

Public Document Pack

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16 March 2020

Planning Committee

A meeting of the committee will be held at **10.30 am** on **Tuesday, 24 March 2020** at **County Hall, Chichester PO19 1RQ**.

Tony Kershaw
Director of Law and Assurance

The meeting will be available to view live via the Internet at this address:

<http://www.westsussex.public-i.tv/core/portal/home>

Agenda

- 10.30 am 1. **Declarations of Interest**
- Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.
- 10.35 am 2. **Minutes of the last meeting of the Committee** (Pages 5 - 8)
- The Committee is asked to agree the minutes of the meeting held on Tuesday, 4 February 2020 (cream paper).
- 10.40 am 3. **Urgent Matters**
- Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.
- 10.45 am 4. **Planning Applications: Minerals** (Pages 9 - 40)
- Report by Head of Planning Services.
- To consider and determine the following applications:
- WSSC/078/19 - Amendment of condition no. 1 of planning permission WSSC/033/18/WC to enable the**

retention of security fencing, gates and cabins for a further 24 months.

WSCC/079/19 - Amendment of condition no. 1 of planning permission WSCC/032/18/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration.

At Woodbarn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED

LUNCH BREAK - 45 Minutes

The Planning Committee meeting will resume at 1 p.m.

1.00 pm 5. **Planning Application: Minerals** (Pages 41 - 88)

Report by Head of Planning Services.

To consider and determine the following applications:

WSCC/071/19 – Remove drilling fluids and carry out an extended well test. This proposal is a two-stage activity: (1) Pumping out previously used drilling fluids to ascertain any oil flow (up to 4 weeks); (2) Should oil be seen to flow, an extended well test would be carried out over a period of 3 years

Lower Stumble Exploration Site, London Road, Balcombe RH17 6JH

BREAK - 10 Minutes

The Planning Committee meeting will resume at 2.40 p.m.

2.40 pm 6. **Planning Application: Waste** (Pages 89 - 132)

Report by Head of Planning Services.

To consider and determine the following application:

WSCC/081/19 – Proposed Temporary Concrete Crushing and Soil Recycling Facility.

Kilmarnock Farm, Charlwood Road, Ifield, RH11 0JY

3.25 pm 7. **Update on Mineral, Waste and Regulation 3 Planning Applications** (Pages 133 - 138)

Report by Strategic Planning, County Planning Manager.

To note the schedule of County Matter applications and the

schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

3.30 pm 8. **Report of Delegated Action** (Pages 139 - 140)

Report by Strategic Planning, County Planning Manager.

To note the report of applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 4 February 2020.

9. **Date of Next Meeting**

The next meeting of the Planning Committee will be held at 10.30 a.m. on Tuesday, 28 April 2020.

To all members of the Planning Committee

Webcasting

Please note: this meeting may be filmed for live or subsequent broadcast via the County Council's website on the internet - at the start of the meeting the Chairman will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council.

Generally the public gallery is not filmed. However, by entering the meeting room and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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Planning Committee

4 February 2020 – At a meeting of the Planning Committee held at 10.30 am at County Hall, Chichester.

Present: Mr High (Chairman)

Mrs Kitchen, Lt Cdr Atkins, Mr Barrett-Miles, Lt Col Barton, Mr McDonald, Mr Patel and Mr Quinn

Absent: Mr S Oakley

Part I

20. Declarations of Interest

20.1 In accordance with the County Council's code of the conduct, there were no declarations of interest made by Committee members.

21. Minutes of the last meeting of the Committee

21.1 Resolved – that the minutes of the meeting held on 7 January 2020 be approved and signed by the Chairman as a correct record.

22. Urgent Matters

22.1 There were no urgent matters.

23. Certificates of Lawfulness - Decision Making

23.1 The Committee considered a report by the Report by Director of Highways, Transport and Planning and Director of Law and Assurance. The report was introduced by Katie Kam, Solicitor, explained the key issues in respect of the proposals and the relevant legislation. It was noted that whilst third-party consultation is not a requirement under the legislation it is recommended in planning guidance as best practice.

23.2 During the debate the Committee raised the following points and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

Point raised - Do other local authorities delegate authority to determine certificates of lawfulness to officers?

Response – Other local authorities do delegate this power to officers.

Point raised – Why has this not been included previously in the WSCC list of delegation.

Response – Applications for certificates of lawfulness are generally quite rare, so it had not been highlighted as an issue previously.

Point raised – How would applications be considered if objections are received and what would be referred to Planning Committee?

Response – Where there are objections, and therefore significant local interest, there must be sufficient contrary evidence in order for the application to be referred to Planning Committee for determination.

Point raised – Would objections from a parish, town or district or borough council count as 'local interest'?

Response – Yes, it would, but as with all information submitted by third parties this must contain sufficient contrary evidence for the matter to be brought to Planning Committee for determination.

Point raised – How would decisions made by officers be reported back to the Committee?

Response – All decisions made under delegated authority will be included on the 'Report of Delegated Action' that is provided to the Planning Committee as a standard item on the agenda.

Point raised – How onerous would it be to Planning Officers to provide reports under delegated authority?

Response – It would be less onerous than providing a report for a Planning Committee meeting because a delegated decision report can be more concise.

Point raised – Concern was raised that delegated decisions for certificates of lawfulness are to be signed off by a 'senior manager' because it is not specified who this will be, nor at which level in the authority that person sits and, therefore, whether there are sufficient safeguards in place to ensure that the process is not misused.

Response – The power is delegated to the Director of Highways, Transport and Planning, in consultation with the Director of Law and Assurance. It matches the process for delegated decisions for other planning applications. This is sufficient to provide safeguards against misuse.

23.3 The substantive recommendation was put to the Committee and approved unanimously.

23.4 Resolved – That Planning Committee delegates to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance the determination of applications for a certificate of lawfulness for existing or proposed use.

24. Development Management Performance

24.1 The committee received and noted a report by the Head of Planning Services on development management performance (1 January 2019 – 31 December 2019). The report was introduced by Jane Moseley, County Planning Team Manager, who explained the performance of the County Planning Team in relation to the determination of planning applications and the related compliance work over the past year.

24.2. During the discussion of the item the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

Point raised – How much work is involved for the County Planning Team in EIA screening/scoping opinions and is this chargeable?

Response – EIA screening/scoping opinions are a statutory requirement and therefore, not chargeable. It does require a considerable time commitment from Planning Officers and must be completed within a defined 3 week/30 day period respectively. However, this is manageable and a necessary process.

Point raised – Has the County Planning Team been busier this year than in the previous year?

Response – Yes, largely due to the large EIA screening/scoping requests and pre-application requests received during the period.

Point raised – Does the County Planning Team have adequate resources to deal with enforcement matters?

Response – As with most authorities now, enforcement is largely a reactive rather than proactive exercise, but this is acceptable because it highlights the breaches that are having an impact on local people so require investigation will notice if something is having an impact. The team currently has sufficient resources to investigate complaints in a timely manner.

25. Update on Mineral, Waste and Regulation 3 Planning Applications

25.1 The Committee received and noted a report by Strategic Planning, County Planning Manager on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

26. Report of Delegated Action

26.1 The Committee received and noted a report by Strategic Planning, County Planning Manager (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 7 January 2020.

27. Date of Next Meeting

27.3 The Committee noted that there is no substantive business nor applications to be determined at the scheduled meeting of Planning Committee on 25 February 2020 and, therefore, this meeting is now cancelled.

Agenda Item 2

27.2 The following scheduled meeting of Planning Committee will be on Tuesday, 24 March 2020 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 11.14 am

Chairman

Planning Committee

24 March 2020

County Matter Mineral Application

Applications

- **WSCC/078/19 - Amendment of condition no. 1 of planning permission WSCC/033/18/WC to enable the retention of security fencing, gates and cabins for a further 24 months**
- **WSCC/079/19 - Amendment of condition no. 1 of planning permission WSCC/032/18/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration**

At Woodbarn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED

Report by Head of Planning Services

Local Member: Pat Arculus

District: Horsham

Executive Summary

This report concerns proposals for an extension of time for a period of 24 months to retain the well site (WSCC/079/19) and the associated fencing, gates and structures (WSCC/078/19) further to the restoration of the site at Wood Barn Farm, Broadford Bridge, near Billingshurst.

As with the previous applications, these applications seek a further period of time to enable data review and evaluation from surrounding sites and propose that the site will be restored if no viable hydrocarbon resource is found or, if a viable resource is found, to retain the site whilst a further planning application is prepared. No further drilling or testing activities are sought in the current applications and operations at the site have been suspended.

The site benefits from planning permission for the retention of the site and the fencing, gates and associated structures until 31 March 2020.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

The main policies of relevance to this application are policies M7a, M12, M15, M16, M17, M18, M19, M20, M22 and M24 of the West Sussex Joint Minerals Local Plan (2018) and policies 1, 10, 24, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

No objection was raised by Horsham District Council, although West Chiltington Parish Council and Pulborough Parish Council objected to both applications.

538 representations were received from members of the public and public bodies for

the well-site application (WSCC/079/19), of which 413 objected to the development, 125 were in support. The application for the retention of the fencing (WSCC/078/19) received 162 representations, of which 59 objected to the development, 103 were in support.

Consideration of Key Issues

The main material planning considerations are whether:

- there is a need for the development;
- the development is acceptable in terms of impact on local residents; and
- the development is acceptable in terms of impact on the environment.

Need for the Development

The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. Planning Policy Guidance on Minerals notes that oil and gas will continue to form part of the national energy supply. The JMLP notes that planning permission for oil and gas exploration will be permitted, subject to being located outside designated landscape areas, being the least sensitive, deliverable location from which the target reservoir can be reached, any unacceptable impacts being minimised and/or mitigated; that restoration/aftercare would be to a high quality standard; and that no unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground. The present proposals are considered to meet all of the criteria specified in Policy M7a of the JMLP. It is, therefore, concluded that there is a current identified need for the retention of the well pad and associated infrastructure on this site.

Impact on Local Residents

It is not considered that the proposals would result in unacceptable impacts on local residents. Vehicular movements associated with the final phase (restoration) would be low; noise emissions have been shown to be within an acceptable range and the noise management plan would ensure the operator complies with identified noise limits. Given the low key, temporary nature of the development, it is considered acceptable with regards to its impact upon local residents.

Impact on the Environment

Although the site use is of an industrial nature within a rural setting, it is well-screened from public views and, therefore, it is considered that the proposal is acceptable in terms of landscape and visual impact. Other than restoration, no physical works are proposed and so the development does not pose a risk to the water environment, either at the surface or groundwater. The potential impact of the development on habitats and species would be minimal. Overall, given the temporary nature of the development and subject to the imposition of the suitable conditions and approved documents, the impact of the development on the immediate environment and the surrounding landscape is considered to be minimal.

Conclusion

The proposed 24 month extension of time to allow for retention of the well site and the fencing, gates and associated structures at the hydrocarbon site at the

Broadford Bridge has the potential to result in impacts on the highway, local residents, and the environment, issues that have been raised in the large number of objections to the application. However, no objection has been received from Horsham District Council, although the local parish council has raised an objection to both applications.

It is concluded that the number of vehicles required to carry out the remainder of the development would not be significant enough to raise concerns regarding highway capacity or road safety. The retention of the site would not involve any activity, has limited visibility and would be temporary in nature, and the restoration operations would be over a limited time period and so, again, would not have an adverse impact on the character of the area. The impacts of the development would be controlled through the planning regime as well as through the environmental permitting and health and safety regimes to ensure that water quality would not be compromised.

Overall, the extensions of time to enable an overarching evaluation of the results of hydrocarbon exploration are considered to have minimal impacts on people or the environment, and would help to meet an identified need for hydrocarbon exploration and appraisal. Both developments accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposals are acceptable subject to the imposition of appropriate conditions to control the potential impacts as it progresses through the final stage of development.

Recommendation

It is **recommended**, therefore, that planning permission be granted for:

- i) **WSCC/078/19** subject to the conditions and informatives set out at Appendix 1; and
- ii) **WSCC/079/19** subject to the conditions and informatives set out at Appendix 2.

1. Introduction

- 1.1 This report concerns two planning applications to retain, for an extended period of 24 months, the hydrocarbon well site (application WSCC/79/19) and associated fencing, gates and cabins (application ref. WSCC/078/19) at Wood Barn Farm, Broadford Bridge, near Billingshurst.
- 1.2 The site benefits from planning permission for the retention of the site and the fencing, gates and associated structures until 31 March 2020 (refs. WSCC/032/18/WC and WSCC/033/18/WC).
- 1.3 These fresh applications seek an additional two year period to carry out off-site appraisal of the hydrocarbon resource, after which the site would be restored and fencing removed if no viable hydrocarbon resource is found or, if a viable resource is found, the site and fencing retained whilst a further planning application is prepared.

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- 1.4 For the avoidance of doubt, all construction/site set-up activity, mobilisation and drilling and the testing of the borehole have been completed. The present applications seek only the additional time in order to complete the work and review data from other boreholes in the wider Weald Basin formations.

2. **Site and Description**

- 2.1 The proposed application site is located in the countryside in the parish of West Chiltington, in Horsham District, approximately 7km to the south east of Horsham and 3km to the south of Billingshurst.
- 2.2 The drilling pad and main operational area is set back some 430m from the western side of Adversane Lane (the B2133), accessed via a purpose-built crushed stone track (**Appendix 3 – Site Location Plan**). Currently the only visible elements on site are the well-pad itself with a container protecting the well-head/borehole, the access track and the surrounding fencing and gates. All drilling equipment, storage tanks, pumps, separators and any other plant required for the testing phase has been removed (**Appendix 4 –Retention Mode**).
- 2.3 The site is surrounded in all directions by woodland and arable fields, typically enclosed with hedgerows. The most significant areas of woodland consist of Pocock’s Wood to the north-west and Prince’s Wood approximately 150m to the east, the latter designated as Ancient Woodland.
- 2.4 The local area is generally characterised by gently undulating farmland enclosed by mature hedgerows and scattered woodland blocks. The settlement pattern comprises a network of farmsteads and associated agricultural workings alongside smaller villages, groups of residential properties and individual cottages and homes, some of which are Listed Buildings (the closest of which being Broadford Bridge Farmhouse some 500m to the south-east). The closest area of development lies approximately 300m to the south east and consists of a number of poultry houses at Homefield Farm. Further to the east of the poultry houses is the main farmhouse and other detached properties associated with the hamlet of Broadford Bridge. The most significant area of development is the village of Billingshurst which lies approximately 3km to the north of the site, while Pulborough is some 4km to the south-west.
- 2.5 There is a network of public footpaths and bridleways in the locality. The closest public right of way passes approximately 320m to the north-west between Wood Barn Farm and Gay Street Farm.

3. **Relevant Planning History**

- 3.1 Planning permission was initially granted in February 2013 for "*The siting and development of a temporary borehole, well site compound and access road including all ancillary infrastructure and equipment, on land at Wood Barn Farm, Broadford Bridge, for the exploration, testing and evaluation of hydrocarbons in the willow prospect*" (ref. WSCC/052/12/WC). The applicant subsequently realised a security fence would be required, so planning permission was separately sought for a temporary fence around the site (ref. WSCC/037/14/WC, granted 3 September 2014).

- 3.2 Both temporary planning permissions were extended by 12 months in September 2017, allowing a *"further 12 months of continued operations to enable the completion of phase 3 testing and phase 4 restoration or retention"* (ref. WSCC/029/17/WC, WSCC/037/14/WC allowing the retention of the fence)
- 3.3 Following approval by the Planning Committee, a temporary planning permission was granted in September 2018 for *"Amendment of condition 1 of planning permission ref: WSCC/029/17/WC extending the permission by 18 months to enable the completion of phase 4 retention and restoration at Wood Barn Farm, Broadford Bridge."* (ref. WSCC/032/18/WC). No hydraulic fracturing was proposed or approved. The permission expires on 31 March 2020.
- 3.4 At the same meeting, the Planning Committee also permitted a temporary planning permission for *"Amendment of condition 1 of planning permission ref: WSCC/032/17/WC to enable the retention of security fencing, gates and cabins at Wood Barn Farm, Broadford Bridge."* (ref. WSCC/033/18/WC). This permission also expires on 31 March 2020.
- 3.5 The timescales set out in the Environmental Statement that accompanied the original 2012 application (as set out in the Planning Committee Report for that application) are summarised below:

Phase	Best Case Scenario	Worst Case Scenario
Phase 3a Testing (gas)	1 week (includes mobilisation, 1 week test with rig and flaring)	2 weeks (includes mobilisation, 2 weeks test with rig and flaring)
Phase 3b Testing (oil)	2 weeks – (1 week mobilisation, 1 week testing with rig and flaring)	14 weeks (2 weeks mobilisation, 12 weeks testing, but rig would not be at site during an extended test such as this)
Phase 4a Restoration	6 weeks	6 weeks
Phase 4b Retention	1 month	30 months

- 3.6 Phase 3 was completed in March 2018, with the site now in the 'retention' phase.

4. **The Proposal**

- 4.1 A planning application (WSCC/079/19) has been submitted to amend condition 1 of planning permission WSCC/032/18/WC which states:

"This permission shall be for a limited period only expiring on 31 March 2020, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall have been removed from the site, and the site shall be restored in accordance with the approved restoration scheme (ref. Well Site Restoration Layout Plan – KOG-L-BB-PA-XX-09).

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Reason: To secure the proper restoration of the site following the approved period for this temporary development

- 4.2 A separate planning application (WSCC/078/19) seeks to vary condition 1 of planning permission WSCC/033/18/WC which states:

"The fencing, gates and structures hereby approved shall be removed from the site, and the site restored in accordance with the restoration scheme approved under planning permission WSCC/032/18/WC either:

- a) on or before the period ending 31 March 2020; or*
- b) within three months of the cessation of the operations and need of the site whichever occurs soonest.*

Reason: To secure the proper restoration of the site following the approved period for this temporary development.

- 4.3 Permission is now sought to extend both permissions until 31 March 2022, to allow for a further 24 month period to review the technical data obtained from other boreholes in the wider Weald Basin formations.
- 4.4 The applicant states that the potential viability of the site, and therefore its future will be informed by data retrieved from other boreholes which are targeting similar reserves within the wider Weald Basin formations. In particular, testing is currently being undertaken at the Horse Hill well-site in Surrey. Drilling at this site was delayed but has now commenced (29th September 2019), with the evaluation of the site anticipated in 2020. In addition, a decision regarding a planning application for exploration, testing and appraisal is expected in 2020 for the Loxley Well Site (Surrey County Council) which is in the same PEDL area.
- 4.5 The applicant states that data from the wider area will help determine the extent of reserves, the mix of hydrocarbons, flow rates and pressures within the target formations. If data indicates that there is not a viable hydrocarbon resource, the well would be plugged and abandoned. All structures, buildings, plant and machinery including foundations and hardstanding would be removed and the land would be returned to its former use, using the native soils from the stored sub and top soil bunds. The site surface would be re-formed using the stored soils, and allowed to regenerate naturally. In addition, the surrounding fencing, gates and structures would also be removed (**Appendix 5 – Restoration Layout Plan**).
- 4.6 The applicant states that following the period of data review, site restoration would be commenced immediately, and would be completed within the planting season from October 2021 -March 2022.
- 4.7 If data confirms the site is viable, a planning application would be prepared to retain the site for production.

5. **Environmental Impact Assessment (EIA)**

- 5.1 The proposals does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017('the EIA Regulations').

- 5.2 The original application submitted in respect of the currently approved development proposals (WSCC/052/12/WC) was voluntarily accompanied by an EIA as proposals which may fall within Schedule 2, Part 2 (e) 'Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale'. The Screening threshold set out in column 2 to Schedule 2 for such development is where 'The area of the development exceeds 0.5 hectare.
- 5.3 The development proposals are considered to fall within Schedule 2 to the EIA Regulations, namely Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed.'
- 5.4 The site is not located within a 'sensitive area' as defined in regulation 2(1) of the EIA Regulations, however, the site measures 2.12 hectares exceeding the 0.5 hectare threshold set out in column 2 to Schedule 2.
- 5.5 As a result of the above, with reference to Schedule 3 to the EIA Regulations, consideration needs to be given as to whether the proposed variations amendments to the approved developments, along with the existing, approved development has the potential to result in 'significant environmental effects' which require an EIA.
- 5.6 The Annex to PPG: Environmental Impact Assessment (6 March 2014) sets out indicative thresholds when considering whether EIA is necessary. For part 2(e) the indicative thresholds refer to a development site of 10 hectares or more, or where production is expected to be more than 100,000 tonnes of petroleum per year. The present proposals would not fall within either of these criteria.
- 5.7 The key issues to consider are noted in this annex as the scale of development, emissions to air, discharges to water, risk of accidents and arrangements for transporting the fuel.
- 5.8 The scale of the present developments and emissions associated with it are not considered to be significant, particularly as the use would be temporary. The risk of accidents is not considered to be significant and significant amounts of fuel would not require transportation. No potentially significant impacts have been identified when considering the key issues.
- 5.9 Taking into account the EIA Regulations, it was considered that the proposals would not have the potential for significant effects on the environment, within the meaning of the EIA Regulations. Therefore, EIA was not considered necessary for either application proposals.

6. **Policy**

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')).

Agenda Item 4

- 6.2 For the purposes of the application, the statutory development plan is considered to comprise the West Sussex Joint Minerals Local Plan (2018) and the Horsham District Planning Framework (2015) ('HDPF').
- 6.3 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance, emerging planning policies and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Joint Minerals Local Plan (JMLP) (2018)

- 6.4 The JMLP was adopted in July 2018 and covers the period up to 2033. It is the most up-to-date statement of the County Council's land-use planning policy for minerals. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.
- 6.5 Policy M7a of the JMLP is of significant relevance to the present application, relating as it does to 'hydrocarbon development not involving hydraulic fracturing'.
- 6.6 Clause (a) of policy M7a notes that extensions to existing oil/gas sites, including extensions of time, will be permitted provided that, in summary:
- i. 'Major' development proposals located within Areas of Outstanding Natural Beauty must demonstrate there are exceptional circumstances, that is it in the public interest, and in accordance with Policy M13 [protected landscape];
 - ii. The site represents an acceptable option compared to other deliverable alternative sites from which the target reservoir can be accessed;
 - iii. Any unacceptable impacts can be minimised and/or mitigated;
 - iv. Restoration/aftercare would be to a high quality standard; and
 - v. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground.
- 6.7 The other 'development management' policies of relevance to the proposal are as follows:
- Policy M12: Character – supports development which would not have an unacceptable impact on the setting and character of the High Weald AONB and reinforce the main attributes of the wider character areas;
 - Policy M15: Air and Soil – supports development which would not have unacceptable impacts on the intrinsic quality of air and soil or their management;
 - Policy M16: Water Resources – supports development which would not cause unacceptable risk to water quality or quantity;
 - Policy M17: Biodiversity and Geodiversity – supports development which avoids/mitigates/remedies significant harm to wildlife species and habitats;

- Policy M18: Public Health and Amenity – supports development which would not result in an unacceptable impact on public health and amenity through lighting, noise, dust, odours, vibration, and other emissions and that routes and amenity of public rights of way are safeguarded;
- Policy M19: Flood Risk Management – supports development which would not result in increased flood risk on site or elsewhere;
- Policy M20: Transport – supports development with adequate transport links; is capable of using the Lorry Route Network rather than local roads; does not have an unacceptable impact on highway capacity; provides safe access to the highway; provides vehicle turning on site; and minimises vehicle movements;
- Policy M22: Cumulative Impact – supports development provided an unreasonable level of disturbance does not result from cumulative impact;
- Policy M24: Restoration and Aftercare – supports development with restoration schemes which ensure that land is restored at its earliest opportunity to a high quality;

Horsham District Planning Framework (2015)(HDPF)

6.8 The HDPF was adopted in November 2015 and forms part of the 'Development Plan'. The relevant policies are:

- Policy 1 - Sustainable Development;
- Policy 10 – Rural Economic Development
- Policy 24 - Environmental Protection;
- Policy 25 - Natural Environment and Landscape Character;
- Policy 26 - Countryside Protection; and
- Policy 33 - Development Principles

National Planning Policy Framework (Feb 2019)(NPPF)

6.8 The NPPF sets out the government's planning policies for England and outlines how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process. At the heart of the NPPF is a presumption in favour of sustainable development.

6.9 The paragraphs in the NPPF of greatest relevance to the present proposal are:

- Paragraph 11 – Presumption in favour of sustainable development, and approving development that accords with the development plan;
- Paragraph 38 – Positive decision making;
- Paragraph 47 – Determining applications in accordance with the development plan;
- Paragraph 54 – 56 – Use of planning conditions;
- Paragraph 108 – Impacts on transport networks and securing safe and suitable access;

- Paragraph 127 – Development should be of high quality and sympathetic to the local character and history;
- Paragraph 163 – Development should not increase flood risk elsewhere;
- Paragraph 170 – Development to contribute to and enhance the natural and local environment including the countryside, providing net gains for biodiversity, and preventing unacceptable pollution;
- Paragraph 175 – Development should normally be refused if it cannot avoid, mitigate or compensate for significant harm to biodiversity, or result in the loss or deterioration of irreplaceable habitats;
- Paragraph 180 – Ensuring new development appropriate for location taking into account impact of pollution on health and the environment;
- Paragraph 203 – Supply of minerals; highlights that minerals can only be worked where they are found, and the importance of making best use of them to secure their long-term conservation;
- Paragraph 205 - Giving great weight to the benefits of mineral extraction and ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and taking into account cumulative impacts;

Planning Practice Guidance (PPG)

- 6.10 Planning Practice Guides (PPGs) were first published in March 2014 to accompany the NPPF. As with the NPPF, these are a material consideration in considering planning applications.

PPG: Minerals

- 6.11 PPG: Minerals (October 2014) sets out the Government's approach to planning for mineral extraction in both plan-making and the planning application process.
- 6.12 Paragraph 12 sets out the relationship between planning and other regulatory regimes noting that *"the planning system controls development and the use of land in the public interest"* including ensuring development is appropriate for its location and an acceptable use of land.
- 6.13 It notes that *"the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively."*
- 6.14 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, traffic, risk of contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and in some cases ground water issues, and water abstraction.

- 6.15 Paragraph 14 sets out issues which are for other regulatory regimes to address. For hydrocarbon extraction, paragraphs 110 to 112 of the PPG sets out the key regulators in addition to the Mineral Planning Authority, namely:
- Oil and Gas Authority (formerly Department of Energy and Climate Change (DECC)): issues petroleum licences, gives consent to drill, responsibility for assessing risk of and monitoring seismic activity, grant consent for flaring or venting.
 - Environment Agency: protect water resources (including groundwater aquifers), ensure appropriate treatment of mining waste, emissions to air, and suitable treatment/management of naturally occurring radioactive materials (NORMs). Assess chemical content of fluids used in operations.
 - Health and Safety Executive: regulates safety aspects of all phases of extraction, particularly ensuring the appropriate design and construction of a well casing for any borehole.
- 6.16 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.
- 6.17 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.
- 6.18 Paragraph 93 notes that planning permission is required for each phase of hydrocarbon extraction, while paragraph 94 notes that applications can cover more than one phase and paragraph 118 notes that both vertical and horizontal drilling can be included in one application.
- 6.19 Paragraph 95 explains that the exploratory phase of hydrocarbon extraction:
- "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."*
- 6.20 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. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site...Much will depend on the size and complexity of the hydrocarbon reservoir involved."*
- 6.21 Paragraph 124 states that Mineral Planning Authorities should take account of Government energy policy which makes it clear that energy supplies should come from a variety of sources' including onshore oil and gas. It also refers (and electronically links) to the Annual Energy Statement 2013 which notes, among other things, that the UK needs to make the transition to low carbon in order to meet legally-binding carbon emission reduction targets (paragraph 1.2) and that levels of production from the UK continental shelf are declining so the UK will become increasingly reliant on imported energy (paragraph 1.3). The three stated priorities in delivering the UK's energy policies in the near term are:
- *"helping households and businesses take control of their energy bills and keep their costs down;*

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- *unlocking investment in the UK's energy infrastructure that will support economic growth; and*
- *playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change."* (paragraph 1.6).

6.22 Paragraph 3.69 states:

"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."

Other PPGs

- 6.23 PPG: Air Quality notes that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would (in summary): significantly affect traffic (through congestion, volumes, speed, or traffic composition on local roads); introducing new point sources of air pollution; give rise to potentially unacceptable impact (such as dust) during construction; or affect biodiversity (paragraph 5).
- 6.24 PPG: Noise notes that noise can override other planning concerns (paragraph 2), and that the acoustic environment should be taken account of in making decisions, including consideration of (in summary) whether a significant adverse effect is likely to occur; whether an adverse effect is likely to occur; and whether a good standard of amenity can be achieved (paragraph 3).
- 6.25 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking. Notes the Climate Change Act 2008 which requires the Government to assess regularly the risks to the UK of the current and predicted impact of climate change, to set out its climate change adaptation objectives and to set out its proposals and policies for meeting these objectives.

7. Consultations

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- 7.1 **Horsham District Council:** No comments to make
- 7.2 **West Chiltington Parish Council:** Objection; the applicant has already had enough time and restoration should now happen. Feels West Sussex County Council should secure a bond to ensure restoration occurs should UKOG encounter financial difficulties
- 7.3 **Pulborough Parish Council:** Objection, 24 months is too long
- 7.4 **Billingshurst Parish Council:** No comments to make.
- 7.5 **WSCC Councillor Patricia Arculus:** No comments received.

