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.

5. To the north of the wellheads, oil storage tanks and other production equipment are located within a bunded area, with a tanker loading bay to the east and a water tank situated in the north east corner of the compound. 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. The closest residential properties to the wellsite compound are numbers 47 and 48 Tilehurst Lane. These properties are situated approximately 520 metres to the south-south west of the wellsite. They are located on the opposite side of the Dorking to Horsham railway line which passes around 250 metres to the west of the wellsite compound. Views of the wellsite from these properties are partly obscured by a railway embankment.
7. A complex of agricultural buildings, which include the residential properties of Felton's Cottage and Felton's Farmhouse, are situated just off Old School Lane. These are located approximately 585 metres to the east of the wellsite compound and around 150 metres south east of the site access track. Further, land known as the Wood Yard at Feltons Farm is located to the north of the junction between the site access and Old School Lane. This is used for the storage of timber, logs and associated arboricultural materials and benefits from a certificate of lawful use (ref: MO08/1059).
8. The site access road crosses over Tanner's Brook around 465 metres to the east of the compound area. Tanner's Brook discharges into the River Mole approximately 1,100 metres north-northeast of the site. A small eastward flowing tributary of Tanner's Brook runs parallel to the southern boundary of the site, at a distance of 35 metres at its nearest point. Footpath 86 runs north to south and crosses the private access track 260 metres to the east of the compound. Footpath 92 connects Old School Lane with Footpath 86 and runs parallel with and around 35 metres south of the site access track.
9. The wellsite is not situated on land that is covered by, or adjacent to, any areas of local, national or higher-level nature conservation designations or any areas of local or national level landscape designations. It is situated approximately 950 metres to the south and 875 metres to the east of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). The closest Site of Special Scientific Interest (SSSI) is Mole Gap to Reigate Escarpment 2.1 km to the north, the greater part of which is also designated as a Special Area of Conservation (SAC).
10. Four Sites of Nature Conservation Importance (SNCIs) are located within 2.2km of the wellsite, the closest of which, Glory Wood SNCI, lies 1.4 km to the west. The nearest Local Nature Reserve (LNR), Inholms Clay Pit, lies 1.8km to the south west and the closest area of Ancient Woodland is located 200 metres to the north west.
11. The nearest Scheduled Monument is 'Betchworth Castle' which is situated 1.3km to the north. The nearest listed building is Grade II listed Felton's Farm Cottage which is situated on Old School Lane around 585 metres east of the wellsite. There are two further Grade II listed buildings situated around 600 metres north west of the wellsite comprising Dairy at Park Farm and Home Farmhouse. The Brockham Conservation Area lies approximately 700 metres to the north east of the wellsite and the nearest Registered Park and Garden

(the Grade II* 'The Deepdene (including Chart Park)' is situated around 880 metres to the west.

12. The application site is not located within, or close to, an Air Quality Management Area. The wellsite lies within Flood Zone 1 (<0.1% annual probability of flooding) although in the vicinity of Tanner's Brook, the private access track cuts through an area of Zone 2 (0.1% to 1.0% annual probability of flooding) and Zone 3 (>1.0% annual probability of flooding). The application site is not underlain by any groundwater bodies classified under the Water Framework Directive in relation to the surface geology. However, the rocks drilled through to reach the hydrocarbon target formations pass through the Tunbridge Wells Sands and the Ashdown Beds which are classified as secondary aquifers.

Planning History

13. 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.
14. Planning permission (ref: MO92/0969) was granted in January 1995 for the retention of the existing wellsite 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. The planning permission was also subject to a legal agreement dated 9 January 1995. This included a lorry routeing agreement requiring access to and from the south only in order to ensure that HGVs avoid the village of Brockham, a restriction on the number of tankers to 6 loads or (12 movements) per day for the duration of flow testing for up to a maximum of six months, and improvements to the local highway in respect of the provision of lay-bys and passing places, which were to be maintained in good condition.
15. Planning permission (ref: MO00/1706) was granted in December 2000 for the retention of an existing wellsite 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.
16. Planning permission (ref. MO01/1288) was granted in December 2001 for the retention of the existing 1.2 ha wellsite 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 and the applicant's permitted development rights were restricted under Condition 5. This application was primarily for BRX1, as BRX2 required further exploration and appraisal. The permission also included a range of on-site equipment comprising:
 - a beam pump;
 - four/five stock oil tanks;
 - an oil/water heater;
 - oil and water export pumps;
 - a gas vent stack;
 - a diesel powered generator;
 - a small office / site hut; and,
 - two storage containers.
17. 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 wellsite 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. The permission allowed production from both the BRX1 and BRX2 wellheads. It was subject to a legal agreement dated 25 April 2007 which superseded the previous legal agreement dated 9 January 1995. This required the passing bays and lay-bys created in respect of vehicle access and routeing, between the application site and the junction of Red Lane and Blackbrook Road, to be maintained to the reasonable satisfaction of the Council. The planning permission also allowed a variety of on-site equipment including:

- gas and diesel storage tanks;
 - security lighting and fencing;
 - container storage facility;
 - container workshop;
 - port-a-cabin site office;
 - containerised steam boiler;
 - containerised super silenced generator;
 - heat exchangers;
 - two wellheads and beam pumps with equipment;
 - electrically driven pump;
 - three oil storage tanks; and,
 - water holding tank.
18. 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, BRX3 (now known as 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.
19. 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.
20. 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 two enclosed fuel tanks and a parking area for cars and vans until 31 December 2036 with restoration to agriculture.

THE PROPOSAL

21. This part retrospective planning application is seeking planning permission for the retention of the BRX4 well, the regularisation of the BRX4Z side-track, and the appraisal of BRX4Z using production plant and equipment within the existing site for a temporary period of three years. The sole target reservoir consists of various horizons within the Kimmeridge Clay Formation.
22. The intention is to ascertain whether the oil accumulations found in the Kimmeridge Clay Formation are capable of being economically exploited in the longer term. This application is concerned with the exploration and appraisal stages of on-shore hydrocarbon development using conventional methods. For the avoidance of doubt, it does not relate to the exploitation of hydrocarbons through hydraulic fracturing.

Retention of BRX4 Well

23. The BRX4 well was originally drilled during 2007 in line with planning permission ref: MO07/0161. The well was progressed to a True Vertical Depth (TVD) of 689 metres. This was for a temporary period until 31 December 2008 to allow hydrocarbon production from the Portland Sandstone. However, the well and wellhead gear have remained in place.
24. Owing to technical difficulties, BRX4 was found to be incapable of sustained production and the well was subsequently plugged. At the beginning of 2017, BRX4 was side-tracked to create BRX4Z without the benefit of planning permission. The BRX4Z side-track was drilled to a TVD of 1,197 metres, terminating in the Oxford Clay. This was intended to assess the longer-term production prospects of the Portland Sandstone and deeper Kimmeridge Clay Formations. Retrospective planning permission is now being sought to retain the BRX4 Well for a temporary period of three years to enable the appraisal of the BRX4Z side-track well.

Drilling of BRX4Z Side-track

25. The side-tracking operations were undertaken using an IDECO BIR H35 workover rig, with a maximum mast height of 29 metres. The rig and associated equipment were mobilised to the site in late December 2016 / early January 2017, remaining until late January 2017. In addition to the rig, a range of temporary plant / buildings were installed at the site to support the operations, including pipework, mud pumps, mud tanks, mud logging cabin, tool-house, crew cabin and waste skips. The existing site infrastructure (bund area, offices, welfare facilities etc.) were also utilised as required to support the operations.
26. The applicant states that all operations were undertaken with the full agreement of the HSE which, pursuant to the Boreholes Sites and Operations Regulations, was notified in advance of works commencing. This included all required information including the directional path, the depth and the location of the drilling.
27. Further, as required by law, the applicant has confirmed that appropriate, independent well examination arrangements were in place. This involved a complete examination of the well design and construction, conducted by an independent and competent person (known as a Well Examiner). The company produced a report on the proposed side-tracking operation which the Well Examiner reviewed and approved prior to the operations commencing.
28. All waste generated during the side-tracking operations was handled in accordance with a Waste Management Plan, approved by the EA. This was intended to ensure that there were controls over the management of waste, emissions to air, water or land, odour, noise and vibration. The applicant is now seeking retrospective planning permission for the drilling of the BRX4Z side-track which forms part of the exploration stage of hydrocarbon development.

Appraisal of BRX4Z Side-track

29. In order to assess BRX4Z, it will be subject to a period of appraisal in order to confirm whether the volume and flow of hydrocarbons is economically viable to support longer-term commercial production. This will involve producing the well to assess its productivity, and at the same time, measuring and sampling the produced fluids. The rate of decline of production will also be measured as an indicator of the potential volumes present in the reservoir.

30. The appraisal is an open ended process. Throughout the appraisal period, the process will continue to evolve and be actively managed, based on the information gathered. In order to allow sufficient time to complete this process, and if required prepare and submit a planning application for longer term production, the applicant is therefore seeking planning permission for a three year period.
31. The proposed appraisal of the BRX4Z side-track would involve a number of distinct elements as described below.

Initial Well Clean-Up

32. The initial perforation and start up will involve different processes to the ongoing appraisal. Tubing will be installed inside the existing well casing to produced fluids to the surface. The tubing will then be perforated at the depth of the reservoir to allow flow from that section, and that section alone, into the well and to the surface. The installation of the tubing and the perforation of the casing is likely to require the use of either a workover rig or a crane. Whilst it is impossible to predict the exact plant to be used, any workover rig would be similar to that used in the drilling of BRX4Z.
33. The existing contents of the well will initially need to be displaced by incoming fluids in order to allow oil to pass to the storage tanks and gas to the generator. Before perforating, the fluid level in the well will be reduced as far as possible to create differential pressure from the reservoir to the wellbore, which will allow a rapid clean-up of the perforations. Upon perforation any nitrogen or air within the well will be displaced. The expelled fluids and perforating debris will pass into a temporary tank which is to be located within the bunded area. The fluids collected in the tank will be transferred to an accredited disposal company for off-site disposal and, following the clean-up process, the tank will be removed from the site.

On-going Appraisal of BRX4Z Side-track

34. Following completion of the initial clean-up works the well will flow normally and appraisal works will commence. Pressure gauges within the well will allow surveys to be undertaken to measure the rate of inflow from different parts of the reservoir, with the flow of oil and gas to the surface being controlled at the wellhead.
35. Whilst the well is initially expected to flow fluids to the surface without the need for a pump, it is likely that during the appraisal process the flow to the surface will reduce. Accordingly, should it be required, an appropriate pump will be installed to help raise fluids. The operator intends to utilise one of the two existing jack/nodding donkeys previously approved under planning permission MO06/1294. This will be linked to the storage tanks and production plant within the existing bunded area by above ground pipework. The applicant states that all such pipework will be designed, installed and operated in accordance with the appropriate standards.
36. As no recent production data is available on the Kimmeridge reservoir, the appraisal works are considered important by the applicant to confirm how the reservoir performs. The well will therefore be subject to more extensive technical evaluation than normal production wells. It is initially planned that the well will be produced for a period of up to eighteen months, during which time the bottom hole and surface pressures will be continually monitored and the results of downhole surveys analysed. Following approximately twelve months of data gathering and detailed study, the applicant envisages that the operator will have sufficient information to issue a report to the OGA detailing the results of the appraisal, including an estimate of the resource present. Further appraisal will be dependent upon the results of these initial works and, if required, further data gathering will be undertaken.

Fluid Storage and Export

37. Above-ground pipework will be installed to link the wellhead to the previously consented production plants and storage tanks. Fluids will be temporarily stored in tanks located within the bunded area to allow stabilisation (oil and water separation) via gravity. This production stabilisation and storage equipment was previously approved under planning permission ref: MO06/1294.
38. Once separated, the produced water will be routed off to a dedicated water storage tank, and will be reinjected via the existing BRX3 well, whilst oil will be stored in a dedicated tank pending export by road tanker.

Gas Utilisation

39. The produced fluids will contain gas which will be separated from the oil and water and utilised to produce electricity and in local process heating. The power generated will be used to meet the site's electricity requirements, with any surplus exported to the grid.
40. A suitable grid connection will be installed by the local electricity provider under their statutory powers and these works do not form part of this application. The grid connection will supply electricity to the site when the generator is not running (prior to the start-up of the well or during shut downs) therefore reducing the need for the ancillary portable diesel generator on site permitted under planning permission ref: MO/2017/0916. During normal operations the connection will run in reverse, supplying any surplus electricity from the generator to the grid.

Gas Management

41. The rate of production from the BRX4Z well will be constrained by the capacity of the generator. Should the gas produced start to exceed the capacity of the generator to accept it then the well rate will be choked back. The applicant understands that the existing generator is capable of being configured to run on a variety of fuel sources, including gas. Further, a portable diesel generator is also permitted by planning permission ref: MO/2017/0916.
42. Whilst it is possible for the existing generator to utilise the gas, given the relatively short term nature of the proposed appraisal works, it is likely that the existing generator will be replaced with a new, hired in unit. This would consist of a 375kVA gas generator with an output range of 511 kW per hour (at 50% power) to 933 kW per hour at 100%.
43. At a production rate of 300 barrels of oil per day (BOPD) the associated gas from the Kimmeridge is anticipated to be in the region of 71 cu m per hour which is equivalent to approximately 770kW. The electrical output will be matched to the available gas output, i.e. the electrical output will be increased when more gas is available (higher pressure) and decreased when less gas is available (lower pressure).
44. No routine flaring will take place. However, an emergency flare stack is proposed to be installed to provide a suitable method by which to deal with any gas during an emergency shut-down. The exact location and design of the flare have not yet been finalised although it will be installed close to eastern boundary of the site to the south of the fire water tank. Indicative details submitted by the applicant indicate that the overall height of the flare stack will be approximately 12.2 metres comprising a 3.1 metre high, ground mounted burner, with an 8.5 metre long by 2 metre diameter flame shroud to minimise noise and light emissions. The flare stack is designed for use during land operations allowing gas to be burned at a safe distance from the work area, protecting workers and the environment.

45. The flare will be used only in abnormal situations, for example during a generator shut down during which it would take longer for the well to be shut down than the generator. It also provides for pressure relief of the process system should an overpressure occur for any reason.
46. It is not envisaged that any further gas treatment plant will be required and the gas will be fed from the production plant to the generator by above ground pipework. In addition to the planned use of gas in the generator, gas will also be utilised in process heating to prevent the risk of wax deposition. If wax is present within the oil there is the risk that large drawdowns in the initial flow period could combine with low ambient temperatures to result in problematic wax deposition.
47. Therefore, until the oil properties are verified, a small proportion of the gas will be utilised in a process heater to heat the incoming oil pipework and separation equipment. If wax is not found to be an issue then the use of the heater would be discontinued. However, there may be an ongoing requirement to use the gas in the local heating of the separation train. Whilst the exact nature of any heating plant required is not yet known, it would be relatively limited in size.

Maintenance

48. Throughout the works, the applicant will implement a programme of preventative maintenance. Despite this, there may be instances where well maintenance is required to address mechanical breakdowns, typically for a one to two week period. Such interventions will require the use of either a crane or a workover rig. Any workover rig required would be similar in size to the rig used in the drilling of BRX4Z. If a crane were to be utilised instead of a workover rig, this would typically be an 80 tonne mobile crane. Details submitted by the applicant show that the IDECO BIR H35 rig used to drill the BRX4Z side-track has a maximum mast height of 28.95 metres and is fixed to the rear of a 4 axle crane carrier. Indicative details submitted for the 80 tonne crane show that this would have a maximum height of 50 metres although the Indicative Section Plan (Drawing No. 0745-1-5, Revision A, dated 19 February 2018) submitted by the applicant confirms that this would only need to be extended to a similar height as a workover rig at around 29 metres.

Operational Issues

Working Hours

49. Except for the flowing of hydrocarbons, the use of gas in on-site processes and essential site monitoring or maintenance, no operations will be undertaken, and no light (except that essential for security or health and safety purposes) will be illuminated, except for between 07:30 and 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays.

Monitoring, Security and Lighting

50. During normal operations up to two staff will be on site during the working day to monitor operations. The site compound is secured by 2.4 metre high green palisade fencing, with both the main vehicular access and an emergency access secured by gates of a similar design, which are locked when the site is not in use.
51. The workover rig utilised in the side-tracking operations included a number of lights which were essential for health and safety purposes. Lighting is provided by five units of approximately 6 metres in height with CCTV equipment fitted towards the top of the

lighting columns. The appraisal works will not require any lighting over and above that previously approved.

Site Office and Welfare Facilities

52. The site facilities have recently been upgraded, with the situation regularised through the grant of planning permission ref: MO/2017/0916. These facilities include the site office, security office, toilet and mess facilities and storage containers. No additional office or welfare facilities will be required during the appraisal works.

Restoration

53. If the appraisal of BRX4Z reveals that hydrocarbon reserves are not of sufficient quantity and / or quality to allow progression to commercial production, all appraisal plant and machinery will be removed and BRX4Z plugged in accordance with the relevant guidelines in force at that time. Should the appraisal testing reveal that hydrocarbon reserves could be viably extracted in future, an appropriate planning application will be submitted to propose longer term production activities.
54. An extant planning permission requires the entire site to be restored back to agricultural use by 31 December 2036 in accordance with a scheme to be submitted for the approval of County Planning Authority (CHA).

CONSULTATIONS AND PUBLICITY

District Council

55. **Mole Valley District Council**

Objection: The proposed 3 year time period for appraisal is unacceptable and consider that a period of 18 months would be more appropriate.

The District Council commented that the applicant should be required to provide:

- an up to date risk assessment of the proposed development;
- clarification of whether the operations should be categorised as production; and
- clarification whether the appraisal will utilise acidisation in the side-track well.

Mole Valley District Council also requested that:

- site activities should be closely monitored during the appraisal process, particularly emissions from the flare stack; and
- the County Council should assess the cumulative impact of oil extraction from multiple sites.

56. **Environmental Health**

No views received.

Consultees (Statutory and Non-Statutory)

57. **Environment Agency**

No objection in principle. Advised that:

- existing equipment and processes are still being assessed to inform a review of the existing environmental permit at Brockham in order to bring it up to modern standards;
- details associated with the flare and generator may change as the EA review the type proposed and their specification as part of the environmental permit variation process;

- revised site drainage does not discharge to a septic tank as claimed by the applicant. It is collected on site in a sealed tank and is disposed of to an off-site facility;
- the operator has been advised that a Hazardous Substances Planning Consent may be required depending on the outcome of ongoing discussions;
- clear technical details regarding the appraisal of the Kimmeridge Clay Formation as part of the re-permitting process have yet to be received;
- the risks posed to aquifers underlying the site and the mitigation proposed will be assessed as part of the re-permitting process to ensure adequate groundwater protection measures are in place;
- as re-injection of process waters is still proposed, further monitoring of the groundwater bodies within the first 400 metres below ground level is likely to be required as part of any revised permit;
- information has been requested as part of the re-permitting process on the integrity of the membrane underlying the site to ensure adequate levels of containment and environmental protection; and
- changes may be required in relation to the storage of fluids within the previous consented tanks inside the existing bunded process area as details of site containment are reviewed through compliance assessment and during the environmental permit variation.

58. **County Highway Authority: Transportation Development Planning**

No objection on highway safety, capacity or policy grounds, subject to conditions.

59. **Rights of Way**

No views received.

60. **County Noise Consultant**

No objection subject to existing noise conditions, which ideally should be updated in accordance with current guidance and applied to the whole site if feasible to do so, and the imposition of an additional noise condition covering daytime operations.

61. **County Lighting Consultant**

No objection.

62. **County Air Quality Consultant**

No objection. Requested the submission of further information as the air quality impacts from the flare and generator had not been assessed and the statement that there will be no significant increase in emissions to air had not been justified. Following the submission of addition information, commented that the applicant has now provided sufficient information to conclude that the air quality effects on the surrounding area are not significant. Also commented that a detailed assessment of vehicle emissions is not necessary and that the proposed approach to managing dust is acceptable.

Odour is expected to fall under the Environmental Permitting regime and the Environment Agency would require Best Available Techniques to be applied to minimise odour. Provided the odour abatement and Waste Management Plan outlined in the Planning Statement are effectively implemented, the residual odour impact on surrounding land users will be acceptable.

63. **Lead Local Flood Authority - SUDS and Consenting Team**

No comments as there is no increase in the impermeable area and the surface water regime is unlikely to change.

