

## UPDATE SHEET - AGENDA ITEM 7

### PLANNING AND REGULATORY COMMITTEE 29 JUNE 2020

#### MINERALS & WASTE APPLICATION WA/2019/0796

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#### **Loxley Well Site - Land South of Dunsfold Road and East of High Loxley Road, Dunsfold, Surrey**

**The construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side - track borehole (Loxley-1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.**

*Please note the Officer Report should be amended / corrected as follows:*

#### **HIGHWAYS, TRAFFIC and ACCESS**

##### Paragraph 236

This paragraph is deleted.

##### Paragraph 238

The paragraph is amended to read as follow:

"Otherwise the CHA is satisfied that the applicant's transport consultant has addressed all of the recommendations contained in the RSA. Protect Dunsfold Ltd and the local County Councillor have questioned the legal basis of the temporary speed limit reduction for 3 years. This is based on their understanding that it can only be in place for 18 months plus a 6 month extension. Protect Dunsfold Ltd has also questioned whether the County Council has the authority to impose a temporary speed limit for 3 years under the Road Traffic Regulation Act 1984 (RTA) as the traffic management scheme does not relate to works to the highway itself and does not propose a permanent speed limit reduction. In response to legal advice, the CHA has confirmed that the 40 mph speed limit would be introduced through a speed limit order."

##### Paragraph 242

This paragraph is deleted.

#### **DRILLING METHODOLOGY**

The final sentence of paragraph 690 is corrected to read as follows:

"The factsheet confirms that in relation to the different types of 'acidisation', the EA does not consider an acid wash to be a form of well stimulation although matrix acidisation or fracture acidisation / acid fracturing are considered to be a form of well stimulation."

#### **NEW CONDITION, REASON and INFORMATIVE**

In response to legal advice, the CHA has advised that the following additional pre-commencement condition should be included as set out below. This would become a new Condition 10 and subsequent condition numbering would be amended accordingly if planning permission is granted.

##### Condition

"Prior to the commencement of the development hereby permitted a speed limit reduction to 40 mph shall be implemented at the following locations:

- (a) High Loxley Road for a distance of 275m from its junction with Dunsfold Road;
- (b) Dunsfold Common Road for a distance of 360m from its junction with Dunsfold Road;
- (c) Dunsfold Road for a distance of 195m to the west of its junction with Dunsfold Common Road;
- (d) Dunsfold Road for a distance of 399m to the east of its junction with High Loxley Road.

The speed limit reduction shall be implemented and thereafter maintained throughout all phases of the proposed development"

#### Reason

"In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy MC15 of the Surrey Minerals Plan 2011 Core Strategy, Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) Policy ST1 and Waverley Borough Local Plan (2002) 'saved' Policy D1."

To accommodate the new Condition 10 the text highlighted in bold on top of page 144 of the Officer Report, listing those conditions that must be discharged prior to the commencement of the development, would be amended if planning permission is granted by inserting a reference to the new Condition 10 with the numbering of subsequent conditions referred to amended accordingly.

#### Informative

In view of the inclusion of the above new pre commencement condition, the CHA has recommended the inclusion of the following additional informative which would be numbered as Informative 10 with subsequent informative numbering amended if planning permission is granted:

"With regard to Condition 10, the applicant is advised that notwithstanding any planning consent granted, the proposed speed limit reduction will require a separate Speed Limit Order application (which is subject to consultation) under Section 84 of the RTRA 1984."

#### **CHANGES TO CONDITIONS**

The following conditions have been amended as follows:

##### Condition 5

The words "dated 19 April 2019" are inserted after the reference to the 'Planning and Environmental Report'.

##### Condition 7

The first sentence is amended to read: "No operations associated with the well site compound shall take place unless and until the proposed access road within the site including its junction with High Loxley Road, any highways works at the junction of High Loxley Road and Dunsfold Road and any carriageway widening works on High Loxley Road between the site access and the junction of High Loxley Road and Dunsfold Road have been constructed."