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- 7.6 **Horsham District Council:** No response received
- 7.7 **West Chiltington Parish Council:** Objection; the applicant has already had enough time and restoration should now happen. Feels West Sussex County Council should secure a bond to ensure restoration occurs should UKOG encounter financial difficulties
- 7.8 **Pulborough Parish Council: Objection, 24 months is too long**
- 7.9 **Billingshurst Parish Council:** No response received
- 7.10 **Health & Safety Executive:** No response received
- 7.11 **WSCC Ecology:** No response received
- 7.12 **WSCC Arboriculture:** No objection, highlights biosecurity guidance
- 7.13 **WSCC Councillor Patricia Arculus:** No comments received

8. Representations

- 8.1 The applications were publicised in accordance with The Town and Country Planning (Development Management Procedure)(England) Order 2015. This involved the erection of site notices located around the application site, and (for the well-pad application) advertisement in the local newspaper, and neighbour notification letters were sent out.
- 8.2 In total, 538 representations were received from members of the public and public bodies for the well-site application (WSCC/079/19), of which 413 objected to the development, 125 were in support. The application for the retention of the fencing (WSCC/078/19) received 162 representations, of which 59 objected to the development, 103 were in support. Representations were received from local residents and interested parties, including Keep Kirdford and Wisborough Green (KKWG) and Campaign to Protect Rural England Sussex Countryside Trust (CPRE).
- 8.3 Issues raised through objections, were, in summary:
- Drilling in the area has been linked with earthquakes;
 - Need to reduce reliance on fossil fuels in line with national and regional policies;
 - Government policy has changed;
 - Will be risky and could damage water supply;
 - Risk of use of toxic chemicals and could affect aquifers;
 - Will increase global warming;
 - Applicant cannot justify the extension required;
 - Lack of evidence for statements made in the submission;
 - Impact of HGVs on condition of road, and amenity;
 - HGV calculations are incorrect;

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- Resident are being ignored;
- Concern about increase in carbon emissions;
- Increase the risk of traffic accidents;
- Industrialisation of rural area;
- Impact on ecology, including adjacent ancient woodland and local birds;
- Development would result in pollution to air, water and soil;
- Fracking has been banned;
- Concerns the operator will not be able to pay for restoration;
- Extension of time is dangerous as the borehole runs through a fault which could move at any time;
- Potential pollution of local aquifers;
- Impact of fossil fuel extraction on climate change;
- Increased impact upon local residents health;
- Few economic benefits for local residents; and
- WSCC should be promoting renewable energy;

8.4 Of those in support of the development, the following issues were raised:

- Would be wrong to dismiss the resource;
- Support home produced oil rather than import;
- All forms of energy are needed at the moment;
- Operator has a proven track record;
- Will boost the economy from jobs and taxes;
- Important to determine the extent of a national significant resource; and
- Need to stop importing oil for economic purposes.

9. **Consideration of Key Issues**

9.1 The main material planning considerations in relation to this application are whether:

- there is a need for the development;
- the development is acceptable in terms of impact on local residents; and
- the development is acceptable in terms of impact on the environment.

Need for the Development

9.2 The JMLP seeks to make provision for oil and gas development, recognising the national commitment to maintain and enhance energy security in the UK, provided that there are no unacceptable impacts on the environment and local communities.

9.3 Policy M7a of the JMLP supports proposals for oil and gas exploration and appraisal not involving hydraulic fracturing subject to certain criteria, in summary:

- vi. They are located outside South Downs National Park and Areas of Outstanding Natural Beauty;
 - vii. The site is the least sensitive, deliverable location from which the target reservoir can be reached;
 - viii. Any unacceptable impacts can be minimised and/or mitigated;
 - ix. Restoration/aftercare would be to a high quality standard; and
 - x. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground.
- 9.4 The site is not within the national park or an area of outstanding natural beauty and so meets this requirement.
- 9.5 In terms of consideration of whether the site is the 'least sensitive, deliverable location from which the target reservoir can be reached', exploration, appraisal and production of oil and gas can only take place within areas which are covered by a Petroleum Exploration and Development Licence (PEDL). As hydrocarbons can only be exploited within a given PEDL area, it is considered reasonable to limit consideration of alternative sites to a single PEDL area.
- 9.6 The application site is within PEDL 234, a reverse-L shaped area of some 300 square kilometres. The area covered by the PEDL is generally rural with scattered, small settlements and, therefore, any oil/gas site tapping into this reserve is likely to be within the West Sussex countryside. PEDL 234 is therefore the 'search area' for the purposes of this application.
- 9.7 By retaining the existing site, the operator can make use of existing geological data, and the associated infrastructure on site including the well pad and access road. It is considered that making use of an existing site and data is the best option for establishing whether the reserves are viable to exploit.
- 9.8 Policy M7a indicates a presumption in favour of allowing temporary hydrocarbon exploration and appraisal, subject to environmental matters. In this regard, criteria iii) and v) of Policy M7a (impacts arising from the development) are considered in further detail in the separate sections below.
- 9.9 In terms of the restoration of the site, a restoration scheme has already been agreed. This also relates to landscaping matters and includes a restoration methodology for removing the well-pad as well as the access track. In general terms, the site would be restored to its original state as an agricultural field. A scheme of aftercare shall be sought by condition which would seek the details of aftercare following the restoration of the site.
- 9.10 For the avoidance of doubt, no further drilling or testing activities are sought in the current applications and the operations at the well site have been suspended. The applicant states that the period of data review and evaluation would be followed immediately by Phase 4: Restoration commencing and completing within the planting season (October 2021 - March 2022), unless a further application is submitted.
- 9.11 Further to this, hydraulic fracturing ('fracking') was not permitted under any previous permissions, is not proposed under the current applications, and it

cannot be carried out at the site without further permissions and authorisations being secured.

9.12 In considering the need for minerals, the NPPF notes that *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs"* and that *"...minerals are a finite natural resource, and can only be worked where they are found..."* (NPPF paragraph 203). Paragraph 205 requires that in determining planning applications, minerals planning authorities *"give great weight to the benefits of mineral extraction, including to the economy"*, though this must be balanced against the weight given to environmental impacts of a development.

9.13 Paragraph 124 of PPG: Minerals which relates to the demand for oil/gas, states:

'Mineral planning authorities should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the Government's Annual Energy Statement published in October 2013.'

9.14 The Annual Energy Statement referred to in this paragraph notes that energy policy is underpinned by the need to reduce carbon emissions, and to ensure energy security (paragraph 1.1). It makes it clear that while renewable energy must form an increasing part of the national energy picture, oil and gas remain key elements of the energy system for years to come (paragraph 3.69). The Annual Energy Statement 2014 takes the same approach.

9.15 *The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. Planning Policy Guidance on Minerals notes that oil and gas will continue to form part of the national energy supply. The JMLP notes that planning permission for oil and gas exploration will be permitted, subject to being located outside designated landscape areas, being the least sensitive, deliverable location from which the target reservoir can be reached, any unacceptable impacts being minimised and/or mitigated; that restoration/aftercare would be to a high quality standard; and that no unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground. The present proposals are considered to meet all of the criteria specified in Policy M7a of the JMLP. It is, therefore, concluded that there is a current identified need for the retention of the well pad and associated infrastructure on this site.*

Impact on Local Residents

9.16 The potential impacts of the proposed applications are considered to result from vehicular movements and noise when carrying out the restoration of the site, because for the remainder of the time the site would remain inactive. The nearest dwelling to the site is Gatewick Farm, some 400 metres south of the development site, with Adversane Road (B2133) being the nearest roadway.

9.17 The original application in 2012 assessed the traffic and transport attributed to the development. It was broken down into the four phases, anticipating that the fourth phase (restoration) would result in up to 22 HGV movements/day (11 HGVs travelling to/from the site) for the six weeks of restoration to take place.

- 9.18 In response to the 2012 application, WSCC Highways confirmed that the vehicles generated by the development would have an imperceptible impact on the highway network. It should be noted that this assessment covered all four phases of the development, with the second phase generating the greatest impact. The extension of time would not increase the movements that have already been considered as acceptable.
- 9.19 Given the relatively low levels of vehicle movements associated with the final phase of the developments, it is not considered that there is a potential for these to result in unacceptable impacts on the amenity of local residents.
- 9.20 Restoration of the site would be undertaken during the day, from 07.00 to 19.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, which would minimise the risk of disturbance, particularly that resulting from noise.
- 9.21 A Noise Management Plan (NMP) was required and discharged under Condition 8 of the original application and has been approved as part of the last permission. The NMP requires the monitoring of the development to ensure that noise from the site does not exceed the noise limits used in the assessments for the original Environmental Statement. Should the application be approved, the NMP would still form part of the approved documents to which the operator would be required to adhere.
- 9.22 Under these circumstances and given the controls that the conditions would provide, it is not considered that the proposals would result in adverse noise impacts on residential amenity.
- 9.23 Taking into account these factors, the temporary nature of the proposals and, and the separation distances involved, it is considered that the impact on neighbouring residents, is likely to be minimal.
- 9.24 *It is not considered that the proposals would result in unacceptable impacts on local residents. Vehicular movements associated with the final phase (restoration) would be low; noise emissions have been shown to be within an acceptable range and the noise management plan would ensure the operator complies with identified noise limits. Given the low key, temporary nature of the development, it is considered acceptable with regards to its impact upon local residents.*

Impact on the Environment

Landscape/Character

- 9.25 The application has the potential to adversely affect the landscape through the retention of fences and structures in a countryside location for an additional period of time, and through disturbance during the restoration of the site. The application site is located adjacent to agricultural land within a rural area characterised by open fields and woodlands. It does not fall within any areas of protected landscape. The key visible elements of the site would comprise the well-pad and the on-site security accommodation, access track and the surrounding fencing and gates. Access to the site for the final phases of the development would utilise the existing site access, which itself was an existing field access prior to the permitted development.

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- 9.26 Although the site use is industrial in nature, it is enclosed to the north, west and south with mature woodland, with a bund to the east. The distance and screening from Adversane Lane by mature trees and hedgerows is significant, meaning that there are limited public views into the site. Furthermore, any such views are transient, primarily as people travel in vehicles along Adversane Lane.
- 9.27 The amended condition 1 would require the site be restored to agricultural use by 31 March 2022. Therefore, there would be no long-term impact on the landscape as a result of the current proposal. Whether the applicant opts to retain the site would be dependent upon the operator and the results of the data from the wider area.
- 9.28 WSCC's Arboricultural Officer raises no objection to the extension of the time period. No changes are proposed to the well-pad itself and access road that would affect surrounding trees and hedgerows.
- 9.29 Given the temporary nature of the proposals and the location of the site within a heavily wooded area, the impact on the visual amenity and landscape is considered to be minimal. The site would be restored to a standard that would blend in with its surroundings, as has been previously agreed, and so any visual impacts would be temporary.

Water Environment

- 9.30 One of the concerns raised in objections to the retention of the site is the potential impact on the water environment. PPG: Minerals notes that "*surface, and in some cases ground water issues*" should be addressed by minerals planning authorities as well as flood risk and water (paragraph 13). The impact on the water environment is, therefore, a material planning consideration.
- 9.31 The site is not within an area considered to be at increased risk of flooding, nor is it within a groundwater source protection zone.
- 9.32 In considering the potential impacts on the water environment, it is important to note that the County Council must assume that other, non-planning regimes operate effectively (PPG: Minerals, paragraph 112). In relation to water, this means assuming that the construction, design and operation of the borehole has been undertaken appropriately, in accordance with Health and Safety Executive (HSE) requirements. It also means assuming that the Environment Agency will ensure that surface equipment operates satisfactorily, and that mining waste and naturally occurring radioactive materials (NORMs) are appropriately managed. Nonetheless, as already noted, paragraph 112 of PPG: Minerals notes that before granting permission the County Council will need to be satisfied that the issues dealt with under other regimes can be adequately addressed 'by taking advice from the relevant regulatory body'.
- 9.33 The main risks to groundwater are through failure of the well casing, leaking of chemicals and hydrocarbons, and through migration of liquid from the borehole. All of these matters are addressed through regulation by the Environment Agency and HSE.
- 9.34 Furthermore, this application is only seeking an extension of time to allow the evaluation of the results from the testing phase and wider data from other

boreholes in the locality. No further drilling or on-site operations are proposed as part of these applications, apart from the eventual restoration of the site.

- 9.35 It has been suggested by objectors that a bond or financial guarantee should be sought to cover remediation in the event that the operator finds itself in financial trouble. However, for minerals projects, typically quarries and similar, financial guarantees are only justified in 'exceptional cases' involving very long-term projects, novel approaches, or reliable evidence of the likelihood of financial or technical failure (PPG: Minerals, paragraph 48). For oil and gas projects, the operator is explicitly liable for any damage or pollution caused by their operations, with the Oil & Gas Authority checking that operators have appropriate insurance against these liabilities in granting a PEDL Licence. It is not, therefore, considered appropriate to secure a bond in relation to the present applications.
- 9.36 Taking the above into account, it is considered that the development does not pose a risk to the water environment.

Ecology

- 9.37 The application site abuts woodland to the north, west and south, with ancient woodland some 125m to the east. It is otherwise relatively distant from any ecological designations, none being within 1km of the site. The nearest Site of Special Scientific Interest (SSSI) is some 2.8 kilometres north of the site; the Coneyhurst Cutting. WSCC's Ecology Officers have previously raised no objection to the proposals to retain the site and fencing until 2020. These applications do not propose further operational work and therefore it is considered acceptable until 2022 from an ecological perspective.
- 9.38 Taking into account the inactivity at the site, aside from the restoration, for the duration of the applications, it is considered that the impacts of the proposed developments would not adversely affect the ecological habitats and species surrounding the site.
- 9.39 *Although the site use is of an industrial nature within a rural setting, it is well-screened from public views, and, therefore, it is considered that the proposal is acceptable in terms of landscape and visual impact. Other than restoration, no physical works are proposed so the development does not pose a risk to the water environment, either at the surface or groundwater and the potential impact of the development on habitats and species would be minimal. Overall, given the temporary nature of the development and subject to the imposition of the suitable conditions and approved documents, the impact of the development on the immediate environment and the surrounding landscape is considered to be minimal.*

10. Overall Conclusion and Recommendation

- 10.1 The proposed 24 month extension of time to allow for retention of the well site and the fencing, gates and associated structures at the hydrocarbon site at the Broadford Bridge has the potential to result in impacts on the highway, local residents, and the environment, issues that have been raised in the large number of objections to the application. However, no objection has been received from Horsham District Council, although the local parish council has raised an objection to both applications.

- 10.2 It is concluded that the number of vehicles required to carry out the remainder of the development would not be significant enough to raise concerns regarding highway capacity or road safety. The retention of the site would not involve any activity, has limited visibility and would be temporary in nature, and the restoration operations would be over a limited time period and so, again, would not have an adverse impact on the character of the area. The impacts of the development would be controlled through the planning regime as well as through the environmental permitting and health and safety regimes to ensure that water quality would not be compromised.
- 10.3 Overall, the extensions of time to enable an overarching evaluation of the results of hydrocarbon exploration are considered to have minimal impacts on people or the environment, and would help to meet an identified need for hydrocarbon exploration and appraisal. Both developments accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposals are acceptable subject to the imposition of appropriate conditions to control the potential impacts as it progresses through the final stage of development.
- 10.4 It is **recommended**, therefore, that planning permission be granted for both applications subject to the conditions and informatives set out at Appendices 1 and 2.
- 10.5 The conditions would be carried over from the 2017 planning permissions, unless they have been formally discharged and are no longer required (for example, where they relate to Phases 1, 2 or 3).

11. **Resource Implications and Value for Money**

- 11.1 This is not a material planning consideration and cannot, therefore, be considered in determining this application. There will be no requirement for additional resources unless the decision is challenged and there is a requirement to defend the County Council's position at any subsequent appeal.

12. **Equality Duty**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

13. **Risk Management Implications**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

14. **Crime and Disorder Act Implications**

14.1 This decision has no implications in relation to crime and disorder.

15. Human Rights Act Implications

15.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

15.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

15.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington

Head of Planning Services

Contact: Chris Bartlett (phone 0330 222 6946).

Background Papers

As set out in Section 6

List of Appendices

Appendix 1 – Conditions and Informatives for WSCC/032/18/WC

Appendix 2 – Conditions and Informatives for WSCC/033/18/WC

Appendix 3 – Site Location Plan

Appendix 4 – Retention Mode

Appendix 5 – Restoration Layout Plan

Appendix 1: Conditions and Informatives for WSCC/078/19

CONDITIONS

TIME LIMITS

1. The fencing, gates and structures hereby approved shall be removed from the site, and the site restored in accordance with the restoration scheme approved under planning permission WSCC/079/19 either;
 - a) on or before the period ending 31 March 2022; or
 - b) within 3 months of the cessation of the operations and need of the site whichever occurs soonest.

Reason: *To secure the proper restoration of the site following the approved period for this temporary development.*

APPROVED PLANS/DOCUMENTS

2. The proposed development shall not take place other than in accordance with the approved drawings:
 - Site Location Plan – KOGI-BB-PA-YY-01;
 - Site of Application - KOGI-BB-PA-YY-02;
 - Existing Compound Fence & Cabins Layout Plan - KOGI-BB-PA-YY-03;
 - Existing Fencing Sections - KOGI-BB-PA-YY-04;
 - Existing Well Site Security Cabins Sections - KOGI-BB-PA-YY-05;
 - Existing Gates and Entrance Cabin Layout Plan - KOGI-BB-PA-YY-06;
 - Existing Entrance Gates – Sections – UKOG-BB-PA-YY-07;
 - Existing Entrance Security Cabins – Layout, Plan and Sections - KOGI-BB-PA-YY-08;

Reason: *To ensure the development is carried out as proposed.*

INFORMATIVES

- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
 - Providing pre-application advice;
 - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
 - Discussing issues of concern as early as possible, including those raised by consultees and third parties; and
 - Giving them the opportunity to provide further information/changes to overcome material impacts

As a result, the Minerals Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Appendix 2: Conditions and Informatives for WSCC/079/19

CONDITIONS

TIME LIMITS

1. This permission shall be for a limited period only expiring on 31 March 2022, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall have been removed from the site, and the site shall be restored in accordance with the approved restoration scheme (ref. Well Site Restoration Layout Plan – KOG-L-BB-PA-XX-09).

Reason: To secure the proper restoration of the site following the approved period for this temporary development.

APPROVED OPERATIONS PROGRAMME

2. Only Phase 4 - Restoration/retention is permitted under this approval. Phase 1 – Construction, Phase 2 - Mobilisation and Drilling and Phase 3 – Testing shall not be carried out or revised in the lifetime of this approval. For the avoidance of doubt, hydraulic fracturing ('fracking') is not permitted under this permission.

Reason: To ensure the development is carried out as proposed

3. The development hereby approved shall not take place other than in accordance with the approved drawings:
 - Site Location Plan - 26059 P1;
 - Site of Application – KOG-L-BB-PA-XX-02;
 - Existing Site Entrance Layout Plan - KOG-L-BB-PA-XX-03;
 - Existing Access Track 2 Layout Plan - KOG-L-BB-PA-XX-04;
 - Existing Site Entrance Layout Plan - KOG-L-BB-PA-XX-05;
 - Existing Well Site Retention Mode Layout Plan - UKOG-BB-PA-XX-06;
 - Existing Well Site Retention Mode Sections - KOG-L-BB-PA-XX-07;
 - Well Site Parking Layout Plan - KOG-L-BB-PA-XX-08; and
 - Well Site Restoration Layout Plan – KOG-L-BB-PA-XX-09,

except as modified by condition hereafter.

Reason: To ensure the development is carried out as proposed

4. Prior written notification of the date of commencement of Phase 4a - Restoration hereby approved shall be sent to the Minerals Planning Authority not less than seven days before commencement of the Phase.

Reason: To inform the Minerals Planning Authority of potential disruptive periods in the interests of amenity.

5. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission

shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure the site operatives are conversant with the terms of the planning permission.

HOURS OF WORKING

6. Work at the site, including HGVs entering and leaving the site, shall only be undertaken between the hours of 0700 and 1900 Mondays to Fridays and 0800 to 1300 on Saturdays. No work shall occur on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the amenities of occupiers of nearby residential properties

NOISE

7. No plant or equipment shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment.

Reason: In the interests of the amenities of occupiers of nearby residential properties

8. No development shall be carried out unless in full accordance with the Noise Management Plan (ref KOGL-BB-DOC-XX-06 and dated 21 August 2014) which shall be adhered to and retained throughout the duration of the permission. Should monitoring of noise indicate that the limits (which are specified within Chapter 9 of the Environmental Statement) are being exceeded, details of further mitigation and a timetable for implementation will be submitted to the Minerals Planning Authority for approval.

Reason: In the interests of the amenities of the residents of the locality; to ensure that noise from the site does not exceed the noise limits set out in the Environmental Statement.

LANDSCAPING AND ACCESS TRACK RESTORATION

9. No development shall be carried out unless in full accordance with the following documents which shall be adhered to in full and where relevant, form part of the overall restoration of the site:

- Tree Protection Plans – KOGL-BB-DOC-XX-01;
- Tree Protection Plan Methodology – KOGL-BB-DOC-XX-02;
- Methodology for the removal and reinstatement of the access track and no-dig surfacing at the access off Adversane Lane – KOGL-BB-DOC-XX-03; and the
- Landscape Proposals – KOGL-BB-DOC-XX-05;

Reason: To ensure the landscape and ecology of the area is protected after the development has been completed.

10. A scheme of aftercare specifying the steps to be taken to manage restored land shall be submitted for the written approval of the Minerals Planning Authority prior to the commencement of restoration. Thereafter the approved strategy shall be implemented in full.

Reason: To ensure effective restoration and afteruse of the land to protect the landscape and ecology of the area.

ACCESS / HIGHWAYS

11. The vehicular access and visibility splays, shown on drawing KOG-L-BB-PA-XX-05, shall be retained and maintained throughout the duration of the permission.

Reason: In the interests of highway safety

12. The development shall be undertaken in full accordance with the Construction Traffic Management Plan document (ref KOG-L-BB-DOC-XX-04 and dated 14 August 2014).

Reason: In the interests of highway safety and the amenities of the area.

FIRE FIGHTING

13. The fire water tanks shown on approved plan UKOG-BB-PA-XX-06 shall remain on site, in the approved position and available for immediate use throughout the development.

Reason: In the interests of fire safety

GROUNDWATER PROTECTION/DRAINAGE

14. The approved groundwater protection/drainage scheme to dispose of foul and surface water and accompanying drawings 'Surface Water Distribution at Site Entrance Plan - KOG-L-BB-PA-XX-10' and 'Site Ditch Construction Details - KOG-L-BB-PA-XX-11' shall be adhered to and retained throughout the duration of the permission.

Reason: To protect water quality and ensure compliance with the NPPF

15. The approved Construction Method Statement and accompanying drawings 'Cellar Construction Detail - KOG-L-BB-PA-XX-12' and 'Site Ditch Construction Details - KOG-L-BB-PA-XX-11' shall be adhered to and retained throughout the duration of the permission.

Reason: To protect water quality and ensure compliance with the NPPF

INFORMATIVES

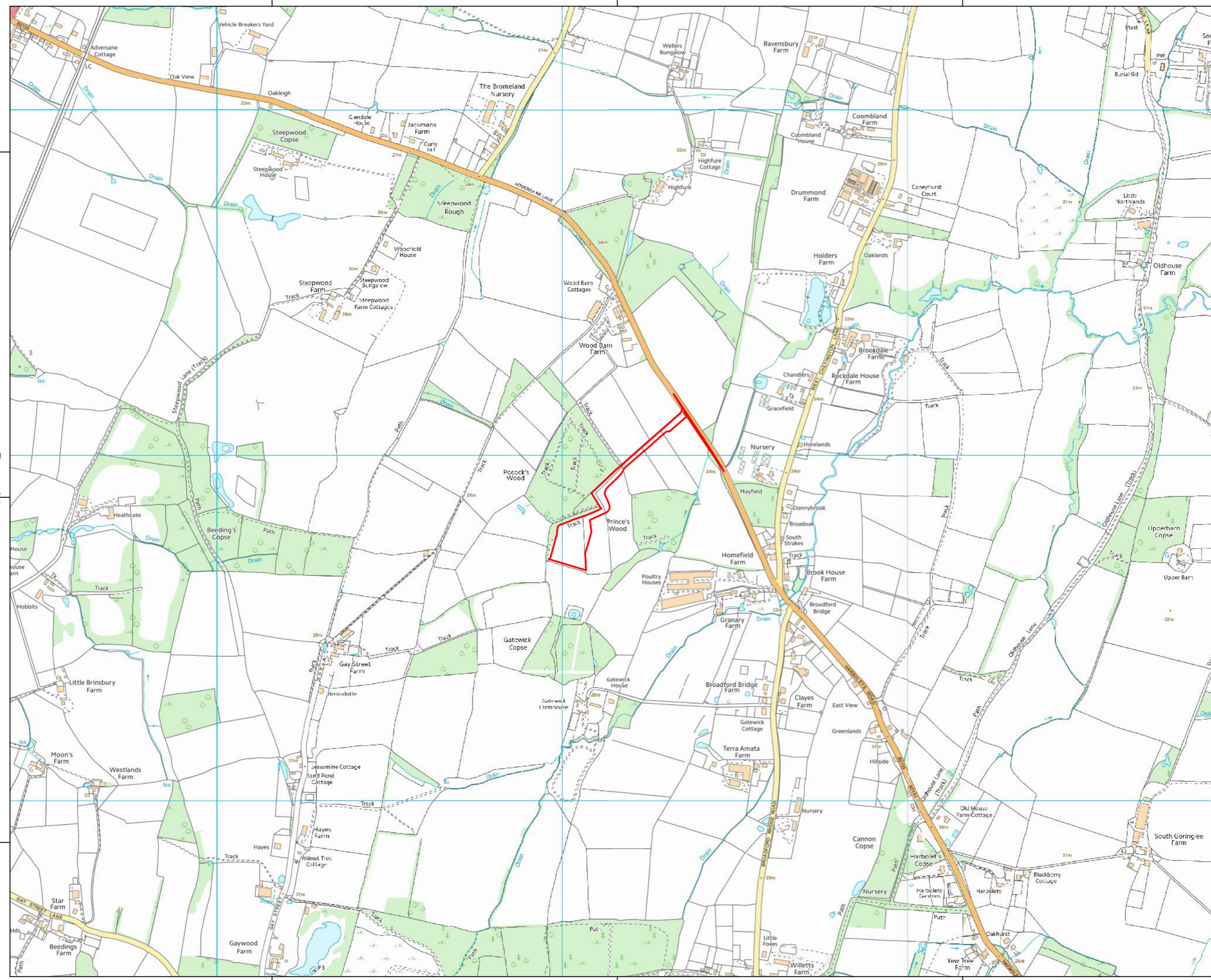
- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
 - Providing pre-application advice;
 - Discussing issues of concern as early as possible, including those raised by consultees and third parties; and
 - Giving them the opportunity to provide further information/changes to overcome material impacts

Agenda Item 4

As a result, the Minerals Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.