64. **County Geological / Geotechnical Consultant**

No objection. Hydrogeology / Groundwater Pollution: Agree with the applicant's assessment that the drilling and sub-surface operations present minimal risk of contamination to any groundwater. Soil / Land Contamination: Commented that perhaps the applicant could be advised that when a final decommissioning / restoration scheme is submitted for approval under Condition 3 of planning permission ref: MO06/1294, the CPA will expect a rigorous scheme of inspection and testing for legacy contamination to be included. Flood Risk and Drainage: No comments as drainage arrangements have been in place since the compound was constructed and are remaining unchanged and there is no change to flood risk as a result of the proposed works.

65. **County Ecologist**

No objection. The applicant's assessment that the site has limited ecological value is considered reasonable, no further surveys are necessary and accepts that the restoration is adequately covered.

66. **Health and Safety Executive - Quarries & Oil and Gas**

No views received.

67. **Thames Water**

No views received.

68. **Sutton and East Surrey Water**

No view received.

Parish/Town Council and Amenity Groups

69. **Brockham Parish Council**

The Parish Council have raised concerns over: the general wellbeing and safety of residents given a very greatly increased volume of production from the site; the narrow access roads and lack of passing places combined with the increase in the number of tankers; the poor state of the highway verges in places which are heavily churned up; the risk of accidents and spillage of inflammable material which would be transported across a narrow bridge over Tanner's Brook; the risk to other road users; additional noise; the adverse visual impact of the 12 metre flare stack which is contrary to the area's status as an area of landscape value; and the lack of an Environmental Impact Assessment.

70. **Brockham Oil Watch**

Brockham Oil Watch have objected to the application on a number of grounds which include the following:

- proximity to housing;
- acknowledgement and protection of Tanners Brook;
- adequacy of temporary storage tank size;
- appraisal process should be shorter and the 3 year planning permission is not justified and unacceptable;
- inadequate flood risk assessment;
- concern over discharges from the wellsite and control over pollution;
- traffic statement is not sufficient considering the large number of HGVs on rural country roads;
- question over output power of new gas generator and concerns over emissions;
- BRX4 should have been restored in accordance with planning permission;
- drilling of unauthorised side-track not justified;
- health / air quality impacts from flare and generator;
- want more information on the detailed technical processes downhole which are part of the permit application and not mentioned under planning;

- storage and handling of hazardous materials on site;
- greenhouse gas emissions;
- risk of a major accident / incident;
- adverse impact on biodiversity;
- fear and perceived harm;
- lack of public engagement;
- the need for the development;
- the need for an Environmental Impact Assessment (EIA); and
- the variation to the Environmental Permit has not yet been completed.

Should planning permission be granted, Brockham Oil Watch would want conditions in respect of: storage of hazardous materials; the use of non-conventional methods; traffic movements and more passing places on local roads; timetable for appraisal works; the prohibition of well testing pending the variation of the environmental permit; and restriction over permitted development rights for further workover rigs.

71. **Brockham Green Village Society**

No views received.

72. **Friends of the Earth** (England, Wales and Northern Ireland)

Object to the application for the following reasons:

- poor operator behaviour and the issue of a retrospective application;
- visual impact of new rig/crane;
- traffic movements;
- noise;
- landscape;
- climate change;
- incremental impacts to Green Belt openness;
- impacts on the natural and historic environment;
- impacts on human health;
- BRX4 should have been restored;
- concern over the use of acid in downhole processes;
- inadequate assessment of the impact of drilling and hydrogeology;
- cumulative impacts on the land use; and
- impact on seismicity from reinjection wells.

73. **Frack Free Balcombe Residents' Association (FFBRA)**

FFBRA have called for a detailed air quality assessment to be submitted for nitrogen dioxide, Volatile Organic Compounds and hydrogen sulphide, for evidence to support the assumed sulphur content of the gas, and for proper mitigation measures to be employed.

Summary of publicity undertaken and key issues raised by public

74. The application was publicised by the posting of three site notices and an advert was placed in the local newspaper. A total of 5 owner/occupiers of neighbouring properties were directly notified by letter. A second consultation exercise was carried out by the County Planning Authority following the submission of amplifying information for the application on 13 June 2018. This resulted in a total of 26 letters of notification being sent to neighbouring properties and people and organisations who had expressed an interest in the application prior to the receipt of the additional information received.
75. A total of 99 written representations have been received to date, with 11 in support and 88 objecting. The 11 in support of the proposal raise the following points: National need for oil for meeting UK policy; over reliance on oil and gas imports; UK employment opportunities

and economy; minimal to no impact historically; need to make use of natural resources; not new drilling as existing well; and rigorously overseen and regulated by the OGA, HSE and EA.

76. The remaining 88 representations object to the application. The main reasons are summarised as follows: not clear of the processes and whether acid and hydraulic fracturing would be employed; the 3 year time period is too long; the operator lacks integrity and competency; there is no need for the development; an Environmental Impact Assessment is required; massive increase in HGV traffic and unsuitable country roads; emission to air and pollution to Brockham Village; adverse impact on groundwater; increased risk of flooding and need for flood risk assessment; visual and landscape impact; noise; ecology; heritage; light pollution; odour; Green Belt; integrity of well and reinjection of water; seismic activity; risk of major accident; lack of trust in other regulatory bodies and lack of resources for monitoring; lack of local public engagement by operator; cumulative impact of future oil and gas development; BRX4 site restoration; contrary to development plan policy; safety concerns and proximity to Brockham village.

Officer Comment

77. A large number of the representations received raise concerns regarding matters that come under the regime of other regulators who are responsible for ensuring that safeguards and permitting requirements are satisfied. In particular, these relate to: the use of hydraulic fracturing or acid; the proposals for water re-injection; the lack of a risk assessment; the risk of accidents; explosions and earthquakes; operator liability; and the impact on house prices.

PLANNING CONSIDERATIONS

Introduction

78. 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. In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMP CS DPD 2011), the saved policies contained within the Mole Valley Local Plan 2000, (MVL 2000), and the Mole Valley District Core Strategy 2009 (MVCS 2009). The district council have started work on the preparation of a new Local Plan 'Future Mole Valley' which will set out plans for development in the District over a fifteen year period between 2018 and 2033. However, the Plan remains at a very early stage of preparation and is not expected to be adopted until December 2019.
79. Mole Valley District Council also published a Landscape Supplementary Planning Document (SPD) in 2013. The Landscape SPD identifies important characteristics of the landscape throughout the district. It focuses on the rural areas and the landscape setting of towns and villages. The SPD also provides general guidance on landscape issues and how they should be addressed by developers and is intended to assist with the implementation of MVCS 2009 Policy CS13 (Landscape Character). The SPD includes the application site as being located within the Low Weald Regional Character Area and the Open Weald County Landscape Character Area.
80. In addition, regard should be had to other material considerations which include the recently revised National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (nPPG). The recent Ministerial Statement on Energy Policy made on 17 May 2018 is also material.
81. In considering this application, the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. 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, Green Belt, highways, the water environment and geotechnical, air quality, noise, visual and landscape impacts and ecology.

82. Government Planning Guidance states that:

“A local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (section 73A of the Town and Country Planning Act 1990) without delay. It is important to note that:

although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission - such an application must be considered in the normal way;”.

83. In September 2016, Angus Energy sought agreement from the County Planning Authority (CPA) for them to undertake maintenance work on the wellsite using a 15 metre work-over rig on one of the three wells located within the site compound. The CPA advised the operator that the proposed work would be covered under existing maintenance agreements, but that the drilling of any new wells, including side-tracks, plus the testing or production from wells not already authorised, would not be permitted as they would require planning permission.
84. Angus Energy advised the CPA that due to the presence of hydrocarbons within the BRX4 well, it was viewed as being ‘live’, which meant a maintenance safety program had to be carried out through the night. Officers relayed this information to the Health & Safety Executive (HSE), who agreed that on the basis of good practise it was considered reasonable to allow the night working for a period of one week to provide a safe environment for those working on site whilst the work-over was completed.
85. It subsequently transpired that a new side-track well had in fact been drilled off the existing BRX4 well. Angus Energy believed that they had planning permission for this operation. Officers did not agree with that view and sought counsel’s opinion, which supported Officers views. However, Angus Energy also obtained counsel’s view, which apparently upheld their belief that the drilling of the side-track was authorised. The CPA encouraged the submission of a retrospective planning application to regularise the unauthorised drilling of the side-track and for the intended testing/appraisal of this side-track, which Angus Energy’s planning consultant agreed would be done.
86. This unauthorised development has highlighted discrepancies between the various legislators of the oil and gas industry, as permits for the drilling of a new side-track well were issued by both the Environment Agency (EA) and the Oil & Gas Authority (OGA), as their legislative requirements do not require planning permission to be in place before they are issued. Therefore, both the OGA and the EA were satisfied that adequate environmental and safety controls were in place for this side-track to be drilled. Whilst perfectly understandable in terms of legislation, it makes it somewhat confusing and at times misleading for both those involved and those monitoring such development.
87. In this case, the applicant took the view that they did not need planning permission for the drilling of the side-track and had received advice from Justine Thornton QC to that effect. The planning authority took advice from David Elvin QC, who confirmed the County Council’s view that planning permission was required. In view of this, the planning

authority wrote to the applicant in October 2017 inviting them to make a planning application. Following discussions between the applicant's representatives and the County Council, the current planning application was submitted. The applicant made it clear that the planning application was submitted in order to regularise the situation. The fact that the application is part retrospective in no way gives the applicant any advantage – as stated above 'it must be considered in the normal way'.

88. Planning Policy was changed in 2015 through a letter from the Chief Planner and a ministerial statement to introduce a requirement that intentional unauthorised development should be a material consideration to be weighed in the determination of all planning applications and appeals received after 31 August 2015. This was in response to a number of situations where development in the countryside had been deliberately concealed in order to benefit from immunity from enforcement. Whilst in this case the drilling of the side-track was intentional, and the County Council had advised the applicant that such works would require planning permission, the applicant had been advised by other parties that the works could be undertaken under existing permissions. Applications for development undertaken where the applicant has been advised that it is unlawful must be weighted in the planning balance against compliance with the development plan, the NPPF and all other material considerations.

Licensing

89. The European Union's Hydrocarbon Licensing Directive 94/22/EC sets out the licensing rules for the issuing of licenses for the prospection, exploration and production of hydrocarbons. The directive was implemented in the UK by means of the Hydrocarbon Licensing Directive Regulations 1995 (SI 1995/1434).
90. Oil and gas exploration drilling requires planning permission but also requires licensing. Licences are issued by the Oil and Gas Authority (OGA), a government company, limited by shares, with the Secretary of State for Business, Energy and Industrial Strategy the sole shareholder. The objective of the licensing regime is to secure the exploration and appraisal of the United Kingdom's (UK's) oil and gas resources and the economic development of discovered reserves. The Petroleum Exploration and Development License (PEDL) issued by the OGA under powers granted by the Petroleum Act 1998, covers all the three stages of oil and gas development - exploration, appraisal and production.
91. The OGA has discretion in the granting of licences to help maximise the economic recovery of the UK's oil and gas resources. All companies on a licence share joint and several liability for obligations and liabilities that arise under it. Each licence takes the form of a deed, which binds the licensee to obey the licence conditions. As an example, these will typically require the avoidance of harmful methods of working through maintaining all apparatus and appliances in good repair and condition and the execution of all operations in a proper and workmanlike manner in accordance with good industry practise.
92. A license does not confer any exemption from other legal/regulatory requirements, such as the need to gain access rights from landowners, health and safety regulations, or planning permission. Once a PEDL has been granted, planning permission must be obtained before the OGA will authorise consent to drill and extended well testing (EWT). The consent to drill and for EWT is obtained from the OGA via the Petroleum Operations Notice (PONS) approval process.
93. Further, both the Health and Safety Executive (HSE) and the Environment Agency (EA) have regulatory roles to play in relation to the proposed development under The Borehole Sites and Operations Regulations 1995 and the established pollution control regime. The existence of a PEDL does not absolve Mineral Planning Authorities (MPAs) from seeking

to control development in accordance with the appropriate planning legislation and guidance.

94. One of the objectives of the regulatory regime for oil and gas exploration and production established under The Petroleum Act 1998 is to protect the taxpayer from any residual liability. Exploration for and production of hydrocarbons can only be carried out under the licence terms issued by the OGA and license holders are liable for operations conducted under the licence.

Environmental Impact Assessment

95. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 implement European Union Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment. Development proposals falling under Schedule 1 of the regulations require an EIA in every case while those under Schedule 2 only require an EIA where development is likely to have significant environmental effects. Schedule 2 lists mineral extraction amongst the types of development where an EIA may be required. Where any part of the proposal is in a sensitive area, such as an AONB, a SSSI, AONB, Special Protection Area or Special Area of Conservation for example, or exceeds / meets certain thresholds or criteria, then an EIA may be required.
96. The development to which the current application relates was the subject of a request for an EIA Screening Opinion in October 2017 which was made under the EIA Regulations 2017. The County Council adopted a Screening Opinion on 7 December 2017. This concluded that an EIA was not required given that: (i) the proposed development does not seek to increase the area of the existing wellsite; (ii) past oil production from the site has been consistently lower than the 500 tonnes per day threshold specified in Schedule 1 of the EIA Regulations, as well as the 100,000 tonnes per year threshold specified in the PPG for Schedule 2 development, and the proposal would not involve extraction of hydrocarbons at a commercial rate; and, (iii) the application site is not situated within, or in close proximity to, a sensitive area. Brockham Parish Council have raised concerns, Brockham Oil Watch have objected and some representations have raised objection as the application is not supported by an EIA.
97. The National Planning Casework Unit received requests from a third party dated 19th April, 3rd May and 18th May for the Secretary of State to issue a Screening Direction on whether the proposed development constitutes 'EIA development' within the meaning of the EIA Regulations 2017. The Secretary of State's decision letter and written report was issued on 6 June 2018. The decision letter explains that the Secretary of State considers that the proposal is not likely to have significant effects on the environment and directs that the proposed development is not 'EIA development'.
98. In reaching a decision, the Secretary of State had regard to advice contained in the PPG. This states that whilst all applications must be assessed on a case-by-case basis, it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. It also says that indicatively, EIA is more likely to be required for: (i) deep drilling operations involving development of a surface site of more than five hectares, having regard to the likely wider impacts on surrounding hydrology and ecology; and, (ii) surface industrial installations for the extraction of hydrocarbons where the site area is ten hectares or more or production is expected to exceed 100,000 tonnes of petroleum per annum.
99. In reaching a decision, the Secretary of State did not consider that a significant environmental effect was likely in relation to:

- the impact on natural resources which are non-renewable or in short supply;
- the risk of accidents;
- the risk to sensitive receptors;
- the release of hazardous, toxic or noxious substances;
- land being susceptible to earthquakes, subsidence, landslides, erosion, flooding or adverse climatic conditions;
- congestion or other environmental constraint in relation to traffic including HGV movements;
- the location of the development in relation to surrounding land uses, flood risk, major groundwater bodies and national or higher level designations in respect of landscape, nature conservation and biodiversity and the historic environment; or
- the magnitude and complexity of impact in terms of areas and populations affected.

Need

100. There are three separate phases of oil and gas development: exploration, appraisal and production. Each requires separate planning permission. This part-retrospective application is for the first two phases, exploration and appraisal. It relates to the retention of the BRX4 well, the drilling of a side-track (BRX4Z) in January 2017, and the appraisal of the Kimmeridge Clay Formation to assess the viability of future hydrocarbon production. The development is proposed within an established wellsite that was originally constructed in 1987 and has planning permission until 31 December 2036, by which time the site is required to be restored.
101. The applicant, Angus Energy, is an independent onshore oil and gas development company focussed on meeting the energy demands of the United Kingdom (UK) without utilising hydraulic fracturing. For the avoidance of doubt, this application relates to conventional hydrocarbon extraction and does not relate to the extraction of shale gas through hydraulic fracturing.¹ One of the key considerations in the determination of this application will be the need for the development.
102. The applicant states that the development will help to deliver significant economic benefits by exploring the potential to increase the UK's indigenous hydrocarbon production, in line with national energy policy, which confirms a need to exploit indigenous oil and gas reserves. The proposal is described as being an essential step towards any potential commercial production. The applicant has sought to demonstrate the need for the proposal by identifying the contribution that the safe and sustainable exploration of indigenous onshore energy mineral reserves can make towards boosting domestic supplies and supporting the wider economy. This, the applicant has pointed out, is against a backdrop of a decline in production from the UK's own oil and gas reserves since 1999 and the UK being a net importer of energy since 2004. The applicant has also explained how the proposal will help to determine whether viable hydrocarbon reserves are present which may be capable of supporting longer-term production, and refers to the substantial economic contribution made by the UK's oil and gas industry in terms of supporting around 450,000 jobs.

Development Plan Policy

103. The SMP CS DPD 2011 paragraph 3.17 explains that the exploration and appraisal of hydrocarbons has occurred fairly widely across the southern part of the county since the 1950s. The plan refers to two operational sites currently producing oil at Palmers Wood, Godstone and Felton's Farm, Brockham where production was expected to continue

¹ Please refer to Surrey County Council's website for information: <http://www.surreycc.gov.uk/environment-housing-and-planning/minerals-and-waste-policies-and-plans/oil-and-gas-development> on oil and gas development

beyond the end of the plan-period. Paragraph 3.19 states that further exploration and appraisal activity within the licensed areas is likely as UK offshore resources decline, although 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. SMP CS DPD Policy MC1 (Spatial Strategy - Location of Mineral Development in Surrey) states that oil and gas development will be concentrated in the southern half of the county.

104. Paragraphs 5.35 - 5.40 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. However the paragraph recognises that most of this disturbance is at the exploration and appraisal stage (which are usually of relatively short duration). Paragraph 5.37 explains that applications for exploratory wells will be considered on their individual merits in accordance with all levels of policy guidance. Key considerations are site location to minimise intrusion, controlling vehicular activity and vehicle routeing, and controlling noise and light emissions from drilling rigs. Paragraph 5.38 outlines that subsequent proposals for appraisal will need to consider these issues afresh given that this may lead to further applications for production.
105. SMP CS Policy MC12 (Oil and Gas Development) states that applications for drilling boreholes for the exploration, appraisal or 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 or gas 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.

Government Planning Policy

106. National Planning Policy on onshore oil and gas is set out within the NPPF which has been recently revised. This explains that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It recognises that minerals are a finite natural resource and can only be worked where they are found and best use needs to be made of them to secure their long-term conservation.
107. Paragraph 205 outlines that when determining applications for mineral development, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy, while ensuring there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety.
108. Paragraph 209 says that minerals planning authorities should recognise the benefits of on-shore oil and gas development for the security of energy supplies and supporting the transition to a low carbon economy. It also states that when planning for on-shore oil and gas development, local planning authorities should clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.
109. Part 9 (Planning for Hydrocarbon Extraction) of the minerals section of the nPPG sets out guidance for the determination of planning applications for oil and gas development.

Paragraph 094² explains that planning applications can cover more than one phase extraction. Paragraph 95³ states that the exploration phase seeks to acquire geological data to establish whether hydrocarbons are present and that it may involve seismic surveys and exploratory drilling. Paragraph 098⁴ sets out that typically, exploratory drilling is a short term and intensive activity with site construction, drilling and site clearance taking between 12 and 25 weeks.

110. In terms of the appraisal stage, paragraph 99⁵ explains that this takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. Paragraph 100⁶ states that the appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. Paragraph 124⁷ outlines that MPAs should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources and this includes onshore oil and gas.

UK Energy Supply and Demand

111. Oil and gas form an integral part of the UK's energy and generation mix maintaining energy security, affordability and decreasing carbon emissions in the UK. The UK oil and gas industry has been the largest sector of industrial development throughout the past four decades predominantly from production of the UK's Continental Shelf (UKCS). The Annual Energy Statement 2014 (paragraph 39) explains that in order to enhance energy security and reliability and also deliver wider energy goals, the Government is undertaking measures to maximise the economic production of domestic oil and gas reserves and prevent possible disruptions to energy supplies.
112. The British Geological Survey (BGS) Mineral Planning Factsheet "Onshore Oil and Gas" (2011) states that the UK economy is highly dependent on oil and gas as primary sources of energy play an important role for generating electricity and domestic heating; and being essential fuels for transport on land, sea and in the air alongside their use in millions of products made from chemical processing. The Factsheet states that "*whilst onshore oil production, and particular gas, is small there will be a ready market and continuing need for these minerals for the foreseeable future*".
113. The European Commission (EC) has adopted Green Papers and Strategic Energy Reviews to advance the agenda on sustainability, competitiveness and security of supply. A core goal of European energy policy is to ensure safe, secure, sustainable and affordable energy for all and is of fundamental importance to the EU's economy, industry and citizens.
114. The European Council in 2007 adopted ambitious energy and climate change objectives for 2020 – to reduce greenhouse gas emissions by 20%, to increase the share of renewable energy to 20%, and to make a 20% improvement in energy efficiency. To address the challenges of energy security and climate change, the EU's energy and climate goals are incorporated into the Europe 2020 Strategy for smart, sustainable and inclusive growth, which was adopted by the European Council in June 2010, and into its flagship initiative 'Resource efficient Europe'.