The second sentence is amended to read: "The junction of the site and High Loxley Road shall be provided with 2.4m x 70m visibility splays in both the leading and trailing traffic directions in accordance with Drawing No LTP/3134/03/05.01 Rev B dated 10 October 2018 and, thereafter, the visibility splays shall be kept permanently clear of any obstruction above 0.6m high."

##### Condition 8:

This Condition is amended to read: "Within 3 months of the well site decommissioning, the site access onto High Loxley Road shall be permanently closed, any kerbs and verges fully reinstated, the highway works at the junction of High Loxley Road and Dunsfold Road and any

carriageway widening works on High Loxley Road between the site access and the junction of High Loxley Road and Dunsfold Road shall be removed and the highway fully reinstated.”

#### Condition 12

For consistency, part (b) is amended to read as follows: “no HGV movements to or from the site taking place outside of the hours of 07:00 to 19:00 Monday-Friday, 09:00-13:00 on Saturdays and all day on Sundays, Bank Holidays, Public or National Holidays.”

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#### Further Consultee Responses

##### Dunsfold Park Ltd

Has raised concerns that the application conflicts with the environmental objectives of Dunsfold Park, the suitability of High Loxley Road, and conflict between commercial vehicles servicing the oil drilling site and the general public, who will use this road to access the parkland forming part of the new garden village.

##### Hascombe Parish Council

The Parish Council has raised objection due to concerns over air and light pollution, the drilling methodology, green belt, landscape, ecology, risk, need for the development, climate change, traffic and monitoring.

##### Waverley Borough Council Portfolio Holder for Environment and Sustainability

Requests that the application is declined because of the Borough Council’s opposition in principle to the application, none of the further information submitted in Autumn 2019 significantly addressed any of their previous concerns and given the widespread local opposition on a range of environmental and safety grounds. Concerns are expressed due to the lack of a Members site visit. If permission is granted, it is requested that a significant bond is secured due to concerns over the ability of the applicant to fund reinstatement if commercially viable hydrocarbons are not found.

##### Officer Comment

The issues raised by Hascombe Parish Council and the Borough Council Portfolio Holder, as well as Dunsfold Park Ltd in relation to the impact on the new Garden Village and the suitability of High Loxley Road are already addressed in the Officer Report. In respect of conflict with the general public using High Loxley Road, commercial vehicles will only use the northernmost 180 metre section of this road. The CHA has advised that the intention of the proposal for the permitted new Garden Village was to keep it as a public right of way access to the footpath linking through to Dunsfold village. There was never any intention that High Loxley Road be used as a means of access to the Dunsfold redevelopment for any purpose, other than just the most southerly 100 metres or so from the airfield boundary to the Bridleway 282. The intention is for Bridleway 282 (which is to be upgraded by The Rutland Group) to be used by residents of Dunsfold village to access the significant facilities proposed for the airfield by cycle or on foot.

#### Petitions

A petition has been received from a resident of Lydia Park on behalf of the Gypsy, Roma and Traveller (GRT) community living at New Acres and Lydia Park. The petition asks for the proposal to be rejected and raises concerns in relation to their chalets and mobile homes being less well insulated, traffic, noise, air pollution, odour, dust, and danger from the escape of gas.

##### Officer Comment

These matters have already been considered and addressed in the Officer Report.

#### Additional Representations

A summary of the new issues that have been raised in further representations which are all opposed to the development are set out below:

##### Need for the Development

- Objections made on this subject have been disregarded in the Officer Report;

- Consideration of competing interests including environmental protection is unbalanced;
- Whilst great weight is given to the benefits of mineral extraction, similar weight should be given to climate impacts;
- Recent forecasts of UK dependency on oil and gas imports are significantly below those forecast in 2012 and referred to in the Officer Report;
- Import dependency is likely to be lower in 2020 due to COVID 19 and the fall in demand;
- Need should be based on demand in the mid to late 2020s when production is likely to come on stream;
- To provide a meaningful contribution, a massive increase in onshore oil production would be required resulting in unacceptable impacts on the countryside;
- Questions whether oil produced in the UK has a lower carbon footprint than imported oil in view of significant imports by pipeline;
- More likely that UK production is added to the volume of hydrocarbons in the international market rather than substituting for it, resulting in an increase in global emissions.