KEY:
 PLANNING APPLICATION BOUNDARY



REVISION HISTORY				
REV	DATE	BY	DETAILS	APR
1	NOV19	JF	RE-ISSUE	JF
0	MAY18	JF	ORIGINAL ISSUE	JF



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SITE: BROADFORD BRIDGE
 PROJECT: BROADFORD BRIDGE, WEST SUSSEX
 TITLE: SITE LOCATION PLAN
 CLIENT: UKOG (234) LTD

Scale: 1:10,000
 Size: A3
 Sheet: 1 of 1
 DWG. No: KOGL-BB-PA-XX-01

Agenda Item 4
 Appendix 3

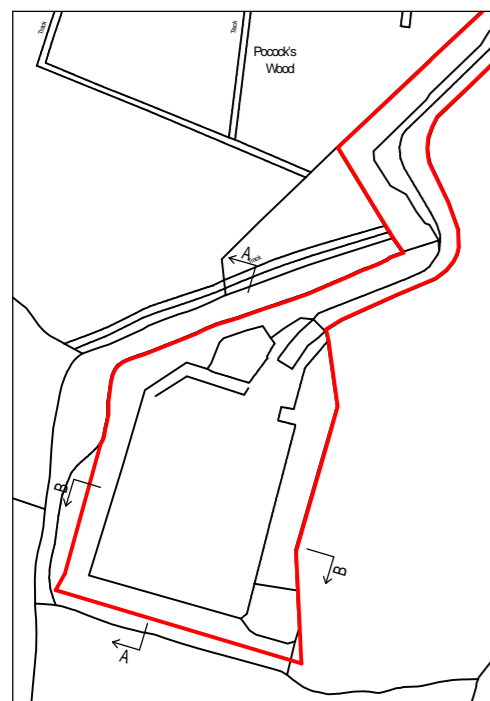
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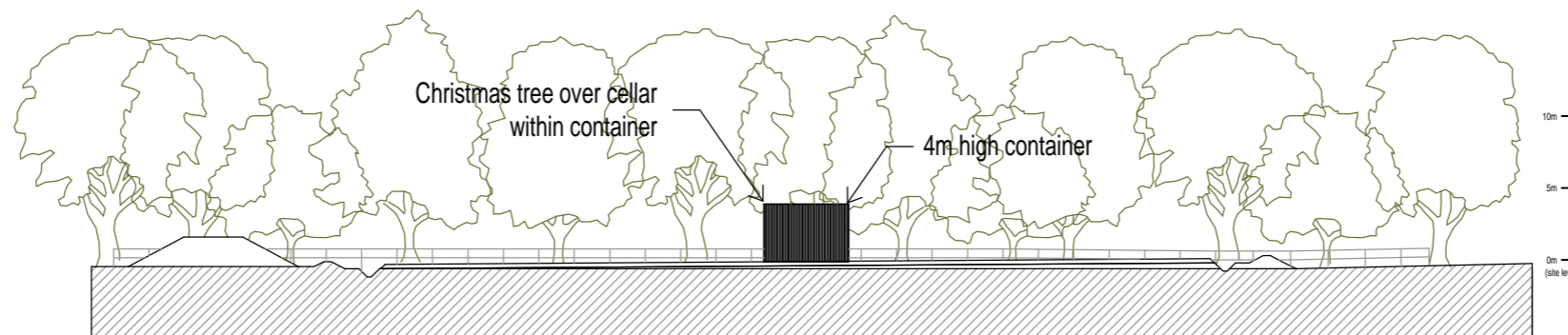


Section A-A

Scale 1:500



Tree positions and heights shown indicatively and do not represent specific trees



Section B-B

Scale 1:500



REVISION HISTORY				
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
1	NOV19	JF	RE-ISSUE	JF
0	MAY18	JF	ORIGINAL ISSUE	JF
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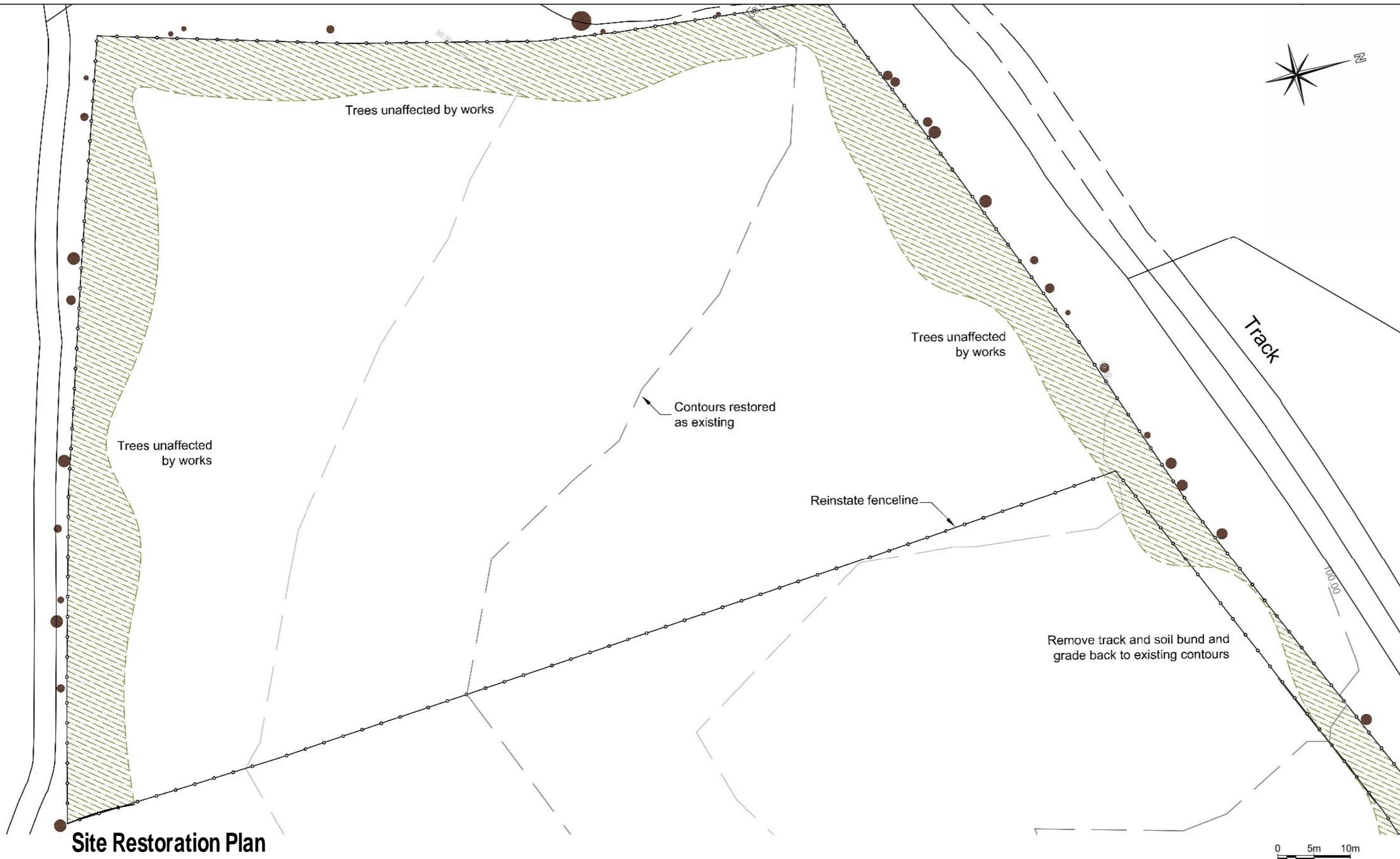
TITLE: EXISTING WELL SITE RETENTION MODE SECTIONS

CLIENT: UKOG (234) LTD

Scale:	1:500	DWG. No:	
Size:	A3		
Sheet:	1 of 1		KOGL-BB-PA-XX-07

Agenda Item 4 Appendix 4

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Site Restoration Plan
Scale 1:500



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SITE: BROADFORD BRIDGE
PROJECT: BROADFORD BRIDGE, WEST SUSSEX
TITLE: WELL SITE RESTORATION LAYOUT PLAN
CLIENT: UKOG (234) LTD

REVISION HISTORY			
REV	DATE	BY	DETAILS
1	NOV19	JF	RE-ISSUE
0	MAY18	JF	ORIGINAL ISSUE

Scale: AS SHOWN
DWG. No: KOG-PA-XX-09
Size: A3
Sheet: 1 of 1

Agenda Item 4
Appendix 5

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Planning Committee**24 March 2020****Minerals Planning Application (County Matter)**

Remove drilling fluids and carry out an extended well test. This proposal is a two-stage activity: (1) Pumping out previously used drilling fluids to ascertain any oil flow (up to 4 weeks); (2) Should oil be seen to flow, an extended well test would be carried out over a period of 3 years

Lower Stumble Exploration Site, London Road, Balcombe RH17 6JH

Application No. WSCC/071/19

Report by Head of Planning Services

Local Member: Bill Acraman

District: Mid Sussex

Executive Summary

This report relates to an application to carry out hydrocarbon (oil and gas) exploration and appraisal at an existing hydrocarbon site south of Balcombe, Mid Sussex. The site is located on the north-eastern side of the B2036 (London Road), some 800 metres south of Balcombe.

The applicant proposes to carry out a two-stage activity at a previously used hydrocarbon site south of Balcombe, Mid Sussex. Initially, the operator intends to remove previously used drilling fluids from the wellbore, after which oil may begin to flow. Then, assuming that the first stage is successful and oil is present, the operator proposes an Extended Well Test (EWT) over a period of three years. Should oil not be seen after removal of the drilling fluids, activities would likely cease.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework, from national to local level, along with other material considerations.

There have been no objections from statutory consultees, but Balcombe Parish Council has raised objections to the proposed development.

There have been 535 objections from third parties, including Frack Free Balcombe Residents' Association, Sussex Wildlife Trust, and the Campaign to Protect Rural England, along with 28 representations in support and five making comments about the development.

Consideration of Key Issues

The main material planning considerations are whether:

- there is a need for the development;
- there are alternative sites;
- the development is acceptable in terms of highway capacity and road safety;

- the development is acceptable in terms of impact on amenity and public health;
- the development is acceptable in terms of impacts on the water environment;
- the development is acceptable in terms of impact on landscape and visual amenity; and
- the development is acceptable in terms of impacts on ecology.

Assessment of 'Major' Development and Need for the Development

The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. However, because the site is within the High Weald AONB, this needs to be balanced against the need to locate such development within a nationally-protected landscape. The development is considered to be 'major' by virtue of not being required to meet a local need, not being ancillary in nature, and given its industrial operations located outside of a defined built-up boundary. It is therefore necessary to consider whether there are exceptional circumstances and it is in the public interest for the development to be located in the High Weald AONB, with a key consideration being the need for the exploration. PPG: Minerals notes that energy supplies should come from a variety of sources and that oil and gas will continue to form part of the national energy supply. National energy policy indicates that there is sufficient oil, from a diversity of sources, to meet demand. The development would also result in minimal benefit to the local economy from the development. On balance, it is concluded that although there may be a need for onshore oil and gas development to contribute to national energy security, the need is not such that it represents exceptional circumstances, or that it is in the public interest for the proposed major development to be located in the High Weald AONB, because there are alternative sources of supply to meet the national need.

Alternative Site

The proposed development is located with the High Weald AONB. However, with much of the PEDL area also within the AONB, it is considered the use of the site would represent an 'acceptable environmental option' when compared with developing a new site within the licenced area as the operator could utilise the existing borehole and associated data and infrastructure.

Highway Capacity and Road Safety

The proposed development would result in increased HGV movements on the B2036 and other roads throughout the course of the development. However, the increase in HGV traffic would not be significant in highways terms, and would not result in an unacceptable impact on highway safety, or a severe impact on the road network. WSCC Highways Officers raise no objection to the proposal, concluding that the increase in vehicle movements is not sufficient to materially impact on the operation of the highway network in safety or capacity terms, subject to the imposition of a condition requiring the submission and approval of a Traffic Management Plan.

Impact on Amenity and Public Health

The development has the potential to adversely affect residential amenity and health, primarily through increased noise and emissions to air. In terms of noise, there is a potential for the flare and plant on site to result in noise disturbance.

However, it is considered that this could be adequately controlled by conditions requiring monitoring, and remediation if levels are exceeded. The development has the potential to result in impacts on air quality through the flare, and an increase in vehicles travelling to and from the site. However, emissions from the flare are controlled by the Environmental Permit that applies to the operations. The potential impact of increased vehicle numbers is not considered to be significant as numbers are relatively low, and for temporary periods.

Impacts on the Water Environment

Although the potential impact of the development on the water environment is a material consideration, PPG: Minerals, paragraph 12 notes that mineral planning authorities must assume that non-planning regimes operate effectively. This means assuming that the well is constructed and operated appropriately, that surface equipment operates satisfactorily, and that waste and NORMs are appropriately managed in accordance with other regulatory regimes. The Environment Agency and Health and Safety Executive have not raised concerns in relation to the proposal. The risk to surface water would be minimised by carrying out activities on an impermeable membrane with a sealed drainage system. With regards to groundwater, it must be assumed that the well is constructed and operated to the appropriate standards. It is, therefore, concluded that the development does not pose a risk to the water environment, either at the surface or groundwater, and that the proposal accords with criteria (a)(iii) and (a)(v) of Policy M7a of the JMLP 2018.

Impact on Landscape

The application site is located within the High Weald Area of Outstanding Natural Beauty (AONB), so great weight must be given to conserving landscape and scenic beauty. The development would involve site operations for up to three years, including the installation of a flare on site for the duration. However, the impact of this on the character of the area is not such that it would be unacceptable. The proposal would, however, be deemed 'major' development in the AONB, and it is not considered that on balance, there are exceptional circumstances for it, or that it would be in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of protected landscapes. It is, therefore, concluded that the proposal does not accord with Policies M7a and M13 of the JMLP 2018, nor that of paragraphs 170 and 172 of the NPPF by virtue being major development in the High Weald AONB for which there are no exceptional circumstances, and which is not in the public interest.

Impact on Ecology

The proposed development is adjacent to ancient woodland, and there are a number of Sites of Special Scientific Interest in the local area, though relatively distant from the site, each more than 2,000 metres away. A key concern relates to the potential impact on bats. However, WSCC's Ecology Officers have raised no objection, subject to conditions to control lighting on the site, and bat monitoring. It is therefore considered that the proposal is acceptable in terms of its potential impact on ecology.

Overall Conclusion

The Extended Well Test over a three year period proposed at the Lower Stumble Wood site has the potential to result in impacts on the highway, people and the environment, issues that have been raised in the large number of objections to the application. Balcombe Parish Council has objected to the application, but no other statutory consultees have objected, subject to the imposition of conditions and regard to relevant policy and guidance.

It is concluded that the number of vehicles required to carry out the development is not significant enough to raise concerns regarding highway capacity or road safety. Emissions from the development would be controlled through the planning regime as well as through the Environmental Permitting and health and safety regimes which would ensure that water quality would not be compromised and that emissions to air would be acceptable.

However, although '*great weight*' must be given to benefits of mineral extraction and that oil and gas will continue to form part of the national energy supply, on balance, the need is not such that it represents exceptional circumstances, or that it is in the public interest for the proposed major development to be located in the High Weald AONB, because there are alternative sources of supply.

The High Weald Area of Outstanding Natural Beauty has the highest level of protection, with the NPPF directing authorities to give '*great weight*' to conserving their landscape and scenic beauty. The proposal would establish a continued presence of industry which is not appropriate to the area, and would not relate well to the landscape or character of its locality. It would therefore compromise the landscape qualities of the High Weald Area of Outstanding Natural Beauty.

Recommendation

That planning permission be refused for the reason set out in **Appendix 1** of this report.

1. Introduction

- 1.1 This report relates to an application to carry out a two-stage activity at an inactive hydrocarbon (oil/gas) site south of Balcombe, Mid Sussex to establish whether there are hydrocarbon reserves that could be viably extracted in the future. It follows various permissions for oil/gas exploration operations at the site since 1986.
- 1.2 Initially, the operator intends to remove previously-used drilling fluids from the well, after which oil may begin to flow. If oil is present, the operator would carry out an Extended Well Test (EWT) over a period of three years. Should oil not be found after the initial stage, activities would cease and the site would be restored.
- 1.3 Should hydrocarbons be seen to be viable after the EWT, the borehole would be temporarily suspended while a new planning application is prepared seeking commercial production. If reserves are considered to be unviable after this second stage, the site would be restored.

2. **Site and Description**

- 2.1 The application site is located on the north-eastern side of the B2036 (London Road), some 800m south of Balcombe (see **Appendix 2: Site Location Plan**). It is within Balcombe Estate which also owns land to the east and west of the site. It is located in an area of woodland comprising a conifer plantation, native and non-native planting, as well as Lower Meadham Wood and Lower Stumble Wood, both of which are Ancient Woodlands.
- 2.2 The site extends to some 0.73 hectares: 0.58 hectares for the above ground works (surface pad and access road linking to London Road), with the lateral borehole comprising the remaining 0.15 hectares (see **Appendix 3: Existing Site Plan**).
- 2.3 The pad is a roughly rectangular area of hardstanding with the borehole in its approximate centre, and is enclosed with a 2m security fence.
- 2.4 A site access road of some 150 metres in length extends between the north-eastern corner of the pad and the eastern side of the B2036. The access road is sealed, with agricultural-style gates at the highway access.
- 2.5 The lateral extension of the well (i.e. horizontal borehole) is at some 820 metres in depth, and extends some 520 metres from the pad in a south-westerly direction.
- 2.6 The pad is enclosed on three sides by woodland, and on the fourth, to the south-east, by the access road, beyond which is woodland. The London-Brighton railway line is some 45 metres east of the site on an elevated bank.
- 2.7 The site is some 350 metres south-east of Kemps Farm, the nearest residential property, and some 800 metres from the southern edge of Balcombe village.
- 2.8 The site is located within the High Weald Area of Outstanding Natural Beauty.
- 2.9 It is not within an area subject to ecological, heritage or other designations, and is not in an area identified as being at increased risk of flooding. It is not within a groundwater source protection zone. The site is one kilometre from the Ardingly Reservoir, and there are small streams in the locality of the site, including 15 metres east of the access road.
- 2.10 The nearest Public Right of Way (footpath number 13Ba) is some 300 metres north of the site, running from London Road east under the railway corridor.

3. **Relevant Planning History**

- 3.1 The site was first used for exploratory drilling in 1986–1987 under a planning permission which allowed the construction of a hardstanding in association with exploratory drilling (ref. BA/10/86). The well was drilled, and the pad was subsequently retained for use by Balcombe Estate for forestry product storage (ref. BA/38/87).

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3.2 A temporary, three year permission was subsequently granted by West Sussex County Council in 2010, to *"upgrade existing stoned platform and drill and exploratory borehole for gas and oil exploration"* (ref. WSCC/027/10/BA).

3.3 The permission allowed flow testing and monitoring, and was subject to 21 conditions, with condition 2 of the permission stating:

"This permission shall be for a limited period only expiring 3 years from the date of commencement of site construction, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall be removed from the site, and the site shall be restored in accordance with the approved restoration scheme."

3.4 The County Council was advised that construction works would commence on 28 September 2010, at which time the applicant carried out preparatory site works sufficient to implement the permission. No further operations took place at the site under this permission until July 2013 when drilling commenced, after initial site preparations and mobilisation of equipment. Drilling began at the site on 29 July 2013 and was completed by 24 September 2013, with equipment removed by 28 September 2013.

3.5 Two applications were submitted in July 2013 seeking additional time to carry out the drilling and testing programme (ref. WSCC/061/13/BA) and to vary the approved flare to be used under the 2010 permission (ref. WSCC/063/13/BA). These applications were withdrawn on 2 September 2013.

3.6 A temporary, six month planning permission (ref. WSCC/005/14/BA) was granted by Planning Committee on 2 May 2014, allowing exploration and appraisal at the site, comprising the flow testing and monitoring of the existing hydrocarbon lateral borehole, along with site security fencing, the provision of an enclosed testing flare, and site restoration. The permission was not implemented by the operator and lapsed on the 2 May 2017.

3.7 A temporary planning permission was approved on 10 January 2018 for a seven-day well test (ref. WSCC/040/17/BA). This permission allowed flow testing, monitoring of the borehole, security fencing, an enclosed flare and site restoration. The Council was informed that the test had commenced on 24 September 2018 and was completed on 2 October 2018, with the site then being de-mobilised.

3.8 For comparison, the following table sets out the main differences between the 2014 permission (WSCC/005/14/BA), the 2017 permission (WSCC/040/17/BA), and the current application.

Table 1: Comparison of 2014 & 2017 permissions with current application			
	2014 permission	2017 permission	Current application
Length of permission	6 months	2 years	3 years
Active time on site	143 days (including 60 days of low-activity pressure monitoring).	147 days (including 63 days of low-activity pressure monitoring).	Up to 3 years.
'Large equipment' on site.	Flare (14m): 1 week; Workover rig (22m): 4 weeks.	Flare (13.7m): 1 week; Workover rig (32m): 3 weeks.	Flare (13.7m): 3 years. Crane (40m): 10 days.
HGV movements (total for whole development)	212 (106 HGVs to/from the site)	298 (149 HGVs to/from the site).	227 (114 HGVs to/from the site); Plus flow testing: up to 23 HGV movements /day for up to 18 months.

4. The Proposal

- 4.1 The applicant is seeking temporary planning permission to carry out a two stage activity, namely pumping out old drilling fluids, and undertaking an extended well test, potentially over three years.
- 4.2 The overall purpose of these works is to establish whether the well has sufficient hydrocarbons, with sufficient flow, to make production economically viable. If appraisal indicates production from the well would be viable, the applicant has indicated that a new planning application would be submitted for future production. If oil does not flow from the borehole, works on site would cease and the well would be shut in.
- 4.3 The applicant has stated that no hydraulic fracturing ('fracking') would be undertaken:

"...the proposed operations do not involve any hydraulic fracturing and for the avoidance of doubt Angus Energy can confirm that it is not proposed to hydraulically fracture this well in the future." (Planning Statement, paragraph 1.1.6, page 1).
- 4.4 In addition, if the operator wished to 'frack' the site in the future (although this is unlikely given the geology), a separate planning permission would need to be sought.
- 4.5 In terms of the physical equipment on site, ancillary site infrastructure to be installed during both stages includes modular buildings, a bunded area around the well head, and the retention of a fence around the pad's perimeter. Modular buildings would be located around the periphery of the drill pad, containing staff accommodation and facilities, offices, and storage. There would be a parking area along the north-eastern boundary, and skips for waste in the south-eastern corner of the site (see **Appendix 4: Proposed Site Plan**).

Agenda Item 5

- 4.6 The drill pad is underlain with a self-contained, impermeable, high density polyethylene (HDPE) membrane in the rig/well-testing area around the borehole. The membrane collects all surface water which is directed to a cellar where would be stored prior to be transported off site for disposal.
- 4.7 A crane of up to 40m in height would be used for up to ten days, at the beginning and end of Stages 1 and 2 to mobilise/demobilise equipment.
- 4.8 An enclosed flare of 13.7 metres in height would be installed in the south-eastern corner of the site to burn off any natural gas found in the well. The flare would be retained throughout operations on site, so potentially for three years.
- 4.9 Otherwise the two stages of the operations would involve different operations requiring different equipment, as set out below.

First Stage

- 4.10 This stage would require the use of a nodding donkey or linear rod pump, various tanks for fluid storage, and associated pipe work. Ancillary equipment would include a generator and a welfare unit, as well as the flare. Acoustic barriers of 2m in height would be installed around the operational area if required.
- 4.11 Once the site has been set up, the pumping of the well would commence, with the fluids produced being collected in the on-site storage tanks. Pumping would continue until the drilling fluids are reduced and oil flows from the borehole (if it does). At this point, the well would be suspended before Stage 2 begins.
- 4.12 The operator anticipates that this stage would take approximately seven days, with a worst-case scenario being four weeks.
- 4.13 If oil does not flow from the borehole, works on site would cease, the well would be sealed, and the site would be restored (see below).

Second Stage

- 4.14 If oil flows, the operation would move on to the next stage, involving an extended well test (EWT). The existing equipment, including the nodding donkey/linear pump, would remain on site, and additional tanks and pipes would be brought on site, along with a separator unit, as was the case with the testing in Autumn 2018. Should oil flow not be sustained, contingency plans include the use of coiled tubing, a nitrogen lift, an acid wash, and/or an inflatable bridge plug.
- 4.15 If the testing determines that hydrocarbons are commercially viable, the equipment would be cleared from the site and the well secured (i.e. the condition the site is currently in) while a new planning application is prepared for production.
- 4.16 If no reserves are found, the well would be sealed and the site restored (see below).

Well Sealing and Restoration

- 4.17 Should it be determined, at the end of either Stage 1 or 2, that the hydrocarbons found are not commercially viable, the well would be sealed and secured, a process also known as 'plugging and abandonment'. This would typically involve the sealing of the borehole with cement and cut approximately 1.5 metres below ground level, and a steel plate welded to the remaining casing stub. The well head and cellar would be removed, and the cellar filled in. Sub-surface wastes would be removed in accordance with an Environmental Permit relating to the management of mining waste.
- 4.18 The works would be undertaken in accordance with procedures agreed with the relevant regulatory bodies: the Health and Safety Executive (HSE); the Environment Agency; and the Oil and Gas Authority (OGA).
- 4.19 Once the well has been sealed, the site would be cleared of plant and equipment, tanks, and waste, and restored to its previous condition as a hardstanding for forestry use. It is anticipated these works would take four days.

Vehicle Movements

- 4.20 The submission summarises the approximate timescales and HGV movements associated with each stage of the proposal. This indicates that the most intensive period of HGV movements would be during pumping and flow testing, when drilling fluid and potentially oil would be brought to the surface and removed from the site. During these periods, there would be up to 23 two-way movements each day (approximately 12 HGVs travelling to/from the site).
- 4.21 It should be noted that although permission is being sought for operations to take place for up to three years (156 weeks), flowing of the well would be intermittent; therefore, there would not necessarily be 23 HGV movements every day during the three-year period.

Hours of Operation

- 4.22 The applicant has sought different working hours, dependent upon the stage of operations. During site preparation (set-up), de-mobilising and restoration works, the applicant has stated that hours of operation would be between 07:30 and 18:30 hours on Monday to Friday, and 08:00 and 13:00 hours on Saturdays, with no operations on Sundays, Public or Bank Holidays.
- 4.23 The pumping, flow testing and borehole pressure monitoring (including flaring operations) associated with stages 1 and 2 would be required to be undertaken 24 hours each day. However, HGV movements for all operations at the site (with the exception of undertaking urgent works in emergency situations) would be limited to the standard working hours given above.
- 4.24 If the site is found to be unviable, the plugging and abandonment works would be undertaken between 07:30 and 22:00 on weekdays and 08:00 and 13:00 hours on Saturdays, with no operations on Sundays, Public or Bank Holidays.

Environmental Permits

- 4.25 The currently proposed testing programme is subject to Environmental Permits granted by the Environment Agency in relation to the management of mining waste (including flare emissions) and naturally occurring radioactive substances.

5 Environmental Impact Assessment (EIA)

- 5.1 The need for EIA was considered in relation to this application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').
- 5.2 The development does not fall within Schedule 1 of the EIA Regulations which sets out development for which EIA is always required.
- 5.3 It does, however, fall within Schedule 2, where EIA is required if the local authority considers the development is likely to have significant effects on the environment. It falls within Schedule 2 because the site is within a defined 'sensitive area', namely an Area of Outstanding Natural Beauty, and the development sought is a 'surface industrial installation for the extraction of petroleum and natural gas' which exceeds the stated threshold of more than 0.5 hectares in area (Schedule 2, Part 2(e)).
- 5.4 Consideration must be therefore given as to whether the development has the potential to result in 'significant environmental effects' and therefore requires an EIA.
- 5.5 The Annex to Planning Policy Guidance: Environmental Impact Assessment (15 March 2019) sets out indicative thresholds when considering whether EIA is necessary. For Part 2(e) the indicative thresholds refer to a development site of 10 hectares or more, or where production is expected to be more than 100,000 tonnes of petroleum per year. The present proposal would not fall within either of these criteria.
- 5.6 The key issues to consider are noted in the Annex as the scale of development, emissions to air, discharges to water, risk of accidents and arrangements for transporting the fuel.
- 5.7 The scale of the present development and emissions associated with it are not considered to be significant, particularly as the use would be temporary. The risk of accidents is not considered to be significant, and significant amounts of fuel would not require transportation. No potentially significant impacts, within the meaning of the EIA Regulations, have therefore been identified when considering the key issues.
- 5.8 Taking into account the EIA Regulations 2017, as expanded upon by the above considerations, it was considered in an EIA Screening Opinion dated 2 August 2019 that the proposals would not have the potential for significant effects on the environment within the meaning of the EIA Regulations. Therefore, EIA was not considered necessary.

6. Policy and Legal Context

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')).
- 6.2 For the purposes of the application, the statutory development plan is considered to comprise the West Sussex Joint Minerals Local Plan (2018), the Mid Sussex District Plan (2014 - 2031), and Balcombe Parish Neighbourhood Plan (2016-2031).
- 6.3 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance, emerging planning policies and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Joint Minerals Local Plan (JMLP) (2018)

- 6.4 The JMLP 2018 was adopted in July 2018 and covers the period up to 2033. It is the most up-to-date statement of the County Council's land-use planning policy for minerals. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.
- 6.5 Policy M7a and M13 of the JMLP 2018 are of greatest relevance to the present application, relating as they do to 'hydrocarbon development not involving hydraulic fracturing' and protection of development in the High Weald Area of Outstanding Natural Beauty respectively.
- 6.6 Clause (a) of policy M7a, relating to the exploration/appraisal phases of hydrocarbon development, not involving hydraulic fracturing, states:

"Exploration and Appraisal

*(a) Proposals for exploration and appraisal for oil and gas, not involving hydraulic fracturing, including extensions * to existing sites will be permitted provided that:*

- (i) With regard to development proposals deemed to be major, the site is located outside the South Downs National Park, High Weald AONB or Chichester Harbour AONB unless it has been demonstrated that there are exceptional circumstances and that it is in the public interest, and in accordance with Policy M13;*
- (ii) the site selected represents an acceptable environmental option in comparison to other deliverable alternative sites from which the target reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements;*
- (iii) any unacceptable impacts including (but not limited to) noise, dust, visual intrusion, transport, and lighting, on both the*

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natural, historic and built environment and local community, including air quality and the water environment, can be minimised, and/or mitigated, to an acceptable level;

- (iv) restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24 whether or not oil or gas is found;*
- (v) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground."*

6.7 Policy M12 relates to character, stating:

"Proposals for mineral development will be permitted provided that:

- (a) they would not have an unacceptable impact on the character, distinctiveness, sense of place of the different areas of the County, the special qualities of the South Downs National Park, and the setting and character of the Chichester Harbour and High Weald Areas of Outstanding Natural Beauty and the setting of protected landscapes;*
- (b) they would not have an unacceptable impact on the separate identity of settlements and distinctive character of towns and villages (including specific areas or neighbourhoods) and development would not lead to their actual or perceived coalescence; and*
- (c) they reflect and, where possible, reinforce the distinctive attributes of the main character areas (including the retention of important features or characteristics).*

6.8 Policy M13 relates to protected landscape, of which clause (a) states:

"(a) Proposals for mineral development within protected landscapes (the High Weald Area of Outstanding Natural Beauty) will not be permitted unless...