² Para 094 Reference ID: 27-094-20140306

³ Para 095 Reference ID: 27-095-20140306

⁴ Para 098 Reference ID: 27-098-20140306

⁵ Para 099 Reference ID: 27-099-20140306

⁶ Para 100 Reference ID: 27-100-20140306

⁷ Para 124 Reference ID: 27-124-20140306

115. The concern about delivering secure, sustainable energy at affordable prices whilst moving towards a low carbon economy, led the EC to publish a 'Security and Solidarity Action Plan' in November 2008 which focussed on improvements to the energy supply of the European Union (EU) by:
- promoting investment in energy infrastructure, to increase interconnection between Member States and diversify the types, sources and routes of the EU's energy supply;
 - strengthening the EU's external energy relations with important energy producers and consumers;
 - improving Europe's ability to respond to disruptions to supply;
 - increasing the EU's energy efficiency; and
 - making better use of the EU's indigenous resources. (This includes sustainable use of fossil fuels).
116. The European Union Climate and Energy Package December 2008 commits members of the EU to reducing greenhouse gas by 20% (compared to 1990 emissions) by 2020. The Package has four parts and covers the:
- EU Emission Trading System Directive 2009/29/EC;
 - Greenhouse gas effort sharing decision No 406/2009/EC;
 - Renewables Directive 2009/28/EC; and
 - Carbon Capture and Storage Directive 2009/30/EC.
117. The current EU Energy Strategy sets out that the EU imports more than half of all the energy it consumes. Its import dependency is particularly high for crude oil (more than 90%) and natural gas (66%). The total import bill is more than €1 billion per day. Global energy markets are becoming tighter, with developing Asian countries and the Middle East accounting for most of the growth in global demand. As the world's largest energy importer, the EU is likely to be more vulnerable to supply risks as a result.
118. National Policy with regard to energy is set out in the UK's Energy White Paper 'Meeting the Energy Challenge' published on 23 May 2007 (2007 Energy White Paper) and incorporates EU objectives towards energy and climate. The 2007 Energy White Paper recognises that '*energy is essential in almost every aspect of our lives, as well as for the success of our economy*'. The 2007 Energy White Paper sets out the Government's response to the long-term energy challenges posed by the need to tackle climate change and reducing CO₂ emissions, and ensuring that the country has secure, clean and affordable energy supplies. The four energy policy goals in the White Paper are to:
- cut emissions by some 60% by about 2050, with real progress by 2020;
 - maintain the reliability of energy supplies;
 - promote competitive markets in the UK and beyond; and
 - ensure that every home is adequately and affordably heated.
119. It is recognised in the 2007 Energy White Paper that a large percentage of the UK's energy needs are met by oil, gas and coal and that even though renewables and low carbon technologies will have an increasing role, fossil fuels will continue to be the predominant source of energy for some decades. In paragraph 4.03, it explains that while the UK has benefitted from indigenous reserves of oil and gas for many years, as the North Sea matures, we will become increasingly dependent on imported energy, and therefore we need to be confident that the market for fossil fuels, supported by appropriate Government policies, continues to ensure reliable supplies of these fuels and at competitive prices. Paragraph 4.06 recognises that fossil fuels will be relied upon for the foreseeable future. Paragraph 4.16 states that a supportive regulatory environment must

be maintained that attracts a wide range of companies to exploit existing and prospective fields.

120. The Government's summary of measures for oil, gas and coal are set out on page 124 of the 2007 Energy White Paper:

'Our policies recognise the continuing importance of fossil fuels in maintaining reliable and affordable energy supplies, but aim to manage our reliance on them, their potential environmental effects and the risks associated with higher levels of import dependency by:'

- *'encouraging energy efficiency to reduce the use of fossil fuels...'*
- *'supporting and maximising economic production of fossil fuels in the UK...'* and
- *'ensuring effective energy markets at home and abroad...'*

121. The Energy Act 2008 implements the legislative aspects of the 2007 Energy White Paper and reflects the changing requirements for security of supply infrastructure and adequate protection for the environment and the UK's population, as the energy market changes. The Government's intention was that along with the Planning Act 2008 and the Climate Change Act 2008, the Energy Act would ensure that legislation underpins the long term delivery of the UK's energy and climate change strategy. The Energy Act 2011 which received royal assent on 18 October 2011 has three principal objectives: to tackle barriers to investment in energy efficiency, enhance energy security and enable investment in low carbon energy supplies. The Energy Act 2016 received Royal Assent on 12 May 2016. This transferred the Secretary of State's existing regulatory powers (excluding environmental regulatory functions) in respect of onshore oil and gas licensing in England to the Oil and Gas Authority (OGA).
122. The Climate Change Act established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% below base year levels by 2050, to be achieved through action at home and abroad. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets which provide legally binding limits on the amount of emissions that may be produced in successive five year periods, beginning in 2008. The first three carbon budgets were set in law in May 2009 and require emissions to be reduced by at least 34% below base year levels in 2020. The fourth carbon budget, covering the period 2023–27, was set in law in June 2011 and requires emissions to be reduced by 50% below 1990 levels.
123. The transition to a low carbon economy is being underpinned by several strategies. The UK Low Carbon Transition Plan: the national strategy for climate and energy (The Transition Plan) 2009 outlined policies and proposals that will be put in place to reduce carbon emissions by 2020. The Transition Plan is supported by the Renewable Energy Strategy, the Low Carbon industrial Strategy and Low Carbon Transport: A Greener Future. Some key measures in the Transition Plan are implemented by the Energy Act 2010 which has provisions on delivering financial incentives for carbon capture and storage, mandatory social price support, measures aimed at ensuring energy markets are working fairly for consumers and delivering secure and sustainable energy supplies.
124. In addition the Government introduced the 'The Carbon Plan: Delivering our low carbon future' in December 2011. The Plan sets out how the UK will achieve decarbonisation within the framework of our energy policy: to make the transition to a low carbon economy while maintaining energy security, and minimising costs to consumers, particularly those in poorer households.
125. The UK has signed up to the EU Renewable Energy Directive 2009/28/EC, which sets individual targets for each member state. The UK's target is to source 15% of energy

(electricity, heat and transport) from renewable sources by 2020. This target is included in the UK Renewable Energy Strategy published in 2009 where it is anticipated that it will 'contribute to the security of energy supplies in the UK through reductions in our demand for fossil fuels of around 10%, and gas imports by between 20 - 30% against our forecast use in 2020' (paragraph 5.1). The Government's approach to increasing renewable energy across the UK in the sectors of electricity, heat and transport has been set out in the UK Renewable Energy Roadmap published in July 2011 alongside the Electricity Market Reform White Paper. The Government believes that getting more renewable energy can give the UK 'much more security and a greater degree of energy independence - helping to shield us from global fossil fuel price fluctuation' (UK Renewable Energy Roadmap, page 4).

126. The Government acknowledges that in the longer term, energy security will go hand in hand with climate security and in 2012 the Government set out its future strategy for energy security in the Department of Energy and Climate Change (DECC) Energy Security Strategy published in November 2012. The Energy Security Strategy 2012 (Page 20) explains the exploitation of our North Sea oil and gas reserves has brought significant energy security as well as commercial benefits. Although UK production still provided the equivalent of 72 per cent of our oil use (including bunkers) and 55 per cent of our net gas use, the UKCS is on a downward trend. By 2020 it expects the UK will be net importers of 43 per cent of the UK oil demand and 53 per cent of gas demand.
127. Reserves of indigenous oil and gas reserves are declining with production having reached its peak and has fallen by 60% from 2000 to 2011. Consequently there has been an increase in terms of energy reliance on gas imports from outside the UK and Europe. The Government states through its Gas Generation Strategy (2012) that it is determined to ensure that the UK maximises its indigenous oil and gas resources as any over-reliance on gas or any energy source, could put the UK at risk of disruption in supply.
128. The Government is committed to produce Annual Energy Statements of energy policy to be put before Parliament. The first of these statements was issued on 27 July 2010. This recognises that the UK economy is reliant on fossil fuels and is likely to be so for some time to come with, for example, our road, sea and air transport being almost wholly dependent on oil (page 8). The statement recognises that encouraging the necessary investment in oil and gas production is an important component of the transition towards a low carbon economy (page 8/9).
129. It also sets out an outline programme and timetable for decisions in four key areas. The second area concerns 'delivering secure energy on the way to a low carbon energy future', alongside such issues as: working for secure, low carbon energy on the international stage; securing oil and gas supplies; and developing low carbon forms of heat and technology-specific actions. The latest Annual Energy Statement was published in 2014 and states that the Government's energy policies seek to meet three primary objectives: (i) ensuring light, power, heat and transport are affordable for households and businesses; (ii) providing energy security; and, (iii) reducing carbon emissions in order to mitigate climate change (paragraph 1). The statement advocates a balanced approach towards securing a reduction in energy consumption. This includes husbanding domestic supplies to reduce the reliance on imports, in combination with bringing forward cost effective renewables as part of a balanced, low carbon and secure energy mix.
130. The statement recognises at para 9 that energy consumers need to have access to reliable and secure energy supplies. It says that the production of gas and oil from UK's own reserves has been declining since 1999, and since 2004, the UK has been a net importer of energy. It explains that this has changed the way in which we need to view and tackle our energy security. In 2013, gas supplied a quarter of the energy to generate electricity with oil being substantially lower at 1%. At para 39 the statement outlines that to

enhance energy security the measures to be deployed are for flexible gas and low carbon generation, maximising economic production of domestic oil and gas reserves; and preventing possible disruptions to energy supply. This is to be carried out in combination with a reduction in energy consumption.

131. The need for the Government to ensure a secure and resilient oil supply at affordable prices whilst supporting investment and jobs is also recognised in paragraph 243 of the statement. It explains that in 2013, demand for oil products stood at 66 million tonnes (mt), with transport fuels (petrol, diesel and jet fuels) accounting for around 69% of UK oil consumption. Imports made up 43% of the total UK oil demand in 2013, which were principally used to meet the shortfall in production of diesel and jet fuels.
132. The UK Energy in Brief 2017, published by the Department for Business, Energy & Industrial Strategy (BEIS), provides a summary of some of the key developments in the UK energy system. This includes how energy is produced and used and the way in which energy use influences greenhouse gas emissions. The UK Energy in Brief summarises data from the BEIS energy and climate change statistical publication, the Digest of UK Energy Statistics, Energy Statistics, Energy Prices, Energy Consumption in the UK and annual Fuel Poverty Statistics.
133. On 17 May 2018, the Secretary of State for BEIS published a written statement on Energy Policy on behalf of himself and the Secretary of State for Housing, Communities and Local Government which should be considered in planning decisions. This sought to reiterate the Government's view that the country should utilise its domestic gas resources to the maximum extent and explore the potential for onshore gas production from shale rock formations. Although concerned with shale gas, more generally the statement remains consistent with previous policies aimed at securing a diverse supply of energy sources to meet ongoing need, keeping energy prices under control, reducing our reliance on imports, recognising the economic benefits from the development of indigenous resources, and expecting MPAs' to give great weight to the benefits of mineral extraction, including to the economy. In particular, the statement outlines that:
- the UK must have safe, secure and affordable supplies of energy with carbon emissions that are consistent with the carbon budgets defined in our Climate Change Act and our international obligations;
 - in part as a result of the UK's diverse range of energy sources, we have had competitively-priced energy since 1990 whilst reducing carbon emissions across the country by 49%;
 - the UK imported over half (53%) of gas supplies in 2017 and estimates suggest we could be importing 72% of our gas by 2030;
 - the Government intends to publish revised planning guidance on shale development ensuring clarity on issues such as cumulative impact, local plan making and confirmation that planners can rely on the advice of regulatory experts;
 - a consultation is planned in summer 2018 on whether non-hydraulic fracturing shale exploration development should be treated as permitted development; and
 - the Government is to set up a Shale Environmental Regulator in England which will bring the regulators together to act as one coherent single face for the public, MPAs and industry. This is in view of the complex nature of the existing regulatory system where it is not always transparent who is responsible for what.

Need for Hydrocarbon Supply

134. As outlined above, oil and gas form an integral part of the UK's energy and generation mix maintaining energy security, affordability and decreasing carbon emissions in the UK. Brockham Oil Watch together with a number of members of the public have objected to

the application having questioned the need for further oil and gas exploitation for the reasons outlined in the 'Consultation and Publicity' section above.

135. The nPPG requires that in determining a planning application for oil and gas development, MPAs should take account of government energy policy, which makes it clear that energy supplies should come from a variety sources which includes onshore oil and gas.
136. The Annual Energy Statement 2014 (paragraph 45) states that "... *bringing forward new UK oil and gas fields before the existing infrastructure is decommissioned will ensure that as much as possible of the potential of UK oil and gas is tapped while it is cost effective to do so*". The Annual Energy Statement 2013 (paragraph 3.69) states that with oil and gas remaining key elements of the energy system for years to come (especially for transport and heating), the Government is committed to maximising indigenous resources, onshore and offshore, where it is cost-effective and in line with safety and environmental regulations to help ensure security of supply. In 2012 UK oil and gas production provided 41% of the UK's primary energy needs and £6.5 billion of direct tax receipts in 2012/13.
137. The UK Energy in Brief 2017 published by BEIS sets out the energy industries' current contribution to the UK economy. The Brief highlights on page 4 how oil and gas extraction has been the major energy contributor to the UK economy. The statistics show a general decline from the peak contribution of 10.4% of GDP in 1982 to an estimated 2.3% in 2016, the lowest level to date. Further, oil and gas extraction accounted for 29% of the energy total in 2016, up 1 percentage point on the previous year, with electricity (including renewables) and gas broadly unchanged at 44% and 16% respectively. In addition the energy industry supports 178,000 jobs directly and indirectly, with an estimated 152,000 in support of the UKCS production.
138. Climate change and energy policies are interlinked. 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. Energy statistics published by BEIS in the UK Energy in Brief 2017 (page 11) show that there has been a steady increase in primary energy from low carbon sources (nuclear, wind, solar, hydro, bioenergy, transport fuels and other). In 2016, the UK obtained 17% of its primary energy from low carbon sources (of which 47% was from nuclear power), up from 9.4% in 2000. The second largest component of low carbon was bioenergy, accounting for 35% of the total low carbon energy sources.
139. The UK Energy in Brief 2017 (page 13) reports that in 2016, UK greenhouse gas emissions were provisionally estimated to be 466.0 mt of carbon dioxide equivalent, representing a 6% fall compared to 2015. This comprised 374 mt of carbon dioxide, 52 mt of methane and 16 mt of nitrous oxides. Based on energy production and consumption in 2016, the UK Energy in Brief 2017 estimates that carbon dioxide emissions were 7.4% lower than 2015 and 37% lower than in 1990.
140. Estimates for greenhouse gas emissions by sector (page 14) indicate that UK greenhouse gas emissions in 2015 were 495.7 mt of carbon dioxide equivalent which was 38% lower than in 1990. The energy supply sector was the largest single source accounting for 29% of total emissions, followed by the transport and residential sectors at 24% and 13% respectively. The transport sector has seen the largest rise in greenhouse gas emissions which accounted for 15% of total emissions in 1990, whereas the energy supply and residential sectors have decreased from their 1990 levels by 48% and 17% respectively. Although some hybrid and electric vehicles are now available, there are currently few commercial alternatives to petrol for transportation.
141. The UK Energy in Brief 2017 illustrates that petroleum remains a key part of the UK's energy mix despite a decline in demand since 1990 (page 19). Transport now represents

nearly 80% of energy use of oil products, a substantially larger share than in 1990 as the use of fuel oil for electricity generation has declined and air travel has become more common.

142. The Digest of UK Energy Statistics 2017 published by BEIS states that around 40% of the UK's total energy production is from crude oils extracted from the UKCS, and UK refineries produce around 60 mt of oil products (paragraph 3.1). The digest explains that gas is one of the key pillars of the UK's energy mix, accounting for over 30 per cent of the UK's energy production and is second only to oil. Gas production from the UKCS would be sufficient to meet nearly 60 per cent of gas demand (paragraph 4.1).
143. Paragraph 3.3 of the digest explains that although UK oil demand from refineries in 2016 has dropped by around a third since 2000, there has been a far steeper decline in oil production from the UKCS. The UK Energy in Brief 2017 states that while total indigenous oil and gas production increased by 4% between 2015 and 2016, due to the start of new operations at North Sea oil fields, this was in contrast to the year on year decline rate of around 6% since production reached its peak in 1999 (page 21). In 2016, the UK imported 34% of its oil and 47% of its gas.
144. During the 1980s and 1990s, the UK was largely self-sufficient in oil and gas. The decline in production from the UKCS meant that by 2004, the UK became a net energy importer. In 2013, imports of petroleum products exceeded exports following the closure of the Coryton refinery. The UK is now a net importer of all main fuel types, although remains a net exporter of some products such as petrol and fuel oil. In 2016, 36% of energy used in the UK was imported, down sharply from the 2014 level due to the increases in indigenous oil and gas output (UK Energy in Brief 2017, page 9).
145. As North Sea oil and gas production declines the UK's import dependency will grow and the UK will become increasingly exposed to the pressures and risks of the global market which are in a period of significant change. The UK is likely to face greater competition for more expensive oil and gas resources over the next two decades as global energy consumption increases substantially, driven by the rapid expansion of Asia economies (Energy Security Strategy 2012, DECC, paragraph 2.16).
146. The Energy Security Strategy 2012 sets out Government measures for maximising the economic production of UK oil and gas resources. This states on page 20 that the Government will work to achieve this through:
- *Licensing rounds, which ensure this reliable source can continue to deliver supplies for as long as possible;*
 - *Providing a fiscal regime that encourages further investment and innovation in the North Sea, while ensuring a fair return for UK taxpayers; and*
 - *Considering the potential for UK unconventional gas production, and whether it will prove technologically, environmentally and economically sustainable.*
147. The Government is also undertaking activities in a number of areas to enhance energy security whilst also delivering wider energy goals. This includes measures to: incentivise deployment of flexible gas and low carbon generation; maximise economic production of domestic oil and gas reserves; and prevent possible disruptions to the UK energy supply. A more energy efficient UK will have lower exposure to international energy market prices and volatility. Therefore, reducing energy consumption will improve the UK's energy security (Annual Energy Statement 2014, DECC, paragraphs 39 and 40).
148. Government energy policy set out in the Energy White Paper 2007 states on page 19 that: '... to meet our security of supply challenges, we will maximise the economic production of

our domestic energy sources which, together with our energy saving measures, will help reduce our dependence on energy imports;...'

149. In this context, the importance of domestically produced oil and gas is recognised in paragraph 4.02 which states that. *'Renewables and other low carbon technologies will play an increasing role in our energy mix over the longer term; however, fossil fuels will continue to be the predominant source of energy for decades to come.'* The Government's summary of measures for oil, gas and coal set out on page 124 state that: *'Our policies recognise the continuing importance of fossil fuels in maintaining reliable and affordable energy supplies, but aim to manage our reliance on them, their potential environmental effects and the risks associated with higher levels of import dependency by:*
- *encouraging energy efficiency to reduce the use of fossil fuels;*
 - *supporting and maximising economic production of fossil fuels in the UK; and*
 - *ensuring effective energy markets at home and abroad.'*
150. To maximise the potential of a reserve, it is important to fully husband that reserve, once it has been identified as economically and practically viable.
151. Guidance on the Government energy policy provided in the nPPG makes it clear that energy supplies should come from a variety of sources including onshore oil and gas. Onshore oil and gas have only been discovered and produced in commercial quantities from certain sedimentary basins onshore. In the south of the UK, the Wessex-Channel covers the productive Weald Basin and the Wessex Basin where the Jurassic rocks and the existence of trapping structures are suitable for hydrocarbon accumulation.
152. The current proposal falls within the Weald Basin, which extends from Hampshire to Kent and East Sussex and includes the Humbly Grove oilfield in Hampshire, along with the oil producing Horndean, Stockbridge, Storrington, Woodworth and Singleton oilfields. In Surrey the Weald covers Palmers Wood Oilfield near Oxted, Brockham Oilfield near Dorking and Horse Hill, Horley.
153. The application is for the exploration and appraisal stages of hydrocarbon development at Brockham Wellsite. These stages are a necessary precursor to the production stage. The intention is to ascertain whether commercially viable reserves of oil are present within the Kimmeridge formation. Subject to the results of the appraisal identifying the presence of a viable reserve, this may lead to a future planning application for production. The production stage takes place following the exploration and appraisal stages and when the existence of commercially viable volumes of hydrocarbons have been proven.
154. Brockham Wellsite is located within Petroleum Exploration and Development Licence (PEDL) 235 which is on the northern side of the geological feature of the Weald Basin. This licence relates to conventional oil and gas. PEDLs are issued by the OGA after a competitive process following an assessment of applications for operator competency, financial capability, geotechnical analysis and the proposed work programme. The OGA has no responsibility for onshore environmental regulation in England which is a matter for the Environment Agency (EA) and the MPA. A PEDL comprises a production license which covers exploration drilling, appraisal, development and production within a defined area or block. They give the licence holder(s) exclusive rights to search, bore for and get petroleum subject to necessary drilling / development consents and planning permission.
155. There must be some consideration of the nature, scale and circumstances of the proposed development. The application involves the carrying out of exploration and appraisal testing for oil for a temporary period of three years. The proposal is considered to be short term in nature, does not involve the construction of any permanent buildings and the BRX4Z wellhead would be plugged and restored as an operational area of the wider site, which is

in turn required to be restored back to agriculture by the end of 2036. A detailed assessment of the various impacts of the proposal is provided below.