Officer Comment

As the application is for three years, does not propose production and each application should be considered on its merits, the need for oil and gas in the mid to late 2020s and the acceptability of providing further onshore sites elsewhere are not considered relevant for the determination of this application. The Officer Report includes a thorough assessment of the need for the development and its environmental impacts. It reflects government planning policy which requires great weight to be given to the benefits of mineral extraction. Whilst the NPPF requires new development to be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, it does not go so far as to say that similar weight should be afforded to climate change impacts.

The UK imports significantly more gas and petroleum products than it exports including liquefied natural gas (LNG) which is imported by ship, with Qatar being the main source, although the volume has reduced (Energy Imports and Exports Briefing Paper, No 4046, 19 October 2018, House of Commons Library). Onshore oil and gas is also capable of being transported by pipeline and onshore gas can also be converted to electricity on site for use in the national grid. Although oil produced onshore is more likely to be transported by lorry, the number of tanker movements tend to be very small.

Climate Change

- The Officer Report misrepresents the status of the Surrey Climate Change Strategy and is selective in what it draws from it. For example, the strategy includes commitments to ask the government to make explicit that planning authorities have the right to reject planning applications where there are identifiable and material climate change impacts and to expand renewable energy generation capacity across Surrey;

Officer Comment

It is acknowledge that there are calls for government planning policy on climate change to be strengthened in future. However, the Officer Report has assessed the merits of the application in land-use planning terms and the conclusions drawn take current national planning policy into account.

Highways, Traffic and Access

- Concern over impact on traffic management issues in Cranleigh;
- The Dunsfold Park development will increase the number of vehicles using Stovolds Hill;
- Concern that the local highway network is not of a sufficient standard to accommodate additional HGVs when school buses cause delay and passing problems;
- The preparation of a vertical plane swept path assessment by transport consultants demonstrates that, based on a detailed topographical survey of the area and data submitted by the applicant regarding the specification of an abnormal load vehicle (ALV), an unladen vehicle entering High Loxley Road from Dunsfold Road is predicted to ground;

- Measurements of the physical carriageway widths along the length of High Loxley Road between Pratts Corner and the proposed site access vary between 2.6 and 3.1 metres. As large HGVs requiring access are between 2.75 and 3.4 metres wide, these vehicles cannot reach the site entrance without overriding the verges, with major damage to the road pavement inevitable. Existing surface water drainage is by ditch / ditches which would also require survey and checking for capacity / functionality. Hence, significant engineering works will be required to reprofile the junction with Dunsfold Road, widen High Loxley Road and provide associated drainage and edge strengthening works requiring the identification of buried utilities including an identified water mains likely to be at shallow depth;
- Objects to the approach for bringing in a temporary 40 mph speed limit under section 15(2) of the Road Traffic Regulation Act (RTA) as outlined in paragraph 242 of the Officer Report as the works at the drill site are not on or near the highway and section 3(3) states that provision for regulating the speed of vehicles on roads shall not be made by a traffic regulation order.

*Officer Comment*

Officers consider that the proposal will not impact on traffic management issues in Cranleigh as HGVs will access and egress the application site via the A281 and will not travel through the village. It is intended that all development forming part of the new Garden Village at Dunsfold Park will be served from the new roundabout and link road from the A281 although the Compass Gate access (to the south) will also be a secondary, but limited access. The current Stovolds Hill access will be limited for use by only pedestrians, cyclists and buses. The net result is that there will be a substantial reduction in traffic using Stovolds Hill once the alternative access is open. The application is supported by a swept path analysis which has been assessed by the CHA who has concluded that the road network is adequate to accommodate the proposed number of HGVs.