- i. the site is allocated for that purpose in the adopted plan; or*
- ii. the proposal is for a small-scale development to meet local needs that can be accommodated without undermining the objectives of the designation; or*
- iii. The proposal is for major development that accords with part (c) of this Policy."*

6.9 Part (c) of policy M13 reads:

"Proposals for major mineral development within protected landscapes will not be permitted unless there are exceptional circumstances and where it is in the public interest as informed by an assessment of:

- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

- ii. *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for the mineral in some other way ; and*
- iii. *any potential detrimental impact on the environment, landscape, and recreational opportunities, and the extent to which identified impacts can be satisfactorily mitigated."*

6.10 The other 'development management' policies of relevance to the proposal are as follows:

- Policy M15: Air and Soil – supports development which would not have unacceptable impacts on the intrinsic quality of air and soil or their management;
- Policy M16: Water Resources – supports development which would not cause unacceptable risk to water quality or quantity;
- Policy M17: Biodiversity and Geodiversity – supports development which avoids/mitigates/remedies significant harm to wildlife species and habitats;
- Policy M18: Public Health and Amenity – supports development which would not result in an unacceptable impact on public health and amenity through lighting, noise, dust, odours, vibration, and other emissions and that routes and amenity of public rights of way are safeguarded;
- Policy M19: Flood Risk Management – supports development which would not result in increased flood risk on site or elsewhere;
- Policy M20: Transport – supports development with adequate transport links; is capable of using the Lorry Route Network rather than local roads; does not have an unacceptable impact on highway capacity; provides safe access to the highway; provides vehicle turning on site; and minimises vehicle movements;
- Policy M22: Cumulative Impact – supports development provided an unreasonable level of disturbance does not result from cumulative impact;
- Policy M24: Restoration and Aftercare – supports development with restoration schemes which ensure that land is restored at its earliest opportunity to a high quality;
- Policy M25: Community Engagement - supports site liaison groups, where necessary, to address issues arising from site operations.

Mid Sussex District Plan (2014)

6.11 The Mid Sussex District Plan (2014) was adopted on 28th March 2018 and covers the period up to 2031. Policies DP12 and DP16 are of particular relevance, seeking to protect the countryside and the AONB.

6.12 Policy DP12: 'Protection and enhancement of countryside states:

"The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*

- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded"

- 6.13 Policy DP16: High Weald Area of Outstanding Natural Beauty seeks to protect valued landscapes. It states that:

"Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design"

- 6.14 The other policies of relevance to the proposal are as follows:

- Policy DP1: Sustainable Development in Mid Sussex
- Policy DP21: Transport
- Policy DP29: Noise, Air and Light pollution
- Policy DP37: Trees, Woodland and Hedgerows

- Policy DP38: Biodiversity
- Policy DP39: Sustainable Design and Construction
- Policy DP41: Flood Risk and Drainage
- Policy DP42: Water Infrastructure and the Water Environment

Balcombe Parish Neighbourhood Plan

- 6.15 The Balcombe Parish Neighbourhood Plan was 'made' in September 2016 and forms part of the 'Development Plan'. Neighbourhood Plans cannot consider issues related to minerals development, including oil and gas.
- 6.16 Policy 3: Design is of greatest relevance, seeking to avoid significant detrimental effect on the landscape and natural beauty of the High Weald AONB.

Material Considerations

National Planning Policy Framework (February 2019)

- 6.17 The NPPF sets out the government's planning policies for England and outlines how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.18 The paragraphs in the NPPF of greatest relevance to the present proposal are:
- Paragraph 11 – Presumption in favour of sustainable development, and approving development that accords with the development plan;
 - Paragraph 38 – Positive decision making;
 - Paragraph 47 – Determining applications in accordance with the development plan;
 - Paragraph 54 – 56 – Use of planning conditions;
 - Paragraph 108 – Impacts on transport networks and securing safe and suitable access;
 - Paragraph 127 – Development should be of high quality and sympathetic to the local character and history;
 - Paragraph 163 – Development should not increase flood risk elsewhere;
 - Paragraph 170 – Development to contribute to and enhance the natural and local environment including the countryside, providing net gains for biodiversity, and preventing unacceptable pollution;
 - Paragraph 172 – Great weight given to conserving and enhancing Areas of Outstanding Natural Beauty;
 - Paragraph 175 – Development should normally be refused if it cannot avoid, mitigate or compensate for significant harm to biodiversity, or result in the loss or deterioration of irreplaceable habitats;
 - Paragraph 180 – Ensuring new development appropriate for location taking into account impact of pollution on health and the environment;

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- Paragraph 203 – Supply of minerals; highlights that minerals can only be worked where they are found, and the importance of making best use of them to secure their long-term conservation;
- Paragraph 205 - Giving great weight to the benefits of mineral extraction and ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and taking into account cumulative impacts; and
- Paragraph 209 – Distinguish and plan positively for exploration, appraisal and production of hydrocarbons (oil/gas)(further details in Section 9 below).

6.19 With regard to the final bullet relating to paragraph 209, this was updated in July 2018 with the addition of the following wording

"209. Minerals Planning Authorities should:

- a) *Recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low carbon economy; and put in place policies to facilitate their exploration and extraction."*

6.20 However, the insertion of the paragraph was challenged through Judicial Review on various grounds, with the Court determining that new evidence regarding the climate change impacts of shale gas extraction had not been properly considered; therefore consultation on the revision was not properly undertaken. For this reason, from February 2019 the paragraph was removed from the NPPF, a position that was confirmed in a Written Ministerial Statement issued on 23 May 2019.

Planning Policy Guidance

6.21 Planning Practice Guides (PPGs) were first published in March 2014 to accompany the NPPF. As with the NPPF, these are a material consideration in considering planning applications.

PPG: Minerals

6.22 PPG: Minerals (March 2014) sets out the Government's approach to planning for mineral extraction in both plan-making and the planning application process.

6.23 Paragraph 12 sets out the relationship between planning and other regulatory regimes noting that *"the planning system controls development and the use of land in the public interest"* including ensuring development is appropriate for its location and an acceptable use of land.

6.24 It notes that *"the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively."*

6.25 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, traffic, risk of

contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and in some cases ground water issues, and water abstraction.

6.26 Paragraph 14 sets out issues which are for other regulatory regimes to address. For hydrocarbon extraction, paragraphs 110 to 112 of the PPG sets out the key regulators in addition to the Mineral Planning Authority, namely:

- Oil and Gas Authority (formerly Department of Energy and Climate Change (DECC)): issues petroleum licences, gives consent to drill, responsibility for assessing risk of and monitoring seismic activity, grant consent for flaring or venting;
- Environment Agency: protect water resources (including groundwater aquifers), ensure appropriate treatment of mining waste, emissions to air, and suitable treatment/management of naturally occurring radioactive materials (NORMs). Assess chemical content of fluids used in operations.
- Health and Safety Executive: regulates safety aspects of all phases of extraction, particularly ensuring the appropriate design and construction of a well casing for any borehole.

6.27 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.

6.28 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.

6.29 Paragraph 93 notes that planning permission is required for each phase of hydrocarbon extraction, while paragraph 94 notes that applications can cover more than one phase and paragraph 118 notes that both vertical and horizontal drilling can be included in one application.

6.30 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. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site...Much will depend on the size and complexity of the hydrocarbon reservoir involved.

6.31 Paragraph 124 states that Mineral Planning Authorities should take account of Government energy policy 'which makes it clear that energy supplies should come from a variety of sources' including onshore oil and gas. It also refers (and electronically links) to the Annual Energy Statement 2013 which notes, among other things, that the UK needs to make the transition to low carbon in order to meet legally-binding carbon emission reduction targets (paragraph 1.2) and that levels of production from the UK continental shelf are declining so the UK will become increasingly reliant on imported energy (paragraph 1.3). The three stated priorities in delivering the UK's energy policies in the near term are:

- *"helping households and businesses take control of their energy bills and keep their costs down;*
- *unlocking investment in the UK's energy infrastructure that will support economic growth; and*

- *playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change.”* (paragraph 1.6).

6.32 Paragraph 3.69 states:

“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.”

Other PPGs

6.33 PPG: Air Quality notes that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would (in summary): significantly affect traffic (through congestion, volumes, speed, or traffic composition on local roads); introducing new point sources of air pollution; give rise to potentially unacceptable impact (such as dust) during construction; or affect biodiversity (paragraph 5).

6.34 PPG: Noise notes that noise can override other planning concerns (paragraph 2), and that the acoustic environment should be taken account of in making decisions, including consideration of (in summary) whether a significant adverse effect is likely to occur; whether an adverse effect is likely to occur; and whether a good standard of amenity can be achieved (paragraph 3).

6.35 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking. Notes the Climate Change Act 2008 which requires the Government to assess regularly the risks to the UK of the current and predicted impact of climate change, to set out its climate change adaptation objectives and to set out its proposals and policies for meeting these objectives.

6.36 PPG: Natural Environment examines key issues in implementing policies to protect and enhance natural environment, including landscape. Local planning authorities should have regard to designated areas and have regard to management plans for AONBs (paragraph 39). Paragraph 40 notes:

“Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, provide a basis for cross-organisational work to support the purposes of their designation and show how management activities contribute to their protection, enhancement and enjoyment. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications”

High Weald Area of Outstanding Natural Beauty: Management Plan 2019 - 2024

6.37 The High Weald AONB Management Plan (2019 – 2024) is a statutory document which formulates the relevant local authorities’ policy for the management of the AONB so is a material consideration for this proposal. In the High Weald,

as it covers numerous administrative boundaries, the management plan is delivered through a partnership of 15 local authorities.

6.38 The Management Plan states that they are strategies:

"for looking after these beautiful places in the interests of both people and nature. They are formulated to coordinate policy, investment and action in these nationally-important landscapes in order to achieve the legal purpose of 'conserving and enhancing natural beauty' for the benefit of current and future generations."

7. Consultations

7.1 The following summarises the responses of statutory consultees to the application.

7.2 **Mid Sussex District Council (Planning & Environmental Health comments):** Asks that in determining the application WSCC are satisfied with the effects on the AONB; and if permission is granted, conditions should secure a Construction Management Plan that could include hours of work and numbers of HGVs/routing/deliveries to avoid school drop-off and pick up times. Requests conditions mitigating noise (suggested in the submitted Noise Management Plan) are included. If staff reside on the site, appropriate accommodation should be provided. Urges WSCC to ensure residents are protected from noise impacts, air quality, odour and groundwater and apply and enforce the conditions of the application.

7.3 **Balcombe Parish Council:** Objects on various grounds including; the application is production rather than flow testing; does not comply with West Sussex Joint Minerals Local plan; unacceptable risk with regards to the water environment; safety and emergency procedures are inadequate; concern regarding the discharge of waste into nearby streams; lack of clarity for acid wash or acidisation; concerns surrounding well integrity; raises concerns including the financial position of Angus Energy; adverse impact on village; residents are opposed to the presence of an oil company within the village; lack of EIA; inaccurate traffic figures; transport of large HGV's, particularly past school; climate change concerns; air quality; inaccurate noise survey; lack of control measures relating to drainage, flood risk and water pollution; ecology concerns;

7.4 **Environment Agency:** No objection. Notes that there is an Environmental Permitting Process

7.5 **Health and Safety Executive:** No objection

7.6 **Public Health England:** Have no significant concerns regarding risk to health of local population providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with relevant technical guidance or industry best practice.

7.7 **Director of Public Health:** To be reported verbally at committee.

- 7.8 **Natural England:** No objection regarding statutory nature conservation sites; highlights guidance to use regarding protected landscapes, protected species, local sites and Sites of Special Scientific Interest.
- 7.9 **WSCC Drainage:** No objection
- 7.10 **WSCC Ecology:** No objection subject to conditions relating to lighting and bat monitoring.
- 7.11 **WSCC Highways:** No objection subject to condition requiring Traffic Management Plan. Given the temporary nature of the movement and limited increase on existing HGV traffic, considers that development would not have a material impact on the operation of the highway network.
- 7.12 **Southern Water:** Highlights measures to protect public sewers, advises consultations with the Environment Agency and refers to sustainable urban drainage system guidance.
- 7.13 **Forestry Commission:** Highlights government and standing advice in relation to ancient woodland
- 7.14 **London Gatwick:** No objection, refers to crane usage advice note
- 7.15 **High Weald AONB:** Highlights policies and guidance for the County Council to take into account in determining the application.
- 7.16 **Network Rail:** No comments to make, but advises discussion regarding the sites close proximity to rail infrastructure
- 7.17 **Sussex Police:** Crime prevention advice provided, noting benefits of secure perimeter fencing, lighting, and CCTV.

8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, including the erection of six site notices around the application site and in the village of Balcombe. In response, 535 objections were received from third parties, 6 making comments and 28 representations in support.
- 8.2 The main issues raised through objections, including that of Frack Free Balcombe Residents' Association (FFBRA), Sussex Wildlife Trust (SWT) and Campaign to Protect Rural England Sussex Branch (CPRE), were, in summary:
- Impacts of flare on human health and the environment;
 - Drilling at site will set precedent that would promote oil exploration throughout the Weald.
 - Burning of fossil fuel will harm local biodiversity. Species of concern include dormice, Great Crested Newts, badgers, water voles, buzzards and red kite.
 - Greenhouse gas emissions from flare, vehicles and produced fuel will contribute to climate change.
 - Impact upon the amenity of Balcombe residents; mainly the sound of the flare/generator coupled with vehicle movements.

- Detriment to air quality will damage the health of local residents.
- Groundwater contamination from residual drilling fluids from Cuadrilla and additional fluids and chemicals (hydrofluoric/hydrochloric acid) introduced in the current proposal.
- Highways concerns regarding the size of vehicles entering the site, the damage they could cause to roads and the hazard they could pose on the highways network if they have to stop in the middle of the road.
- Balcombe village voted in 2014 to oppose any exploration on the site.
- Vehicles passing by Balcombe Primary school would be dangers and detrimental to physical/mental health of residents.
- The council have "pledged to step up work to combat climate change".
- Object to fracking
- Concerns regarding production and disposal of toxic waste.
- Heavy industry should not be allowed in the AONB.
- Potential for earthquakes.
- Emissions (surface water runoff, gas, leakage) from the site could poison surrounding landscapes, including the tributary to the river Ouse which could result in further ecological complications.
- Three years is too long for the application.
- The applicant is not economically sound enough to ensure that, should an accident happen, it could be cleaned up properly.
- Use of acid to break rock is fracking, just not with high pressure fluids (technology and proposal needs checking).
- 24 hour operation will be too impactful on residential amenity and road network.
- Government has recently banned fracking.
- Earth tremors could damage the footings of the viaduct/train-line.
- Approval would undermine nationwide targets to cut GHG emissions (e.g. Kyoto, Paris Agreement and COP21)
- Government Policy has changed considerably, as therefore has Policy M7 (a)
- No policy to support the application following the removal of Para 209(a) from the NPPF.
- Gas to be flared off should instead be used to fuel the site/surrounding homes.
- Pollution of Chalybeate Springs
- Trust in the technical expertise of Angus is low
- Location of school in relation to HGV routing could result in catastrophic disaster
- Increased odds of children being born with health defects.
- Naturally Occurring Radioactive Materials (NORMS).
- Nitrogen Lift included within the application, not confirmed what gasses would be released or included in air quality assessment

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- The development will completely change the character of the village and surrounding area
- Stress created to the village will outweigh the small benefit the application will give to onshore hydrocarbon production.
- Community disruption, civil unrest and protests

8.3 Those in support of the application, in summary, raised the following matters:

- Oil will remain a vital part of the UK economy, and onshore production is the most environmentally friendly option available.
- UK produced oil and gas will support the national and local economy via job creation, export and supply.
- Demand for oil increasing, better to localise consumption than import.
- Approval of exploration will encourage responsible business.

9. **Consideration of Key Issues**

9.1 The key issues in relation to this application are considered to be whether:

- This is major development in the AONB and whether there is a need for the development;
- there are alternative sites;
- the development is acceptable in terms of highway capacity and road safety;
- the development is acceptable in terms of impact on amenity and public health;
- the development is acceptable in terms of impacts on the water environment;
- the development is acceptable in terms of impacts on ecology; and
- the development is acceptable in terms of impact on landscape and visual amenity.

Assessment of 'Major' Development and Need for the Development

9.2 The JMLP 2018 seeks to make provision for oil and gas development, recognising the national commitment to maintain and enhance energy security in the UK, provided that there are no unacceptable impacts on the environment and local communities. Because the application site is within the High Weald AONB, the need for oil/gas must be balanced against the great weight which must be given to conserving and enhancing the nationally-designated landscape.

9.3 Policy M7a of the JMLP 2018 states, in relation to oil/gas development in AONBs/South Downs National Park:

"(a) Proposals for exploration and appraisal for oil and gas, not involving hydraulic fracturing, including extensions to existing sites will be permitted provided that:

- (i) With regard to development proposals deemed to be major, the site is located outside the South Downs National Park, High*

Weald AONB or Chichester Harbour AONB unless it has been demonstrated that there are exceptional circumstances and that it is in the public interest, and in accordance with Policy M13 [protected landscape]."

- 9.4 This reflects paragraph 172 of the NPPF, relating to development in AONBs/National Parks, which states that *"planning permission for major development should be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest"*.
- 9.5 With the site being in the High Weald AONB, it is necessary, therefore, to first consider whether the proposal is deemed to be 'major' development.
- 9.6 Footnote 55 of the NPPF provides guidance on this matter, noting that determination of whether something is a 'major development' is *"a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."*
- 9.7 Policy M13(a)(ii) of the JMLP 2018 provides additional clarity, noting that proposals for mineral development in the AONB will not be permitted unless:
- "ii. the proposal is for a small-scale development to meet local needs that can be accommodated without undermining the objectives of the designation;*
- 9.8 This confirms that 'small scale development' is considered to be that which meets local needs. The extraction of hydrocarbons is undertaken to meet a national, rather than local need so the present proposal is not considered to accord with this clause.
- 9.9 In addition, supporting paragraph 8.3.9 of the JMLP 2018 states that *"small scale developments potentially include ancillary developments such as weighbridges, offices, haul roads, and other minor amendments to existing planning permissions"*. The proposed use would not be ancillary in nature or a minor amendment to an existing permission, so is not considered to fall within these guidelines.
- 9.10 It is of note that the 2014 and 2017 applications were both considered to be 'major' development, despite being for a shorter period of time, with less activity. The operations proposed in this application would last for up to three years, potentially with activity over much of the duration. Given these factors, and the site's location outside of the defined built-up boundary, it is concluded that the development is 'major' for the purposes of Policies M7a and M13 of the JMLP (2018), and paragraph 172 of the NPPF.
- 9.11 Having determined the proposal is major, it is necessary to consider whether there are 'exceptional circumstances', and it is in the public interest for the development to be located in the High Weald AONB, in accordance with Policies M7(a)(i) and M13(c) of the JMLP (2018), and paragraph 172 of the NPPF.
- 9.12 Policy M13(c) notes that whether there are exceptional circumstances and development is in the public interest is *"informed by an assessment of...(i) the need for the development, including in terms of national considerations, and the impact of permitted it, or refusing it, upon the local economy."*

9.13 It is therefore necessary to consider, among other things (considered in the relevant sections below), whether there is an identified need for the oil exploration, and what the impact on the local economy would be if the development did, or did not go ahead.

9.14 In considering the need for minerals in general, the NPPF notes that "*it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs*" and that "*...minerals are a finite natural resource, and can only be worked where they are found...*" (NPPF paragraph 203). Paragraph 205 requires that in determining planning applications, minerals planning authorities "*give great weight to the benefits of mineral extraction, including to the economy*", though this must be balanced against the weight given to environmental impacts of a development.

9.15 Paragraph 124 of PPG: Minerals which relates specifically to the demand for oil/gas, states:

'Mineral planning authorities should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the Government's Annual Energy Statement published in October 2013.'

9.16 The Annual Energy Statement referred to in this paragraph notes that energy policy is underpinned by the need to reduce carbon emissions, and to ensure energy security (paragraph 1.1). It makes it clear that while renewable energy must form an increasing part of the national energy picture, oil and gas remain key elements of the energy system for years to come (paragraph 3.69). The Annual Energy Statement 2014 takes the same approach.

9.17 A more up-to-date picture of the Government's energy policy is provided by the Statutory Security of Supply Report 2019¹, produced by the Department for Business, Energy and Industrial Strategy, produced to meet the "*government's obligation to report annually to Parliament on the availability of electricity and gas for meeting the reasonable demands of consumers in Great Britain*". It indicates that the production of oil/gas increased by 8.9% compared with 2017, with indigenous production at its highest level since 2011, sufficient to meet 87% of UK refinery demand in 2018, and an increase in the diversity of sources of imports, reducing the impact of disruption to any one source of supply on the UK (paragraph 37).

9.18 It notes at paragraphs 32 and 33 that:

32. "The UK's oil supply chain continues to deliver security of supply and is expected to continue to function well, with sufficient capacity to meet demand, as well as respond to supply shocks."

and

33. "The evidence shows that the UK fuel supply is resilient to most shocks where the market can adapt as it has done historically"

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/854522/statutory-security-of-supply-report-2019.pdf

- 9.19 This confirms the current supply chain now has sufficient capacity to meet demand, and even to respond to supply shocks. This is in comparison with the same report from 2013 which reflected the government's Annual Energy Statement in concluding that they were *"keen to ensure the UK continues to maximise economically viable domestic production."*² (paragraph 3.11).
- 9.20 Broader energy policy is set out in the UK's Overarching National Policy Statement for Energy 2011 (EN-1) which relates to Nationally Significant Infrastructure Projects. However, case law confirms it is a material consideration when determining planning applications. At paragraphs 2.2.5 and 2.2.6 it states that:
- "The UK economy is reliant on fossil fuels, and they are likely to play a significant role for some time to come. Most of our power stations are fuelled by coal and gas. The majority of homes have gas central heating, and on our roads, in the air and on the sea, our transport is almost wholly dependent on oil. However, the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification."*
- 9.21 Again, weighed against this, it also states that *"some fossil fuels will still be needed during the transition to a low carbon economy"* (Paragraph 2.2.23).
- 9.22 On balance, it is concluded that although there may be a need for onshore oil and gas development to contribute to national energy security, there are alternative sources of supply, both indigenous and imported. The need is not therefore such that it represents exceptional circumstances, or that it would be in the public interest for what is deemed a 'major development' to be located in the High Weald AONB.
- 9.23 With regard to consideration of the impact on the local economy (the second strand of criterion (i) of Policy W13(c)), employees working on oil exploration sites are specialised and tend to move around the country with oil developments. The direct benefit to local employment is, therefore, considered to be limited, though some security operatives are likely to be employed and other secondary services. Overall, the proposal does not meet criterion (i) of Policy M13(c).
- 9.24 *The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. However, because the site is within the High Weald AONB, this needs to be balanced against the need to locate such development within a nationally-protected landscape. The development is considered to be 'major' by virtue of not being required to meet a local need, not being ancillary in nature, and given its industrial operations located outside of a defined built-up boundary. It is therefore necessary to consider whether there are exceptional circumstances and it is in the public interest for the development to be located in the High Weald AONB, with a key consideration being the need for the exploration. PPG: Minerals notes that energy supplies should come from a variety of sources and that oil and gas will continue to form part of the national energy supply.*

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/261604/HC_675_updated_accessible.pdf

National energy policy indicates that there is sufficient oil, from a diversity of sources, to meet demand. The development would also result in minimal benefit to the local economy from the development. On balance, it is concluded that although there may be a need for onshore oil and gas development to contribute to national energy security, the need is not such that it represents exceptional circumstances, or that it is in the public interest for the proposed major development to be located in the High Weald AONB, because there are alternative sources of supply to meet the national need.

Alternative Sites

- 9.25 The need to consider alternative sites for hydrocarbons (and thereby the need for this particular site to be used) is set out in Policy M7a of the JMLP 2018. Policy M7a supports proposals for oil and gas exploration and appraisal not involving hydraulic fracturing, subject to certain criteria being met, including criterion (a)(ii):

"the site selected represents an acceptable environmental option in comparison to other deliverable alternative sites from which the target reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements."

- 9.26 For oil and gas, options for consideration of alternative sites are limited to those that can 'tap' into the identified reserve. As operators can only explore within the area of their PEDL, it is considered reasonable to limit evaluation of alternative sites to a single PEDL area.
- 9.27 The application site is within PEDL 244, so that is the 'search area' for the purposes of this application. There are currently two hydrocarbon sites in the PEDL: the application site (including Balcombe-1, the original well drilled in 1987) and Bolney-1, a gas site some 3.7 miles south of the site. The latter was drilled in 1963 but has not been in operation for many years. Balcombe-1, within the drill pad of the application site, was drilled in 1987, with a new borehole (Balcombe-2) drilled in 2013, with recent permissions allowing exploration and appraisal since.
- 9.28 By using this site, the operator could make use of existing, site-specific geological data, and utilise the borehole drilled in 2013 and the associated infrastructure on site, including the membrane and access road. As drilling of a borehole has some of the most significant impacts of the oil exploration process, it is considered use of the current site would be beneficial in reducing impacts on people and the environment when compared with an alternative, new site. Further, the PEDL area is almost entirely within the AONB, so it is likely that alternative sites that could access the target reservoir would also be within the AONB.
- 9.29 The site is, therefore, considered to represent an acceptable environmental option, when compared against other potentially deliverable, alternative sites from which the target reservoir can be accessed, in accordance with Policy M7a (a)(ii).
- 9.30 For the avoidance of doubt, this conclusion solely relates to comparing the use of the site with the creation of a new site in the PEDL area, which is considered likely to result in greater environmental harm.

- 9.31 *The proposed development is located with the High Weald AONB. However, with much of the PEDL area also within the AONB, it is considered the use of the site would represent an 'acceptable environmental option' when compared with developing a new site within the licenced area as the operator could utilise the existing borehole and associated data and infrastructure.*

Highway Capacity and Road Safety

- 9.32 One of the key issues raised in objections to the application has been the impact of HGVs on the road network, in particular as they travel through Balcombe village.
- 9.33 As already noted, the application site is located on the western side of the B2036 (London Road). It has an existing upgraded bellmouth and access road that have been used for previous hydrocarbon operations, including the drilling in 2013.
- 9.34 Table 1 of this report gives an approximation of HGV movements over the period of operations. Although such movements are difficult to estimate, there are expected to be up to 97 HGV movements (49 HGVs coming to and leaving the site) during the stage 1 'Pumping' operation which is expected to last a week, with a maximum of 23 HGV movements expected in any day (12 HGVs coming to/leaving the site). During the Stage 2 'Flow Testing' operation, it is also expected to see similar numbers of HGV movements.
- 9.35 WSCC Highways Officers have reviewed the technical documents in support of the application and raise no objection to the proposal, stating:
- "given the temporary nature of the movements and the limited average increase on existing HGV traffic for the duration of the flow test, it is not considered that the proposal will have a material impact on the operation of the network".*
- 9.36 WSCC Highways Officers have also noted that the site access is acceptable, noting that although the Safety Audit carried out in 2010 has not been updated, the trip generation is not sufficient to warrant a new Audit being undertaken.
- 9.37 WSCC Highways Officers have also reviewed representations that suggest traffic calculations are incorrect or have been wrongly applied in this application as well as in previous applications. However, officers confirm that vehicle trips are stated as 'two-way movements' – i.e. one vehicle entering and leaving the site would be 2 two-way movements. This has been confirmed with the applicant's transport consultant.
- 9.38 WSCC Highway Officers conclude that the level of HGV vehicle movements are similar to that of the previous consent on the site and the percentage increase should be considered against the low base of HGV movements on the road. , which in itself would not be a reason for objection on highway capacity or road safety grounds.
- 9.39 It has been suggested in a number of representations that HGVs should be routed to/from the south of the site, via Whitemans Green, to avoid Balcombe village to the north, in particular the local school. However, previous

development has been routed to the north on the B2036, through Balcombe village, linking to junction 10A of the M23 some 7 kilometres north of the site. The comparable route to the south would be 7.6 kilometres long. In highways terms, the route north is preferable as it is more direct. Both routes would travel past residential properties and other sensitive uses, but the disturbance is considered to be minimal given the numbers of HGVs involved.

- 9.40 To address concerns regarding impacts on Balcombe CofE Primary School, Highways Officers have recommended the imposition of a condition requiring a Traffic Management Plan that would restrict the timing of HGV movements.
- 9.41 Concerns have been raised over the transport of hazardous waste through the village, including past the school. However, it should be noted that the safe carriage of hazardous waste is not a matter for the planning system, but is covered by other regulations (the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, regulated by the Health and Safety Executive)).
- 9.42 The NPPF is clear in that, *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Therefore, subject to a Traffic Management Plan, Highways Officers raise no objection to the development, noting that the development would not have a material impact on the operation of the highway network in safety or capacity terms.
- 9.43 Overall, it is considered that the development is acceptable in terms of its impact on the highway network, subject to the imposition of a condition requiring a Traffic Management Plan.
- 9.44 *The proposed development would result in increased HGV movements on the B2036 and other roads throughout the course of the development. However, the increase in HGV traffic would not be significant in highways terms, and would not result in an unacceptable impact on highway safety, or a severe impact on the road network. WSCC Highways Officers raise no objection to the proposal, concluding that the increase in vehicle movements is not sufficient to materially impact on the operation of the highway network in safety or capacity terms, subject to the imposition of a condition requiring the submission and approval of a Traffic Management Plan.*

Impact on Amenity and Public Health

- 9.45 A key concern raised in objections is the potential impact of the development on public health and the amenity of local people.
- 9.46 The nearest dwelling to the site is a Kemps Farm, some 350 metres north and the nearest residential street, Oldlands Avenue, is some 780 metres north.
- 9.47 The site sits at a lower topographical level (around 59 metres above ordnance datum (AOD)) than the village (generally rising to the north and east from 100 metres AOD) and the railway line. Ancient Woodland and farmed woodland separates the site from Kemps Farm. Both the site and Kemps Farm abut the B2036 to the west, and are close to the railway corridor to the east.