Representations on Need

156. Some of the representations received in support of the proposal point to the national need for oil, the country's over reliance on imports, and the contribution of on-shore oil and gas resources towards energy security and supporting the transition to a low carbon economy, which includes increasing the focus on renewable energy. Brockham Oil Watch have objected to the application on the grounds that the application is at odds with the commitments contained within the Climate Change Act 2008 to reducing greenhouse gas emissions, and the miniscule contribution of the oilfield towards meeting the country's demand for oil. Similar points have been raised in representations received on the application which also refer to the very low number of jobs than will be created. Representations received also object due to the need to prioritise renewable energy over non-renewable sources, with some calling for an outright ban or a managed decline in the exploration for new fossil fuel reserves.
157. As outlined above, climate change and energy policies are closely inter-linked and maintaining energy security, increasing supplies from renewable sources and minimising the cost of energy to consumers form important elements of the Government's commitment to enable the transition to a low carbon economy. The nPPG also makes it clear that energy supplies should come from a variety of sources including onshore oil and gas. Whilst overall volumes of oil produced from any single on-shore facility may not be significant, cumulatively, production from a multitude of sites is likely to add up to something more substantial. The same holds true in relation to job creation.
158. Mole Valley District Council and Brockham Oil Watch have objected to the length of the appraisal process. The district council believe that this is unacceptable and that a period of 18 months would be more appropriate. Brockham Oil Watch have said that this is excessive compared to appraisal programmes elsewhere in the Weald Basin, such as Horse Hill, Horley, where a period of 4 to 6 months has typically been applied for. They have raised concern that the extended period of up to 3 years is an attempt to enable the operator to go into full scale production and that a condition should be imposed marking a definitive end to the appraisal period. A number of representations received have raised similar objections with some believing that no more than 4 weeks should be allowed for flow testing and others pointing out that drilling was only proposed for 18 weeks at Bury Hill Wood, Coldharbour. It is also suggested that less time is required as the side-track was drilled in January 2017 and enough data should now be available to enable a shorter time period to complete the appraisal.
159. The CPA is required to treat each application on its merits. Given the inherent differences between each application, comparisons are not always valid or appropriate. The nPPG provides an indication of the time period for exploration and appraisal as explained below.
160. Officers consider that it is likely that the proposed time period for future appraisal would need to factor in time for the analysis of the appraisal testing results. Officers also acknowledge that the applicant has stated that the well will be subject to more extensive technical evaluation than normal production wells as no recent data is available on the Kimmeridge reservoir.
161. Paragraph 99 of the nPPG states that the appraisal phase takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. Paragraph 100 explains that the appraisal phase can take several forms including additional seismic work, longer-term flow

tests, or the drilling of further wells and that much will depend on the size and complexity of the hydrocarbon reservoir involved. As a consequence, while an estimate for the time period required for exploration is provided in the nPPG, the typical duration of the appraisal phase is not specified.

162. Further, the applicant has explained that as no recent production data is available on the Kimmeridge reservoir, the well will need to be subject to more extensive technical exploration than normal production. Hence, the need for the well to be produced for up to 18 months to enable monitoring and survey work to be undertaken and the results analysed.
163. Brockham Oil watch have also objected to allowing the operator to be able to carry out maintenance activities throughout the life of the permission given the impact in terms of the number of HGVs movements and transporting a rig to and from the site. Traffic is addressed separately in the Highways, Traffic and Access section of this report.
164. The applicant states that a programme of preventative maintenance will be implemented throughout the works. Despite this, the applicant acknowledges that there may be instances where well maintenance is required to address any unforeseen mechanical breakdowns and as a consequence, it is impossible to predict when, or even if, any maintenance will be required. However if maintenance is required, the application has sought to address the visual impact of the workover rig or crane. Further, unless in response to an emergency, the application restricts such activities to within normal working hours and explains that this would be limited to typically between one and two weeks. Officers accept that the need for and frequency of any maintenance required cannot be predicted in advance and note the applicant's commitment to inform the CPA of the intention to carry out such works at the earliest available opportunity.

Conclusion

165. SMP CS DPD Policy MC12 requires consideration to 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 recently been subject to a significant programme of improvement and refurbishment. The continued use of existing infrastructure on site has not given rise to a significant adverse impact. The proposal would not involve physically expanding the wellsite.
166. As can be seen from Government planning policy and guidance highlighted above, the Government recognises that there is a need to maintain a stable and reliable supply of indigenous energy sources including onshore oil and gas into the future. The objective of managing the transition to a low carbon energy mix is also very much apparent. This will mean that oil and gas remain key elements of the energy system for years to come. The Government does not seek to differentiate between the size or stage of projects, instead aiming to maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner.
167. Maximising the potential would include the consideration of even relatively small oilfields. It is therefore appropriate that such potential indigenous supplies of oil, regardless of how small in volume, are properly evaluated and appraised. It is only through this process that the commercial viability of longer term production can be verified. Cumulatively, such reserves could add up to something more substantial and make a meaningful contribution to the stated intention of maximising the recovery of the UK's indigenous oil and gas supplies and thereby contribute towards the achievement of the country's energy security.
168. Officers are satisfied that the proposed three year duration of the permission sought is reasonable and consistent with the temporary time period permitted at other oil and gas

sites. The need to allow some flexibility for any necessary maintenance to be undertaken during the life of the development is accepted. In view of the clear policy intention of maximising indigenous supplies of oil and gas, Officers conclude that on the basis of Government policy and guidance, there is a demonstrable need for the proposal which carries significant weight in the determination process.

Highways, Traffic and Access

Surrey Minerals Plan Core Strategy 2011

Policy MC15: Transport for Minerals

Mole Valley Core Strategy 2009

Policy CS18: Transport Options and Accessibility

Mole Valley Local Plan 2000

'Saved' Policy MOV2: The Movement Implications of Development

169. SMP CS DPD 2011 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.
170. 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.
171. Policy CS18 of the Mole Valley Core Strategy (MVCS) states that the availability of travel options and access will be given significant weight in considering development proposals and that transport schemes that lead to improvements in accessibility and give priority to the needs of pedestrians, cyclists and users of public transport will be supported. The policy also requires development proposals to be consistent with, and contribute to the implementation of the Surrey Local Transport Plan.
172. Mole Valley Local Plan (MVL) 'saved' Policy MOV2 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 ... proposals for major developments will only be permitted where it can be demonstrated that in order to accommodate the traffic generated by that development appropriate measures are made to obviate the environmental impact*". The policy also requires appropriate provision for:
- *vehicular access and egress and movement within the site;*

- *capacity on the transport network and in the vicinity of the development;*
 - *access and egress to be obtained, or improved, to and from the primary route and distributor road networks; and*
 - *pedestrians and cyclists.*
173. Paragraph 111 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It also explains that: decisions should take account of whether: safe and suitable access to the site can be achieved for all people; and, transport improvements can be undertaken that cost effectively limit the transportation impacts of the development. Further, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
174. The wellsite is served by a private access track running west from Old School Lane. 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.
175. 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.
176. The applicant states that the lorry routeing agreement will continue to be adhered to as part of the proposal. They also confirm that prior to any HGVs accessing the site, the haulier / supplier is provided with a transport routeing plan and informed of the time restrictions on HGV movements which the applicant will continue to adhere to. Following reports that some lorry drivers were not adhering to the routeing agreement, the applicant has advised the CPA that this has been addressed with all hauliers / suppliers who have been reminded of the requirement to comply with the routeing agreement.
177. The proposed retention of the BRX4 well will have no impact in transportation terms as the well has already been drilled in accordance with planning permission ref MO07/0161. In terms of the proposed regularisation of the drilling of the BRX4Z side-track, this part of the application is retrospective and involved a total of 76 HGV movements (38 in and 38 out) with the delivery and removal of all/ plant and equipment associated with the drilling operations taking place over five weeks. This equates to an average of no more than 3 HGV movements per day which is not considered significant in transportation terms. In the event that some of these HGV movements were concentrated on particular days within this period, any impacts or inconvenience caused are likely to have been fairly limited and temporary in nature.
178. Regarding the exploration and appraisal of the BRX4Z side-track, the combined production operations, based on those approved under planning permission ref: MO06/1294 as well as this proposal, will result in no more than 24 HGV movements on any day. Further information submitted by the applicant in June 2018 confirmed that of

these, around 12 HGV movements will be associated with this proposal which includes the export of oil by road tanker. This is a worst case scenario as the applicant states that it is likely that the daily number will be significantly lower. It is noted that HGV movements to and from the site are authorised to take place 8.5 hours per day Mondays to Fridays and 5 hours per day on Saturdays. This indicates that the proposal would result in an average of no more than 1.5 HGV movements per hour, or an average of 3 movements per hour cumulatively when combined with the existing permitted operations at the site. These numbers of HGV movements are again not considered to be significant in transportation terms.

179. During normal operations, two staff will be on site, which is anticipated to give rise to no more than 8 car/light vehicle movements per day which is considered negligible. In terms of maintenance, the applicant estimates that any future workover that may be required is likely to involve 40 - 60 HGV movements, which would typically be spread over a one to three week period. This would involve a rig or crane being transported to and from the site. Assuming a worst case scenario, if 60 HGVs movements were required over a one week period, then this would average around 10 HGV movements per day or 1.3 HGV movements per hour. This is not considered significant in transportation terms, particularly given the very temporary nature of any future maintenance work.
180. The County Highway Authority (CHA) have assessed the application on highway safety, capacity, and policy grounds and raise no objection. They recommend the imposition of four planning conditions. These relate to: (i) compliance with the previously agreed HGV routeing agreement; (ii) compliance with existing restrictions on the timing of HGV movements and time restrictions on HGVs being laid up / waiting on Old School Lane and Bushbury Lane; (iii) the submission of a scheme for prior approval to prevent the creation of dangerous conditions for public highway users in relation to mud on the road; and (iv) a requirement for the applicant or operator to repair any damage caused by the development to the highway between the site and Red Lane.
181. Having considered the need for the third suggested condition which seeks to protect the public highway from mud, the CPA do not believe that this is justified in this particular case for a number of reasons. Officers are mindful that the site has been in existence for 21 years. The Planning Enforcement Team have confirmed that mud on the road has not been an issue or a cause for concern previously. It is noted that a 500 metre concrete surfaced access track connects the wellsite compound to the public highway which means any debris is likely to be discarded prior to vehicles reaching Old School Lane. The application site itself comprises a clean hard concrete surface. Further, the nature of the proposed development itself indicates that any mud that is generated is likely to be physically contained and not deposited onto the ground where it could be picked up by vehicles and carried onto the public highway.
182. Mole Valley District Council have commented that the County Council should assess the cumulative impact of oil extraction from multiple sites. Brockham Parish Council has raised concern due to the narrow access roads, lack of passing places, the increased number of tankers, the poor state of the highway verges, the risk of accidents, spillages and the safety of other road users. Friends of the Earth have also expressed concerns about the impact of additional traffic.
183. Brockham Oil Watch object to the lack of a Transport Assessment (TA), including more details on the number of HGV movements. They consider that up to 24 HGV movements per day is unacceptable compared to two tanker movements per week in recent years, and suggest that this could delay emergency services given the lack of passing places. In relation to maintenance, they argue that more specific details of the expected periods of increased traffic should be provided. In order to protect the amenity of the surrounding area, Brockham Oil Watch have also recommended the imposition of three planning

conditions should planning permission be granted. These include: (i) a requirement for the CPA's prior written approval of details relating to the methods of transport, storage and use of acid and other hazardous material to protect the amenity of the surrounding area; (ii) limiting the number of HGV movements to 8 a day; and, (iii) the provision of an adequate number of passing places in Old School Lane and Root Hill Lane.

184. The applicant states that the development is unlikely to have any significant cumulative impact given the relatively minor addition proposed to the site's activities, the site's relatively remote location and the general lack of significant industry or commercial activities throughout the immediate area. In terms of oil and gas activity in the vicinity, notwithstanding the extent of the separation distances between the application site, Bury Hill Wood, Coldharbour and Horse Hill, Horley, the access routes to and from each site and the average daily / hourly numbers of additional HGVs, the CHA have not objected to the proposal on highway safety, capacity or policy grounds. Officers are therefore satisfied that the proposal would not have a significant cumulative impact in terms of traffic.
185. It is acknowledged that HGVs need to pass through some narrow country roads in order to access and egress the site. The site has been established for over 20 years. A lorry routeing agreement, time restrictions on the movement of HGVs to avoid peak periods and the provision of passing places and layby's have been provided to ensure that the operation of the site is acceptable in transportation terms. The number of additional HGV movements generated by the proposal is not considered significant. The CHA do not consider that there is a need for any additional lay-by's or passing places and is satisfied that the additional HGVs can be accommodated without having an unacceptable impact on highway safety or capacity. The risk of material being deposited on or damaging the highway from vehicles is not a planning matter and is covered under the Highways Act 1980. The CPA is aware of damage caused to the highway verge around the time that the side-tracking operations were taking place. The CHA has advised that the poor state of the highway verges can be addressed through the imposition of a planning condition requiring the applicant or operator to repair any damage in liaison with the CHA, in the event that any damage is caused to the public highway between the site and Red Lane.
186. In terms of the lack of a TA in support of the proposal, the CHA do not consider that a TA is required and the NPPF only requires a TA or Transport Statement where a development generates significant amounts of movement. Any HGV movements related to maintenance would have to comply with existing time restrictions which can be imposed by way of a planning condition. In terms of the planning conditions suggested by Brockham Oil Watch, the transport, use and storage of any acid or hazardous substances that may be required is covered by the Environment Agency who will address the need to prevent and control any potential for pollution to occur. In addition, neither a restriction of 8 HGV movements per day or the provision of additional passing spaces are considered justifiable on highway safety, capacity or policy grounds in view of the response received from the CHA.
187. A number of representations have been received objecting to the planning application on traffic grounds. The primary concern relates to the extent of the increase in HGV traffic on unsuitable narrow country roads and the impacts on noise, air quality and more vulnerable road users given the increased risk of accidents. There are claims that HGVs will cause damage to the road surface resulting in an increase in maintenance costs that will need to be paid for through an increase in taxes. It has been suggested that the access roads are particularly busy during peak periods and poor sight-lines and a lack of passing places will result in significant disruption to other road users. A number of representations believe that the application should be supported by a TA. There are also concerns that HGVs are not always adhering to the agreed routeing agreement and that the main road through Brockham is unsuitable for HGVs.

188. Despite concerns about the increase in HGV movements, the unsuitable nature of access routes to the site, and the effect on more vulnerable road users, the impact is not regarded as being significant on its own, or cumulatively. Further, the County Highway Authority have raised no objection on highway capacity, safety or policy grounds.
189. Neither an average of 3 HGV movements per day over a period of 5 weeks associated with the initial drilling of the side-track, 1.5 HGVs per hour in connection with the proposed exploration and appraisal of the side-track, or up to 10 HGVs per day, or 1.3 HGVs per hour, in relation to any maintenance requirements are considered to have an unacceptable adverse impact in terms of noise or air quality. Existing restrictions only allow HGV movements between 07:00-08:00, 09:00-15:30 and 18:00-19:00 hours Mondays to Fridays and between 08:00-13:00 on Saturdays. These limits prevent HGV traffic using the site during the night time or during the busiest periods of the day and can be extended to apply to this proposal through the imposition of a planning condition. Further, the application site is not located within or close to an Air Quality Management Area.
190. The repair of any damage to the road is a highway maintenance issue and is beyond the remit of the CPA. The Highways Act enables the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. Condition 9 of planning permission ref: MO06/1294 requires sight-lines to be maintained to the reasonable satisfaction of the CPA. The CHA does not consider that there is a need for a TA or the provision of further passing places in order to accommodate the additional HGV traffic. The existing lorry routeing agreement requires HGVs to access and egress the site to and from the south to avoid Brockham. Prior to any HGVs accessing the site, the haulier / supplier is provided with a transport routeing plan and informed of the time restrictions on HGV movements. The applicant has confirmed that all relevant parties have been spoken to and reminded of their responsibilities to adhere to this agreement.

Conclusion.

191. In view of the above assessment, the proposed development is considered acceptable in transportation terms and any associated environmental impacts are capable of being mitigated to a satisfactory degree. The CHA has raised no objection to the proposal on highway capacity, safety or policy grounds subject to conditions in respect of restrictions on the timing of HGV movements, the timing of HGVs being laid up or waiting on Old School Lane and Bushbury Lane, lorry routeing and the submission of a scheme for prior approval containing measures to prevent mud on the road. However, the CPA does not consider that this final condition is justifiable for the reasons outlined in the above assessment. With these measures in place, the CPA is satisfied that the proposal is not likely to give rise to unacceptable impacts in relation to congestion, highway safety or residential amenity in terms of noise and air quality. Taking all these matters into account, Officers consider that from a traffic, access, highway capacity and safety point of view, the proposal is acceptable and complies with the requirements of SMP CS DPD Policy MC15, MVCS Policy CS18 and MVLP 'saved' Policy MOV2.

ENVIRONMENT & AMENITY

Surrey Minerals Plan Core Strategy 2011

Policy MC12: Oil and Gas Development

Policy MC14: Reducing the Adverse Impacts of Mineral Development

Policy MC17: Restoring Mineral Workings

Policy MC18: Restoration and Enhancement

Mole Valley Core Strategy 2009

Policy CS13: Landscape Character

Policy CS14: Townscape, Urban Design and the Historic Environment

Policy CS15: Biodiversity and Geological Conservation

Policy CS20: Flood Risk Management

Mole Valley Local Plan 2000

Policy ENV4: Landscape Policy
 Policy ENV15: Species Protection
 Policy ENV22: General Development Control Criteria
 Policy ENV23: Respect for Setting
 Policy ENV39: Development in Conservation Areas
 Policy ENV57: Lighting Proposals
 Policy ENV61: Hazardous Substances Development
 Policy ENV67: Groundwater quality

Introduction

192. Policy MC14 of the SMP CS DPD 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 sets out a number of criteria which, when determining a planning application for minerals development, should be considered in terms of any potential impacts. The criteria in the policy relevant to this planning application are: i) noise, dust, fumes, vibration, illumination; ii) flood risk, water quality and land drainage; iii) the appearance, quality and character of the landscape and any features that contribute to its distinctiveness; iv) the natural environment and biodiversity; v) sites or structures of archaeological or historic interest and their setting; vi) the rights of way network; vii) the use of land and soil resources; viii) the need to manage the risk of bird strike to aircraft; and ix) cumulative impacts arising from the interactions between mineral developments, and between mineral and other forms of development.
193. In relation to oil and gas, paragraph 5.37 of the SMP CS DPD recognises that there are three separate phases of development, comprising exploration, appraisal and production. It also expects applications for exploratory wells to consider locating sites to minimise intrusion, control vehicular activity and vehicle routing, and control noise and light emissions from drilling rigs especially during night-time operations. In terms of appraisal, paragraph 5.38 expects proposals to consider the above issues afresh given that this may lead to further applications for production. It also recognises that the appraisal stage may require the drilling of further wells to determine the extent of a field as well as the need to consider the short and long-term impacts associated with these locations. This includes directional drilling which may offer the prospect of reducing impacts on particular features.
194. SMP CS DPD Policy MC12 states that planning applications for the drilling of boreholes for the exploration and appraisal of oil and gas will only be permitted where the MPA 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. In terms of appraisal, Policy MC12 sets out that planning applications for drilling to appraise potential oil or gas 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 wellheads used at the exploratory stage, should be located such that there are no significant adverse impacts.

