

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 8 August 2018 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:
(*present)

- * Mr Tim Hall (Chairman)
- * Mr Matt Furniss (Vice-Chairman)
- * Mrs Mary Angell
- * Mr Stephen Cooksey
- * Mr Edward Hawkins
- * Mr Ernest Mallett MBE
- * Dr Andrew Povey
- * Mrs Penny Rivers
- * Mr Keith Taylor
- * Mrs Rose Thorn
- Mrs Natalie Bramhall

Substitute Members:

Mr Richard Wilson

20/18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Natalie Bramhall. Richard Wilson substituted for Natalie Bramhall.

21/18 MINUTES OF THE LAST MEETING [Item 2]

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

22/18 PETITIONS [Item 3]

There were none.

23/18 PUBLIC QUESTION TIME [Item 4]

There were none.

24/18 MEMBERS' QUESTION TIME [Item 5]

There were none.

25/18 DECLARATIONS OF INTERESTS [Item 6]

Cllr Andrew Povey confirmed that he was a trustee of the Surrey Hills Society.

Cllr Stephen Cooksey stated that both he and his wife were Committee Members of the Mole Valley Development Control Committee although they had not been present at the meeting where the application relating to the Brockham Wellsite was considered.

26/18 MINERALS AND WASTE APPLICATION MO/2018/0444 - BROCKHAM WELLSITE, FELTON'S FARM, OLD SCHOOL LANE, BROCKHAM, SURREY RH3 7AU [Item 7]

Officers:

Caroline Smith, Planning Development Manager
 Stephen Jenkins, Deputy Planning Development Manager
 David Maxwell, Senior Planning Officer
 Saira Tamboo, Planning Lawyer

Speakers:

Mr McDonald, proxy for Mr Taylor MEP, a local resident, made representation in objection to the application. He made the following points:

- That there had been a series of minor earthquakes in the area and that more research was needed to find out the causes of this.
- That the application should be deferred until there was an opportunity to monitor and review the potential damage.
- That part of the application was retrospective.
- That the application had negative effects on the environment.
- That more information was needed on the economic benefits of the application.
- That the increased Heavy Goods Vehicles (HGV) would cause issues on the narrow county lanes.
- That it was unclear why the application required a temporary period of three years.

Ms Zalucka, a local resident, made representation in objection to the application. She made the following points:

- That the County Planning Authority should work in cooperation with other regulators to consider issues related to the application.
- That the oil works make the area less desirable to live in.
- That Angus Energy previously started works on the side-track without the County Planning Authority's permission and should be punished for breaking the rules.
- That the Brockham Wellsite operated under an outdated environmental permit and so the application should be deferred until a new permit is in place. Alternatively, conditions should be put in place to prevent appraisal works until a new permit is in place and to limit the appraisal phase to no more than six months.

Ms Smith, a local resident, made representations in objection to the application. She made the following points:

- That the application was vague and lacked detail.
- That Angus Energy drilled the side track without permission which was an intentional breach of planning.

- Provided examples of when Angus Energy had breached planning conditions and had worked outside the agreed work-hours.
- That more information was needed on Angus Energy's intentions as one could argue that this was a commercially non-productive well.
- That the application was not clear on how large quantities of fresh water would be transported to the site.
- That the various proposals in the application were vague and needed more detail.
- Asked that the application be rejected.

Mr Tucker, proxy for Mrs Elcoate, a local resident, made representation in objection to the application. He made the following points:

- Referred to the work of a professor working at the University of Edinburgh who had suggested that the recent earthquake activity was a result of the hydrocarbon exploration.
- That all activity should be paused whilst a full scientific analysis was undertaken.
- That there was evidence that earthquakes could damage the integrity of wells.
- Stated various concerns relating to the relationship between the wellsite works and seismic activity in the area.
- Asked that the planning application be rejected.

Mr Vonk, the applicant, made the following points in response:

- That the application proposed producing oil through conventional methods and the site had already had planning permission until 2036.
- That it was impossible for the wellsite to have a connection with the recent seismic activity and that it was most likely a natural occurrence. It was noted that the zone of seismic activity was over 10 kilometres south of the well.
- That in 2016 the wellsite was modernised in order to make it compliant with all regulations and to reduce its environmental impact.
- That the company wanted to be a positive partner of the local community and a number of site visits for local residents to visit the area had been organised.
- That the company was committed to transparency.
- That there had been no objection from any technical consultee on the environmental aspects of the application.
- That it had been confirmed early in the application that an Environmental Impact Assessment was not required.
- Assured that there would be no hydraulic fracturing at the Brockham Wellsite.
- Acknowledged that there was a miscommunication with planning officers during the upgrade programme and that lessons had been learned.

Mrs Clack, the local Member, was unable to attend the meeting but submitted her comments to the Chairman. She made the following points:

- That she fully supported the letter from Brockham Parish Council and that the concerns raised in the letter reflected those debated at the Parish Council meeting.

