

## UPDATE SHEET - AGENDA ITEM 7

## PLANNING AND REGULATORY COMMITTEE 27 NOVEMBER 2020

## MINERALS &amp; 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.**

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### Clarifying Information

#### Highways, Traffic and Access

Paragraph 229 of the Officer report to P&R Committee on 29 June 2020 refers to the average number of heavy goods vehicle (HGV) movements per hour taking place on a Monday to Friday. In view of the restriction proposed in the operational hours for HGVs accessing and egressing the site, based on a worst case scenario, the proposal would now result in an average of 2.5 HGV movements per hour (or one HGV movement every 24 minutes) between 0900 and 1700 hours Monday to Thursday and an average of 5 HGV movements per hour (or one HGV movement every 12 minutes) between 0900 and 1300 hours on Fridays. To put this into context, there are an average of 65 HGV movements per hour using Dunsfold Road between 0700 and 1900 hours Monday to Friday."

### Further Consultee Responses

#### Waverley Borough Council

Reiterate the Borough Council's firm objection to the application as set out in their representation dated 5 August 2019 and trust that due regard has, and will be had, to the contents of this response in the assessment of the application. Also express very real concerns that drilling operations taking place directly beneath the proposed new garden village at Dunsfold Park has the potential to detrimentally impact on the delivery and viability of this strategically crucial site, with consequent impacts on the delivery of a very substantial amount of housing within the borough and, as part of that, a significant quantity of affordable housing. Councillors are urged to reaffirm their previous decision to refuse this application as there has been no material change in circumstances since the application was last considered. Request that the matters detailed within the representation submitted by Arthurs Planning and Development on behalf of a group of local residents are given full consideration.

#### Officer Comment

Officers can confirm that all of the previous responses received from the Borough Council have been considered and addressed in the Officer report to Planning and Regulatory Committee (P&R Committee) on 29 June 2020 attached at Annex 1. The impact of the application on Dunsfold Park that are considered relevant to planning have been considered and addressed in paragraphs 230, 378, 403, 404, 458, 642, 646 and 672 to 680 of Annex 1. The integrity of the well beneath the surface is not a matter for the mineral planning authority (MPA) to resolve as part of the determination of this application. This falls within the remit of the other regulators (particularly the Oil and Gas Authority and the Health and Safety Executive) whose roles, together with that of the Environment Agency, are explained in paragraphs 128 to 147 of the

Officer report attached at Annex 1. The impact on house prices are considered in paragraph 711 of Annex 1.

Officers consider that the proposed changes to the permitted hours of operation for HGV movements to and from the site as set out in recommended Condition 13 constitutes a material change in circumstances since the application was last considered by P&R Committee on 29 June 2020. The addendum Officer report includes a summary of the issues raised in further representations received on the application since 12 noon on 26 June 2020 in the section on 'Consultations and Publicity'. This includes the points raised by Arthurs Planning and Development. These points have been fully assessed by Officers who consider that they do not raise any matters that change the conclusions and recommendation contained in the Officer report attached at Annex 1.

#### Hascombe Estate

The Hascombe State has submitted a further response confirming their objection to the application and referring to a procedural matter concerning the publication of their previous submission (which is referred in paragraph 13 of the addendum Officer report).

#### **Additional Representations**

The Waverley Borough Council Conservative Group reiterate the objections raised in their original letter submitted on 15 June 2020. They also raise further concerns in respect of: (i) the Conservative Group not being aware of any material in the public domain to substantiate a number of UKOG's claims concerning the presence of large gas volumes, the consequent capacity to supply energy to large numbers of homes and converting gas to hydrogen, and express concern that maps of the structure published on UKOG's website do not honour the available data; and (ii) the potential impact on the ability to sell homes at Dunsfold Park when natural gas development starts to show up on pre-purchase searches.

Further representations received from Protect Dunsfold and others, including the Waverley Borough Council Portfolio Holder for Environment and Sustainability and a representation submitted on behalf of local residents, have also expressed concern over the potential harm of the application to the '*strategically critical*' housing development at Dunsfold Park.

#### Officer Comment

Officers can confirm that the points raised in the Conservative Group's original letter have been considered and addressed in the Officer report attached at Annex 1. For clarification, the information assessed by Officers and taken into account in the determination process relates to the application as submitted and the amending documents listed in the addendum report only. The only exception to this are the 17 statements of clarification submitted by the applicant on 19 August 2020. These were submitted by the applicant to positively respond to the deliberations of the P&R Committee on 29 June 2020. These statements have been noted but have not influenced or informed the conclusions and recommendation made by Officers. The claims made by UKOG referred to by the Conservative Group and information contained on UKOG's website do not form part of the submitted application and have therefore not been considered by Officers in their assessment of the application. The Officer response to concerns regarding the impacts of the application on Dunsfold Park are covered above on pages 1 and 2 of this Update Sheet.