- 9.48 The key potential impacts on amenity and public health resulting from the proposed development are likely to be increased noise and reduced air quality.

Noise

- 9.49 The development has the potential to result in increased noise at residential properties through the use of plant such as the nodding donkey/linear pump rod, wheeled mobile crane and the generators, in addition to vehicle movements to, from, and within the site.
- 9.50 The flaring of gas can be a noisy operation, depending on how much gas is produced, but it can be controlled, as required, by 'throttling back the flow'. In addition, the flare is confirmed to be enclosed, helping to minimise noise impacts. Although the flare would be a 24 hour operation, working measures can help to minimise noise. It is, therefore, considered that noise impacts from the flare are controllable.
- 9.51 Calculations submitted as part of the Noise Mitigation Plan indicate that the noise impact from the remainder of the plant and equipment including generators would not be significant.
- 9.52 A condition could be included to secure a Noise Mitigation Plan, as used during 2018 operations, which would require the applicant to provide details of 'instantaneous mitigation measures' such as throttling back the gas flow, and in extreme cases, ceasing operations until appropriate action is taken (unless it is unsafe to do so). Noise monitoring could also be undertaken continuously during operations by the applicant, with results submitted to the County Council on a weekly basis, but also on request. In the event that noise emissions do cause a problem, a condition could be used requiring submission of a Noise Management Plan to identify the mitigation measures to be put in place and the timescale for doing so.
- 9.53 Mid Sussex Environmental Health Officers have confirmed that they are satisfied that these measures would be sufficient to mitigate noise from the development.
- 9.54 Under these circumstances, and given the controls that the proposed conditions could give, it is not considered that the proposal would result in adverse noise impacts on residential amenity.
- 9.55 The site set-up operations and demobilisation, as well as most of the plugging and abandonment works would be undertaken during the day (from 07.30 – 18.30 Monday to Friday, and 08.00 to 13.00 on Saturdays). With conditions setting a limit for noise emissions from the site, and a condition controlling the hours of HGV movements, it is considered that the potential for noise impacts could be limited satisfactorily.
- 9.56 Working hours for different operations period have been stated by the applicant. However, many of these could be undertaken as 'permitted development', without restriction on hours of operation. It would not be appropriate, therefore, to impose a planning condition restricting these hours as it would not meet the legal tests for a planning condition. However, the operator would still be subject to the 'nuisance' requirements regulated by

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Environmental Health officers, which would ensure impacts are not detrimental to human health.

Air Quality

- 9.57 Concern has been raised in third party objections about the potential impact of the flare in particular on air quality and human health.
- 9.58 The flare would be on site for the duration of the flow testing and pressure monitoring to dispose of natural gas, a by-product of oil exploration which it not always viable to use.
- 9.59 PPG: Minerals (paragraph 112) is clear that the flaring or venting of gas is subject to DECC (now the Oil & Gas Authority) controls and regulated by the Environment Agency, with Minerals Planning Authorities needing to consider only *"how issues of noise and visual impact will be addressed"*. It is clear, therefore, that the potential impact of the flaring of gas on air quality is not a matter for the County Council.
- 9.60 However, in leaving this issue to other regimes, PPG: Minerals also makes it clear that the Minerals Planning Authority must be satisfied that the issues can or will be addressed by taking advice from the relevant regulatory body (paragraph 112). The Environment Agency has commented on this application and has raised no objection. In addition, the Environment Agency has highlighted to the applicant the proposal may require an additional or variation to existing Environmental Permit.
- 9.61 Consultation was carried out with Public Health England who raise no objection to the application, stating that they have *"no significant concerns regarding risk to health of the local population from potential emissions associated with the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with relevant technical guidance or industry best practice"*.
- 9.62 The development also has the potential to result in impacts on air quality through increased traffic on the road to and from the site. However, the levels of vehicles associated are not considered to be significant enough to reduce air quality, particularly given the temporary nature of the vehicle movements and the small increase over existing HGV numbers already on the local highway network.
- 9.63 Taking the above into account, it is concluded that the potential impact of the development on air quality is satisfactory, particularly given the controls in place through the Environmental Permitting regime.
- 9.64 *The development has the potential to adversely affect residential amenity and health, primarily through increased noise and emissions to air. In terms of noise, there is a potential for the flare and plant on site to result in noise disturbance. However, it is considered that this could be adequately controlled by conditions requiring monitoring, and remediation if levels are exceeded. The development has the potential to result in impacts on air quality through the flare, and an increase in vehicles travelling to and from the site. However, emissions from the flare are controlled by the Environmental Permit that applies to the operations. The potential impact of increased vehicle numbers is not*

considered to be significant as numbers are relatively low, and for temporary periods.

Impacts on the Water Environment

- 9.65 One of the key issues raised in objections to the proposal is the potential impact on the water environment. PPG: Minerals notes that "*surface, and in some cases ground water issues*", should be addressed by minerals planning authorities as well as flood risk and water (paragraph 13). The impact on the water environment is, therefore, a material planning consideration.
- 9.66 The site is not within a groundwater source protection zone, with the nearest of these some 2.3 km north-west of the site, without an abstraction licence to pump water (though 20m³ can be abstracted without such a licence). Previous applications have confirmed that there are no licenced groundwater abstractions within 3km of the site. There are, however, small streams as close as 15 metres from the site access road.
- 9.67 The site lies on Wadhurst Clay some 47 metres thick, classified as 'unproductive strata' because it is identified as being generally unable to provide usable water supplies and unlikely to have surface water and wetland dependent upon them. The clay also acts as a natural barrier to the migration of either groundwater or gases between permeable strata.
- 9.68 Below the clay are the Ashdown Beds of some 212 metres' thickness, a 'Secondary Aquifer' formed of fine-grained silty sandstone and mudstone. Again, previous applications have noted that this contains naturally high levels of methane, but that due to geology and well construction this does not pose a risk to groundwater. Below the Ashdown Beds is another layer of Kimmeridge Clay, below which are the hydrocarbon-bearing Micrite Beds into which the lateral well extends.
- 9.69 In considering the potential impacts on the water environment, it is important to note that the County Council must assume that other, non-planning regimes operate effectively (PPG: Minerals, paragraph 112). In relation to water, this means assuming that the construction, design and operation of the borehole have been undertaken appropriately, in accordance with Health and Safety Executive (HSE) requirements. It also means assuming that the Environment Agency will ensure that surface equipment operates satisfactorily, and that mining waste and NORMs are appropriately managed.
- 9.70 Nonetheless, as already noted, paragraph 112 of PPG: Minerals notes that before granting permission the County Council will need to be satisfied that the issues dealt with under other regimes can be adequately addressed 'by taking advice from the relevant regulatory body'. The County Council has consulted with the Environment Agency and HSE, neither of which has objected.
- 9.71 The main risks to the water environment are due to run-off from the surface of the site. For any development, it is important to ensure that fluids, particularly where they are potentially polluting, are managed within the site. For this development, impacts on water quality would be mitigated by ensuring potentially-polluting activities are undertaken on an impermeable surface with sealed drainage system. A condition could be added requiring the submission and approval of a Construction Method Statement detailing: the inspection of

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the existing containment measures; remediation or replacement of the containment measures; containment construction and quality assurance and future inspection and maintenance. Fuel tanks and chemicals stored outside of the impermeable area would have their own bunded containers, as is common practice in industry and agriculture.

- 9.72 It is considered these mechanisms would ensure that surface water is protected.
- 9.73 Details of surface and foul water drainage are matters which could be required by conditions and which would ensure that the site does not increase the risk of flooding off-site, and that foul waste is managed appropriately.
- 9.74 The main risks to groundwater are through failure of the well casing, leaking of chemicals and hydrocarbons, and through migration of liquid from the borehole. All of these matters are addressed through regulation by the Environment Agency and HSE. The Environment Agency has considered the site's location in terms of a range of issues including geology and hydrogeology, and protected sites and species. The HSE consider the potential interaction with nearby wells, as well as geological strata and the fluid within them. Neither consultee has raised concerns about the proposal.
- 9.75 Concerns have been raised regarding the use of hydrochloric acid in the 'acidisation' process. However, this is regarded as standard procedure in the cleaning of boreholes for not just oil and gas development but also more generally for many drinking water boreholes.
- 9.76 Taking the above into account, it is considered that subject to the imposition of appropriate conditions the development does not pose a risk to the water environment. Therefore, it accords with criterion (a)(iii) of Policy M7a of the JMLP 2018, which seeks to, among other things, minimise impacts on the water environment, and criterion (a)(v) which requires that "*no unacceptable impacts arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground*".
- 9.77 *Although the potential impact of the development on the water environment is a material consideration, PPG: Minerals, paragraph 12 notes that mineral planning authorities must assume that non-planning regimes operate effectively. This means assuming that the well is constructed and operated appropriately, that surface equipment operates satisfactorily, and that waste and NORMs are appropriately managed in accordance with other regulatory regimes. The Environment Agency and Health and Safety Executive have not raised concerns in relation to the proposal. The risk to surface water would be minimised by carrying out activities on an impermeable membrane with a sealed drainage system. With regards to groundwater, it must be assumed that the well is constructed and operated to the appropriate standards. It is, therefore, concluded that the development does not pose a risk to the water environment, either at the surface or groundwater, and that the proposal accords with criteria (a)(iii) and (a)(v) of Policy M7a of the JMLP 2018.*

Impact on Ecology

- 9.78 The application site abuts Ancient Woodland to the north and south, as well as beyond the railway corridor to the east and beyond the B2036 to the west. It is

otherwise relatively distant from any ecological designations, being some 800 metres south-east of the Rowhill Copse Local Nature Reserve and some 1,100 metres south-west of the Ardingly Reservoir Local Nature Reserve.

- 9.79 There are several Sites of Special Scientific Interest (SSSIs) within 5 kilometres of the site. Wakehurst and Chiddingly SSSI is some 2,300 metres north-west of the site; Cow Wood and Harry's Wood SSSI is some 3,200 metres west of the site; Worth Forest SSSI is some 3,800 metres north of the site and Philpot's and Hook Quarry SSSI is some 4,600 metres north-east of the site. Beyond this, Ashdown Forest Special Protection Area (internationally-designated) is some 8.9km east of the site.
- 9.80 WSCC's Ecology Officers reviewed the submitted ecological assessments and have raised no objection to the proposal, subject to conditions seeking a lighting strategy and bat monitoring. Natural England also raises no objection, providing Standing Advice (referred to in Natural England's consultee response) which forms an integral part of their assessment of the application.
- 9.81 Taking the above into account, it is considered that the impacts of the proposed development can be contained within the site to ensure that habitats and species are not adversely affected. The development thereby accords with criterion (a)(iii) of Policy M7a of the JMLP 2018, which seeks to minimise unacceptable impacts on, among other things, the natural environment, and Policy M17 of the JMLP 2018, which seeks to minimise harm to biodiversity.
- 9.82 *The proposed development is adjacent to ancient woodland, and there are a number of Sites of Special Scientific Interest in the local area, though relatively distant from the site, each more than 2,000 metres away. A key concern relates to the potential impact on bats. However, WSCC's Ecology Officers have raised no objection, subject to conditions to control lighting on the site, and bat monitoring. It is therefore considered that the proposal is acceptable in terms of its potential impact on ecology.*

Impact on Landscape and Visual Amenity

- 9.83 Policy M12 of the JMLP 2018 seeks to protect the character, distinctiveness and sense of place of different areas of the County and, in this particular case, to protect the setting and character of the High Weald Area of Outstanding Natural Beauty (AONB), which has the highest status of protection and wherein 'great weight' must be given to conserving and enhancing the landscape and scenic beauty.
- 9.84 The physical development would involve the use of a 40m crane (on site for up to ten days), a flare measuring 13.7 metres in height (on site for the duration of the extended well test - potentially three years), and site infrastructure including portacabins, tankers, pumps and generators (on site for up to three years). The site is currently enclosed with a two metre high security fence, which would be retained. As already noted, the operation of the site would involve the movement of HGVs to/from the site, potentially throughout much of the three year operation, as well as on-site works involving the movement and operation of various types of equipment.
- 9.85 The applicant has submitted 'viewpoint photographs' indicating the potential impact of the development, albeit the workover rig shown would not be used,

and photographs were taken in Spring, rather than Winter when the 'worst case scenario' would be apparent with trees/plants not in leaf (see **Appendix 5: Viewpoint Photos**).

- 9.86 The photographs indicate that the crane, pump and flare, and the upper parts of the security fence would be visible from London Road at the site entrance, and from an agricultural entrance north of this. Some views would also be possible from the Public Right of Way some 300m to the north (footpath 13Ba).
- 9.87 There is the potential for impact on the character of the area, particularly by virtue of the flare being on site for three years, and the disturbance created by an industrial-style operation being undertaken in a countryside location. However, on balance, it is not considered that this would not be to such a degree as to be unacceptable with reference to the criteria set out in Policy M12 of the JMLP (2018). The proposal is therefore considered to accord with Policy M12 of the JMLP (2018).
- 9.88 The proposal also needs to be assessed against part (c) of JMLP Policy M13 relating to major development in protected landscapes which states:
- "Proposals for major minerals development will not be permitted within protected landscapes unless there are exceptional circumstance and where it is in the public interest by assessment of:*
- i) The need for the development, including terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for the mineral in some other way; and*
 - iii) any potential detrimental impact on the environment, landscape, and recreational opportunities, and the extent to which identified impacts can be satisfactorily mitigated."*
- 9.89 With regard to criterion i), the need for the development is assessed in the 'Assessment of 'Major' Development and Need for the Development' section at paragraphs 9.2 – 9.23, which concludes that the need is not such that it represents exceptional circumstances, or that it is in the public interest for the proposed major development to be located in the High Weald AONB. It also concludes the benefit to local employment is also considered to be limited and that overall, the proposal does not meet criterion (i) of Policy M13(c).
- 9.90 With regard to criterion ii), oil reserves are spread across the County and beyond. There is therefore scope for developing elsewhere to meet the national need for hydrocarbons in a location outside of the designated AONB. Furthermore, there are alternative sources of indigenous and imported hydrocarbon supply to meet the national need for hydrocarbons in other ways. The proposal does not therefore meet criterion (ii) of Policy M13(c).
- 9.91 With regard to criterion (iii), it is acknowledged that the development would be temporary, after which the site would be restored (or retained while an application for further works is prepared). As addressed elsewhere in this report, while there would be detrimental impacts as a result of the

development, it is considered that they could be satisfactorily mitigated so the proposal is considered to satisfy criterion (iii).

9.92 On balance, it is considered that there are alternative sources of supply to meet the national need, there would be minimal benefit to the local economy, and there is considered to be scope for developing outside of the AONB. While the potentially detrimental impacts of the development could be satisfactorily mitigated, there are not exceptional circumstances for it, and it is not in the public interest to allow the major development in the AONB. The proposal would not therefore accord with Policy M13(c) of the JMLP 2018 because there are no exceptional circumstances and the development is not in the public interest.

9.93 *The application site is located within the High Weald Area of Outstanding Natural Beauty (AONB), so great weight must be given to conserving landscape and scenic beauty. The development would involve site operations for up to three years, including the installation of a flare on site for the duration. However, the impact of this on the character of the area is not such that it would be unacceptable. The proposal would, however, be deemed 'major' development in the AONB, and it is not considered that on balance, there are exceptional circumstances for it, or that it would be in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of protected landscapes. It is, therefore, concluded that the proposal does not accord with Policies M7a and M13 of the JMLP 2018, nor that of paragraphs 170 and 172 of the NPPF by virtue being major development in the High Weald AONB for which there are no exceptional circumstances, and which is not in the public interest.*

10. Overall Conclusion and Recommendation

10.1 The Extended Well Test over a three year period proposed at the Lower Stumble Wood site has the potential to result in impacts on the highway, people and the environment, issues that have been raised in the large number of objections to the application. Balcombe Parish Council has objected to the application, but no other statutory consultees have objected, subject to the imposition of conditions and regard to relevant policy and guidance.

10.2 It is concluded that the number of vehicles required to carry out the development is not significant enough to raise concerns regarding highway capacity or road safety. Emissions from the development would be controlled through the planning regime as well as through the Environmental Permitting and health and safety regimes which would ensure that water quality would not be compromised and that emissions to air would be acceptable.

10.3 However, although 'great weight' must be given to benefits of mineral extraction and that oil and gas will continue to form part of the national energy supply, on balance, the need is not such that it represents exceptional circumstances, or that it is in the public interest for the proposed major development to be located in the High Weald AONB, because there are alternative sources of supply.

- 10.4 The High Weald Area of Outstanding Natural Beauty has the highest level of protection, with the NPPF directing authorities to give 'great weight' to conserving their landscape and scenic beauty. The proposal would establish a continued presence of industry which is not appropriate to the area, and would not relate well to the landscape or character of its locality. It would therefore compromise the landscape qualities of the High Weald Area of Outstanding Natural Beauty.
- 10.5 It is, therefore, **recommended** that planning permission is refused, for the reason set out at Appendix 1.

11. **Equality Duty**

- 11.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

12. **Risk Management Implications**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

13. **Crime and Disorder Act Implications**

- 13.1 This decision to grant planning permission for a temporary period for exploration and appraisal comprising the flow testing and monitoring of the existing hydrocarbon lateral borehole along with site security fencing, the provision of an enclosed testing flare, and site restoration at Balcombe has no implications in relation to crime and disorder.

14. **Human Rights Act Implications**

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is

proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Head of Planning Services

Background Papers: As set out in Section 6.

List of Appendices

Appendix 1 – Reason for Refusal
Appendix 2 – Site Location Plan
Appendix 3 – Existing Site Plan
Appendix 4 – Proposed Site Plan
Appendix 5 – Viewpoint Photos

Contact: Chris Bartlett ext. 26946

Appendix 1: Reasons for Refusal

REASONS FOR REFUSAL

- 1.** The proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there are no exceptional circumstances, and which is not in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of nationally designated landscapes. It would therefore be contrary to Policies M7a and M13 of the West Sussex Joint Local Minerals Plan (2018) and paragraphs 170 and 172 of the National Planning Policy Framework (2019).

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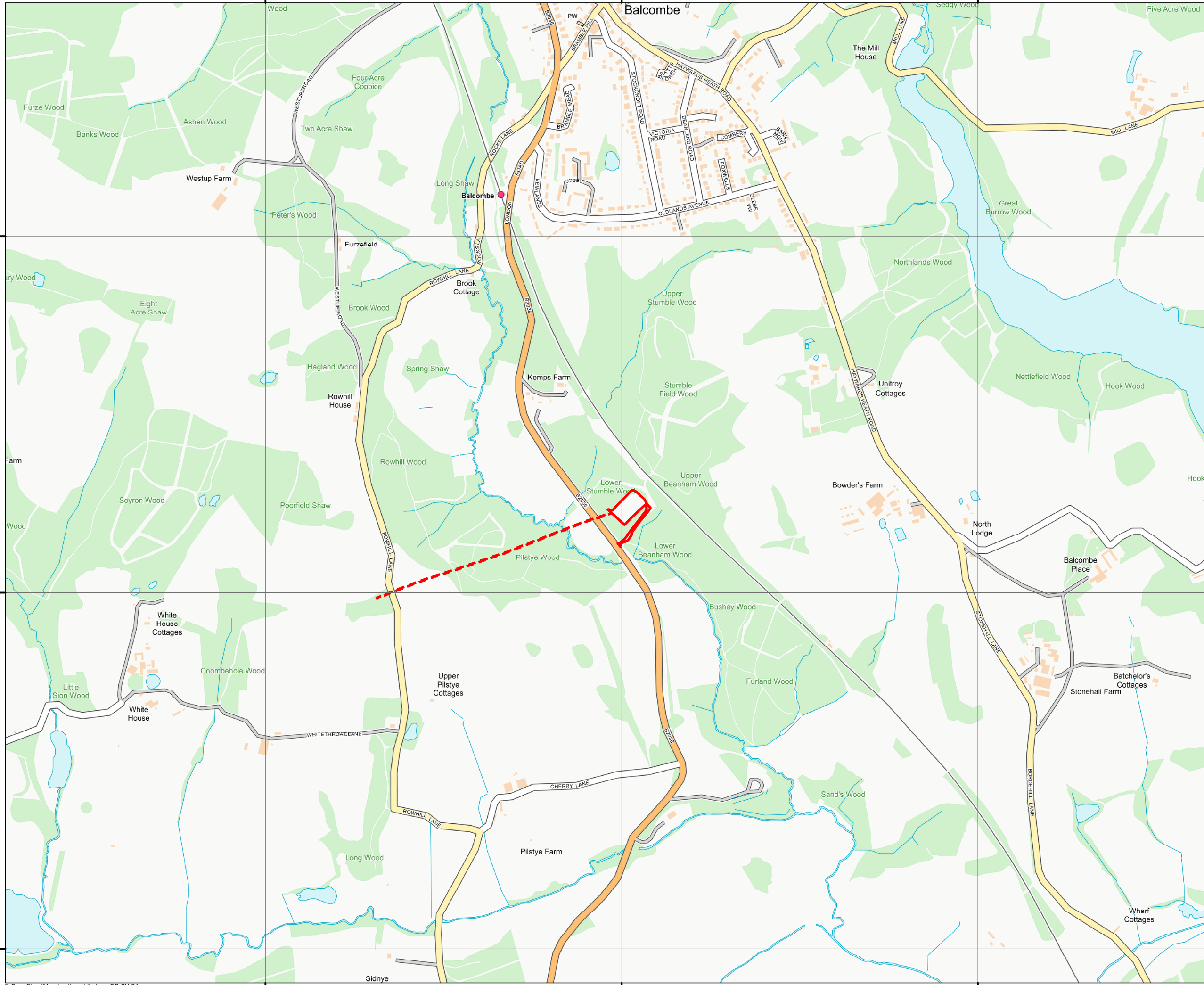
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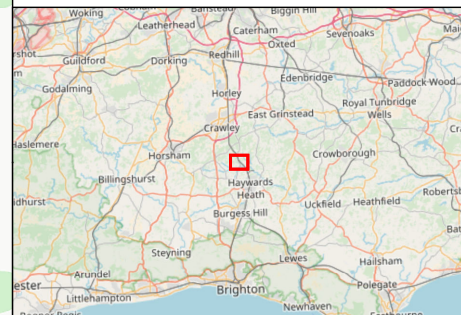
128000



Legend:

- Site Boundary - Above Ground Works
- Site Boundary - Below Ground Works

Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936
 Units: Meter



Rev	Date	Description
01	10/10/2017	Scale change
00	03/10/2017	First Draft

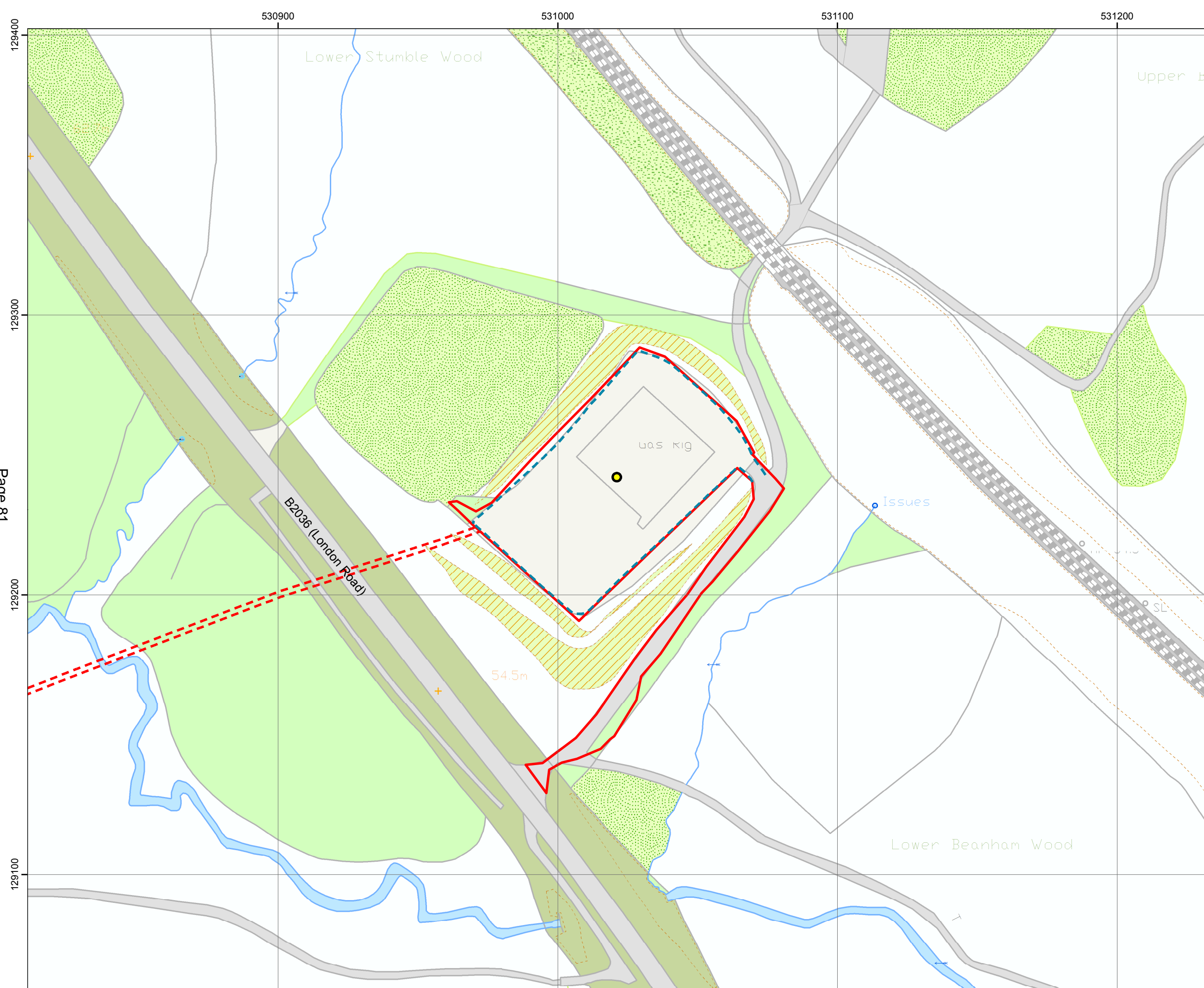
Balcombe 2z Hydrocarbon Well Testing

TITLE: **Figure 1: Site Location Plan**

SCALE: 1:10,000 @ A3

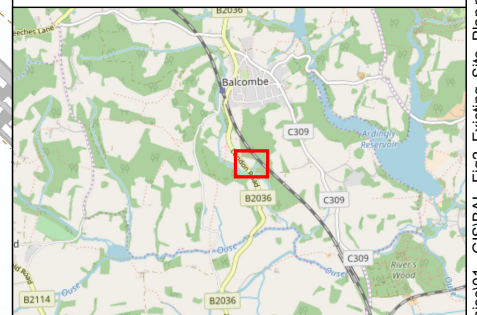
REV 01

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- Legend:**
- Site Boundary - Above Ground Works
 - Site Boundary - Below Ground Works
 - Existing Site Security Fencing
 - Borehole
- OS MasterMap Class**
- Manmade Surface
 - Natural Surface
 - Inland Water
 - Artificial Slope
 - Coniferous Trees
 - Nonconiferous Trees
 - Scrub
 - Railway Land - Manmade
 - Road
 - Track
 - Verge

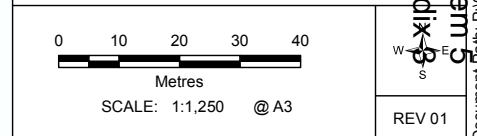
Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936
 Units: Meter



Rev	Date	Description
01	10/10/2017	BH, Fence and Legend edits
00	02/10/2017	First Draft