Landscape and Visual Impact

195. The application site extends to 0.85 hectares and comprises the existing wellsite compound (approximately 0.5 ha), containing all operational plant, and private access track (approximately 0.35 ha). The compound is covered by an area of hardstanding and is secured by 2.4 metre high palisade fencing. Soils stripped during the site's original construction are stored in grassed bunds of around 3 metres in height. These extend along the northern and eastern boundaries of the wider 1.2 hectare site. Existing planting effectively screens the site from any views into the site from the south and partly screens

views into the site from the west, albeit from privately owned agricultural land with no public access.

196. The wellsite compound contains three existing wellheads, a bunded storage area (comprising oil storage tanks and other production equipment), a tanker loading bay, water tank, containerised steam boiler, electrical control building, diesel generator unit, two diesel fuel tanks, car parking area and a number of buildings / container units ranging between approximately 2.4 and 2.6 metres in height. These include a series of self-contained steel cabins comprising a security office, toilet facility, mess, 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.
197. National policy set out in the NPPF looks to the planning system to contribute and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy MC14 of the SMP CS DPD seeks to protect the appearance, quality and character of the landscape. MVCS Policy CS13 requires all new development to respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. The policy also seeks to protect the AONB in accordance with the objectives of the Surrey Hills Management Plan and, relevant to this proposal, with particular focus on the impact of development on ridgelines and significant views.
198. MVLP 'saved' Policy ENV4 aims to ensure that development proposals conserve and will not detract from the character of the local landscape. In determining planning applications account will be taken of the visual impact of the proposed development on the landscape, the extent to which the impact of new buildings has been softened and integrated into the landscape by careful consideration of siting, design, colour and associated planting. 'Saved' Policy ENV22 of the MVLP explains that where the proposed development accords with the other Plan policies, a design and layout will be required which, relevant to this application, respects the character and appearance of the locality and provides any necessary screening and landscaping suitable to the character of the locality.
199. The applicant states that the site does not lie within any statutorily designated landscape, being located 0.95km to the south and east of the closest boundary of the Surrey Hills AONB and the Surrey AGLV. It is located within National Character Area 121 (Low Weald) and, more specifically, the 'WF1 - Dorking to Hookwood Low Weald Farmland' landscape character area, as defined in the 2015 Landscape Character Assessment for Surrey. The Dorking to Hookwood Low Weald Farmland is a large character area stretching south-east from Dorking to the county boundary near Gatwick Airport. Its key characteristics include a relatively low lying landscape with a gently undulating landform. The farmland landscape includes an irregular pattern of arable fields with well maintained hedgerows, with smaller pastoral fields located along watercourses, and paddocks and small holdings associated with farmsteads and settlements. There are unconstrained views across the character area including views across the Weald from more elevated areas.
200. The Planning Statement explains that the site has been present as a feature in the local landscape since the late 1980s, and is surrounded by agricultural land on all sides. It is located over 500m from the nearest residential property and is well-screened in the landscape by a combination of topography, existing hedgerows, trees and bunds along its northern and eastern boundaries. It is therefore argued that the site does not therefore represent a prominent feature within the landscape. This argument is accepted.
201. The retention of the BRX4 well for a further three years is considered to have a negligible impact in landscape and visual terms given that the wellhead gear has remained in place and in view of its location within an existing operational wellsite. In terms of new

development, Officers note that the drilling of the side-track involved a workover rig and associated equipment being brought onto the site. The rig had a maximum mast height of 29 metres and, together with the associated equipment, was retained on site for approximately 3 to 4 weeks. The associated equipment included pipework, mud pumps, mud tanks, mud logging cabin, tool-house, crew cabin and waste skips. The Planning Statement explains that all items were located so as to minimise their visibility from outside of the site, although for health and safety reasons, some periods of 24 hour working were required.

202. The applicant acknowledges that the development's greatest potential for visual impact resulted from the side-tracking operation. The Planning Statement acknowledges that whilst the exploratory side-tracking may at times have resulted in limited short term localised impacts, no further drilling is sought within this application. It is argued that the workover rig was only on site for a relatively short period and that the majority of the plant required was not visible from outside of the site, with only the mast of the workover rig being visible above the bunds. Given the relatively short-term duration of these operations, coupled with the distance to notable receptors, the applicant suggests that the potential visibility of the rig's mast is not considered to have resulted in significant visual impact, with any perceived impact being minimal.
203. It is accepted that the location of the site relative to the nearest sensitive receptors, the presence of the screen bund, the existing vegetation planting around the site and the temporary nature of the works all played an important part in mitigating the impact of the side-tracking operation. The presence of the workover rig, and the occasional need for 24 hour lighting will have had the most significant impact, including on users of public footpath FP86 that crosses the private access track around 260 metres to the east of the wellsite. However, these aspects of the side-tracking operation are not considered unacceptable given their relatively short duration. The crane is also likely to have been visible from certain locations within the AONB although given the separation distance involved and the short duration of the works, it is considered unlikely to have formed a prominent feature in the landscape.
204. In terms of future appraisal, the majority of the plant required is already on site as the site benefits from an existing planning permission for production. The applicant states that the appraisal works will require only limited additional plant over and above the existing permitted plant and facilities at the site, which have recently been upgraded to ensure compliance with the highest standards of environmental protection.
205. The additional equipment required is likely to include a workover rig or crane for a short time period in order to install the tubing inside the existing well casing and to undertake any maintenance (for typically between one and two weeks) if required. Any workover rig would be similar in size to that used in the drilling of the side-track. Indicative details of the crane suggest that this could be extended up to 50 metres in height although an Indicative Section Drawing submitted by the applicant confirms that it would only need to be extended to a similar height as the workover rig at around 29 metres. The applicant states that during any maintenance operations, the main body of the workover rig or crane would be well screened, with only the mast / boom being visible from outside the site. Further, the Planning Statement sets out that any workover operations which may be required will be of both limited scale and duration and will not result in any significant adverse impacts.
206. Further, an emergency flare stack and replacement generator are proposed for the duration of the development. Indicative details of the flare stack suggest that it will have an overall height of approximately 12.2 metres. It will consist of a 3.1 metre high ground mounted burner with an 8.5 meter long x 2 metres diameter wide flame shroud and will be installed close to the eastern boundary of the site, to the south of the fire water tank. The indicative details of the replacement generator suggest that it will be 6.06 metres long by

- 2.44 metres wide and have a height of 2.59 metres. Other equipment to be brought on site includes a temporary tank for the initial well clean-up to be installed within the bunded area, a single process heater to prevent the risk of wax deposition, a pump to help raise fluids should the flow to the surface reduce over time, a small transformer in association with the connection to the national grid and above ground pipework.
207. Further information submitted by the applicant in 2018 indicates that the temporary tank will measure approximately 3 metres by 3 metres and the process heater will be installed to the south west of the bunded area and will measure 6 metres long by 2.4 metres wide by 2.9 metres height. However, these dimensions and locations are indicative and may be subject to minor change. The small transformer will be 'washing machine' sized and will be located on the concreted pad close to the site entrance. The pump will be installed inside the well and will have no visual and landscape impact.
 208. The Planning Statement sets out that the majority of the plant required for the proposed appraisal works has been previously permitted and will not be visible from outside the site. The only item of plant required for the appraisal process which will be visible will be the emergency flare stack, with the flame shroud visible above the site bunds. Whilst this will remain in place throughout the appraisal process, the Planning Statement argues that it will not be prominent and, given the site's relatively remote location, will not result in any significant landscape or visual impact.
 209. In terms of the rig or crane, the Planning Statement explains that any works would be limited to the normal working hours and would be of limited duration. Whilst the mast of any such rig will remain visible from outside of the site, owing to its very temporary nature this will not result in any significant visual impact. As such, the appraisal of the BRX4Z well will not result in any notable visual impacts. Further, as no additional lighting is proposed over and above that which has been previously permitted, the applicant considered that lighting associated with the development will not give rise to any adverse visual impacts.
 210. Brockham Parish Council have expressed concerns due to the visual impact of the 12 metre flare stack which they claim is contrary to the area's status as 'an area of landscape value'. Friends of the Earth object to the landscape and visual impact suggesting that the rig or crane will be visible from outside the site. Representations have been received objecting to the impact on the countryside and the AONB which they say should be preserved, the impact on the peaceful and rural character and beauty of the landscape. In particular, it is argued that the flare stack will constitute an incongruous feature and will have an adverse visual impact on the low lying surrounding area and views from nearby footpaths including on views from the AONB to the north and from properties in Brockham.
 211. The majority of new plant and equipment will not be visible from public vantage points outside the site with the exception of the flare and the rig or crane. The application site is not located within the AONB or an Area of Great Landscape Value, which lie approximately 900 metres to the west of the site at their nearest point, and contains no environmental designations.
 212. The rig or crane will be present on site for no more than a few weeks at a time as and when required although at a height of around 29 metres, it will be visible from the surrounding area, including parts of the AONB, albeit for a very short time period. The flare stack will be present on site for the full three year duration of the development. However in terms of height, it will be around 17 metres lower than the rig or crane. It will be partly screened by the existing 3 metre high bund along the northern and eastern site boundaries and a scattering of trees planted between the security fence and the bund. The impact on any views from the AONB is not considered significant.

213. The activity and movement associated with the development would involve disturbance in some degree to the landscape during the temporary three year period sought. The 570 metre long private access track is partly screened by hedgerows and trees although there are some substantial gaps with large open agricultural fields to the north and south. As the proposal is not intensive in terms of the proposed numbers of HGV movements that will be generated, the impact of such disturbance in visual and landscape terms is not considered significant.
214. In terms of lighting, the appraisal of the side-track will have no additional visual and landscape impact as the works do not require any lighting over and above that previously approved. In addition, except for intermittent security or safety lighting, Condition 5 of planning permission ref: MO06/1294 restricts lights within the site from being illuminated except between 07:30 and 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays.

Conclusion

215. In view of the location of the development within an existing established wellsite that has been present in the local landscape for over 20 years, existing bunds and vegetation screening, the relatively remote location of the site relative to the nearest sensitive receptors, the temporary nature of both the previous side-tracking operation and the future appraisal stage, the short duration in which the rig or crane will be present on site, and the site not being the subject of any environmental designation, Officers consider that the impact of the proposal on the appearance, quality and character of the landscape, including in terms of views from the AONB and public footpaths is not significant. Taking the above considerations into account, Officers are satisfied that the proposal is in accordance with the requirements of SMP CS DPD Policy MC14, MVCS Policy CS13, and MVLP 'saved' policies ENV4 and ENV22.

Ecology and Biodiversity

216. Government policy on ecology and biodiversity at paragraph 170 of the NPPF requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains to biodiversity where possible. Paragraph 175 states that when determining planning applications a number of principles should be considered in order to conserve and enhance biodiversity. These include: if significant harm from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the proposal should be refused; opportunities to incorporate biodiversity in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity; and, planning permission which would result in irreplaceable habitat, ancient woodland and veteran trees being lost should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
217. Government guidance contained in paragraph 016 of the natural environment section of the nPPG states that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Where an EIA is not needed, an ecological survey may still be required where, for example, protected species may be present. Paragraph 017 advises that biodiversity enhancements can take the form of habitat restoration, re-creation and expansion; improved links between existing sites; buffering of existing important sites; new biodiversity features within development; and securing management for long term enhancement. Paragraph 018 outlines the mitigation hierarchy for biodiversity which includes avoidance, mitigation and compensation and advises that development which cannot satisfy these requirements should be refused.

218. Policy MC14 of the SMP CS DPD 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. This includes potential impacts in relation to the natural environment and biodiversity. SMP CS DPD Policy MC18 states that the MPA will encourage and work with mineral operators and landowners to deliver benefits such as enhancement of biodiversity interests.
219. MVCS Policy CS15 seeks to protect and enhance biodiversity including the retention of all water courses, mature hedges and trees within development sites. All development schemes are expected to include planting and other schemes that promote biodiversity focusing on native species and particularly trees. 'Saved' policy ENV15 of the MVLP requires the applicant to undertake a thorough site investigation and for consultation to be carried out with the local nature conservation bodies where it is evident that a proposed development would be likely to result in harm to a protected species or its habitat. Development that would materially harm a protected species or its habitat will not be permitted.
220. In relation to MVCS Policy CS15, the Planning Statement sets out that the application relates to the temporary use of the operational area of an existing site, within which no planting would be feasible. Whilst the application does therefore not include any planting, it should be noted that the wider site includes bunds which include a range of vegetation that provides local biodiversity interest and benefits from a previously approved restoration scheme. It therefore concludes that the development does not involve any aspects which may be detrimental to biodiversity.
221. The Planning Statement also explains that the site is remote from any statutorily designated site and the operational area within which all works related to this application will take place is well established and is devoid of any significant flora or fauna. The operational areas are surfaced either with concrete or aggregates and, as such, provide limited habitats. Whilst established hedgerows and trees lie in relatively close proximity to the site, the boundary fencing effectively confines the operations, ensuring that there will be no direct impact upon any vegetation. In addition, it states that whilst the area of woodland, which lies 150 metres to the north-west at its nearest point, includes an area of ancient semi-natural woodland, it is separated from the site by agricultural land. Given the distance between the site and the closest area of woodland, and taking account of the scale and type of works involved in the development, the applicant considers that the woodland will not be affected.
222. The County Ecologist has not objected to the application and has advised that the assessment provided by the applicant, which indicates that the site has limited ecological value, is reasonable. Consequently, the County Ecologist is satisfied that no further surveys such as Preliminary Ecological Assessment are required and that the restoration of the site is adequately covered under conditions 3 and 16 of planning permission ref: MO06/1294. These conditions require the site to be returned to a condition suitable for agriculture by 31 December 2036.
223. Brockham Oil Watch have objected to the application as they consider that the absence of a Biodiversity Assessment to assess the presence of protected species and how they will be impacted upon is a serious omission. They believe that an assessment is necessary because of the importance of agricultural surroundings, ancient hedgerows, trees and woodland 150 metres to the north-west for protected species including bats, badgers and breeding birds. Representations have been received objecting to the proposals due to impact on the ecology of local water courses from risk of spillage of toxic acid or other chemicals and discharge from the site. It is claimed that hydraulic fracturing will damage wildlife and a SSSI and there are fears that a major gas leak from flare or generator could

be disastrous for the bird population and that even normal emissions could result in premature deaths. However, the application does not propose hydraulic fracturing.

224. The County Ecologist is satisfied with the information submitted by the applicant and has concluded that no further assessment work is required. Issues concerning pollution prevention and control are addressed by the EA. They are currently in the process of assessing the proposed development with a view to updating the existing Environmental Permit with a view to bringing it up to modern standards. In relation to policy development and decision making, national planning policy requires local planning authorities to focus on whether the development itself is an acceptable use of the land, and the impact of that use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities are required to assume that these regimes will operate effectively.
225. Any risks to ecology and biodiversity interests as a consequence of the retention of the BRX4 well, the drilling of the BRX4Z side-track and the proposed exploration and appraisal of the side-track are not considered significant. This is given the location of the development within the operational area of a secure and enclosed existing wellsite which contains a hard surface, the extent of the separation distance between the wellsite and any statutory designated sites and woodland to the north-west and the scale and temporary nature of the proposal. Further, Officers accept that there is a lack of potential to provide biodiversity enhancements. This is in view of the existing requirement to return the site to agricultural use in accordance with a scheme to be submitted for the approval of the CPA by 31 December 2031, or 5 years prior to the cessation of mineral working whichever is the sooner.

Conclusion

226. Having regard for the conservation of ecology and biodiversity and taking account of the views of the County Ecologist, Officers are satisfied that in view of the location, scale and nature of all three elements of the application, the extent of separation between the wellsite, designated sites and woodland and the nature of the previously approved restoration, the application will not have a significant impact on ecology and biodiversity within the locality, including protected species and their habitats, and provides little scope for enhancement of biodiversity interests. For these reasons, the proposal complies with SMP CS DPD policies MC14 and MC18, MVCS Policy CS15 and MVLP 'saved' Policy ENV15.

Noise

227. 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 180 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.

228. Specifically in relation to noise from minerals development proposals, paragraph 205 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.
229. The nPPG sets out guidance on the consideration of noise when determining planning applications for all development. Para 003 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 006 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.
230. The nPPG also provides specific guidance on determining the impact of noise for a mineral development proposal. Paragraph 019 of the noise section states that those making mineral development proposals should carry out a noise impact assessment which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation and its likely impact on the surrounding neighbourhood. The paragraph sets out bullet points to consider for the control or mitigation of noise emissions which should:
- consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;
 - assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
 - estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
 - identify proposals to minimise, mitigate or remove noise emissions at source; and
 - monitor the resulting noise to check compliance with any proposed or imposed conditions.
231. The nPPG minerals section sets out in paragraph 021 what are considered to be appropriate noise standards for mineral operators for normal operations, these being a noise limit that does not exceed the background noise level (LA90, 1h) by more than 10dB during normal working hours. The paragraph recognises that where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit should be set as near to that level as practicable. Although, in any event the total noise from the operations during normal working hours should not exceed 55 dB(A) LA eq, 1h. For night time noise these limits should be set so as to reduce to a minimum any adverse impact and should not exceed 42dB(A) LAeq, 1h at a noise sensitive property.
232. Surrey has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994' (the Guidelines). These Guidelines echo the approach set out in the NPPF and nPPG and specifically address oil and gas related development. They also recognise that noise control from temporary sources is of the utmost importance at night time. Drilling is a temporary operation, although it involves constant operation of the drilling rig from which there is a fairly steady noise output. This drilling must be continuous and will normally be the only noise output from the development at night. In order to limit noise at night time the Guidelines stipulate a maximum night time noise limit of 42dB LAeq at a nearest noise sensitive property which echoes the standards set in paragraph 021 (Noise for Minerals) of the nPPG.

233. Policy MC14 of the SMP CS DPD 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 noise. There are no relevant 'saved' district local plan policies in relation to noise.
234. The application site is relatively remote from noise sensitive receptors with the nearest residential dwellings, numbers 47 and 48 Tilehurst Lane, being located approximately 520 metres to the south-south west of the wellsite. A complex of agricultural buildings, including the residential properties of Felton's Cottage and Felton's Farmhouse are situated just off Old School Lane approximately 585 metres to the east of the wellsite compound. Footpath 86 crosses the private access track 260 metres to the east of the wellsite compound. Footpath 92 runs parallel with and about 35 metres to the south of the access track and connects Old School Lane with Footpath 86.
235. The application site currently operates under two planning permissions. The wellsite is subject to existing noise conditions under planning application ref: MO06/1294. These require the applicant to include appropriate acoustic enclosures on all suitable equipment including the generator and water injection pumps and control tonality and low frequency noise as well as noise levels overall. In addition, Condition 5 also controls the hours of operation to 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays, with no working on Sundays or Bank Holidays. Informative 3 of the most recent planning permission ref: MO/2017/0916 dated 15 September 2017 informs the applicant that the facility must operate in accordance with noise Conditions 12, 13, and 14 of planning permission ref: MO06/1294.
236. In relation to the drilling of the BRX4Z side-track, the applicant has acknowledged that this aspect of the proposal gave rise to the greatest potential for noise generation. The applicant states that the rig and associated equipment were mobilised to the site in late December / early January 2017, remaining until late January 2017. Wherever possible, the applicant explains that works were undertaken on a 12 hour basis however, for both operational and health and safety reasons, periods of 24 hour working were required. In order to minimise any potential noise emissions, the applicant states that wherever possible all plant utilised was either fitted with appropriate silencers on any exhausts and / or enclosed within appropriate acoustically-insulated enclosures. Furthermore the plant was arranged in a manner that ensured that noise emissions were baffled to the maximum extent by either the screening bunds, existing site plant and buildings, or the temporary equipment in order to reduce noise emissions.
237. In terms of the appraisal of BRX4Z, the applicant explains that this process will utilise the existing production plant and equipment and will therefore not result in any noise emissions over and above those which would typically be generated by the consented production operations at the site. The applicant acknowledges that the existing noise conditions covering the site (which were included as part of planning permission ref: MO06/1294 dated 10 May 2007) do not accord with the current guidelines and regulations. However, they believes that they provide a mechanism to ensure that noise from the site does not result in unacceptable impacts at any identified receptor.
238. In relation to the proposed emergency flare, the applicant points out that this will consist of a 3.1 metre high ground mounted burner with an 8.5 metre long x 2 metre diameter flame shroud which will minimise noise emissions. Whilst the existing site generator may be replaced, the applicant points out that any replacement will be of modern design and construction and will be extensively insulated to ensure that noise emissions are minimised. As such, the applicant does not anticipate that there will be any additional noise impacts from the day to day operation of the appraisal process. With regard to any

future requirements for occasional workovers of the BRX4Z well, the applicant maintains that this will not involve any further drilling and accordingly noise emissions associated with such works will be limited.