#### Need for the Development

A representation has been submitted on behalf of the Weald Action Group (WAG) referring to a briefing WAG has prepared on the issue of hydrogen production. This claims that the need for hydrogen in a zero-carbon economy cannot be used to justify an expansion of onshore fossil fuel production. It also claims that the production of hydrogen from renewable electricity has very low emissions whilst hydrogen produced from gas produces large amounts of polluting emissions and contributes to climate change. A further representation argues that hydrogen is only likely to be a key piece of the jigsaw for decarbonising hard to abate sectors of the

economy which are not suited to electrification if it is produced from sustainable renewable energy sources.

A further response has been submitted by Protect Dunsfold expressing concerns that the addendum Officer report omits the substance of important representations submitted since the end of June. This is in respect of concerns about the unsubstantiated nature of UKOG’s assertions on volumes of hydrocarbons present and the potential for energy generation which have not been independently verified. The response also challenges claims made by the applicant about the need for the development contained in paragraphs 2.19 and 2.20 of the final statement submitted by the applicant in August 2020. Protect Dunsfold have also referred to the Government’s Ten Point Plan for a Green Industrial Revolution published on 18 November 2020, and argue that none of the ten points mention fossil fuels.

Officer Comment

The applicant’s case for the need for the development set out in the submitted *Planning Statement and Environmental Report* makes no reference to hydrogen. The addendum Officer report includes a detailed summary of the further representations received by those opposed to the development. In relation to need, this states that, “*UKOG’s claims concerning the volume of gas likely to be present and the potential energy significance of success at Loxley are questionable and need to be independently verified.*”

As outlined above, the information assessed by Officers and taken into account during the consideration of the merits of the proposal relate to the application as submitted and the amending documents listed in the addendum report only, with the exception of the 17 statements of clarification submitted in August 2020. These 17 statements have been noted but have not been used to influence or inform the conclusions and recommendation made by Officers. Statements and publications made by UKOG which do not form part of the submitted planning application have not been assessed.

Paragraph 712 of the Officer report to P&R Committee on 29 June 2020 states that, “*The purpose of the application is to ascertain whether or not commercial volumes of gas and/or oil are present which are capable of being exploited. This can only be ascertained following the exploration and appraisal process.*” The applicant therefore needs to ascertain both the quantity and quality of any hydrocarbons present with a view to informing a commercial decision as to whether production is viable in the longer term.

Officers are aware of the recent publication of ‘*The Ten Point Plan for a Green Industrial Revolution*’. This is intended to ‘support green jobs and accelerate our path to net-zero’. Whilst acknowledging this document, Officers note that there has been no change to Government policy which supports the need for the development as referred to in paragraph 25 of the addendum Officer report and the section on the ‘*Need for the Development*’ set out in Annex 1. Officers are therefore satisfied that the conclusions on ‘need’ set out in paragraph 192 of Annex 1 remain sound, reflect current Government energy and planning policy, and that the demonstrable need for the proposal should be attributed significant weight in the determination process.

Building a Strong and Competitive Economy, Climate Change and Need for the Development

An objection has been received claiming that the document submitted by the applicant on 19 August 2020 makes misleading statements and false claims in relation to these three matters and misquotes the Committee on Climate Change. The response believes that the information in this report cannot be relied on and should not be used as part of the decision-making process.

Officer Comment

Officers can confirm that the assessment of the merits of the application including the conclusions and recommendation reached, are not based on the 17 statements of clarification submitted by the applicant including those relating to the economy, climate change and need. Officers note the contents of these statements of clarification and observations by Officers are included in the addendum Officer report. However only the merits of the proposed new and

amended planning conditions contained within this submitted document have been considered by Officers as part of the determination process.

#### Impact on Local Businesses

An objection has been received on behalf of the Trew Fields Cancer Awareness Festival expressing disappointment about the potential social and economic impacts of the proposal on the festival which runs in July and holds other spin-off activities throughout the year for small groups. It is claimed that these were not addressed in detail in the Officer report and were dismissed as inconsequential. If planning permission is granted, it is stated that the festival will have to be moved elsewhere resulting in the lost income for the local economy. It is also claimed that an oil well would severely affect the wedding venue at High Billingham Farm. The representation states that their understanding is that the venue contributes millions to the local economy. The response also opposes the development due to the impacts on the environment, climate change and the well-being of immediate neighbours including the gypsy, roma and traveller (GRT) community.