Balcombe 2z Hydrocarbon Well Testing

TITLE:
 Figure 2:
 Existing Site Plan

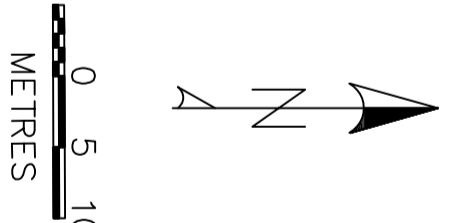
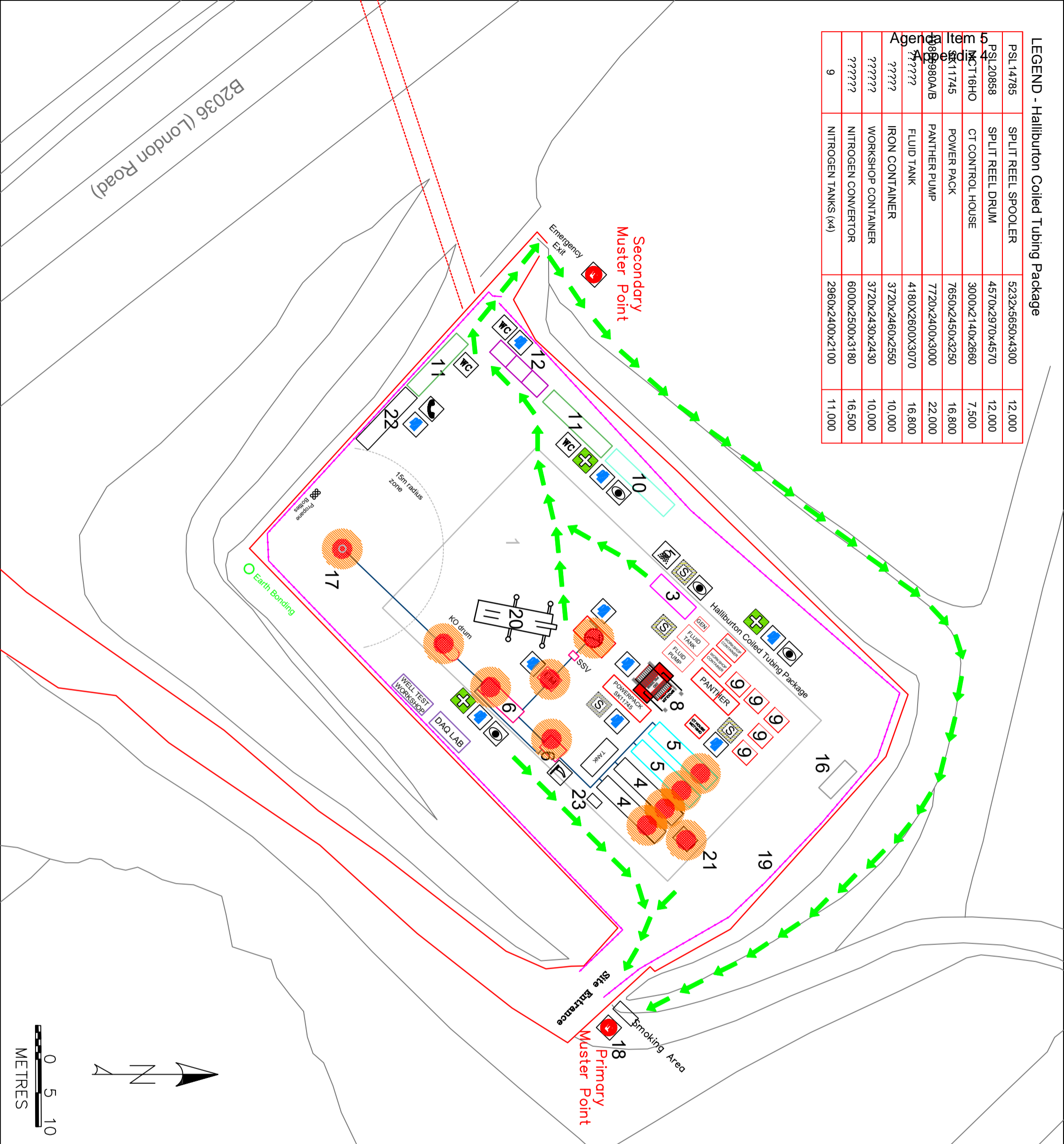


Appendix B
 REV 01

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LEGEND - Halliburton Coiled Tubing Package

PSL	Item Description	Quantity	Area (sqm)
PSL14785	SPLIT REEL SPOOLER	5232x5650x4300	12,000
PSL20858	SPLIT REEL DRUM	4570x2970x4570	12,000
PSL1616HO	CT CONTROL HOUSE	3000x2140x2660	7,500
PSL11745	POWER PACK	7650x2450x3250	16,800
PSL9800A/B	PANTHER PUMP	7720x2400x3000	22,000
PSL9800A/B	FLUID TANK	4180x2600x3070	16,800
PSL9800A/B	IRON CONTAINER	3720x2460x2550	10,000
PSL9800A/B	WORKSHOP CONTAINER	3720x2430x2430	10,000
PSL9800A/B	NITROGEN CONVERTOR	6000x2500x3180	16,500
PSL9800A/B	NITROGEN TANKS (x4)	2960x2400x2100	11,000



Legend

- Site Boundary - Above Ground
- Site Boundary - Below Ground Works
- Fence
- Impermeable Membrane
- Acid Pump
- Acid Tank
- Oil Tank
- Flowback Tank
- Separator/Surge tank
- Borehole
- Coiled tubing Unit
- Nitrogen Tank
- Welfare Cabin / Lockers
- Toilet - Showers
- Bunker Bins
- MDL Canteen
- Toolpusher
- Potable Water
- Skip
- Flare
- Muster Station
- Car Parking
- Crane
- IBC (Container)
- Accommodation
- Oily Waste Station

REV	DESCRIPTION	DATE	BY
4	As installed	27-09-18	GTS CAD
3	CT Update	10-09-18	GTS CAD
2	Well Test Update	03-09-18	H2Oil
1	Increase bund area	14-05-18	GTS CAD
0	For Review	23-04-18	GTS CAD



OHSF

 DELIVERING EXCELLENCE

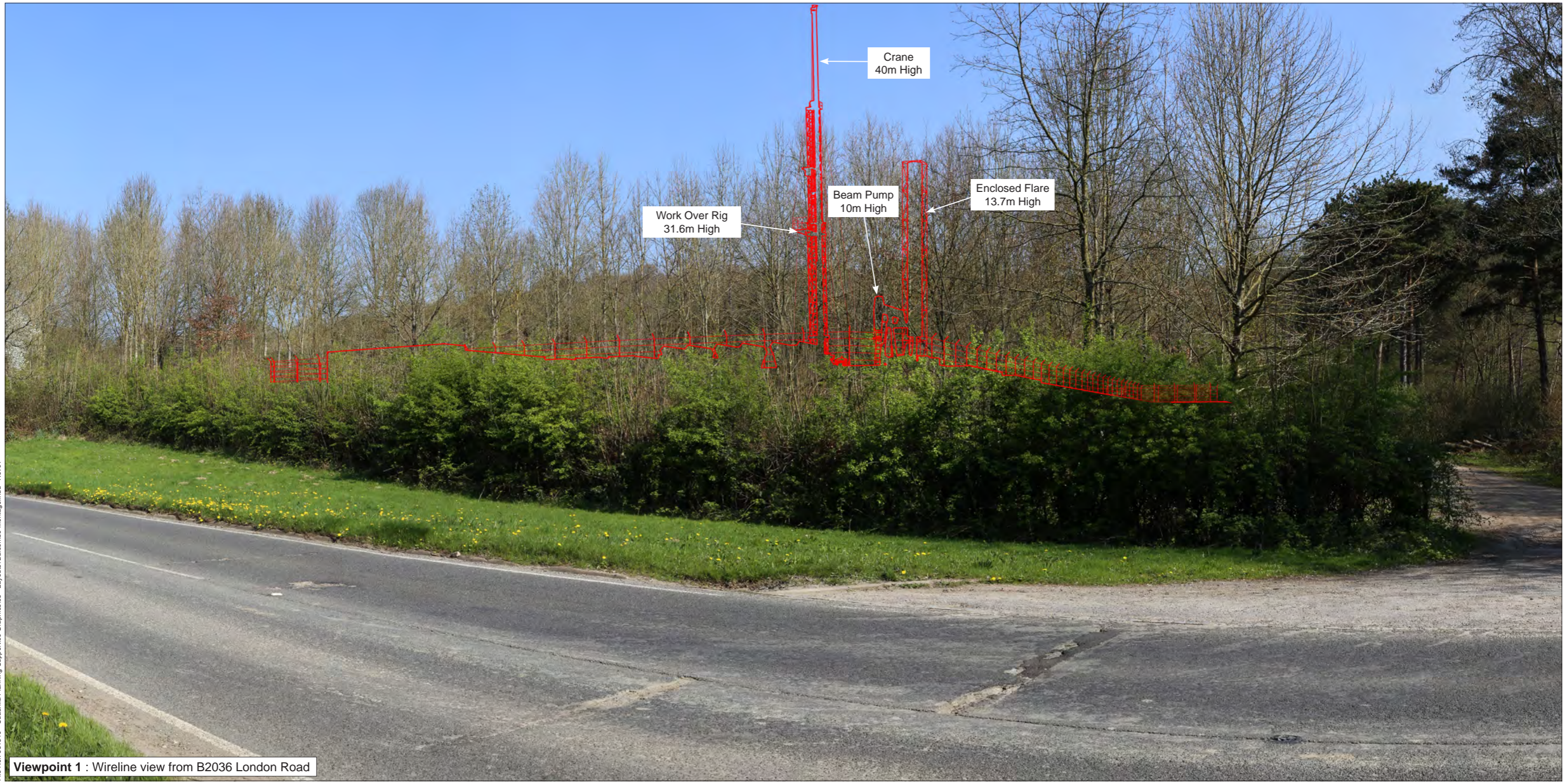
Project: Balcombe 2z Hydrocarbon Well Testing

Title: Proposed Site Plan

Drawing No: HSF-BALCOMBE-SL-01

Date: 18th September 2019

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Viewpoint 1 : Wireline view from B2036 London Road

Viewpoint 1:
 NGR : 530980, 129130
 Direction of View : 25°
 Included Angle of View : 76°

Elevation Above OS Datum : 54m
 Distance to Site Fence : 68m
 Date of Photo : 7th April 2017
 Time of Photo : 11:13am

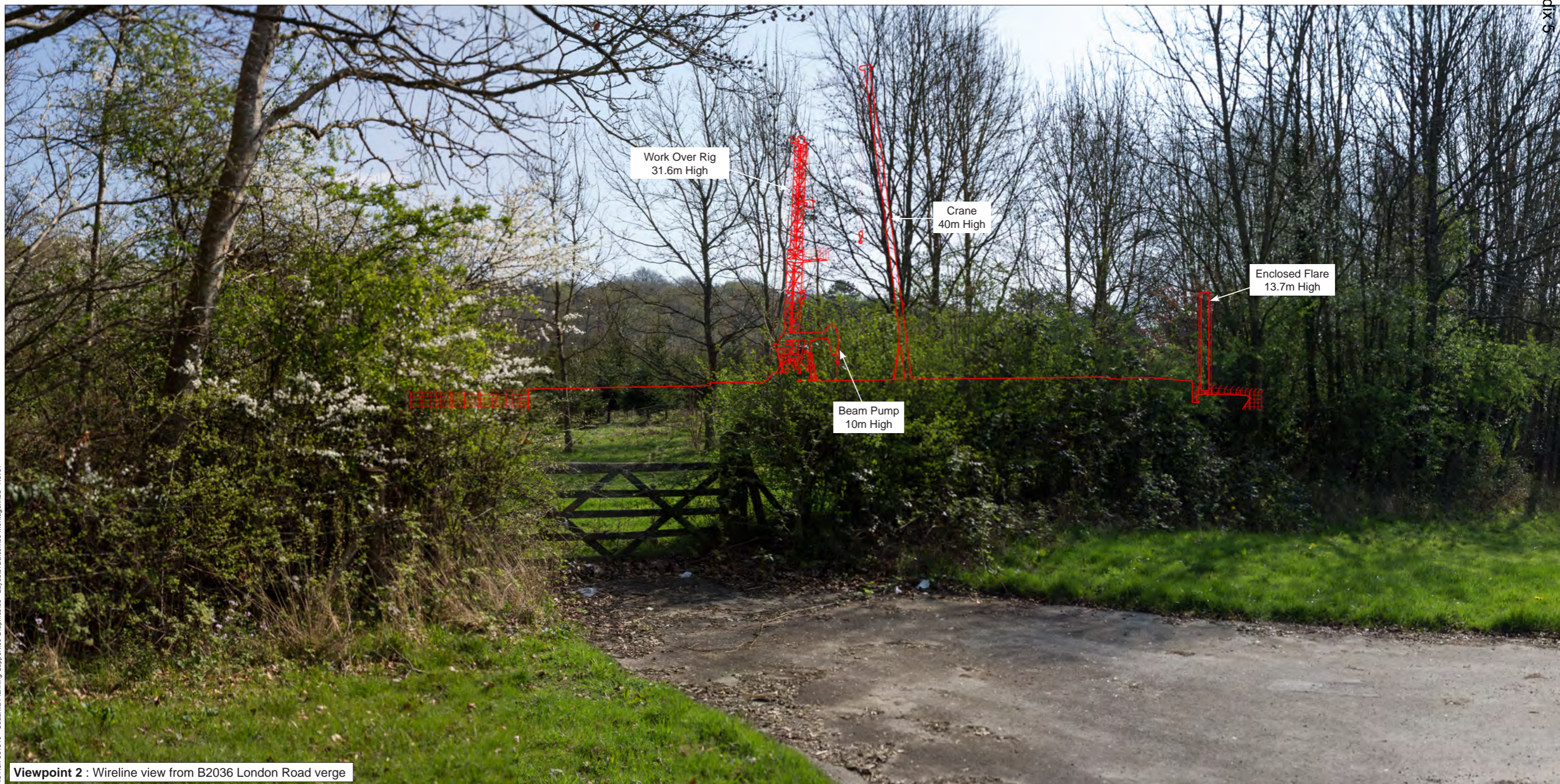
Camera Height Above Ground : 1.6m
 Correct Viewing Distance : 30cm at A3

11/10/2017 Rev : 01

Note:
 Views of the top part of the 40m high Crane and 31.6m high work over rig are visible in the centre of the view over intervening woodland. While glimpses during winter will be likely through the intervening woodland of the 40m high Crane, 31.6m high Work Over Rig and the 13.7m high Enclosed Flare. Views of the other plant and equipment from the site location are likely to be heavily filtered by the intervening woodland.

Figure: 6.2
Viewpoint 1: Wireline View
Lower Stumble Exploration Site,
London Road, Balcombe

Cuadrilla Balcombe Ltd



Viewpoint 2 : Wireline view from B2036 London Road verge

Viewpoint 2:
 NGR : 530891, 129261
 Direction of View : 98°
 Included Angle of View : 76°

Elevation Above OS Datum : 56m
 Distance to Site Fence : 86
 Date of Photo : 7th April 2017
 Time of Photo : 11:22am

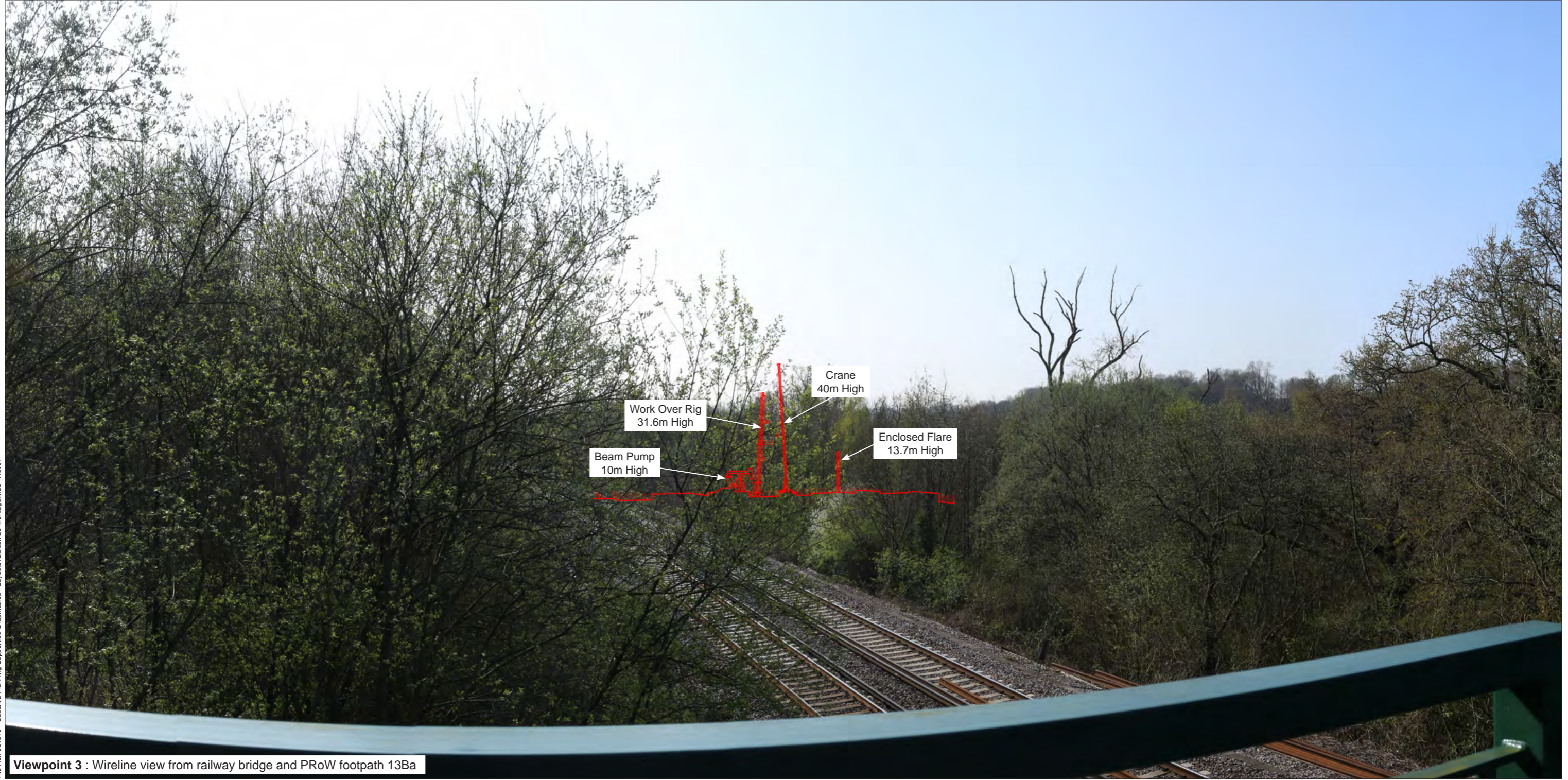
Camera Height Above Ground : 1.6m
 Correct Viewing Distance : 30cm at A3

11/10/2017 Rev : 01

Note:
 Views of the 40m high crane and 31.6m high work over rig will be filtered by intervening trees. Views of the other components from the rig location are to be obscured by intervening conifers, trees and hedgerow.

Figure: 6.4
Viewpoint 2: Wireline View
Lower Stumble Exploration Site,
London Road, Balcombe

Quadrilla Balcombe Ltd



Viewpoint 3 : Wireline view from railway bridge and PRoW footpath 13Ba

Viewpoint 3:
 NGR : 530913, 129557
 Direction of View : 162°
 Included Angle of View : 76°

Elevation Above OS Datum : 82m
 Distance to Site Fence : 291m
 Date of Photo : 7th April 2017
 Time of Photo : 9:55am

Camera Height Above Ground : 1.6m
 Correct Viewing Distance : 30cm at A3

11/10/2017 Rev : 01

Note:
 Views of the top of the 40m high Crane will be partially visible and glimpses of the top of the 31.6m high Work Over rig through intervening woodland. Views of the remaining plant and equipment of the site will be heavily filtered by intervening vegetation.

Figure: 6.6
Viewpoint 3: Wireline View
Lower Stumble Exploration Site,
London Road, Balcombe

Cuadrilla Balcombe Ltd



Viewpoint 4 : Wireline view from PRoW footpath 17Ba

Viewpoint 4:
NGR : 530707, 129416
Direction of View : 120°
Included Angle of View : 76°

Elevation Above OS Datum : 66m
Distance to Site Fence : 325m
Date of Photo : 7th April 2017
Time of Photo : 10:16am

Camera Height Above Ground : 1.6m
Correct Viewing Distance : 30cm at A3

11/10/2017 Rev : 01

Note:
Views of the tops of the 40m high Crane and the 31.6m high Work Over Rig will be partially visible in between mature trees within the centre of the view. The hedgerow in the foreground of the view along the London Road will screen the bottom section of the site location and the plant and equipment of the site are likely to be heavily filtered by intervening mature trees, woodland and hedgerow.

Figure: 6.8
Viewpoint 4: Wireline View
Lower Stumble Exploration Site,
London Road, Balcombe

Cuadrilla Balcombe Ltd

Planning Committee**24 March 2020****County Matter Waste Application****Proposed Temporary Concrete Crushing and Soil Recycling Facility****Kilmarnock Farm, Charlwood Road, Ifield, RH11 0JY****Application No: WSCC/081/19****Report by Head of Planning Services****Local Member: Mrs Liz Kitchen****District: Horsham****Executive Summary**

This report considers an application for temporary planning permission for a five year period for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham. The proposed facility would process up to 75,000 tonnes a year of construction and demolition waste which would be delivered to the site for sorting, grading and crushing to produce recycled soils and aggregates for export/sale.

The application site is not allocated for a built waste management facility uses in the West Sussex Waste Local Plan (2014).

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework.

In terms of statutory consultees, Rusper Parish Council, Horsham District Council (Planning and Environmental Health Officers), Crawley Borough Council, and Gatwick Airport, all object to the application. Key issues raised are the acceptability in a countryside location, harm to the character, visual amenities, PROW, and residential amenity in the locality, highway capacity and road safety, an unacceptable within a safeguarded area for a future runway at Gatwick. The Highway Authority also objects concluding that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The Environment Agency raises no objection to the proposals.

Four third-party representations, have been received all raising objections for similar reasons to those set out by the above consultees.

Consideration of Key Issues

The main material considerations in relation to this application are the:

- need for the development;
- location of the development;
- landscape, character and visual impact;
- impact on local amenity;

- compatibility with safeguarded runway land; and
- impact on the highway capacity and road safety.

Need for the development

Policy W1 of the West Sussex Waste Local Plan (2014)(the WLP) supports inert waste recycling facilities on unallocated sites where there is a demonstrated market need, consistent with the principle of net self-sufficiency. The most recent Annual Monitoring Report for the WLP indicates there is a continued and increasing demand for inert waste recycling in the County, which this development could address, particularly given its location in close proximity to the large urban areas of Crawley and Horsham.

Location of the development

Policies W3 and W4 of the Waste Local Plan sets out criteria for locating waste facilities on unallocated sites. With reference to these criteria, the proposed development would be within an 'Area of Search,' as identified in the WLP, and could not likely be delivered on an existing waste site or a site allocated in Policy W10. By virtue of harmful impacts upon character, visual amenities, and amenities of occupiers of nearby property/land and a public right of way, the proposed site is not considered 'suitable' previously developed land for the scale and nature of development proposed. HGV movements resulting from the development would traverse a significant length of local road with both a rural and residential character, well used by vulnerable users. The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site is suitable to accommodate the type and volume of traffic proposed. The proposed development is not considered well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4 and W18 of the WLP.

Landscape, character and visual impact

The application site is within a rural area, characterised by fields and woodlands, albeit affected by its close proximity to Gatwick Airport and the adjacent commercial uses. The proposed development would introduce outdoor operations, use of heavy plant, HGV movements, stockpiles, structures and a 4.5m high fence, as well as a widened access, all of which are considered intrusive and unnatural features that would be readily visible in the countryside. This would result in a harmful, urbanising effect on the visual amenity of the area and its landscape character. It would, therefore, be contrary to Policies W11 and W12 of the West Sussex Waste Local Plan (2014), Policies 25 and 26 of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).

Impact on local amenity

The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste, and the delivery of waste/export of materials in HGVs. The proximity to Gatwick Airport, is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment, however, this is intermittent. The open nature of the activities and proximity to the neighbouring farmhouse, adjacent land uses and a public footpath, is such that it is considered that the proposed development would give rise to unacceptable impacts upon the amenities of these receptors. The proposed development is therefore contrary to policy W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham

District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework

Compatibility with safeguarded runway land

The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is major development of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003, the Aviation Policy Framework 2013.

Impact on Highway Capacity and Road Safety

The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate that the access to the site via Charlwood Road/Ifield Avenue is suitable to accommodate the type and volume of HGV movements likely to result from the proposed development. The applicant has failed to demonstrate that HGV movements resulting from the development would not give rise to an adverse impact on the safety of all road users and would, therefore, be contrary to Policy W18 of the West Sussex Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015), and paragraphs 108 and 109 of the National Planning Policy Framework (2019).

Overall Conclusion

Although the benefits of the development in terms of its contribution towards meeting identified shortfalls in waste management capacity and movement of waste up the waste hierarchy weigh favourably for the proposal, they are not considered to outweigh the impacts on the rural countryside character of the locality, amenities of occupiers of nearby property/land and a public right of way, the local highway network, or incompatibility with safeguarded runway land. Although temporary permission is sought, it would not be reasonable to allow a trial run to establish whether the operation would have an unacceptable adverse effect on the amenity of the area or highway safety. Further, the proposed development involves significant construction works that would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.

The proposed development would conflict with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.

Recommendation

That temporary planning permission be refused subject to the conditions and informatives in **Appendix 1**.

1. Introduction

- 1.1 A temporary five year planning permission is sought for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham.
- 1.2 The proposed facility would process up to 75,000 tonnes per year of inert construction and demolition waste, which would be delivered to the site for

sorting, grading and crushing to produce recycled soils and aggregates for export/sale.

2. **Site and Description**

2.1 The application site falls in a countryside location on the eastern edge of Horsham District, some 650m to the west of the built up area of Crawley Borough. The site is located within Kilmarnock Farm, on the northern side of Charlwood Road (see **Appendix 2 – Site Location**).

2.2 The application site occupies an area of some 0.7 hectares to the east of existing buildings, and includes a field access onto Charlwood Road, located between mature trees/vegetation. At present, the site is largely hard-surfaced with compacted stone and includes a number of mobile homes, part of a stable, and a large parking area. At its southern extent, the site also includes an area of open field currently in equine use. Boundary treatment to the east consists of low post and rail fencing and to the west the site abuts existing buildings. Immediately to the south west of the site is a residential property (farmhouse) and associated outbuildings.

2.3 To the west of the application site, within Kilmarnock Farm, is an area in a range of uses including planning use class B1 (Business), B2 (General Industrial), and B8 (Storage & Distribution) uses, as well as stables (including for rescue horses), a sand school, mobile homes, and a residential property (former farmhouse) accessed directly from Charlwood Road. Some of these uses are unauthorised and, therefore, need to be disregarded in planning terms (see Section 3 – Relevant Planning History).

2.4 The wider farm site consists of open fields in use for equine purposes.

2.5 The site is located in a relatively flat, countryside location generally characterised by a pattern of fields and woodlands. A Public Right of Way (Footpath 1511) runs north-south, some 70m from the eastern site boundary. With the exception of the adjacent former farmhouse to the south, the nearest residential property lies some 130m to the south east on Charlwood Road. The wider area includes a number of commercial premises including kennels, hotels, a garden nursery, and an outreach centre providing support for people with learning disabilities (Ifield Hall - Outreach 3Way). Some 950m to the north-east is Gatwick Airport.

2.6 The application site is outside of the built-up area defined in the Horsham District Planning Framework and so is considered to be 'countryside'. It is not within an area designated for landscape, heritage or ecological reasons. However, it falls in close proximity to woodland south of Charlwood Road (Cophall Wood), and ancient woodland more distant at some 240m to the south. The site is in an area with a limited probability of flooding.

2.7 The site is shown on the Gatwick Airport Master Plan (2019) as being safeguarded by national policy for a potential additional runway at Gatwick Airport, though this has not been carried through to the Horsham District Planning Framework (2015).

3. **Relevant Planning History**

- 3.1 An application for the same development, but on a permanent basis, was submitted in May 2019 (WSCC/041/19). Following concerns being raised and requests for further information from officers and consultees, the application was withdrawn in November 2019. The current application seeks to address concerns raised, principally through seeking a temporary, rather than permanent permission, and the inclusion of a perimeter acoustic fence.
- 3.2 The site is also subject to an extensive planning and compliance related history with Horsham District Council, involving, amongst other things, unauthorised uses and the stationing of mobile homes at the site, as well as unauthorised development involving the laying of tracks and hard-standings (see **Appendix 3 – Existing Uses**). The following form the key decisions relevant to this application:

- DC/14/1161: Use of land for car valeting. Refused and subsequently appealed. Appeal dismissed (refused) June 2015.
- DC/09/0168: Final phase of drainage improvements to fields by means of permeable soil importation and engineering works. Permitted September 2010.
- DC/06/1632: Drainage improvements to fields including land drainage, soil importation, and creation of temporary access. Permitted November 2007.

4. **The Proposal**

- 4.1 Planning permission for a temporary five year period is sought for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham.
- 4.2 The proposed facility would process up to 75,000 tonnes per annum (tpa) of inert construction and demolition waste, which would be sorted, graded and crushed to produce recycled soils and aggregates for export/sale.
- 4.3 If approved, all existing uses within the application site would cease and all buildings would be removed. The site would contain several stockpiles of up to 4m in height for processed and unprocessed construction and demolition waste, soils, and concrete. It would also contain five timber stock bays (10m x 6m and 3m in height) for the storage of processed materials. Waste would be processed in the open by a mobile screener (4m x 2.2m and 2.3m in height) and mobile crusher (12.7m x 2.5m and 3.2m in height). Materials would be moved around the site by typical heavy plant including a 360 degree excavator and loading shovel (see **Appendix 4 & 5 – Proposed Layout**).
- 4.4 Adjacent to the access, the site would contain a staff room/ticket office/toilet within a converted metal container (6.1m x 2.4m x 2.7m in height), a wheel washing facility (drive through bath), and parking bays for six staff vehicles.
- 4.5 Large parts of the site would be laid to concrete to form an internal haul route and turning bays, and a significantly widened and formalised access would be created onto Charlwood Road to accommodate HGV access.