239. The County Noise Consult has assessed the proposal. They have commented that whilst noise emissions from plant, equipment and activities associated with appraisal and oil production are subject to night time noise Conditions 12, 13 and 14 of planning permission ref: MO06/1294, these conditions do not accord with current guidance. Ideally, the existing noise conditions would be updated in accordance with current guidelines and applied to the whole site, including on-site administration facilities, appraisal and oil production. Otherwise, any new modern noise conditions imposed on this application would result in different planning conditions covering different aspects of the site's operations, which would not be practicable or enforceable. However, as it is not possible to update the three current noise conditions, the County Noise Consultant considers that this planning application should be adequately covered by the existing planning conditions which can be imposed on this application. In terms of the day time, a new planning condition limiting noise limits during operational hours has been recommended by the County Noise Consultant.
240. Brockham Parish Council have raised concerns and Friends of the Earth have objected to the application on noise grounds with the latter referring to the drilling of the side-track and the proposed new gas generator specifically. Given the site's relatively remote location and the absence of any noise sensitive receptors in the immediate surrounding area, it is considered that the development can be undertaken without any unacceptable noise impacts. The applicant has provided an explanation of the noise mitigation measures associated with the drilling of the side-track and the new modern replacement generator which is to be extensively insulated. Further, the County Noise Consultant is satisfied that the application of existing noise conditions covering the site will ensure that proposal is acceptable in terms of noise.
241. Representations have been received raising concerns about the noise impacts of the flare and generator, the constant noise through the night, and people being woken up by HGVs travelling through the village at high speed. The applicant has explained how the noise impacts of the flare and generator will be minimised through the use of suitable acoustic enclosures which will help to protect the nearest residents and users of the local network of public rights of way. Further, the flare will only be used in an emergency situation and used for approximately 1 to 2 minutes before the well is shut in and the flow of gas stopped. Existing conditions restrict hours of operation between 18:00 and 07:30 hours and commercial vehicle movements between 19:00 and 07:00 hours. Existing controls concerning the hours of operation, the timing of HGV movements and noise limits during the night can be applied to this application to prevent any disturbance from the proposal taking place during the night time.

Conclusion

242. Officers consider that in view of the relatively remote location of the application site, the extent of the separation distance between the wellsite and the nearest sensitive receptors, the mitigation measures outlined by the applicant and the nature of the development proposed, the proposals would not have a significant impact in relation to noise subject to the imposition of suitable conditions. For these reasons, the proposal meets the requirements of SMP CS DPD Policy MC14.

Air Quality

243. The primary driver for air quality management is the protection of human health, but it can also be an issue for the natural environment in terms of wildlife habitats and vegetation.

Dust and air quality are material considerations and should be taken into account when considering planning applications.

244. The NPPF at paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from air pollution. Paragraph 183 advises that local planning authorities should focus on whether the proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The NPPF further states at paragraph 181 that decisions should take into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. The application site is not located within, or close to, any AQMA and the district council has not declared any AQMAs within Mole Valley.
245. The nPPG provides guidance on how planning can take account of the impacts of new development on air quality. The nPPG (Air Quality) at paragraph 00512 states “whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate an air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).”
246. When determining a development proposal a mineral planning authority shall have regard to appropriate consideration of issues such as air quality, on both human health and on ecology. Particular attention should be paid to compliance with national air quality objectives and EU limit values. The UK’s objectives for air quality are set out in the UK’s National Air Quality Strategy (Defra, 2007), which provides air quality standards and objectives for key air pollutants, which are designed to protect human health and the environment. The Air Quality Strategy establishes limit values for concentrations in outdoor air of major pollutants harmful to public health and the environment including particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2). The UK’s established limit values are numerically identical to the EU Air Quality Directive. For the protection of habitats and species the EU’s Habitats Directive is transposed into English legislation in the ‘The Conservation of Habitats Species Regulations 2010’, ‘Wildlife and Countryside Act 1981’ and ‘Rights of Way Act 2000.’
247. Policy MC14 of the SMP CS DPD 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 fumes and dust including that related to traffic generated by the development. There are no relevant ‘saved’ district local plan policies in relation to air quality.
248. Guidance on air quality for planning is published in the EPUK/IAQM “Land Use Planning and Development Control: Planning for Air Quality” 2017 document. The guidance recognises that all new development will have emissions associated with them and therefore will have the potential to have associated adverse impacts. It is these impacts that require quantification and evaluation in the form of an Air Quality Assessment alongside the ability to assess the significance of those impacts. Para 6.2 of the document advises that where a development requires an Air Quality Assessment this should be undertaken using an approach that is robust and appropriate to the scale of the likely impacts.

249. The closest residential properties to the wellsite, numbers 47 and 48 Tilehurst Lane, are situated approximately 520 metres to the south-south west. A complex of agricultural buildings, which include the residential properties of Felton's Cottage and Felton's Farmhouse, are situated approximately 585 metres to the east of the wellsite compound and around 150 metres south east of the site access track. The wellsite is not situated on land that is covered by, or adjacent to, any areas of local, national or higher-level nature conservation designations or any areas of local or national level landscape designations. The closest Site of Special Scientific Interest (SSSI) is Mole Gap to Reigate Escarpment 2.1 km to the north, the greater part of which is also designated as a Special Area of Conservation (SAC). The nearest Local Nature Reserve (LNR), Inholms Clay Pit, lies 1.8km to the south west and the closest area of Ancient Woodland is located 200 metres to the north west.

Impact of emissions from plant and equipment

250. The applicant states that as the development does not involve routine flaring or the release of any significant volumes of gas to the atmosphere, and as vehicle movements will remain relatively low, the proposal is considered to have negligible potential to impact upon local air quality. The applicant also sets out that whilst the use of the generator will result in minor emissions to air, it should be noted that the site electricity is currently supplied by a generator, with the only proposed variation being the use of site derived gas rather than imported fuels. Accordingly, the applicant has stated that there will be no significant increase in emissions to air. Further, notwithstanding the potential emissions from the generator, the applicant explains that these will be regulated by the EA as part of the Environmental Permitting Regulations.
251. The applicant also confirms that no routine flaring is proposed. Instead, an emergency flare stack will be installed and used for only 1 to 2 minutes to provide a suitable method by which to deal with any gas during an abnormal situation before the well is shut in and the flow of gas stopped. This situation would arise during a generator shut down or should an over-pressure occur for any reason requiring the pressure relief of the process system. Shutting in the well is simply a case of closing the master valve on the wellhead. The flare will be used only in abnormal situations, for example during a generator shut down during which it would take longer for the well to be shut down than the generator.
252. The need for any further gas treatment plant is not envisaged by the applicant. The gas will be fed from the production plant to the generator by above ground pipework. Gas will also be utilised in a process heater to heat the incoming oil pipework and separation equipment to prevent the risk of wax deposition. No release of significant volumes of gas to the atmosphere is proposed.
253. The EA have no objection to the application in principle. They are currently reviewing the existing environmental permit at Brockham as part of a national review of existing permits at onshore oil and gas sites in order to bring it up to modern standards. Until they have completed their review, they cannot be specific about their final permitting requirements. For example, the EA have not yet agreed with the operator whether the flare falls into the emergency only category or if it may be used for gas disposal. Further, the proposals for the generator are being considered in a similar way. As a consequence, it is possible that proposals agreed in principle at the planning application stage, such as the details associated with the flare, may change to satisfy the environmental permitting requirements.
254. The County Air Quality Consultant is satisfied that the applicant has provided sufficient information to conclude that the air quality effects on the surrounding area, in relation to the specifications of the proposed plant and equipment provided by the applicant, are not significant. This follows a review of additional information submitted by the applicant to

demonstrate that there will be no significant increase in emissions to air in respect of the flare and generator.

255. The applicant points out that the independent assessment states that the flare could operate for up to 16 minutes in any one hour before process contributions exceed the screening assessment criteria. Therefore, in the event of an emergency situation the flare will be operating for considerably less time than the 16 minute time window calculated in the independent assessment, and subsequently there will be no significant increase in emissions to air.
256. In terms of the gas generator, the applicant states that this will operate on gas produced from the BRX4Z well and the independent assessment has considered a variety of pollutants, concluding that there will be no significant impact on air quality at the nearest residential location, some 500m away from the site. The independent assessment has concluded that the pollutant process contributions from the gas engine pose no significant threat to attainment of ambient air directive limits in the vicinity of the Brockham site.
257. In relation to the flare, the County Air Quality Consultant has commented that the results of the further assessment work undertaken by the applicant indicate that all process contributions such as nitrogen dioxide and non-methane volatile organic compounds (VOCs) are low enough to be screened out as insignificant. Consequently, no further assessment work is necessary.
258. Turning to the generator, the County Air Quality Consultant has commented that short-term process contributions are not considered significant at the nearest sensitive receptors. In terms of the long term effects of nitrogen dioxide and VOCs derived from the gas engine, the County Air Quality Assessment agrees that the long term effects are not considered to be significant based on the findings of the further assessment work. This demonstrates that long-term nitrogen dioxide process contributions are below 1% of the relevant air quality objective at all receptors and the long term predicted environmental concentration (process contributions + background) is well below the relevant environmental assessment level at each receptor. The County Air Quality Consultant has also confirmed that they are satisfied with the methodology and significance criteria used by the applicant to demonstrate that the impact of process contributions from the flare and generator on nature conservation sites are insignificant.
259. The County Air Quality Consultant has pointed out that if the proposed plant changes, then they can only be confident that the resultant air quality effects will not be significant if the applicant's commits to utilising plant with the same rating, emissions rates and stack height as those they have assessed. Otherwise, the applicant will need to provide assessment evidence demonstrating the envelope of parameters (ratings, emissions rates and stack height) within which no significant air quality effects would occur. It is important that the CPA is able to retain control over the development of the site should the proposals included in this application change in future as a result of the process of varying the Environmental Permit for the site which is being undertaken by the EA. To address this, a condition can be imposed removing permitted development rights and requiring the erection, extension, installation, rearrangement, replacement, repair or other alteration of any buildings, plant or machinery other than those permitted by this application, to be subject to the prior written approval of the CPA in respect of specific details of the plant, buildings or machinery that is being proposed including noise and air quality.
260. Mole Valley District Council have requested that site activities should be closely monitored during the appraisal process, particularly emissions from the flare stack. Brockham Oil Watch have objected to the applicant's claim that the gas generator will result in minor emissions to air which will not increase significantly in view of the indicative proposals provided. They have expressed concerns over the noxious and poisonous emissions

from the flare stack and generator and request the imposition of a planning condition prohibiting the carrying out of any well testing until the existing Environmental Permit has been varied by the EA.

261. Frack Free Balcombe Residents' Association have called for a detailed air quality assessment to be submitted for nitrogen dioxide, VOCs and hydrogen sulphide, and for evidence to support the assumed sulphur content of the gas and for proper mitigation measures to be employed if it is concluded that the impacts are not insignificant. Representations have also been received objecting to low level pollutants from uncontrolled emissions to air from the flare and generator.
262. Representations have been received supporting the response from Brockham Oil Watch and objecting to: methane emissions from any leaks in the casing and well-head; emissions from the well in general; the release of any greenhouse gases; increases in air pollution from hydraulic fracturing, the burning of oil and potential spillages of chemicals and acids; the implications of pollution on health in terms of gas releases from the use of the generator and flare stack; and, the risk of acid and chemical expulsion creating a poisonous cloud over Brockham.
263. As set out above, these concerns have been addressed to the satisfaction of the County Council's Air Quality Consultant who has concluded that the air quality effects on the surrounding area are not significant. The risk of pollution below the surface and the regulation of emissions from the flare stack are the responsibility of the EA and for the avoidance of doubt, there are no proposals for hydraulic fracturing.
264. If planning permission is granted, the EA have confirmed that the planning permission can be undertaken under the existing Environmental Permit pending the completion of the variation to the Environmental Permit to bring it up to modern standards with up to date environmental controls. However in such a scenario, the operator must comply with Regulatory Position Statement 392 dated May 2017. This relates to the environmental permitting of pre-existing onshore oil and / or gas facilities and is intended to ensure that there is no risk of pollution to the environment or harm to human health. The Environment Agency have powers to take enforcement action against the operator if any of the requirements are not complied with in full. Further, the development could not necessarily take place indefinitely as this would depend upon the outcome of the environmental permit variation process going forward. Under the circumstances, the EA have advised that placing a moratorium on oil and gas development pending the variation of existing Environmental Permits at onshore oil and gas sites would be unreasonable and could not be justified.

Impact of Vehicle Emissions

265. Regarding vehicle emissions, the County Air Quality Consultant has commented that The Environmental Protection UK (EPUK) & Institute of Air Quality Management (IAQM) 'Land-use Planning & Development Control: Planning for Air Quality' guidance sets out threshold, indicative criteria for determining when an assessment is required. For sites outside an AQMA, an assessment would be required for developments changing annual average daily traffic flows on the local road network by more than 500 for light duty vehicles and 100 for heavy duty vehicles.
266. Section 5.7 of the Planning Statement refers to this guidance and states that the "level of transport movements associated with the development are well below" the indicative screening criteria. Section 5.1 of the Planning Statement sets out the number of vehicle movements generated by the different activities. A representation has been received raising concerns about air quality emissions from HGVs. However, the County Air Quality

Consultant agrees that the indicative criteria are not exceeded for any of the activities and so a detailed assessment of vehicle emissions is not necessary.

Dust

267. The applicants states under section 5.7 of the Planning Statement that the development does not have the potential to generate significant quantities of fugitive dust, with the principal potential source arising from vehicle movements. Notwithstanding this, the applicant recognises that good operator practice and relatively simple measures can be incorporated into the design and operation of a site which will further reduce any potential for impacts.
268. The applicant explains that although the development involves mineral extraction, the operations are considered to be comparable to those undertaken on construction / demolition sites. Accordingly, the Institute of Air Quality Management's (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction Sites (2014)' is considered relevant by the applicant. The applicant points out that the screening criteria contained within this guidance include the presence of a human receptor within 350m and, as there are no residential properties within 350m of the wellsite, it is considered that no detailed assessment is required in respect of the site operations.
269. Notwithstanding this, the applicant sets out that should any visible dust emissions occur, the source of such emissions will be investigated and dealt with appropriately. Should unacceptable emissions be seen to arise from vehicle traffic on the access track, an appropriate speed limit will be enforced as necessary. If required areas of the site and access track will be dampened down and metalled sections will be swept or hosed as required to avoid the build-up of loose material. The applicant adds that all operations are undertaken with due regard to the need to minimise any fugitive dust and the site's relatively remote location helps to ensure that any minor fugitive dust emission that may occur will not result in any significant impact at any identified receptor. Should additional control measures be required they will be put in place as necessary and any operations giving rise to any significant nuisance will be temporarily suspended either until conditions ameliorate or until such additional controls as are required are in place.
270. No objections have been received from consultees and no representations have been submitted in relation to dust. The County Air Quality Consultant acknowledges that the applicant has used the screening distance of 350 metres set out in the relevant IAQM Guidance referred to above and that therefore a detailed dust risk assessment is not required given the distance to the nearest sensitive receptor being over 350 metres away. The County Air Quality Consultant also acknowledges the applicant's commitment to put in place measures to reduce dust emissions should any unacceptable emissions arise and considers this to be an acceptable approach.

Odour

271. Representations have been received raising concern that smells will occur from the burning off of natural gas in the flare or generator. In relation to the oil storage tanks, the Planning Statement explains that these include venting that enables the release of vapour and air to prevent over pressurisation. The pressure release vents will discharge via a common stack incorporating vapour recovery via an ammonia filled vapour liquid separator. This recovers production fluids and delivers them back to the storage tanks. In order to prevent the risk of odours escaping, ammonia filled vapour liquid separators are used, which effectively abate any odours.
272. The County Air Quality Consultant has commented that it is understood that the operation of the site is subject to an Environmental Permit. It can therefore be expected that the

operations would therefore fall under pollution prevention regulation by the EA under the Environmental Permitting regime and that the EA would require Best Available Techniques to be applied to minimise odour. The County Air Quality Consultant has also commented that section 3.3 of the Planning Statement explains that all waste generated during the side-tracking operations were handled in accordance with a Waste Management Plan, approved by the EA, which ensures control of the management of wastes, emissions to air, water or land, odour, noise and vibration. The County Air Quality Consultant therefore considers that provided the above odour abatement and Waste Management Plan are effectively implemented, the residual odour impact on surrounding land users will be acceptable.

273. In correspondence with the CPA, the EA have confirmed that although they have not required an Odour Management Plan for Brockham Wellsite, the variation to the Environmental Permit will include a condition covering odour. Although the precise wording has not yet been finalised, this is likely to require the operator to submit an Odour Management Plan to the EA for approval in the event that the operator is notified by the EA that the activities are giving rise to pollution outside the site.

Conclusion

274. Officers are satisfied that the information submitted by the applicant is sufficient to demonstrate that the proposals would not give rise to any significant adverse impacts in terms of emissions from both plant and equipment and vehicles, dust and odour. As some of the plant and equipment that has been assessed remains indicative, then should any changes in the nature of the development be required, then this can be addressed through the imposition of a planning condition removing the operator's permitted development rights. This would ensure that the CPA retains control over the development in the event that any aspects of the final development change from that which has been assessed. Consequently, the proposals are in accordance with the requirements of SMP CS DPD Policy MC14.

Lighting

275. SMP CS DPD 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 illumination. MVLP 'saved' Policy ENV57 states that proposals for the illumination of buildings, car parks and other facilities will not be permitted where they would significantly and adversely affect the amenities of residential properties, conservation areas or listed buildings, or the character and appearance of the countryside. Where permission is granted, consideration will be given to imposing conditions to limit the impact of the illumination.
276. Guidance notes by the Institution of Lighting Professionals for the reduction of obtrusive light (2011) set out guidance on controlling light to avoid light pollution. The guidance states obtrusive light is a form of pollution and may also be a nuisance. The guidance goes on to state that care should be taken when selecting luminaires to ensure appropriate products are chosen to reduce the upward spread of light so that it is near to and above the horizontal to reduce spillage and glare to a minimum. The guidance advises that the angle of light should not be greater than 70 degree angle in order to avoid any potential glare.
277. The nearest residential property is situated approximately 520 metres to the south-south west of the wellsite. Given the rural location of the site where existing light levels are low, Officers recognise that the illumination of the site at night may give rise to some impact on local amenity. In terms of the drilling of the BRX4Z side-track, the applicant explains that

the workover rig utilised in the side-tracking operations included a number of lights which were essential for health and safety purposes. In addition, care was taken to ensure that all such lighting was kept to a minimum and was contained within the site.

278. The applicant sets out that lighting is provided by five units of approximately 6 metres in height, with all lights being located so as to face inwards. CCTV equipment is installed towards the top of the lighting columns. The applicant has confirmed that the appraisal works will not require any lighting over and above that previously approved. In relation to the proposed emergency flare, the applicant points out that light emissions will be minimised by the presence of an 8.5 metre long x 2 metre diameter flame shroud.
279. Lighting at the application site is controlled under Condition 5 of planning permission ref: MO06/1294 which allows the production, treatment and export of crude oil from the site with restoration to be completed by 31 December 2036. Condition 5 states that no light except intermittent security or safety lighting within the site shall be illuminated, except between 07:30 and 18:00 hours Mondays to Fridays, and 0800 to 1300 hours Saturdays. As the current application for appraisal requires no additional lighting, and is only for a period of three years, there is no need to replicate this condition as part of this current application.
280. The County Lighting Consultant has reviewed the information submitted by the applicant. This is in relation to the lighting associated with the drilling of the side-track, the existing lighting provided on site and the statement that no further lighting is required over and above that already approved. In view of the information provided, the County Lighting Consultant has raised no objection to the proposal.
281. No objections have been received by consultees in relation to lighting. However, representations have been received raising objection due to night time activity at the site resulting in bright lights and light pollution resulting from the flare and generator. Controls over hours of operation can be secured by condition. No lighting is required on the generator and light emissions from the emergency flare will be minimised by the flame shroud. Further, the flare is only proposed to be used for very short periods in the case of an emergency.