#### Officer Comment

Officers are satisfied that the impact on local businesses, the environment, climate change and residential amenity have been fully addressed in the Officer report attached at Annex 1. These issues have been taken into account in the conclusions and recommendation contained in the Officer report. In particular, the applicant has agreed to abide by Informative 21. This advises the applicant to have particular regard for the residents and businesses that neighbour the site, particularly Thatched House Farm to the north and High Billingham Farm to the south. The informative also advises the applicant to liaise with neighbours to ensure the impacts of the development are minimised and maintained at acceptable levels. Officers are satisfied that this represents a sufficient and proportionate response to the impact of the development on local businesses and immediate neighbours.

The applicant has agreed to the imposition of proposed Condition 13. This restricts the permitted hours of operation for HGV movements to between 0900 and 1300 hours on Fridays to reduce the potential for any adverse cumulative traffic impact in association with the events venue at High Billingham Farm. Paragraph 52 of the addendum Officer report refers to the proposed date of the Trew Fields Cancer Festival which is scheduled to take place over the weekend of Friday 2 to Sunday 4 July 2021. This provides the applicant with over 7 months advanced notice of when the festival is due to take place. Officers consider that this provides the applicant with sufficient time in which to plan operations around the event in order to ensure that any impacts are avoided or minimised to acceptable levels. The applicant's agreement to liaise with neighbours should also ensure that the impact on any 'spin-off' events associated with the festival are avoided or minimised to an acceptable degree.

In terms of noise, the applicant has demonstrated that the development can operate in compliance with acceptable noise levels and in accordance with the development plan and government planning guidance. Officers are also aware of other existing and potential significant noise sources in the locality. These comprise the very significant noise disturbance resulting from the testing of high performance cars at Dunsfold Park, which can be heard very clearly over a wide area, and the potential noise disturbance from both the use of agricultural equipment and machinery and the implementation of the Hascombe Estate's felling license.

This permits the clear felling of three large woodland blocks in the vicinity of the application site comprising the Burchetts, The Moor and High Loxley Furze. The Hascombe Estate has advised that timber would be removed via the drive to Thatched Farm Barns. Officers understand that this relates to the private access to Thatched House Farm from Dunsfold Road. Officers consider that concerns about noise disturbance from the application site also need to be considered in this context.

Whilst the concerns about the impact on local businesses are acknowledged, in view of the above considerations and the assessment of the impacts of the development on local businesses set out in the Officer report attached at Annex 1, Officers consider that the impact of the proposal would not be significant and would not jeopardise the future of local businesses.

Farm Diversification

A representation has been received explaining that local residents are concerned that the applicant has sought to justify the drilling operation as a farm diversification activity that would be supported by Waverley Borough Local Plan (WBLP) 2002 ‘saved’ Policy RD8. It is claimed that the application is contrary to this policy. This is because the diversification intended by the policy is other types of farming activity, the policy requires such diversification to have no adverse impacts and that the proposal will have an adverse impact on the environment, landscape, highways and local businesses.

Officer Comment

Officers acknowledge that paragraph 4.3.5 of the submitted Planning Statement and Environmental Report argues that the proposed development is in compliance with this ‘saved’ policy. However, the main purpose of the development is to construct a new well site for the exploration and appraisal of hydrocarbons in order to ascertain whether hydrocarbon minerals are present and capable of being produced on a commercial basis. The application has been assessed by Officers on this basis and considered to be an acceptable use of the land in planning terms.

In particular, the impacts of the development have been thoroughly assessed and Officers have concluded that there would be no significant adverse impact on the environment, landscape, highways and local businesses. The wording of ‘saved’ Policy RD8 does not make it clear that the policy is intended to relate to other types of farming activity. In view of these considerations, it is not clear in what respect the application would fail to accord with this policy. More importantly, the development is considered acceptable as it accords with the Development Plan, and Officers have not relied on ‘saved’ WBLP Policy RD8.

Highways, Traffic and Access

Road Widths:

It is claimed that High Loxley Road is 2.6 metres wide over a 50 metre length rather than at its narrowest point as implied in the Update Sheet for Item 7 reported to P&R Committee on 29 June 2020. As the widest vehicle has a trailer width of 2.75 metres, significant verge overriding is therefore inevitable.