Key points raised during the discussion:

1. Officers introduced the report and the update sheet tabled at the meeting. It was noted that the application was 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. Representations in objection to the application had raised concerns relating to the part-retrospective nature of the application and that the proposal involved hydraulic fracturing or the use of acid. There were 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.
2. A Member of the Committee emphasised that the application was not for fracking and that the proposal was not unusual when considering it on a national scale.
3. In regards to the retrospective aspect of the application, it was noted that it was not the Committee's responsibility to judge or punish the past behaviour of the applicant.
4. Members further noted that it was not illegal to consider a retrospective application.
5. A Member of the Committee stated that if the Committee wanted to defer or reject the application there must be clear reasons why or the applicant would be in a position to take the decision to appeal.
6. Members felt it was unclear why the application required a temporary period of three years as some similar applications only required six months. Officers explained that they considered a three year period to be justified as this was the standard period granted to similar applications such as the Horse Hill application. It was also explained that the three year period allowed time for the applicant to submit a planning application if the appraisal period was successful. It was added that government guidance did not recommend how long an application for appraisal should be.
7. It was highlighted that the number of barrels of oil expected to be produced per day from the site was considerably small in comparison to the number of barrels used nationwide each day. Members felt the negative impact on the local area should be considered for such a small addition to the nation's oil usage. Officers explained that it may seem to be a small amount but that there was an impact when considered cumulatively with oil sources from other similar sites.
8. Members felt that there was a number of issues that should be addressed relating to the recent seismic activity in the area. It was noted that concerns around the recent activity were within the remit of the Oil & Gas Authority, not the Planning & Regulatory Committee. Officers clarified that they recently had communication with the Oil & Gas Authority which stated that they believed there was no link between the work at the site and the recent earthquakes in the area. Members noted that an official statement by the Oil & Gas Authority on this had yet to be published.
9. Concern was raised over the seismic activity in the area. The Planning Development Manager reiterated that seismic activity was not in the remit of the Committee but the responsibility of the Oil and Gas Authority. Clarification was sought in respect of the Environment

Agency position and the Committee's attention was drawn to the report where this was explained.

10. A discussion was had around the need for an updated Environmental permit to better understand the implications of the site.
11. Mr Edward Hawkins moved a motion, seconded by Mr Cooksey, to defer the application due to the insufficient detail in the report on the potential risks relating to seismic activity in the area. There were four votes for this motion and seven votes against, therefore the motion was lost.
12. Members were informed that the three year period would begin immediately following the approval of the application.
13. The Chairman communicated his dissatisfaction with the applicant's previous conduct and asked that they provide the highest level of professionalism going forward.
14. The Chairman moved the recommendation on the report, there were seven votes for and four votes against. The application was therefore approved.

Resolved:

That application MO/2018/0444 - Brockham Wellsite, Felton's Farm, Old School Lane, Brockham, Surrey be PERMITTED subject to the conditions and informatives in the report including the amended planning conditions, amended reasons and new informative listed in the update sheet.

Actions/further information to be provided:

None.

27/18 MINERALS/WASTE SP18/00282/SCC- OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY TW19 6AP [Item 8]

Officers:

Caroline Smith, Planning Development Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Jeffrey NG, Planning Officer
 Saira Tamboo, Planning Lawyer

Speakers:

There were no registered speakers.

Key points raised during the discussion:

1. Officers introduced the report and provided a summary of the report. It was noted that the current report should be read in conjunction with the report previously deferred from the Planning & Regulatory Committee on 20 June 2018.
2. It was further noted that officers were now satisfied with the level of detail included in the application and were satisfied that Members reasons for deferral had been addressed sufficiently. The County Air

Quality Assessment had also confirmed that he was satisfied that no further air quality testing was required.

3. Members were satisfied with the level of detail in the report.
4. The Committee voted unanimously in support of the application.

Resolved:

That application SP18/00282/SCC- Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AP be PERMITTED subject to the conditions and informatives outlined in the report.

Actions/further information to be provided:

None.

28/18 APPLICATION FOR VILLAGE GREEN STATUS- LAND AT WOODSIDE MEADOW, CHIDDINGFOLD [Item 9]

Officers:

Helen Gilbert, Commons Registration Officer
Kate Patel, Lawyer

Speakers:

There were no registered speakers.

Key points raised during the discussion:

1. Officers introduced the report and provided a short summary of its details. It was noted that the Committee was asked to consider whether or not to register the land in question as a Village Green.
2. The Committee voted unanimously to reject the application.

Resolved:

The Planning and Regulatory Committee agreed that,

- a) the Applicants be permitted to amend the application to remove a small area from the Land occupied by a group of garages, near to its south-eastern corner;
- b) the application to register the Land be rejected.

Actions/further information to be provided:

None.

29/18 DATE OF NEXT MEETING [Item 10]

The date of the next meeting was noted.

Meeting closed at 12.19 pm

Chairman

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