Conclusion

282. Officers have considered the impact of lighting associated with the development. In view of the mitigation measures employed during the drilling of the side-track, the existing controls over lighting covered by a planning condition, confirmation from the applicant that no further lighting is proposed as part of the appraisal process, and the comments received from the County Lighting Consultant, Officers are satisfied that the proposal would not significantly and adversely affect the amenities of residential properties, conservation areas or listed buildings, or the character and appearance of the countryside. Consequently, the proposals meet the requirements of SMP CS DPD Policy MC14 and MVLP 'saved' Policy ENV57.

Water Environment and Geotechnical Issues

283. The application site is located to the west of Old School Lane and, with the exception of a small part of the access track close to the junction with Old School Lane, is outside the indicative floodplain of any water body. The River Mole is the most significant water feature in the area and is situated 935 metres to the north of the site and its nearest point. The site access road crosses over Tanner's Brook around 465 metres to the east of the compound area which discharges into the River Mole. A small eastward flowing tributary of Tanner's Brook runs parallel to the southern boundary of the site, at a distance of 35 metres at its nearest point. The wellsite is situated on the surface of the Weald Clay

Formation and at a greater depth, is underlain by the Tunbridge Wells Sands and the Ashdown Beds.

284. SMP CS DPD 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.
285. MVCS 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. MVLP '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.

Surface Water Management

286. 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.
287. As set out in the NPPF, the main principle with regard to flood protection is that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk. The NPPF also states at paragraph 163 that development proposals should not increase flood risk elsewhere. Paragraph 163 requires consideration to ensure development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable urban drainage systems (SuDS).
288. In relation to drainage, the Planning Statement explains 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 drains to an interceptor ditch to the west and south, which collects all surface drainage and rainfall from the lined wellsite footprint. During normal production operations, all water (separated produced water fluids, water from bunds and cellars) is reinjected into well BRX3 with the exception of excessive uncontaminated rainwater which is discharged via an interceptor to a ditch to the south of the site. This discharge is controlled by a valve which remains closed unless there is high rainfall and the water is clean in which case it is opened to allow discharge from the site.
289. The applicant states that the site is remote from any significant surface watercourse and lies in any area of low flood risk. Whether or not a development is deemed appropriate in respect of flood risk is assessed on two principles: 1) what is preferred and 2) what is permitted. These are applied through the use of the Sequential and Exception Tests. The applicant goes on to explain that the nPPG defines appropriate development for differing levels of flood risk through the application of the Flood Risk Vulnerability Classification. Table 2 'Flood Risk Vulnerability Classification', contained in paragraph 66 of the Flood Risk and Coastal Change section of the nPPG classifies minerals sites to be 'Less

Vulnerable' to flooding, whilst Table 3 'Flood risk vulnerability and flood zone 'compatibility' confirms that 'Less Vulnerable' uses are appropriate within Flood Zones 1, 2 and 3a.

290. Given that the site compound lies wholly within Flood Zone 1, the applicant considers that the sequential test has been passed. Notwithstanding this low risk, the applicant points out that consideration should be given to the potential risk of flooding from other, localised sources. In relation to flooding from surface waters, the applicant states that whilst land to the south and west lies at a higher level than the site, slopes are gentle and surface water run-off is minimal, with agricultural drainage ditches intercepting any significant flows. The applicant therefore considers that the site is at negligible risk from surface water flooding.
291. In terms of flooding from groundwater, the applicant sets out that given the negligibly permeable nature of the underlying geology, the site is not at risk from groundwater flooding. With regard to flooding from sewers and artificial sources, the applicant suggests that the site is not served by any sewerage infrastructure and is remote from any such system or any artificial sources of potential flooding. In relation to potential risk to third party properties, the applicant outlines that as the development does not involve the extension of any impermeable hard standing, run-off rates will remain minimal. Accordingly the development will not create any increased risk of flooding to any third party property according to the applicant.
292. The Environment Agency (EA) have raised no objection to the application in principle. In relation to flood risk and drainage, they have commented that the site is mainly within Flood Zone 1 and at low risk of fluvial flooding. Although the eastern end of the access track is within Flood Zones 2 and 3, as the development relates to the main drill site they have no comments in this instance. In terms of the membrane and areas of concrete that underlie the site, the EA have commented that through the re-permitting process, they are requesting information on the specification, quality assurance and integrity to ensure that appropriate levels of containment and environmental protection are being met.
293. The EA also point out that the Lead Local Flood Authority (LLFA) are responsible for considering local flood risk (such as surface runoff, groundwater and from ordinary watercourses). The LLFA have responded to the application stating that as there is no increase to the impermeable area, the surface water regime is unlikely to change. Therefore, they have no further comments to make on the application. The County Geological / Geotechnical Consultant has commented that the drilling compound drainage arrangements have been in place since it was constructed and are remaining unchanged. In addition, the drainage appears to have been satisfactory in the past and there is no change to flood risk as a result of the proposed works under this application. No comments have been received from either Thames Water or Sutton and East Surrey Water.
294. Brockham Oil Watch have objected to the application due to the inadequacy of the assessment of surface water flood risk provided by the applicant, the lack of a formal flood risk assessment (FRA), the local area being prone to flooding and the potential for any discharges from the wellsite to pollute 'controlled waters' including Tanner's Brook and the River Mole. This consultee response has been supported by representations received on the application. Representations have objected to the application due to the increased risk of flooding from further building in an area already prone to flooding, the level of flood risk having been underestimated by the operator, and the lack of a FRA which is claimed to be a legal requirement for every planning application of this type. Officers consider that the application is unlikely to impact on surface water flooding with no increase being proposed in the area of the existing wellsite. It is also noted that existing drainage infrastructure is already in place and has already been considered acceptable under the existing planning permission for the site. Further, technical consultees are satisfied with the assessment of flood risk undertaken by the applicant and have raised no objection to the application.

Groundwater

295. As set out in paragraph 170 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from water pollution. The NPPF also informs that a number of issues exist, of which groundwater pollution control is one, are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively.
296. In terms of hydrology and hydrogeology, the Planning Statement explains that the wellsite is immediately underlain by in excess of 200m of 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. Any groundwaters within these units are not considered at risk by the applicant from direct infiltration of contaminants. The applicant also points out that although there are other potential aquifers at a greater depth, they are unlikely to contain potable waters and are unlikely to be in hydraulic connection with near surface potable aquifers.
297. In relation to surface operations, the Planning Statement outlines that in order to effectively mitigate the potential for any potential pollutants escaping from the site, the entire site benefits from an impermeable secondary containment bund and drainage system. This includes three principal containment areas:
- The well cellars, which retain any oil spillages from pumping and pump maintenance operations;
 - The tank storage area/process bund, which accommodates all requires storage tanks; and,
 - Road tanker loading area, which directs any spillages during transfer of fluids from storage to the road tankers.
298. The Planning Statement sets out that as part of the Environmental Permitting process governed by the EA, site works are undertaken in line with approved plans and procedures. This ensures that any spillages will be contained and removed, thus minimising the potential for environmental harm. All equipment used on site for the movement of fluids will have spill kits available and be operated by or supervised by staff trained in their use. Further during the appraisal operations, pipework and storage tanks will be inspected daily for leaks and damage. Where leaks or damage are identified the equipment will be immediately repaired or taken out of service. Any spills will be cleaned up and recorded. Details of all spills/accidents will be notified to the EA in accordance with permit requirements.
299. With regard to sub-surface operations, the Planning Statement says that any potential risk to groundwaters from the drilling operations are minimised by the well's construction, which incorporates a series of casings of reducing size, sealed in place with cement grout. The well casing provides extra containment to isolate the fluids within the well from the surrounding country rock. The construction of the well and the procedures adopted during the drilling operations were specifically designed to ensure that none of the fluids discharged to any potable groundwater bearing horizons. The open section of the well, where any discharge may occur, is at a depth of over 500m and does not contain potable aquifers. Furthermore, the stratigraphical sequence immediately above the open section of

the well does not include potable aquifers and the strata present are not hydraulically connected to any potable aquifers. Owing to the number of safeguards that are in place and the highly regulated nature of the operations, the applicant concludes that the drilling and sub-surface operations present minimal risk of contamination to any groundwaters.

300. The Environment Agency are the prime regulator in relation to groundwater and are responsible for water quality and resources including managing the risk of flooding. The EA have raised no objection to the application in principle and have advised that the risks posed to these aquifers by the proposed activities at the site and the mitigation incorporated into the design, specification and working measures on the site, will be assessed as part of the environmental permit review. This is to ensure adequate protection measures are in place.
301. The County Geological / Geotechnical Consultant has responded to the application. They have stated that based on the particulars provided in the application documents, they agree with the applicant's assessment that the drilling and sub-surface operations present minimal risk of contamination to any groundwaters.
302. Mole Valley District Council have commented that the application should be required to provide an up to date risk assessment of the proposed development. Brockham Oil Watch, supported by a number of representations, have objected due to the impact on controlled waters and public water supplies given that the Rive Mole passes over the Hythe Beds, a major aquifer from which Dorking draws much of its public water supply. Friends of the Earth have objected on a number of grounds including the need to assess the hydrogeology of the strata in order to understand the water impacts.
303. Representations have been received raising concerns that the application could increase the likelihood of the proposal having an adverse impact on the watertable, nearby watercourses, soils and aquifers should any chemicals, acid or pollution escape. It has also been suggested that groundwater pollution has not been properly assessed and that an independent hydrology report should be commissioned.
304. Risk Assessments, including a hydrogeological risk assessment, come under the responsibilities of the EA who will require such assessments to be undertaken by the operator. The EA and the County Geological / Geotechnical Consultant have raised no objection to the proposal in relation to groundwater. The EA will be reviewing the risk to groundwater further through the environmental permit variation.

Conclusion

305. The Environment Agency, Lead Local Flood Authority, Thames Water, Sutton and East Surrey Water and the County's Geological/Geotechnical Consultant were all consulted on the application. None of the technical consultees have raised objection to the development. Further, Officers are aware that the development will be subject to pollution controls resulting from the variation to the Environmental Permit.
306. Officers note that the EA will continue to review the impact on groundwater through the process of varying the environmental permit. Taking into account the views of these consultees and the mitigation measures incorporated into the proposed development, Officers do not consider that the development would result in an increased risk of surface water flooding or pose any significant risk of pollution to the surrounding environment. In view of the considerations set out above, the proposals are considered to be in accordance with the requirements of SMP CS DPD Policy MC14, MVCS Policy CS20 and MVLP 'saved' Policy ENV67.

Heritage Assets

307. 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 585 metres east of the wellsite. There are two further Grade II listed buildings situated around 600 metres 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 880 metres to the west.
308. Sections 66(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities, in considering whether to grant planning permission for development which affects a listed building or its setting, to 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. 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. More detailed policy is included in paragraph 184 of the NPPF which sets out government policy for conserving and enhancing the historic environment. This explains that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
309. NPPF paragraph 189 also states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field assessment.
310. SMP CS DPD 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 the historic landscape, sites or structure of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings.
311. MVCS Policy CS14 states that areas and sites of historic or architectural importance will be protected and, where appropriate enhanced in accordance with the legislation, national and regional guidance. MVLP 'saved' Policy ENV39 requires development in conservation areas, or adjacent to and affecting their setting, to preserve or enhance the character and appearance of the area and for significant views into and out of Conservation Areas to be safeguarded.
312. The applicant states that the site has been present as a feature in the local landscape since the late 1980s, and is surrounded by agricultural land, with several tree belts and hedges situated between it and the nearest listed building. Given the distance that separates the site from any listed building or Scheduled Monument, the integrity of those heritage designations will not be affected by the development. The development does not involve the physical extension of the site and it will not therefore impact upon any archaeological resource.

313. Friends of the Earth have objected due to the impact on the historic environment. Representations have been received suggesting that the proposal could have a serious negative effect on the nearby Brockham Conservation Area which contains a number of listed buildings, particularly if hydraulic fracturing is undertaken. However, hydraulic fracturing does not form part of this proposal.
314. 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. It is accepted that the wellsite is well screened by a combination of topography, existing hedgerows, trees and bunds along its northern and eastern boundaries and that the site does not represent a prominent feature in the local landscape.
315. The retention of the BRX4 well for a further three years is considered to have a negligible impact on archaeology and cultural heritage, particularly given that the wellhead gear has remained in place and in view of its location within an existing operational wellsite. In terms of new development, Officers note that the drilling of the side-track involved a workover rig and associated equipment being brought onto the site. The rig had a maximum mast height of 29 metres and, together with the associated equipment, was retained on site for approximately 3 to 4 weeks. The Planning Statement explains that all items were located so as to minimise their visibility from outside of the site and that the workover rig was only on site for a relatively short period.
316. The proposed future appraisal is also likely to include a workover rig or crane for a short period of time in order to install the tubing inside the existing well casing and to undertake any maintenance (for typically between one and two weeks) if required. Any workover rig would be similar in size to that used in the drilling of the side-track. Indicative details of the crane suggest that this could be extended up to 50 metres in height although an Indicative Section Drawing submitted by the applicant confirms that it would only need to be extended to a similar height as the workover rig at around 29 metres. Further, only the mast / boom would be visible from outside the site and the applicant has stated that any workover operations which may be required will be of both limited scale and duration and will not result in any significant adverse impacts.
317. A 12.2 metres high emergency flare stack is also proposed for the 3 year duration of the proposed development with the flame shroud being visible above the site bunds. Despite the height of the rig/crane and flare stack, the proposals are not considered to have / or have had an unacceptable impact on historic assets including the Brockham Conservation Area and a number of listed buildings or their setting. This is given the extent of the separation distance between the wellsite and historic assets in the locality, the temporary nature of the rig or crane which will be present on site for no more than a few weeks at a time, the proposed flare stack being around 17 metres lower than the rig or crane, and partly screened by the existing 3 metre high bund along the northern and eastern site boundaries, as well as the scattering of trees planted between the security fence and the bund.
318. In terms of lighting, the appraisal of the side-track will have no additional impact as the works do not require any lighting over and above that previously approved. In addition, except for intermittent security or safety lighting, Condition 5 of planning permission ref: MO06/1294 restricts lights within the site from being illuminated except between 07:30 and 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays.

Conclusion

319. Taking into account the scale, location (relative to the location of heritage assets in the locality) and the temporary nature of the development, Officers do not consider that the proposal would give rise to any significant adverse impact in relation to the historic

landscape, sites or structure of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings.

Accordingly, Officers are of the view that the proposal meets the requirements of the Development Plan policy with regard to SMP CSDPD 2011 Policy MC14 and RBBLP 2005 Policy Pc 8.

Restoration

320. The importance of securing a good quality restoration is central to the consideration of mineral working and associated proposals. The provision of timely restoration and aftercare at mineral sites is sought by paragraph 205 of the NPPF which states that such activities should be carried out at the earliest opportunity to high environmental standards through the application of appropriate conditions.
321. SMP CS DPD Policy 17 states that mineral working will be permitted only where the MPA is satisfied that the site can be restored and managed to a high standard. The restored site should be sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use. The policy also requires the restoration of mineral workings to be completed at the earliest opportunity and for a detailed scheme of how the land will be restored and managed to be agreed with the MPA.
322. The application site falls within a relatively rural area within the Green Belt. If the appraisal of the BRX4Z side-track reveals that hydrocarbon reserves are not of sufficient quantity and / or quality to allow progression to commercial production, all appraisal plant and machinery will be removed and BRX4Z plugged in accordance with the relevant guidelines in force at that time. Further, the BRX4 well will be restored as an operational area of the wider site pending restoration back to agriculture in by 2036. Should the appraisal testing reveal that hydrocarbon reserves could be viably extracted in future, an appropriate planning application will be submitted to propose longer term production activities from the side-track BRX4Z and the retention of the BRX4 wellhead. Planning permission ref: MO06/1294 requires the entire site to be restored back to agricultural use by 31 December 2036 in accordance with a scheme to be submitted for the approval of County Planning Authority (CPA).
323. The County Geological / Geotechnical Consultant has recommended the imposition of a planning condition to ensure that there is no legacy of soil or groundwater pollution remaining on site after decommissioning and on restoration of the site. As the proposal is for a period of three years and the restoration of the site is addressed under a separate planning consent (planning permission ref: MO06/1294), the inclusion of such a condition would be inappropriate and incapable of being enforced.
324. Brockham Oil Watch and Friends of the Earth have commented that the BRX4 well should have been returned to its original condition in 2008. A number of representations have also been received making similar comments. Whilst this is correct, and it is acknowledged that this did not occur, the CPA has a duty to determine each planning application on its merits and there is no scope to address this through the determination of this proposal. However, after 3 years, the application includes satisfactory proposals for the plugging of the BRX4Z side-track and the restoration of the BRX4 well, in the event that the proposed appraisal reveals that commercial production is not viable. This is capable of being secured by condition.

Conclusion

325. Officers are satisfied that, in the event that future commercial production is deemed unviable, the application incorporates suitable proposals for the plugging of the BRX4Z side-track and the restoration of the BRX4 well pending the restoration of the entire site

back to agriculture by 31 December 2036. The proposals therefore meet the requirements of SMP CS DPD Policy MC17.

Other Issues

326. A number of other issues have been raised in response to the application with respect to the integrity of the site operator; whether acid or chemicals will be used to extract oil; the use of hydraulic fracturing; recent seismic activity in the area; health and safety including the risk of major accidents and the storage and disposal of radioactive materials; the robustness of the regulatory process; conflicting operator statements; a lack of consultation; the effectiveness of site monitoring; the impact on house prices; the impact on the number of cyclists and tourists visiting Surrey; a lack of information on the type, volume and pressure of fluids to be used in the clean-up process; and, the loss of high quality agricultural land.
327. In terms of the issues raised, although the CPA had advised the applicant that the drilling of the side-track would require planning permission, the applicant had been advised by other parties that the works could be undertaken under existing permissions. The CPA can only assess the information that has been submitted as part of the planning application. The applicant has met with representatives of Brockham Parish Council to explain the nature of their proposals. Monitoring of the site is undertaken by both the CPA and the EA. The application will take place on an existing wellsite which benefits from planning permission until 2036 and will not result in the loss of agricultural land. Other matters come under the regime of other regulators who have raised no objection to the development and are responsible for ensuring that safeguards and permitting requirements are satisfied.
328. Nevertheless, the applicant has submitted further information in relation to the use of acid and emissions from the flare stack in view of the number of questions raised during the consultation process. They have stated that it is the intention of Angus Energy plc to evaluate BRX4Z without recourse to acid treatments. However, should the well not flow immediately then this would be considered. Oil and gas operators have used acid treatment (acidizing) to improve well productivity for almost 120 years and the technique is used frequently for reservoirs in limestone formations that will respond to acid.
329. The use of acid and emissions from the flare stack are matters that will be regulated by the EA under the Environmental Permitting regime. Officers acknowledge that the applicant has made it clear that hydraulic fracturing is not proposed in this application. Further, separate consents would be required by the OGA, the EA and the HSE in the event that hydraulic fracturing was to be used. However, given the level of concern that hydraulic fracturing will be utilised, Officers consider that it is reasonable to impose a planning condition preventing the use of hydraulic fracturing as part of this development.

Green Belt

Surrey Minerals Plan Core Strategy 2011

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

Mole Valley Core Strategy 2009

Policy CS1: Where Development will be Directed (A Spatial Strategy)

330. Brockham Wellsite is located within the Metropolitan Green Belt where policies of restraint apply. The NPPF states at paragraph 133 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 80 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.

The most relevant for this planning application is to assist in safeguarding the countryside from encroachment.

331. Green Belt policy guards against inappropriate development. The NPPF states at paragraph 143 that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF requires at paragraph 144 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.
332. 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 146 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”. 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. The proposal involves the exploration and appraisal of oil. This includes oil extraction to ascertain the quantity and/or quality of the reserve in order to ascertain whether commercial production is viable. The proposal therefore constitutes mineral extraction and can be considered appropriate development for the purposes of paragraph 146 of the NPPF. This is subject to the proposal preserving openness and not conflicting with the purposes of including land within the Green Belt.
333. NPPF paragraph 145 states that new buildings should be considered inappropriate development unless they fall within the list of exceptions set out in the paragraph. However, there are no new buildings proposed as part of this development. Existing buildings / 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 fence and gates, electrical control buildings, portable site generator with two enclosed fuel tanks and parking area for cars was permitted until 31 December 2036 under planning permission ref: MO/2017/0916 dated 15 September 2017.
334. When determining planning applications, paragraph 205 of the NPPF states that local planning authorities should give great weight to the benefits of mineral extraction, and in granting planning permission ensure that there are no unacceptable adverse impacts on the natural or historic environment, human health or aviation safety, and provide for restoration and aftercare of mineral workings at the earliest opportunity, to be carried out to high environmental standards, through the application of conditions, where necessary.
335. The nPPG sets out guidance for the determination of mineral and oil and gas development proposals. Paragraph 95 of the Minerals Section states “The exploratory phase seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing.” Paragraph 96 explains that preliminary data which the operator might obtain to consider the most appropriate locations for exploratory drilling include: existing geological and other relevant data to gather information about rock formations under the earth’s surface; information from earlier drilling for oil, water, coal or other minerals and mining or

quarrying activities; and information on aquifers and groundwater resources; seismic reflection, gravity and magnetic surveys and remote sensing data e.g. satellite photographs, and results of previous seismic surveys. Paragraph 98 explains that for conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically, site construction, drilling and site clearance will take between 12 to 25 weeks.