Evidence from an abnormal load vehicle (ALV) recently attempting to turn into Horse Hill well site shows that the applicant’s claim that the use of powered trailing axles steering mechanism will enable ALVs to negotiate the tight turn into High Loxley Road without overriding the verge is false. Significant widening of High Loxley Road should therefore be required, a new Road Safety Audit should have been carried out and the necessary section 278 Agreement drafted for consideration by the Committee.

Officer Comment

The County Highway Authority (CHA) has advised that minor carriageway widening and edge of carriageway strengthening will be required at the narrowest points along High Loxley Road. This is referenced in both the Update Sheet for Item 7 considered by P&R Committee on 29 June 2020 and proposed conditions 7 and 8 of the addendum Officer report. This will form part of the package of section 278 highway works required prior to the commencement of the development. The CHA has clarified that there is sufficient highway verge on either side of High Loxley Road (0.9 metres on either side) to enable the carriageway to be widened to accommodate a trailer with a wheel track width of 2.75 metres.

In relation to access for ALVs, the CHA is satisfied that the swept path drawings submitted by the applicant demonstrate that there is sufficient road width for an ALV to access High Loxley Road, subject to the road widening shown on the submitted drawings. Temporary traffic signals and banksmen will be used to facilitate access for an ALV, which will undertake a '3-point turn' turning manoeuvre using Dunsfold Road, Dunsfold Common Road and High Loxley Road. There will be 2 movements of an ALV during Phase 2: Drilling (rig in / rig out) to drill the main well, and possibly 2 more ALV movements during Phase 2, if the applicant needs to side-track the main well. The CHA has therefore confirmed that they remain satisfied that safe access for an ALV can be achieved. Paragraph 99 of the addendum Officer report addresses the matter of section 278 agreements.

#### Risk of Grounding:

A representation has expressed serious concern if trailers need to be jacked up while carrying a very heavy load to negotiate the junction between Dunsfold Road and High Loxley Road. A vertical swept path analysis of semi low loaders commissioned by the respondent shows that vehicles ran within 12 cm of being grounded at the crown on the give-way line whilst turning into High Loxley Road from Dunsfold Road to the east. The respondent therefore objects to the application as they have seen no modelling by the applicant that disproves the risk of grounding.

#### Officer Comment

The CHA has clarified that the applicant has submitted a vertical swept-path assessment for an ALV and this is available to view on the County Council's website. The specific type of ALV that the applicant proposes to use can achieve a 56 cm clearance when fully loaded giving rise to a 17 cm ground clearance at the apex of High Loxley Road. The CHA are satisfied that, subject to the applicant utilising a trailer that can achieve this ground clearance, that an ALV with a 22 metre trailer will be able to access High Loxley Road without grounding. The exact details of the type of ALV used will be provided as part of the ALV Traffic Management Plan which forms part of the Transport Management Plan (TMP) that the applicant will be required to submit for prior written approval pursuant to proposed Condition 9.

#### Traffic Management Scheme:

Concern has been raised over the lack of detail regarding the use of banksmen to replace the use of 4 or 5 phase traffic signals at the 4-arm Pratts Corner junction and that as the amended traffic management scheme has not been subject to a Road Safety Audit, the risks have not been properly mitigated.

#### Officer Comment

The CHA has advised that the applicant has previously submitted detailed drawings of the traffic management scheme proposed, including the layout of the proposed temporary traffic signals that will be used when required. These are published on the County Council's website. The CHA states that these drawings were produced in response to the recommendations in the Road Safety Audit and feedback from the Local Highways Engineers. The CHA is satisfied that the revised traffic management scheme drawings demonstrate that safe access for HGVs and ALVs can be achieved. Further, proposed Condition 9 requires the submission of the exact logistical details of how this TMP will be implemented for prior written approval once the final HGV delivery schedule for each phase of the operation is known. This will enable the CHA to scrutinise the TMP in advance of the development taking place. Officers are satisfied that this provides an effective approach that will ensure that highway safety is not compromised by the proposal.

#### Procedural Matters

An objection has been received due to concerns relating to oral statements and opinions made by the applicant, Officers and a County Councillor during the consideration of the application at the meeting of the P&R Committee on 29 June 2020. It is suggested that there has been a systematic bias shown in favour of the applicant during the consideration of the application.

Officer Comment

Oral statements made at P&R Committee do not form part of the application as submitted and have therefore not been taken into consideration by Officers during the preparation of the addendum Officer report. Officers can confirm that the conclusions and recommendation contained in the Officer report attached at Annex 1, as well as the addendum Officer report, are based on an assessment of the merits of the submitted application against development plan policy and other material considerations only.

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