Agenda Item 6

- 4.6 A new 4.5m high acoustic fence would be erected around the entire site, with the exception of the entrance gate which would be 3.5m in height (set back from the highway). Two smaller sections of 1.8m fencing would be located adjacent to the sites access.
- 4.7 In addition to proposed hard landscaping and structures, the submitted details include an outline landscaping scheme primarily consisting of tree and hedge planting along the northern and eastern boundaries of the site, where it abuts open countryside, and a grassed area with drainage ponds adjacent to the access with Charlwood Road.
- 4.8 The proposed hours of operation are 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays. The applicant advises that the proposed use would employ five staff members.
- 4.9 The applicant advises the proposed development would result in an average of approximately 60 HGV movements per day (30 in and 30 out).

5 **Environmental Impact Assessment (EIA)**

- 5.1 The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and relates to a development area of more than 0.5 hectare. Accordingly, a Screening Opinion must be carried out to determine whether the development has the potential to result in 'significant environmental effects' which require an EIA'.
- 5.2 A Screening Opinion was undertaken in relation to the previously withdrawn proposals (WSCC/041/19) which are almost identical in nature, the key difference being a temporary, rather than permanent permission is now sought. The County Planning Authority issued a Screening Opinion dated 14th August 2019, confirming its view that the development would not be considered to have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017, and that no EIA is required.
- 5.3 The current proposals are almost identical in nature to that the subject of the above screening opinion, and having reviewed the revised proposals, there would be no change to the conclusions reached, namely that an EIA is not required.

6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. For the purposes of this application, the statutory development plan is considered to comprise the West Sussex Waste Local Plan (2014) and the Horsham District Planning Framework (2015).
- 6.2 In terms of emerging development plan documents, both the Horsham District Local Plan 2019-2036, and the Ruspur Neighbourhood Plan (2018-2031 Submission Plan) are at draft stages. As emerging plans that have not been subject to independent examination, they cannot be given any great weight.

- 6.3 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan 2014

- 6.4 The following policies are of relevance to this planning application:

- Policy W1: Need for Waste Management Facilities;
- Policy W3: Location of Built Waste Management Facilities;
- Policy W4 – Inert Waste Recycling
- Policy W11: Character;
- Policy W12: High Quality Developments;
- Policy W14: Biodiversity and Geodiversity;
- Policy W16: Air, Soil and Water;
- Policy W17: Flooding;
- Policy W18: Transport;
- Policy W19: Public Health and Amenity;
- Policy W20: Restoration and Aftercare;
- Policy W21: Cumulative Impact; and
- Policy W22: Aviation

Horsham District Planning Framework 2015

- 6.5 The following policies are of relevance to this planning application:

- Policy 1: Sustainable Development;
- Policy 10: Rural Economic Development;
- Policy 24: Environmental Protection;
- Policy 25: Natural Environment and Landscape Character;
- Policy 26: Countryside Protection;
- Policy 31: Green Infrastructure and Biodiversity;
- Policy 32: The Quality of New Development;
- Policy 33: Development Principles;
- Policy 38: Flooding;
- Policy 40: Sustainable Transport; and
- Policy 41: Parking.

National Planning Policy Framework (2019)

- 6.6 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications.

- 6.7 The paragraphs of the NPPF of key relevance to this application are: 8 (roles of the planning system), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 80-84 (supporting economy), 102 (consideration of transport issues), 108-109 (unacceptable impact on the road safety or a severe impact on the road network), 117 (making effective use of land), 127-132 (achieving well-designed places in decision making), 163 (ensuring flood risk is not increased elsewhere), 170 (conserving and enhancing the natural environment), 175 (protection and enhancement of biodiversity and geodiversity), 178 (avoiding pollution and contamination), 180 (minimising impacts of noise, light and health), and 183 (assuming pollution control regimes operate effectively).

National Planning Policy for Waste (October 2014)

- 6.8 The NPPW sets out detailed waste planning policies to reflect the Waste Management Plan for England. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy.
- 6.9 At paragraphs 3-5 the NPPW seeks waste planning authorities to meet the identified needs of their area for the management of waste streams, and identify suitable sites and areas for new or enhanced waste management facilities.
- 6.10 Paragraph 7 notes that in determining planning applications, waste planning authorities should, among other things; consider the likely impact on the environment and amenity against identified criteria; make sure facilities are well designed so they contribute positively to the character and quality of the area; and not control processes which are a matter for other pollution control authorities.

National Planning Practice Guidance: Waste

- 6.11 PPGs set out the Government's planning guidance to be read in conjunction with the NPPF. They do not form part of the development plan but are a material consideration in determining planning applications.
- 6.12 Paragraph 8 promotes the movement of waste up the hierarchy. Paragraph 46 relates to the use of unallocated sites. Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement of waste up the Waste Hierarchy. Paragraphs 50 & 51 sets out the relationship between planning and other regulatory regimes.

The Future of Air Transport – Department of Transport (December 2003) – (ATWP)

- 6.13 This White Paper set out a strategic framework for the development of airport capacity in the United Kingdom over the next 30 years. This set out that land should be safeguarded for the potential future development of a wide spaced runway and associated facilities at Gatwick after 2019.

Aviation Policy Framework (March 2013) – (APF)

- 6.14 This sets out the Government's objectives and principles to guide plans and decisions at the local and regional level, to the extent that it is relevant to that area. At Paragraph 5.9 it sets out the need to safeguard future runway land and ensure it is protected against incompatible development which may be required for future airport needs.

Aviation 2050; The Future of Aviation Consultation (December 2018)

- 6.15 This sets out the Government's objectives which aim to achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and a global, outward-looking Britain. With regard to the safeguarding of land for growth the draft Aviation Strategy states that "it is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth".

EU Council Directive 2008/98/EC

- 6.16 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7. Consultations

- 7.1 **Horsham District Council (Planning):** Objects. Significant increase in activity would contribute to significant and harmful visual erosion of the rural area; large area of hard-standing, high acoustic fences, commercial waste processing, and associated vehicular movements detrimental to landscape character, highly intrusive and harmful feature visible from the surrounding countryside, public right of way, and the highway; harmful impact neighbouring residents; major development in Gatwick Safeguarded Land area contrary to local and national planning policies.
- 7.2 **Horsham District Council (Environmental Health Officer):** Objection. Considers the noise report in support of this application is not appropriate as there are closer domestically-occupied premises at Kilmarnock Farm than have been considered.
- 7.3 **Crawley Borough Council:** Objection. Inappropriate location, and scale and nature would give rise to an unacceptable impact on the character and visual amenities of the countryside. Increased impacts on the residential amenity from increased HGV traffic on minor urban roads. Scale would add to the complexity of delivering an additional wide spaced runway at Gatwick Airport within the safeguarded area contrary to National Aviation Policy and the Crawley Borough Local Plan.

- 7.4 **Rusper Parish Council:** Objection. Potential for noise, dust and air pollution to impact upon the amenities and health of nearby receptors including Outreach Centre, residents, site staff and the Gatwick Flightpath. Air pollution and road verge degradation on a road not suitable for heavy traffic. Alternative site assessment is invalid.
- 7.5 **Environment Agency:** No objection. Note the proposals may require an Environmental Permit.
- 7.6 **National Air traffic Services (NATS) - en route safeguarding:** Does not conflict with safeguarding criteria.
- 7.7 **Gatwick Airport (Aerodrome Safeguarding):** Only acceptable subject to conditions to secure approval of a Brid Hazard Management Plan and landscaping/drainage schemes that avoid attracting birds.
- 7.8 **Gatwick Airport (Spatial Planning Policy Manager):** Objection. Development incompatible with proposals for an additional runway in the future and is contrary to the national aviation policy requirements to safeguard land at Gatwick for longer term airport capacity development.
- 7.9 **WSCC Highways:** Objection. Land required for the required visibility splay is outside of the applicant's control/ownership and a telegraph pole could lead to a visibility and physical obstruction of the access. The submitted Safety Audit is incomplete. Proposed traffic movements are not clear. It has not been demonstrated that the road network giving access to-and-from the site, is by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type of traffic proposed. By virtue of an inadequate access, the development would prejudice highway safety.
- 7.10 **WSCC Drainage & Flood Risk:** Consider the drainage strategy acceptable in principle, however, require additional information to evidence whether the proposed drainage strategy is adequate.
- 7.11 **WSCC Archaeology:** No objection. No expected archaeological impact.
- 7.12 **WSCC Ecology:** No objection. No ecological receptor likely to be significantly affected.
- 7.13 **WSCC Tree Officer:** No objection subject to conditions to secure tree protection and landscaping. Recommends fencing near Charlwood Road be countryside appropriate post and rail fencing.
- 7.14 **Councillor Liz Kitchen:** No response received.

8. Representations

- 8.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). This involved the erection of four site notices on land located at and around the application site, an advertisement in the local newspaper and the issue of six neighbour notification letters. In response, four representations

were received, all objecting to the proposals. These include objections from the Ifield Village Conservation Area Advisory Committee.

8.2 The main reasons for objection can be summarised as follows:

- Impact upon amenity in terms of noise, dust, odour, and increased vehicle movements;
- Impact on neighbouring guesthouse business;
- Impact on the well-being of patrons and visitors to the nearby day centre and associated garden nursery;
- Disturbance of nature and wildlife in the locality;
- Impact of noise and HGV movements on Ifield Conservation Area and its rural setting;
- Impact on valued walking routes;
- Impact upon Willoughby Fields green space (designated Crawley Green Space) and enjoyment of peaceful rural locations near the site;
- Local roads not suitable to accommodate further HGVs;
- Difficult to control routing of HGVs which will result in the use of inappropriate roads;
- Impact upon highway safety and upon non-motorised users such as cyclists and horse riders that frequently use the route (no footway noted);
- The extent of proposed works suggests not a temporary operation.

9. **Consideration of Key Issues**

9.1 The main planning considerations relevant to this planning application are the:

- need for the development;
- location of the development;
- landscape, character and visual impact;
- impact on local amenity;
- compatibility with safeguarded runway land; and
- impact on the highway capacity and road safety.

Need for the development

9.2 Planning permission is sought for a facility recycling up to 75,000tpa of inert construction and demolition waste on a site that is not allocated in the West Sussex Waste Local Plan (2014)(the WLP). Policy W1 of the WLP deals with the need for waste management facilities on unallocated sites. In relation to inert recycling facilities, policy W1(c) states that '*Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency*'.

9.3 The applicant suggests that the proposed development would be a direct replacement for a similar facility they previously operated at Holmbush Farm, Faygate, which closed in 2014. The applicant suggests that the proposed development would enable them to manage waste in a single, sustainable

location, and produce secondary aggregates to serve established markets, predominantly in the Horsham and Crawley area.

- 9.4 Although the applicant has provided limited detail regarding the origin of waste to be recycled, the site falls in close proximity to Crawley and Horsham, major sources of construction and demolition waste. Further, the most recent West Sussex Joint Minerals Local Plan and Waste Local Plan Annual Monitoring Report (2017/2018)(AMR) identifies a continued and increasing demand for construction and demolition recycling capacity to deal with arisings within West Sussex.
- 9.5 The proposed concrete and soil recycling facility would process some 75,000tpa of inert construction and demolition waste (soils, rubble and concrete) to produce recycled materials/aggregates, and soils for re-use in the construction industry. This would contribute towards meeting identified shortfalls in C&D waste management capacity and thus be consistent with the principle of net self-sufficiency. Further, the development would promote the movement of waste up the waste hierarchy in accordance with National Planning Policy for Waste and West Sussex Waste Local Plan (2014). Accordingly, it is considered that there is an identified need for the proposed development.
- 9.6 *Policy W1 of the West Sussex Waste Local Plan (2014)(the WLP) supports inert waste recycling facilities on unallocated sites where there is a demonstrated market need, consistent with the principle of net self-sufficiency. The most recent Annual Monitoring Report for the WLP indicates there is a continued and increasing demand for inert waste recycling in the County, which this development could address, particularly given its location in close proximity to the large urban areas of Crawley and Horsham.*

Location of the development

- 9.7 The application site is not allocated to meet identified shortfalls in waste transfer, recycling and recovery capacity, as identified by Policy W10 of the WLP.
- 9.8 It must, therefore, be assessed against Policy W4 that deals with the proposals for the processing and recycling of inert waste, which requires that any such facility be located in accordance with Policy W3.
- 9.9 Policy W3 sets out considerations for locating waste development on unallocated sites, as follows:
- "(a) Proposals for built waste management facilities, on unallocated sites, to enable the transfer, recycling, and recovery of waste will be permitted provided that:*
- (i) it can be demonstrated that they cannot be delivered on permitted sites for built waste management facilities or on the sites allocated for that purpose in Policy W10; and*
 - (ii) they are located in the Areas of Search along the coast and in the north and east of the County as identified on the Key Diagram; or*
 - (iii) outside the Areas of Search identified on the Key Diagram, they are only small-scale facilities to serve a local need.*

(b) Proposals that accord with part (a) must:

- (i) be located within built-up areas, or on suitable previously-developed land outside built-up areas; or*
- (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
- (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*
- (iv) where transportation by rail or water is not practicable or viable, be well-related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route.*

(c) Proposals for new facilities within the boundaries of existing waste management sites to enable the transfer, recycling, and recovery of waste, will be permitted unless:

- (i) the current use is temporary and the site is unsuitable for continued waste use; or*
- (ii) continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment."*

9.10 With regard to W3(a)(i), the applicant notes that no suitable allocated sites are available and that the proposed facility would complement their existing business, which includes a vehicle and operations depot situated some 0.6 miles west along Charlwood Road (Burlands Farm).

9.11 However, the proximity to the applicant's depot is of limited material weight in consideration of the proposals because planning permission runs with the land, so another operator, without this link, could use the site.

9.12 Nonetheless, as identified in the latest AMR, Goddards Green, near Burgess Hill, is the only WLP allocated site where development proposals have yet to be proposed or come forward. The lack of suitable allocated sites is, therefore, acknowledged. Further, it is not considered there are any other waste sites in the locality with planning permission that would be suitable to accommodate the use, or be available to the applicant.

9.13 Taking into account the proximity of the site to the major waste sources and material destinations of Crawley and Horsham, and noting approved development proposals at other allocated sites would likely make them unavailable, it not considered likely that the proposed development could be delivered on an existing waste site or a site allocated in Policy W10. The proposed development is, therefore, considered consistent with Policy W3(a)(i) and W3(a)(ii) because the application site falls within an 'Area of Search'.

9.14 Proposals that accord with W3(a) must then meet the criteria set out in W3(b). The applicant considers that the site would accord with W3(b)(i) in that it would be on 'suitable previously-developed land outside built-up areas', because of extensive planning history and the existing range of uses at the farm which include light industrial, storage, and stables (**see Appendix 3 – Existing Uses**).

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- 9.15 However, only a single mobile home ('Mobile Home 1') on the application site has been confirmed as a 'lawful' through the grant of planning permission (please note: this would be removed if the present application is granted). Other mobile homes on the site either do not benefit from planning permission or are required to be removed from the site by virtue of enforcement notices.
- 9.16 In terms of the existing hardstanding that covers approximately three quarters of the application site, the applicant considers this is lawful as it is excluded from an Enforcement Notice that sought the removal of areas of hardstanding on the wider site. The validity of this claim is somewhat unclear. However, aerial photography suggests hardstanding has been present on site to a broadly similar extent since at least 2007. In contrast, the grassed area to the south of the existing hardstanding (approximately a quarter of the application site), is considered 'greenfield' agricultural land.
- 9.17 Overall, on balance, taking into account the established presence of a large area of hardstanding and a mobile home on the site, it is considered that the application site qualifies as 'previously developed land' for the purposes of Policy W3, albeit with an agricultural use (with the exception of the residential mobile home).
- 9.18 However, to accord with W3(b)(i), the proposed site must represent '*suitable previously developed land*'. Although the WLP gives priority to waste management facilities within built-up and industrial areas, the supporting text to Policy W3 recognises that previously developed land outside built-up areas may be acceptable, "*provided that it is not of high environmental value*" (paragraph 6.4.14). The paragraph also notes that such sites will be limited by the potential effects of operations on residential, commercial, recreational and other uses and on the environment.
- 9.19 The landscape, character, visual and amenity considerations are detailed in the following sections of this report. They conclude that, in summary, the proposed development would: result in a significant increase in the level of activity in the countryside; be of a scale, nature and design that would have a harmful and urbanising impact upon the rural countryside character and visual amenities of the locality; and have an unacceptable impact upon the amenities of occupiers of nearby property/land, and the amenity value of a public right of way. As a result, the proposed site is not considered to be deemed 'suitable' previously developed land for the scale and nature of development proposed, and the development does not accord with this criterion.
- 9.20 Finally, Policy W3(b)(iv) requires that sites are well-related to the Lorry Route Network. This is supplemented by Policy W18(c)(i) which also requires it be demonstrated that "*materials are capable of being transported using the Lorry Route Network with minimal use of local roads, unless special justification can be shown*". The site is located off Charlwood Road, approximately 1km to the northwest of Crawley. The nearest part of the Lorry Route Network is the A23, located at the junction of Crawley Avenue with Ifield Avenue, some 2 km to the south-east of the site. Charlwood Road is a 'C' Class road forming part of the local distributor road network between Crawley and Charlwood.
- 9.21 This part of Charlwood Road (which becomes Ifield Avenue to the east) has a rural character, is used by equestrians, cyclists and walkers accessing quieter lanes and PROW in the countryside to the north of Crawley. To the east it

passes through densely populated residential areas in Crawley where dwellings and a school front the carriageway. The proposed development would require the use of a significant length of local roads with both a rural and residential character, well used by vulnerable users, and, in part, with no footway or street lighting. Further, with reference to highways considerations detailed in the following sections of this report, the development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network that provides access to the site is suitable to accommodate the type and volume of traffic proposed. The development is not therefore considered well-located to the Lorry Route Network, and is contrary to Policy W3(b)(iv) and Policy W18(c)(i).

- 9.22 On the basis of the above, the development is not considered to accord with the criteria set out in Policy W3 for the location of waste management facilities on unallocated sites because the site is not considered 'suitable' previously developed land, and it is not well located to the Lorry Route Network. It also does not accord with Policy W18 which requires minimal use of local roads.
- 9.23 It would also, therefore, be contrary to Policy W4 relating to proposals for inert waste recycling which requires that such facilities are located in accordance with Policy W3.
- 9.24 *Policies W3 and W4 of the Waste Local Plan sets out criteria for locating waste facilities on unallocated sites. With reference to these criteria, the proposed development would be within an 'Area of Search,' as identified in the WLP, and could not likely be delivered on an existing waste site or a site allocated in Policy W10. By virtue of harmful impacts upon character, visual amenities, and amenities of occupiers of nearby property/land and a public right of way, the proposed site is not considered 'suitable' previously developed land for the scale and nature of development proposed. HGV movements resulting from the development would traverse a significant length of local road with both a rural and residential character, well used by vulnerable users. The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site is suitable to accommodate the type and volume of traffic proposed. The proposed development is not considered well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4 and W18 of the WLP.*

Landscape, Character and Visual Impact

- 9.25 The application site is located within a generally rural area some 650m to the west of the built up area of Crawley. The landscape is relatively flat and characterised by a pattern of fields and woodlands.
- 9.26 The application site comprises a large area of hardstanding and part of a grassed field to the east of the main Kilmarnock Farm site. The wider Kilmarnock Farm site includes a residential dwelling, stables, and a range of single storey warehouse style buildings hosting various lawful uses including tyre fitters, motor mechanics, and other storage/distribution uses.
- 9.27 There are mature trees/vegetation along the highway edge, and following field boundaries in the locality, so the site is not readily visible from the public highway, nearby residential properties (with the exception of the neighbouring

farm house), or the nearby Outreach Centre. However, a Public Right of Way (Footpath 1511) runs parallel to the eastern site boundary, separated by some 70m of open field, which provides open views of the site.

- 9.28 At a County level, the site is located in the Northern Vales landscape character area (WSCC Landscape Character Assessment - 2003). At a District level, the site is located in the Upper Mole Farmlands character area (Horsham District Landscape Character Assessment - October 2003). The application site exhibits the key characteristics of these areas, in particular being pasture farmland and having an enclosed rural character, albeit with tranquillity being impacted by proximity to Gatwick Airport. Key issues for these character areas are identified in the Landscape Character Assessments as including the visual impact of urban fringe uses, such as small scale industrial uses, landscape/visual sensitivity to large scale commercial development, and small scale incremental changes eroding rural character. Accordingly, land management guidelines seek to 'conserve the mostly rural character of the area'.
- 9.29 The proposed development would result in the site being used for a temporary period of five years, for the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste in the open. This would require both a mobile screener and crusher, in addition to typical heavy plant such as a 360 degree excavator and loading shovel.
- 9.30 Large parts of the site would be laid to concrete to form an internal haul route and turning bays and it would include several stockpiles up to 4m in height, timber stock bays, an office/staff area within a converted metal container, and a wheel wash. A new 4.5m high acoustic barrier would be erected around the operational area of the site. Soft Landscaping proposals consist of tree and hedge planting along the northern and eastern boundaries of the site, and a grassed area with drainage ponds adjacent to the access with Charlwood Road.
- 9.31 The impact of commercial development on the application site was considered in an appeal decision in 2015 dismissing an application to Horsham District Council for the use of the northern part of the site for car valeting (APP/Z3825/W/15/3004320). This relates to land that forms the northern part of the application site. In considering the impact on the character and appearance of the locality, the Inspector concluded that the use of land for parking of cars, the likely presence of other structures and paraphernalia, and outdoor nature of activities were such the development would result in a harmful effect on the character and appearance of the area.
- 9.32 Although any development must be considered on its own merits, it is considered these conclusions are relevant to the present proposal, which would also result in structures and associated paraphernalia, and outdoor operations.
- 9.33 The influence of Gatwick Airport and context of existing light industrial/business uses at Kilmarnock Farm does, to some extent, diminish the rural character and tranquillity of the locality. However, in contrast to the present proposal, it is of note that existing lawful activities largely remain contained within buildings.
- 9.34 The considerable throughput of waste proposed, outdoor nature of proposed activities, use of heavy machinery/plant, and HGV movements, would result in a significant increase in the overall level of activity in the countryside, resulting

in a harmful effect on the rural character of the area. The proposed five year temporary duration would not effectively mitigate the level of immediate harm occurring during this period.

- 9.35 The proposed structures and stockpiles to be accommodated on site, and in particular the tall 4.5 acoustic perimeter fencing, would be intrusive, urbanising and unnatural features that would be highly visible in the surrounding countryside, in particular from the public footpath to the east. (**See Appendix 6 – Elevations**). Although the applicant proposes soft landscaping to soften the appearance of the proposed fencing, given its height, and noting the temporary permission sought, any such landscaping would unlikely achieve sufficient maturity, and would not afford any substantive mitigation of visual impacts.
- 9.36 Further, the proposals would result in a significantly widened and formalised access onto Charlwood Road. The access would be altered from an unmade crossover and field gate, typical of the countryside, to a formal priority junction with a hard surfaced bell-mouth some 37m in width. This would require the removal of semi-mature trees and associated understorey vegetation (as well as further trimming to lower branches of additional trees for visibility splays). (**See Appendix 7 – Proposed Access**). The scale and nature of the access, coupled with the required removal of boundary vegetation trees, would have an urbanising impact on the locality, further eroding the rural character of the area, and opening up views of the site to highway users, particularly when gates are opened to allow vehicular access.
- 9.37 Although temporary permission is sought, the proposed development involves significant construction works including a formalised access, drainage provision and ponds, tall acoustic barriers/fencing, hard surfacing, and stock bays. It would also require the removal of mature trees. Such development would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.
- 9.38 The proposed development would result in a significant increase in the level of activity in the countryside and be of a scale, nature and design that would have a harmful impact upon the rural countryside character of the locality. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect on visual amenities and landscape character. The proposed development is therefore inappropriate development in the countryside, contrary to policies W11 and W12 of the WLP and policies 25 and 26 of the Horsham District Planning Framework (2015).
- 9.39 *The application site is within a rural area, characterised by fields and woodlands, albeit affected by its close proximity to Gatwick Airport and the adjacent commercial uses. The proposed development would introduce outdoor operations, use of heavy plant, HGV movements, stockpiles, structures and a 4.5m high fence, as well as a widened access, all of which are considered intrusive and unnatural features that would be readily visible in the countryside. This would result in a harmful, urbanising effect on the visual amenity of the area and its landscape character. It would, therefore, be contrary to Policies W11 and W12 of the West Sussex Waste Local Plan (2014), Policies 25 and 26*

of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).

Local Amenity

- 9.40 The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste in the open. These activities would require the use of a mobile screener and crusher, typical heavy plant such as an excavator and loading shovel, and the delivery of waste/export of materials in HGVs. The applicant proposes hours of operation of 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 Saturday, with no operations on Sundays or Bank Holidays.
- 9.41 The nearest residential property to the proposed development is Kilmarnock Farmhouse, the rear façade of which is approximately 15m from site boundary. Beyond that, the residential property of Ifield Court Lodge is located approximately 130m to the south east, fronting Charlwood Road; Little Foxes Hotel is approximately 160 m to the south-west; and the Outreach Centre for people with learning difficulties is some 200m to the east. (**See Appendix 8 – receptors plan**).
- 9.42 Although the site is located in a rural area, the proximity to Gatwick Airport is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment. However, this is intermittent and when aeroplanes are not taking off or landing, the background noise levels away from roads are consistent with those of a quiet rural area.
- 9.43 A Noise Assessment has been provided by the applicant that predicts operational noise arising from the site. This concludes that, without mitigation, the development would result in a significant adverse noise impact on the residential property at Kilmarnock Farm, and a discernible increase in noise levels at the Outreach Centre. To mitigate this, the proposals include a 4.5m acoustic barrier around the perimeter of the site. The Noise Assessment concludes that with this in place, noise emissions from the site would be in the order of the prevailing background noise level at the closest residential properties at Kilmarnock Farm, Little Foxes Hotel, and the Outreach Centre.
- 9.44 The Horsham District Council, Environmental Health Officer (EHO) considers that the locations used for the noise assessment are not appropriate as there are closer, domestically-occupied locations at Kilmarnock Farm. It is the case that, in addition to the Kilmarnock Farmhouse, the site does contain a number of additional residential mobile homes. However, these are either unlawful and in breach of planning control, or would be removed as a result of the proposed development. Accordingly, despite the comments of the EHO, it is considered that the proposed assessment is adequate in terms of considering impacts on the relevant residential receptors.
- 9.45 Taking into account the sound attenuation afforded by the proposed acoustic fence and operational controls that could be imposed by condition to minimise noise impacts (e.g. locating noisy plant away from neighbouring receptors, broadband reversing alarms, switching off plant when not in use, minimising drop heights), the submitted evidence suggests that the proposed development

would not give rise to unacceptable noise impacts for the residents closest to the proposed development.

- 9.46 However, notwithstanding the findings of the Noise Assessment, noting the open nature of the activities that would include heavy plant, crushing, screening, and vehicles with reversing alarms, and taking into account the close proximity of the neighbouring farmhouse, it is considered that the proposed development would inevitably disturb neighbouring residents of the dwelling, and affect their use of associated external space, even with the proposed mitigation.
- 9.47 In addition to residential receptors, which are the focus of the submitted assessments, it is also important to consider potential for noise impacts upon the amenities of other land uses/property and public rights of way. It is of note that the adjacent Kilmarnock Farm site includes a number of other light industrial and storage/distribution uses, several stables, and various other equine activities/uses (paddocks, sand school etc.). Further, a public footpath runs parallel to the site some 70m to the east.
- 9.48 Given their proximity to the proposed activities, and noting noise contours contained within the submitted assessment, it is considered that there would inevitably be a degree of negative noise impact upon these receptors. Although some receptors may be less sensitive, equine uses are not considered a particularly compatible neighbour to a concrete crushing and recycling facility, and the relatively quiet rural noise environment of the footpath is a key part of its amenity value. The impacts on the amenities of these receptors are considered unacceptable. The proposed five year temporary duration would not effectively mitigate the level of harm occurring during this period.
- 9.49 No details of the requirement for site lighting has been provided; however, taking into account the proposed working hours, conditions could be imposed to control the angle and intensity of lighting and require it to be switched off outside working hours. Therefore, potential light pollution impacts are not considered likely to warrant refusal of the proposals.
- 9.50 An Air Quality Assessment has been provided by the applicant that considers the potential impacts arising from both operational traffic, and dust impacts arising from operational activities. For operational traffic, this concludes that HGV numbers would be well below the thresholds where unacceptable air quality impacts would be likely. For dust, it concludes that impacts during operation could be effectively mitigated through typical dust suppression techniques (e.g. damping down, minimising drop heights, wheel wash and covered vehicles) to ensure off site impacts are negligible.
- 9.51 With the exception of receptors at Kilmarnock Farm, the distance from neighbouring properties/receptors, is such that the proposed development would not be likely to cause unacceptable dust impacts on amenity or health. For receptors at Kilmarnock Farm, although a degree of residual dust impact could reasonably be expected even after mitigation, in isolation such impacts are not considered likely to warrant refusal of the proposals, particularly given the direction of prevailing winds (from the south-west).
- 9.52 Overall, the proposed development would cause unacceptable harm to the amenities of occupiers of nearby property/land, and the amenity value of a

public right of way. The proposed development is therefore contrary to policies W19 of the WLP, policy 33 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.