336. nPPG paragraph 99 states that the appraisal phase takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. Paragraph 100 explains that the appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells and that much will depend on the size and complexity of the hydrocarbon reservoir involved. Consequently, the typical duration of the appraisal phase is not specified.
337. The SMP2011 recognises that nearly three quarters of Surrey is designated as Metropolitan Green Belt and that almost all workable mineral deposits in Surrey are within the Green Belt. The Minerals Plan recognises that mineral extraction need not be inappropriate in Green Belts as it is a temporary operation. However proposals for other forms of mineral development in the Green Belt will need to identify very special circumstances. This is reflected in Policy MC3 of the SMP2011 which states that proposals in the Green Belt for mineral development other than extraction and primary treatment will only be permitted where the applicant has demonstrated that very special circumstances exist to outweigh the harm by reason of its inappropriateness and any other harm. As outlined above, the proposal is considered to constitute mineral extraction. Policy MC17 goes on to state that mineral working will only be permitted where the mineral planning authority is satisfied that the site can be restored and managed to a high standard.
338. MVCS Policy CS1, which pre-dates the NPPF, states that in the countryside, development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2 'Green Belts', PPS7 'Sustainable Development in Rural Areas' and Policy C4 'Landscape and Countryside Management' of the South East Plan.
339. Given the site's Green Belt location it is necessary to consider whether the proposed development would maintain high environmental standards during operation and whether the restoration of the site can be achieved to a good standard and will provide an acceptable after-use consistent with Green Belt objectives. Much of the consideration of whether high environmental standards could be maintained and whether an appropriate and acceptable restoration can be achieved has been covered in the above sections of the report. Where there is a need for the mineral and the site can be well-restored and harm otherwise controlled acceptably by design or mitigation, then development can be considered to accord with Green Belt policy.
340. Following an invitation to regularise the planning position at the site, the applicant is applying for part-retrospective planning permission extending over a temporary period of three years. The impact of the retention of the BRX4 well is not considered significant in Green Belt terms given its location within an existing operational wellsite which has been in existence for 21 years and has temporary planning permission until 2036. In this context, it is considered that this element of the proposal would preserve openness and would not conflict with the purposes of including land in the Green Belt.
341. The exploration stage including the drilling of the BRX4Z side-track well is a necessary precursor to appraisal and possible future production, both of which involve mineral extraction. This stage also involved bringing a 29 metre high rig onto the site for a

temporary period of around 4 weeks, together with a range of temporary plant/buildings in order to support the operation. The applicant has confirmed that all items were located so as to minimise their visibility from outside of the site.

342. The applicant has explained that the majority of the plant required for the proposed appraisal works has been previously permitted and will not be visible from outside the site. The exceptions include a workover rig or crane, approximately 29 metres in height and an emergency flare stack which will be around 12.2 metres in height. The workover rig or crane will only be required for a relatively short periods of up to around two or three weeks at a time. This will be used to enable the installation of the tubing inside the well and the perforation of the casing, or in the event that any maintenance is required. The emergency flare stack is proposed to be sited close to the eastern boundary of the site for the duration of the appraisal process. This will consist of a 3.1 metre high ground mounted burner with an 8.5 meter long x 2 metres diameter wide flame shroud. The flare will only be used in an emergency situation, and used for approximately 1-2 minutes to burn off any excess gas before the well is shut in and the flow of gas stopped.
343. The applicant has stated that during any maintenance operations, the main body of the workover rig or crane would be well-screened, with only the mast / boom being visible from outside the site. Further, the Planning Statement sets out that any workover operations which may be required will be of both limited scale and duration and will not result in any significant adverse impacts. Given the scale and duration of the siting of the rig/crane and the emergency flare stack, Officers recognise that the development will have an impact on openness, however this would be temporary and reversible.
344. Other development proposed as part of the appraisal include a replacement generator (6.06 metres long by 2.44 metres wide by 2.59 metres high), a temporary tank (measuring approximately 3 metres by 3 metres), a single process heater (6 metres long by 2.4 metres wide by 2.9 metres high), a pump to help raise fluids should the flow to the surface reduce over time, a small transformer (washing machine size) associated with the connection to the national grid and above ground pipework. It is acknowledged that these should be considered in the context of their location for a 3 year period within an existing wellsite which is well screened by a combination of earth mounds and existing vegetation and has planning permission for oil production until 2036. There will also be increased use of the private access by HGVs but the additional number of lorry movements is not considered significant. As a consequence, the impact of this other additional plant and equipment and increase in HGV movements on Green Belt openness and the purposes of including land in Green Belt is also short term and reversible.
345. While the applicant has estimated that the main appraisal activities would take place over a period of up to 18 months overall, the applicant has applied for planning permission for a three year period. The proposed length of the appraisal process has been challenged by Mole Valley District Council, Brockham Oil Watch and a number of representations received on the proposal who consider this to be excessive. However, this provides for some flexibility and mirrors the time period sought for similar activities elsewhere, including most recently the appraisal activities granted planning permission at Horse Hill, Horley in November 2017. Officers also consider that it is likely that the time period would need to factor in time for the analysis of the appraisal testing results.
346. Friends of the Earth have objected to the impact on Green Belt openness and representations have been received raising concern that the proposal will add to the industrialisation of the Green Belt. The intensification of activities taking place on site for a temporary period of 3 years would have a temporary impact on openness but should be seen in the context of existing activity taking place, in the form of oil production, under planning permission ref: MO06/ 1294. Provided there is adequate provision for clearance

of the site and restoration, the proposal constitutes a temporary use of land and therefore preserve the openness of the Green Belt.

347. There will be some views of the 29 metre high drilling rig and the 12.2 metre high flare stack because of their height, although the lower parts of the rig and the site itself will be mostly screened from view by earth mounds and existing vegetation. There will be some impact on the nearby right of way to the east of the wellsite compound where glimpses of the wellsite and moving vehicles are likely to be available. While the proposal including its associated plant and equipment with their industrial characteristics would be located in a largely rural area, and would have some impact on the visual amenities of the Green Belt, it is considered that the scale and very temporary nature of the development would not give rise to any long term impact. Further, all the plant and equipment proposed would be used in association with the mineral working.
348. Officers recognise that mineral working is a temporary activity. The proposal includes proposals to restore the BRX4 wellhead and plug the BRX4Z side-track and remove all associated plant and equipment in the event that the results of the appraisal process indicate that commercial production would not be viable. Planning permission ref: MO06/1294 provides for the restoration of the site back to agriculture by 31 December 2036 once existing permitted oil production activities taking place on the site have ceased. The site would then return to fulfilling the objectives of land within the Green Belt.
349. Officers are mindful that the application includes proposals for the restoration of the BRX4 wellhead and the plugging of the BRX4Z side-track well and the removal of all associated plant and equipment in the event that the appraisal results demonstrate that future oil production would not be commercially viable. With existing requirements already in place to restore the site by the end of 2036, there is no reason to believe that the site could not be well restored to agriculture, consistent with Green Belt objectives. Planning conditions will be required to ensure that high standards are maintained. Technical consultees have considered the proposal and their views are set out in detail in earlier sections of the report. A number of planning conditions are proposed to ensure that the high standards are maintained.
350. Given the temporary and reversible nature of the development and the absence of any other impacts, Officers consider that the proposal preserves the openness of the Green Belt, would not conflict with the purposes of including land in the Green Belt, and that the proposed development is therefore not inappropriate development and does not conflict with the Development Plan or national Green Belt policy and guidance set out in the NPPF and the nPPG. As a consequence, the proposal therefore meets the requirements of SMP CS DPD Policy MC3 and MVCS Policy CS1.

HUMAN RIGHTS IMPLICATIONS

351. 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.
352. It is recognised there would have been / would be some slight temporary adverse impacts in terms of amenity from visual, noise and lighting disturbance from the drilling of the BRX4Z side-track, the appraisal of the BRX4Z well and any required future maintenance during the temporary 3 year appraisal process. Nevertheless, 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

- 3.53. This part retrospective planning application is seeking planning permission for the retention of the BRX4 well, the regularisation of the BRX4Z side-track which was drilled at the start of 2017, and the future appraisal of BRX4Z using production plant and equipment within the existing site for a temporary period of three years. The sole target reservoir consists of various horizons within the Kimmeridge Clay Formation. The intention is to ascertain whether the oil accumulations found in the Kimmeridge Clay are capable of being economically exploited in the longer term. This application is concerned with the exploration and appraisal stages of on-shore hydrocarbon development using conventional methods.
- 3.54. The BRX4 well was drilled in 2007 to a TVD of 689 metres to enable hydrocarbon production from the Portland Sandstone Formation until 31 December 2008. However the well and wellhead gear have remained in place and consent is sought for its retention for a further 3 years.
- 3.55. A 29 metre high workover rig and associated equipment were mobilised to the site for approximately one month to facilitate the drilling of the side-track well for which retrospective planning permission is now being sought. The proposed future appraisal of the side-track well will involve a number of distinct elements including the initial well clean-up, the on-going appraisal of the side-track well, fluid storage and export, gas utilisation, gas management and potential maintenance works supported by rig or crane approximately 29 metres in height.
- 3.56. The appraisal works will require only limited additional plant over and above the existing permitted plant and facilities at the site. This will include a workover rig or crane of around 29 metres in height for a limited duration, a 12.2 metre high emergency flare stack for the duration of the appraisal works, together with a new gas generator, temporary tank, single process heater, pump and small transformer. The majority of new plant and equipment will not be visible from public vantage points outside the site with the exception of the flare and the rig or crane.
- 3.57. The proposed site falls within the Metropolitan Green Belt and minerals can only be worked where they are found. The application site comprises an existing wellsite which has been present for 21 years and has planning permission for oil production until 2036. The Green Belt site lies around 1km south west of Brockham village which has been designated as a conservation area and contains a number of listed buildings. The wellsite is secured by 2.4 metre high palisade fencing and is well screened by grassed bunds of around 3 metres in height along its northern and eastern boundaries together with existing hedgerows and trees. The wellsite compound is served by an existing private access track which connects the wellsite to Old School Lane some 570 metres to the east. The wellsite is located around 900 metres to the east of the AONB and the AGLV and contains no environmental designations. It is not located within an AQMA and is primarily situated within Flood Zone 1.
- 3.58. Mole Valley District Council have objected to the application as they consider that the 3 year time period for appraisal is unacceptable. Brockham Parish Council have raised a number of concerns including in relation to health and safety, access, highway safety and the poor state of highway verges, noise, landscape and visual impact and the lack of an EIA. Brockham Oil Watch have raised objection on a wide range of environmental grounds including flood risk, traffic, pollution, health and safety, need, air quality and the lack of an EIA. Friends of the Earth have objected on a number of similar grounds as well as the impact on the historic environment and Green Belt openness. Frack Free Balcombe Residents Associated have called for the application to be supported by an air quality

assessment and for proper mitigation measures to be employed. 99 letters of representation have been received to date, 11 in support of the proposals and 88 objecting to the application.

- 3.59. A number of other concerns have been raised in relation to matters that come under the regime of other regulators who have raised no objection to the development and are responsible for ensuring that safeguards and permitting requirements are satisfied. The County Council has adopted a Screening Opinion which concludes that an EIA is not required. The Secretary of State has issued a Screening Direction in response to a third party request which considers that the proposal is not 'EIA development'. No objections have been received on the application from technical consultees.
- 3.60. Government policy makes it clear that oil and gas remains an important part of the UK's energy mix. Policies recognise the continuing importance of fossil fuels but aim to manage reliance on them, their potential environmental effects and the risks associated with security of supply. While the Government manages the transition to a low carbon energy mix this will mean that oil and gas remain key elements of the energy system for years to come (especially for transport and heating). Officers consider that there is a demonstrable need for the proposal on the basis of Government policy and guidance.
- 3.61. Having assessed the merits of the application, the proposal is considered acceptable in transportation terms subject to the imposition of conditions. The environmental and amenity impacts of the proposal have been assessed including in relation to landscape and visual impact, ecology, noise, air quality (including dust and odour), lighting, surface water, groundwater, heritage assets and restoration. Taking into account the advice of technical consultees, Officers conclude that any adverse impacts are capable of being mitigated to an acceptable degree or controlled through the imposition of conditions.
- 3.62. Officers are satisfied that the proposed development constitutes mineral extraction and acknowledge that government policy sets out certain forms of development that are not considered to be inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. It has been demonstrated that there is a need for the evaluation and appraisal of the hydrocarbon resource, high environmental standards will be achieved, and the site will be well restored. A number of planning conditions are proposed to ensure that the high standards are maintained. Officers acknowledge that the presence of the rig and the emergency flare stack will have an impact on the Green Belt. However, given the temporary and reversible nature of the development and the absence of any other impacts, Officers consider that the proposal preserves the openness of the Green Belt, would not conflict with the purposes of including land in the Green Belt, and is therefore not inappropriate in the Green Belt.
- 3.63. The proposed development would give rise to some temporary impact on amenity. However, mineral working is a temporary activity and the hydrocarbon evaluation and appraisal operations would be short and completed within a 3 year period. The concerns of local residents are acknowledged, but on the basis of the responses received from technical consultees, assessing national policy and development plan policy matters and taking into account need, 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 may therefore be permitted.

RECOMMENDATION

The recommendation is to PERMIT subject to the following conditions.

Conditions:

Approved Documents

1. The development hereby permitted shall be carried out in accordance with the following Plans / drawings:
 - Site Location and Sub-Surface Extent, Drawing No. 0745-1-1, Dated 04/12/2017
 - Site Location Plan, Drawing No. 0745-1-2, Dated 04/12/2017
 - Site Boundary Plan, Drawing No. 0745-1-3, Dated 04/12/2017
 - Indicative Site Layout Plan, Drawing No. 0745-1-4 Revision B, Dated 19/02/2018
 - Indicative Section, Drawing No. 0745-1-5 Revision A, Dated 19/02/2018
 - Flare Stack 2.5MMscf/d, Drawing No. PW-FLARE-GA-01 Revision 2, Dated 18 March 2016
 - Well Specific - Well Schematic Diagram for BRX4Z, Drawing No. AEP-04-BRO-022 Revision 2, Dated 24/03/2017
 - IDECO BIR H35 (illustrative drawing of 95 foot workover rig), Planning Statement Appendix 3, Received 19/02/2018;
 - TEREX DEMAG (illustrative drawing of a 50 metre crane), Planning Statement Appendix 3, Received 19/02/2018.

For the avoidance of doubt, hydraulic fracturing shall not be undertaken as part of this development as stated in paragraph 1.2 in the 'Planning Statement' dated February 2018.

Commencement

2. The appraisal of the BRX4Z side-track hereby permitted shall be begun before the expiration of three years from the date of this permission.

Time Limits

3. The development hereby permitted shall be for a period of three years from the date of this permission, at which date the use shall be discontinued and all plant, machinery and associated equipment shall be removed from the application site and the BRX4Z side-track shall be plugged and made safe.
4. Prior written notification of: (i) the date of commencement of the appraisal of the BRX4Z side-track hereby approved and, (ii) the removal of all appraisal plant and machinery and the plugging of the BRX4Z side-track, shall be sent in writing to the County Planning Authority not less than seven days before such commencement.

Displaying Application Documents

5. From the commencement of the appraisal development to the cessation of operations hereby permitted, a copy of this planning permission including all approved documents and plans and any documents subsequently approved in accordance with this permission shall be displayed on the site during working hours in a location which is readily accessible to any person undertaking the development and officers of the County Planning Authority.

Hours of Operation

6. 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.

General Permitted Development Order

7. 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.

Workover Rig

8. No workover rig 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.

Highways & Access

9. The means of access to the development hereby approved shall be via the previously approved HGV route to the site as detailed in Appendix 6 of the submitted Planning Statement dated 19 February 2018.
10. Except for the case of emergency, no HGV movements to or from the site shall take place except between the hours of 07:00 - 08:00, 09:00 - 15:30, and 18:00 - 19:00 on Monday to Friday and 08:00 - 13:00 on Saturday, 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.
11. 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.

Noise

12. 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.

13. 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).
14. 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, attached at ANNEXE 1, when measured in free field conditions or recalculated as at, any noise sensitive location.
15. Notwithstanding the provisions of Condition 14 (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;
 - (b) water injection pumps shall be enclosed.

Dust

16. The development hereby approved shall be undertaken in accordance with the good operator practices and measures for mitigating the impact of dust outlined in Section 5.7 of the submitted Planning Statement dated February 2018.

Odour

17. The development hereby approved shall be undertaken in accordance with the odour abatement proposals and the Waste Management Plan referred to in Sections 5.7 and 3.3 of the Planning Statement dated February 2018.

Restoration

18. Should the results of the appraisal process reveal that future commercial production of hydrocarbons from the BRX4Z side-track is not commercially viable, within 6 months of the expiry of this permission, all associated equipment should be removed, and the BRX4 well restored to an operational area of the wider site, pending the restoration of the entire site back to agriculture in accordance with Condition 16 of planning permission ref: MO06/1294 dated 10 May 2007.

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 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.
- 5 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.
- 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 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.
- 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 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.
- 12 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.
- 13 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.
- 14 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.
- 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 minimum disturbance from operations and avoidance of nuisance to the local community and local environment from dust in accordance with Policy MC14 of the Surrey Minerals Plan 2011.

- 17 To ensure minimum disturbance from operations and avoidance of nuisance to the local community and local environment from odour in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
- 18 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.

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 Minerals Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance and European Regulations providing feedback to the applicant where appropriate. Further, the Mineral 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. Issues of concern have been raised with the applicant including impacts of air quality and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2018.

NB: Planning permission ref: MO/06/1294 dated 10 May 2007 was subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this site.

CONTACT

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BACKGROUND PAPERS

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

Government Guidance

National Planning Framework 2018
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

Landscape Supplementary Planning Document 2013
 Surrey Landscape Character Assessment (2015)
 Surrey County Council Guidelines for Noise control - minerals and waste development (1994)
 UK National Air Quality Strategy (Defra, 2007)
 EPUK/IAQM Land Use Planning and Development Control: Planning for Air Quality 2017
 - Institute of Air Quality Management (IAQM): Guidance on the assessment of dust from
 demolition and construction 2014
 Annual Energy Statement Department for Energy and Climate Change (DECC) 2010
 Annual Energy Statement DECC 2013
 Annual Energy Statement DECC 2014
 Energy White Paper 'Meeting the Energy Challenge' 2007 Department of Trade and Industry
 (DfT) (2007 Energy White Paper)
 Energy Security Strategy the White Paper 2012
 UK Government The Carbon Plan: Delivering our low carbon future' December 2011
 Low Carbon Transition Plan: the national strategy for climate and energy 2009 DECC
 UK Renewable Energy Roadmap DECC July 2011
 Energy Security Strategy 2012 Department for Energy and Climate Change (DECC) November
 2012
 Department for Business, Energy and Industrial Strategy (BEIS) Digest of UK Energy Statistics
 July 2017 (Digest 2017)
 Department for Business, Energy and Industrial Strategy (BEIS) Digest of UK Energy Statistics
 Digest 2013
 UK Energy in Brief 2017
 Mineral Planning Factsheet 2011 (Onshore Oil and Gas) Department for Communities and
 Local Government (DCLG) and British Geological Society (BGS)

16Hz	20Hz	25Hz	31.5Hz	40Hz	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz
lowest 25% of night values														
36.6	35.3	35.3	33.9	34.8	34.0	34.8	33.1	30.8	27.4	25.7	24.9	24.7	25.5	24.0
criterion value, dB														
34	32	32	31	32	31	32	30	28	24	23	22	22	22	21

500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz
lowest 25% of night values														
24.1	24.2	23.2	22.6	23.7	23.7	24.7	23.0	24.2	25.5	24.3	25.0	25.3	24.2	24.1
criterion value, dB														
21	21	20	20	21	21	22	20	21	22	21	22	22	21	21

Table of night time criterion noise limit for Brockham Wellsite production

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