In terms of concerns relating to the vertical alignment of the junction between High Loxley Road and Dunsfold Road, the steepest section of High Loxley Road has a gradient of up to 9.4% close to its junction with Dunsfold Road. The concern that an ALV could become grounded in High Loxley Road does not account for the ability for the suspension of the vehicle to be modified. In respect of a low loader, the applicant has advised that the air suspension at the front and rear are operated independently during transition to mitigate gradients of less than 10% when jacked up, enabling clearance to replicate that of a standard step-frame trailer.

The applicant has submitted a vertical swept path analysis (VSVA) drawing which seeks to demonstrate that a 22 metre trailer can navigate this junction without 'bellying'. The applicant points out that the key difference between their VSVA and the VSVA shown in Figure 1.1 of the objector's representation is the assumption regarding trailer body ground clearance. The objector's VSVA assumes a minimum body ground clearance of 34cm. However, the applicants VSVA has been informed by well site hauliers who operate the candidate 22 metre trailer relied upon within the applicant's Transport Statement and supporting documentation. The applicant states that the trailer body can achieve a 56cm clearance when fully loaded giving rise to a 17cm ground clearance at the apex of High Loxley Road. The applicant also points out that their VSVA has adopted the topography used within Figure 1.1 of the objector's representation to allow a credible comparison to be made. The CHA has assessed the further information submitted by the applicant and is satisfied that the specific type of ALV with a 22 metre trailer that is proposed to be used can negotiate the vertical alignment of HLR, with 17cm of ground clearance.

With regard to concerns over the lateral alignment of High Loxley Road, although the road is only 2.6 metres wide at its narrowest point between the proposed site entrance and its junction with Dunsfold Road, the applicant has advised that the widest wheel base of an HGV requiring access to the proposed well site is 2.55 metres. This means that the wheel base fits within the carriageway with no exceedance even under a worst case scenario. The applicant has explained that the likelihood of damage to the highway verge can be avoided with the use of front and rear wheel steering vehicles. The applicant has also referred to proposed condition 9(i)

which requires pre and post construction condition surveys of the highway to be undertaken which will identify any damage to the highway verge. The CHA has assessed the applicant's response and considers that at the narrowest points along HLR, minor carriageway widening and edge of carriageway strengthening will be required. The CHA has advised that this will form part of the package of Section 278 works required prior to the commencement of the development.

In order to take account of the advice provided by the CHA, the first sentence of Condition 7 and the wording of Condition 8 is required to be amended as set out within the 'Changes to Conditions' section above.

In terms of the impacts on buried utilities, Officers consider that the extent of the impacts suggested by the objector has been overstated. This is because the CHA has confirmed that no engineering works will be required to reprofile the junction with Dunsfold Road to prevent the risk of grounding and the carriageway widening required on a section of High Loxley Road will be minor. The suggestion that significant engineering works will be required is therefore not accepted. The s278 agreement will include a detailed survey of all utilities on High Loxley Road and at the junction with Dunsfold Road and ensure that adequate protection is provided for any utilities affected by the proposed road works. The CPA's focus is on whether the development is an acceptable use of land.

Concerns relating to the mechanism for bringing in a reduced speed limit are addressed above through the deletion of paragraphs 236 and 242 and the revisions to paragraph 238.

#### Hours of Operation

- Propose that Condition 6 is extended to ensure the CPA is notified in advance of a request for exceptional hours and the reasons for this.

#### Officer Comment

Advance notification is not considered necessary as certain aspects of exploration and appraisal of hydrocarbons involves 24 hour working at times as explained in detail within the application and the impacts of this have been assessed by the CPA and found to be acceptable in planning terms.