- 9.53 *The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste, and the delivery of waste/export of materials in HGVs. The proximity to Gatwick Airport, is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment, however, this is intermittent. The open nature of the activities and proximity to the neighbouring farmhouse, adjacent land uses and a public footpath, is such that it is considered that the proposed development would give rise to unacceptable impacts upon the amenities of these receptors. The proposed development is therefore contrary to policy W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.*

Compatibility with safeguarded runway land

- 9.54 The application site is located on land which is safeguarded by national policy for a possible additional runway at Gatwick Airport. **(See Appendix 9 - Gatwick Airport Master Plan 2019).**
- 9.55 Government's requirement to safeguard land at Gatwick derives from the Air Transport White Paper (ATWP) 2003. The ATWP required land to be safeguarded for the potential future development of a wide spaced runway and associated facilities at Gatwick after 2019. This safeguarding requirement has been further bolstered in the current government Aviation Policy Framework (APF) 2013, which sets out the need to safeguard future runaway land and ensure it is protected against incompatible development.
- 9.56 In terms of accordance with the Development Plan, the application site is within Horsham District, wherein the Horsham District Planning Framework (2015)(HDPF), is applicable. Although the HDPF Policies Map does identify Gatwick Safeguarded Land, it does not contain any specific policies regarding development therein. However, although not within the administrative boundary of Crawley (that being some 0.5km to the east), the Crawley Local Plan (CLP) 2015-2030 (2015) contains Policy GAT2 which relates to development within the same safeguarded area. This provides useful planning guidance as to the acceptability of development within safeguarded runway land.
- 9.57 CLP, Policy GAT2 specifically safeguards land identified for a possible future runway from 'incompatible' development. It also states that '*Minor development within this area, such as changes of use and small scale building works, such as residential extensions, will normally be acceptable. Where appropriate, planning permission may be granted on a temporary basis*'.
- 9.58 Supporting text to the policy clarifies that '*Incompatible development within safeguarded land is regarded as development which would add constraints or increase the costs or complexity of the development or operation of an additional runway*'.

- 9.59 Gatwick Airport Limited objects to the proposed development on the basis that it is incompatible with the bringing forward of proposals for an additional runway in the future and is contrary to the national aviation policy requirements to safeguard land at Gatwick for longer term airport capacity development. Further, both Horsham District Council and the neighbouring authority of Crawley Borough Council also object to the proposals on aviation safeguarding grounds, considering the proposals to be 'major development' of a scale that would add to the complexity of delivering an additional runway at Gatwick Airport, and thus contrary to local and national planning policies.
- 9.60 The applicant considers that the temporary permission sought would render the development compatible with the potential future expansion of the airport.
- 9.61 The proposed development would be a medium /large waste facility processing up to 75,000tpa of construction, demolition and excavation waste. The extent of works to facilitate this use would include a formalised access, drainage provision and ponds, tall acoustic barriers/fencing, landscaping and hard surfacing. Such development, even if temporary, is not considered to be 'minor development' nor would it be readily or easily reversible. The proposed development would, therefore, add constraints or increase the costs or complexity to the delivery or operation of an additional runway if it were to come forward.
- 9.62 *The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is major development of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003, the Aviation Policy Framework 2013.*

Impact on Highway Capacity and Road Safety

- 9.63 Access to the application site would be taken through an upgraded and widened field access from Charlwood Road, a 'C' class road forming part of the local distributor road between Crawley and Charlwood. In the vicinity of the site Charlwood Road is subject to a 40mph speed limit.
- 9.64 The proposed site access would be a 6m wide, hard surfaced, priority junction with a bell-mouth onto Charlwood Road. Within the site, the development would provide six parking spaces for staff and a wheel washing facility to clean HGVs exiting the site.
- 9.65 The applicant's Transport Statement and Planning Statement present conflicting and confusing information on existing traffic generated by both the application site and the wider Kimarnock Farm site, and how this would change if the proposed development were permitted.
- 9.66 It is acknowledged that some vehicle movements may currently arise from the application site, and thus contribute to the vehicle movements to/from the Kilmarnock Farm site as a whole. However, taking into account the limited lawful development on the application site, it is considered that existing movements arising from lawful uses on the application site are minimal.

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- 9.67 The proposed development would generate an average of approximately 60 HGV movements per day (30 HGVs entering/leaving the site). Taking into account the above, it is considered that all such movements would be in addition to any existing vehicular movements arising from authorised development on the wider Kilmarnock Farm site which would not change. However, it should be noted that this is an average number, and HGV movements could, in reality, be considerably greater than the 60 per day suggested, as they are likely to be influenced by the availability of waste arisings in the locality and buyer demand.
- 9.68 WLP Policy W18(c)(iii) requires that *'there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users'*.
- 9.69 Third party representations, Rusper Parish Council and Crawley Borough Council all object to the proposals, highlighting HGV traffic movements, highway safety, poor access, erosion of verges, and disruption to vulnerable users as cause for concern.
- 9.70 The Highway Authority also objects, concluding that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed.
- 9.71 The Highway Authority note that land required for the required visibility splay is outside of the applicant's control/ownership, and that a telegraph pole could physically obstruct the access and reduce visibility. They also consider that the submitted Safety Audit is incomplete. Overall they conclude that the proposed access is inadequate and would prejudice highway safety.
- 9.72 Further, as also referenced by the Highway Authority, the conclusions of previous appeal decisions are relevant considerations in relation to this application. In 2014, the applicant was refused planning permission by WSCC for a similar soil recycling facility adjacent to their existing depot (Burlands Farm) some 600m further west on Charwood Road (WSCC/029/13/RS). This, in part, was due to the potential impacts on Highway Safety on Charlwood Road. That development proposed a capacity of 50,000tpa for a temporary period of 12 months and would have resulted in 20 HGV movements a day (10 in and 10 out) routed to south east along Charwood Road to the A23. That application was subject to an appeal (APP/P3800/A/14/2227993) in June 2015, which was dismissed by the Planning Inspectorate.
- 9.73 Importantly, the Inspector noted that Charwood Road has a rural character west of Bonnetts Lane, with trees close to the carriageway in places, and no separate pedestrian or cycle facilities or street lighting. The Inspector also noted that the Charwood Road is well-used by equestrians and cyclists accessing quieter lanes and PROW in the countryside, and that to the west of Kilmarnock Farm, Charwood Road has a winding alignment that restricts forward visibility near bends. Overall, the Inspector concluded that the access to proposed site at Burlands Farm was poor, would pose a significant risk to the safety of vulnerable road users, and would not be well-located to the Lorry Route Network.

- 9.74 In contrast, when considering highways matters related to an appeal against a Horsham District Council refusal of land within the application site for 'car valeting' (APP/Z3825/W/15/3004320) in July 2015, the Inspector noted that the site has good access links to Crawley and the surrounding area, reinforced by the nature of the road as a bus route and other sporadic commercial uses in the locality.
- 9.75 The applicant highlights that the use of the Kilmarnock Farm site has previously been accepted, including being accessed by large volumes of HGVs movements associated with soil importation approved in relation to drainage improvements and infilling hollows (Horsham District Council references DC/09/0168 and DC/06/1632).
- 9.76 The planning history and appeal decisions relating to the vehicular movements on Charlwood Road are noted. It is accepted that Kilmarnock Farm has been used by HGVs in the past associated with soil importation, and that an Inspector (in relation to a car valeting use), considered the site had good access links to Crawley and the surrounding area.
- 9.77 However, any use of the site for car valeting is not directly comparable with the current proposals as it would not result in large HGV movements, and previous permissions for soil importation did not result in a sustained intensity of HGV movements for a five year period as now sought, and related to remediation works on the site, which (unlike the current proposals) could not consider the use of alternative sites. They were also subject to a routing agreement directing HGVs to the east (which would not be enforceable in this case as set out in paragraph 9.78 below). Accordingly, the Inspector's decision in relation to the similar proposals at Burlands Farm is considered of most relevance to the proposed development.
- 9.78 Noting that no specific routing arrangements are proposed by the applicant, the Highway Authority echo the concerns of the Burlands Farm Inspector, concluding that the applicant has not demonstrated the road network giving access to the site, by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type of traffic proposed.
- 9.79 There are some differences however, in that the application site at Kilmarnock Farm would be located to the east of the winding section of Charlwood Road. Accordingly, if all HGVs could reasonably be routed to/from the east, highways safety concerns associated with HGVs using of the winding section of Charlwood Road would be avoided. However, noting that the applicant states the facility is intended to complement their existing business at Burlands Farm, where HGVs already return to at the end of each day, it would be difficult, if not impossible, to effectively control or restrict HGVs from travelling to/from the west of the site. Further, the Highway Authority confirm that even if vehicle routing to the east were secured, this would not wholly overcome their concerns, as would still rely on part of Charlwood Road between the site and Bonnets lane which is of concern.
- 9.80 In conclusion, the proposed development would result in an additional 60 HGV movements east of Kilmarnock Farm, and potentially increase in HGV movements on the winding section of Charlwood Road between the application site and Burlands Farm. By virtue of an inadequate access, the development

would prejudice highway safety. Further, as highlighted by the Inspector in relation to the Burlands Farm appeal, and echoed by the Highway Authority, it is considered that access to site is poor, could pose a significant risk to the safety of vulnerable road users, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The proposed development is, therefore, contrary to Policy W18(c)(iii) of the West Sussex Waste Local Plan (2014) and Policy 40 of the Horsham District Planning Framework (2015).

9.81 *The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate that the access to the site via Charlwood Road/Ifield Avenue is suitable to accommodate the type and volume of HGV movements likely to result from the proposed development. The applicant has failed to demonstrate that HGV movements resulting from the development would not give rise to an adverse impact on the safety of all road users and would, therefore, be contrary to Policy W18 of the West Sussex Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015), and paragraphs 108 and 109 of the National Planning Policy Framework (2019).*

9.82 **Other material considerations**

9.83 A third party has raised concerns regarding potential impacts on nature and wildlife. Although the proposed development is not located within an area designated for landscape or ecological reasons, mature hedgerows and woodland are present in the vicinity (including ancient woodland some 240m to the south).

9.84 The County Ecologist raises no objection to the proposals. Although tree removal is proposed, taking into account the lack of likely habitat within the application site, distance from potential ecological receptors, it not considered the proposed development would likely give rise to any unacceptable impact upon biodiversity.

9.85 The submitted information includes an outline drainage scheme that provides for the management of both surface water and foul water. In summary, this includes a linear swale or drain and detention pond for surface water, and, a separate detention pond and reed bed for foul water. Any outfall into a suitable ditch would be at greenfield rates.

9.86 The site is in an area with a limited probably of flooding. The WSCC Flood Risk and Drainage advisor has requested further detailed information/evidence to in respect of detailed design. However, noting that *'the proposed drainage strategy is acceptable in principle'* and would also be addressed under the terms of the Environmental Permitting regime (controlled by the Environment Agency), it is considered that a suitable drainage design could be adequately secured by pre-commencement condition.

9.87 The site falls in close proximity to Gatwick Airport and as such has the potential to impact upon aerodrome safeguarding. Both the National Air traffic Service (NATS) and Gatwick Airport raise no objection to the proposals, subject to the approval of a Brid Hazard Management Plan and landscaping/drainage schemes that avoid attracting birds. Such matters could be addressed by planning

condition. As a result, the proposed development is not considered to give rise to any unacceptable impact upon aerodrome safeguarding.

10. Overall Conclusion and Recommendation

- 10.1 Planning permission is sought for a five year temporary planning permission for a soil recycling and concrete crushing facility at Kilmarnock Farm. The proposed facility would process up to 75,000tpa of inert construction and demolition waste which would be delivered to the site for sorting, grading and crushing to produce recycled soils and aggregates for export/sale and re-use in the construction industry.
- 10.2 The proposed development would contribute towards meeting WLP identified shortfalls in construction and demolition waste management capacity and thus would be consistent with the principle of net self-sufficiency. The development would promote the movement of waste up the waste hierarchy in accordance with both local and national policy, a benefit which must be considered in the planning balance.
- 9.88 Although the site is located within an 'Area of Search' identified in the WLP, it would result in a significant increase in the level of activity in the countryside and be of a scale, nature and design that would have a harmful impact upon the rural countryside character of the locality and the amenities of occupiers of nearby property/land and a public right of way. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect upon the locality. The proposed development is not, therefore, considered appropriate to its countryside setting or to be located on 'suitable' previously developed land for the nature of the activities proposed.
- 9.89 The proposal would result in some 60 HGV movements per day (30 HGVs travelling to/from the site) on a significant length of local roads with both a rural and residential character, and well-used by vulnerable, non-vehicle users. The Highways Authority concludes that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The proposed development is not, therefore, considered well-located to the Lorry Route Network.
- 9.90 The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is of a scale, extent and nature that would be incompatible with the future expansion of the Airport to accommodate the construction of an additional runway contrary to national policy.
- 10.3 Overall, although the benefits of the development in terms of its contribution towards meeting identified shortfalls in waste management capacity and movement of waste up the waste hierarchy weigh favourably for the proposal, they are not considered to outweigh the impacts on the rural countryside character of the locality, amenities of occupiers of nearby property/land and a public right of way, the local highway network, or incompatibility with safeguarded runway land. Although temporary permission is sought, it would not be reasonable to allow a trial run to establish whether the operation would have an unacceptable adverse effect on the amenity of the area or highway safety. Further, the proposed development involves significant construction

works that would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.

10.4 The proposed development would conflict with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.

10.5 It is **recommended**, therefore, that planning permission be refused for the reasons set out in **Appendix 1**.

11. **Equality Act Implications**

11.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

12. **Crime and Disorder Act Implications**

12.1 There are no implications.

13. **Risk Management Implications**

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

14. **Human Rights Act Implications**

14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington

Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

- Appendix 1 – Reasons for refusal and Informatives
- Appendix 2 – Site Location
- Appendix 3 – Existing Uses
- Appendix 4 – Proposed Layout
- Appendix 5 – Proposed Layout
- Appendix 6 – Elevations
- Appendix 7 – Proposed Access
- Appendix 8 – Receptors Plan
- Appendix 9 – Gatwick Airport Master Plan 2019

Contact: James Neave, ext. 25571

Appendix 1: Reasons for refusal

1. The proposed site would not constitute 'suitable' previously developed land for scale and nature of development proposed, and would not be well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4, and W18 of the West Sussex Waste Local Plan (2014).
2. The proposed development would result in a significant increase in the level of activity in the countryside and would be of a scale, nature and design that would have a harmful impact upon the rural character of the locality. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect on visual amenities and landscape character. The proposed development would, therefore, be inappropriate development in the countryside, contrary to policies W11 and W12 of the West Sussex Waste Local Plan (2014), policies 25 and 26 of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).
3. The proposed development would cause unacceptable harm to the amenities of occupiers of nearby property/land, and would harm the enjoyment of a public right of way. The proposed development is, therefore, contrary to policies W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham District Planning Framework (2015), and paragraph 127 and 180 of the National Planning Policy Framework (2019).
4. The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003 and the Aviation Policy Framework 2013.
5. The proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site, by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type and volume of traffic proposed. It has not been demonstrated that the development would not give rise to an adverse impact on the safety of all road users. The proposed development is, therefore, contrary to Policy W18 of the Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015) and paragraphs 108 and 109 of the National Planning Policy Framework (2019).

INFORMATIVE

1. The County Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and consultee responses, and giving the applicant opportunities to overcome the concerns raised about the development. In general the Council will seek to approve applications and work proactively with applicants that will improve the economic, social and environmental conditions of the area. However in this case, the Council has found the development to be contrary to the Development Plan and National Policy.

Site Location

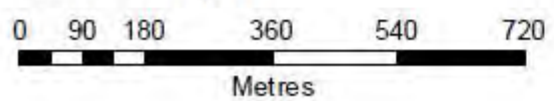


Legend



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Author:
Scale 1:13,000

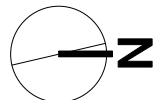
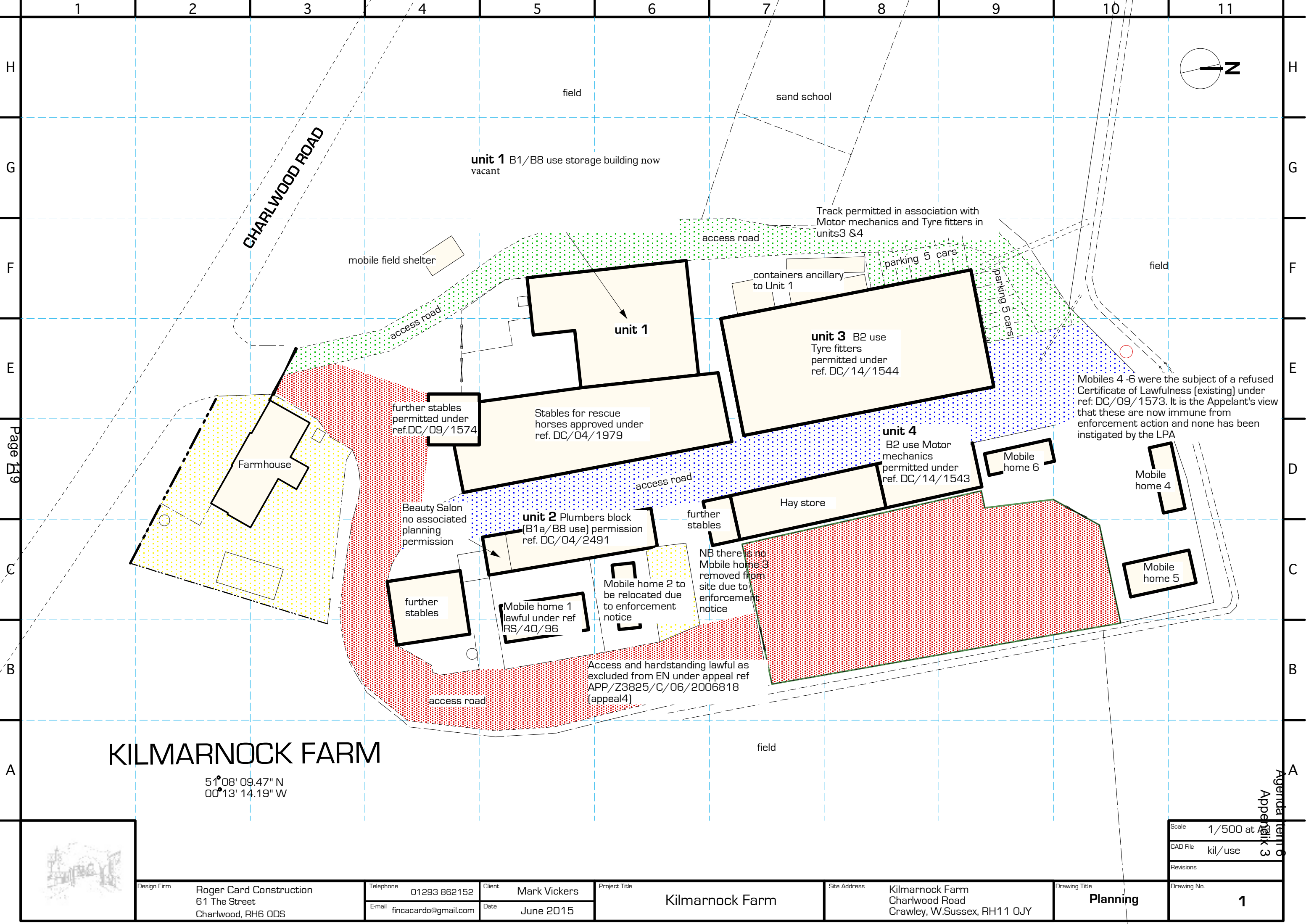


Map Notes

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Appendix 2

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CHARLWOOD ROAD

KILMARNOCK FARM

51°08' 09.47" N
00°13' 14.19" W

Mobiles 4 -6 were the subject of a refused Certificate of Lawfulness (existing) under ref: DC/09/1573. It is the Appellant's view that these are now immune from enforcement action and none has been instigated by the LPA

NB there is no Mobile home 3 removed from site due to enforcement notice

Access and hardstanding lawful as excluded from EN under appeal ref APP/Z3825/C/06/2006818 (appeal4)

Scale	1/500 at A
CAD File	kil/use
Revisions	
Drawing No.	1

Design Firm
Roger Card Construction
61 The Street
Charlwood, RH6 ODS

Telephone 01293 862152
Email fincacrdo@gmail.com

Client Mark Vickers
Date June 2015

Project Title
Kilmarnock Farm

Site Address
Kilmarnock Farm
Charlwood Road
Crawley, W.Sussex, RH11 0JY

Drawing Title
Planning

Agenda Item 3
Appendix 3

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8900N

8850N

8800N

8750N



ACOUSTIC BARRIER 4.5m high Class 3 fence to North boundary

ACCESS ROAD & TURNING BAYS concrete surface with 1:40 falls to swale for surface water run off

SWALE 3 metres wide overall with perforated pipe and filter material below, draining to balancing pond

STOCK PILE concrete material, max. 4 metres high, Crusher operating area.

CRUSHER McCloskey International J40 12.7m x 2.5m x 3.2m high

STOCK PILE crushed material, max. 4 metres high, Screener operating area

SCREENER McCloskey International Kompaq 4m x 2.2m x 2.3m high

ACOUSTIC BARRIER 4.5m high Class 3 fence to West boundary

STOCK PILE unprocessed material, max. 4 metres high

STOCK BAYS for processed material timber built bays 10m x 6m x 3m high

WHEEL BATH drive through bath trimmed with channel drain 23.4m x 3.6m (including ramps)

RETENTION INTERCEPTOR to treat vehicle wash down waste water, to discharge to detention pond / reed beds

KLARGESTER BIODISC treatment plant for soil waste water to discharge to detention pond / reed beds

TICKET OFFICE steel shipping container conversion to office / tea room / WC 6.1m x 2.4m x 2.7m high

CAR PARKING 6 no. 6m x 2.4m bays for workforce parking

ENTRANCE GATE 3.5m high with min. superficial mass of 10kg/cub.metre

DETENTION POND / REED BEDS from klargester, piped discharge into existing ditch

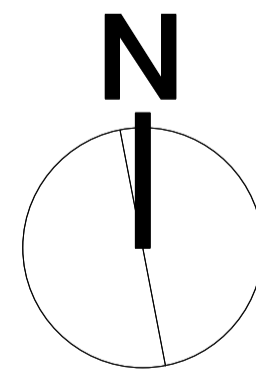
ACOUSTIC BARRIER 4.5m high Class 3 fence to South boundary

BOUNDARY FENCE 1.8 metres high

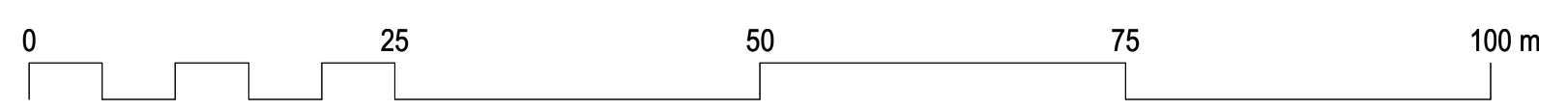
BOUNDARY FENCE 1.8 metres high

DETENTION / BALANCING POND from swale to piped discharge into existing ditch

CONCRETE CULVERT under proposed new access road with brick headwalls and concrete aprons to pipes entry and discharge ditch



SCALE BAR



Legend

- New Native Deciduous Tree Planting
- New Native Conifer Tree Planting
- New Native Hedge
- Existing Tree

Proposed Site Notes

Date	No.	Revisions

Kilmarnock Farm

Cherwood Road
Ifield, Crawley
West Sussex
RH11 0JY

Client

P J Brown Construction(Ltd)

Project Title

Proposed Soil Recycling & Concrete Crushing Facility

Drawing Title

Topo - Proposed Landscape Overlay

Scale

at A1 1 / 500

Date

13 April 2019

Drawing No.

sheet: K:06 (topo - landscape overlay) **K 06**

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Appendix 4

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North Elevation



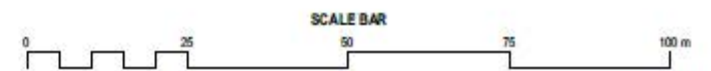
East Elevation



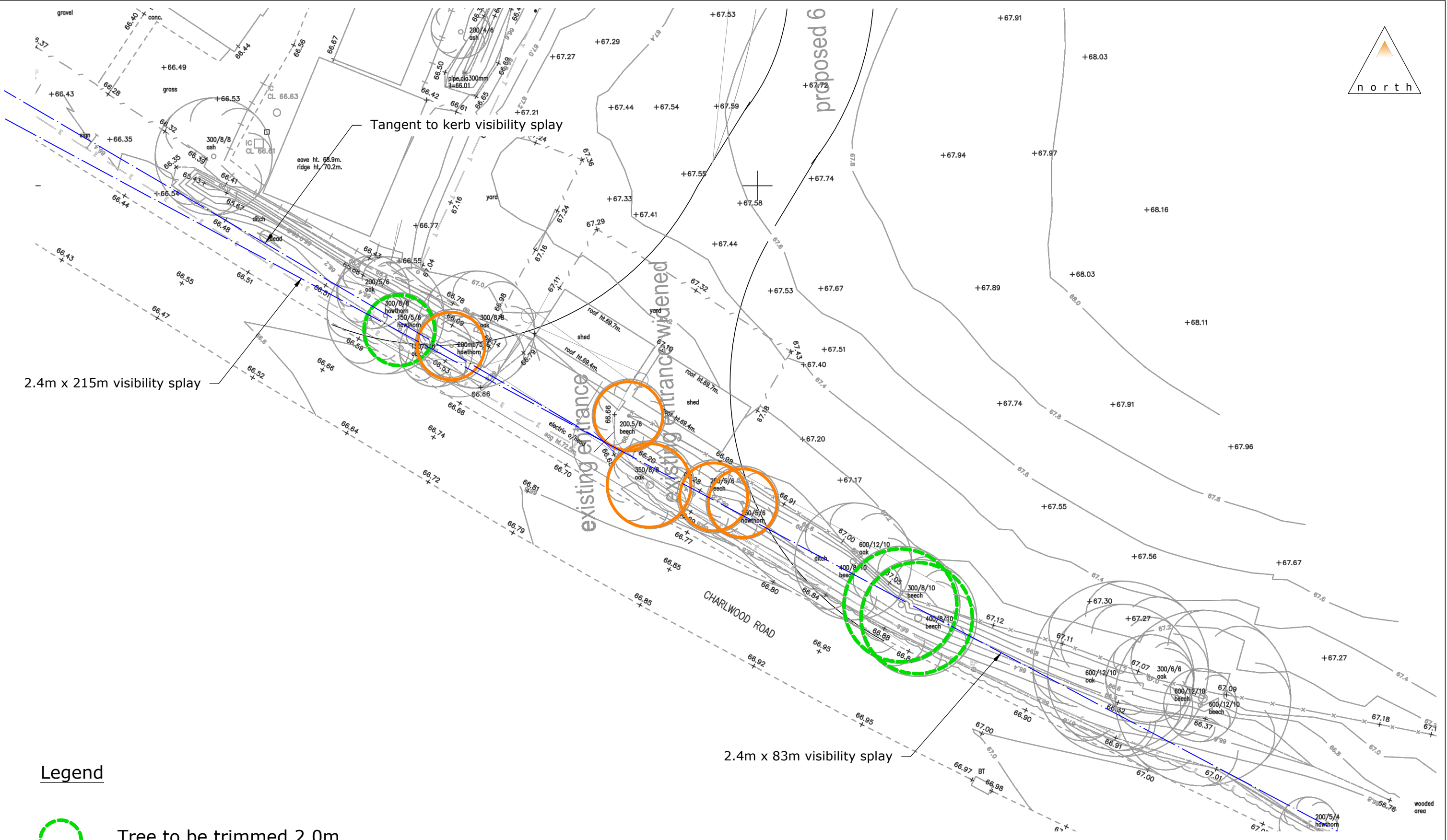
South Elevation



West Elevation



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2.4m x 215m visibility splay

Tangent to kerb visibility splay

2.4m x 83m visibility splay

Legend

-  Tree to be trimmed 2.0m above ground
-  Tree to be removed



84 North Street
Guildford
Surrey
GU1 4AU
T: 01483 531 300

Unit 4.05 Cargo Works
1-2 Hatfields
London
SE1 9PG
T: 020 8065 5208

www.motion.co.uk

Project: Kilmarnock Farm, Charwood Road, Charlwood	
Title: Proposed Access and Visibility Requirements	
Scale: 1:250 (@ A3)	
Notes:	Drawing: 1806078-04
	Revision: -

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Receptors Plan

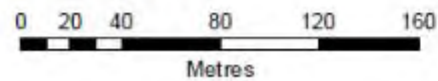
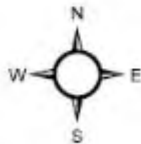


Legend

- Footpath
- Bridleway
- Cycleway
- G Class Road
- Footpath
- Bridleway
- Restricted Byway
- Byway

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Date:
Author:
Scale 1:3,000



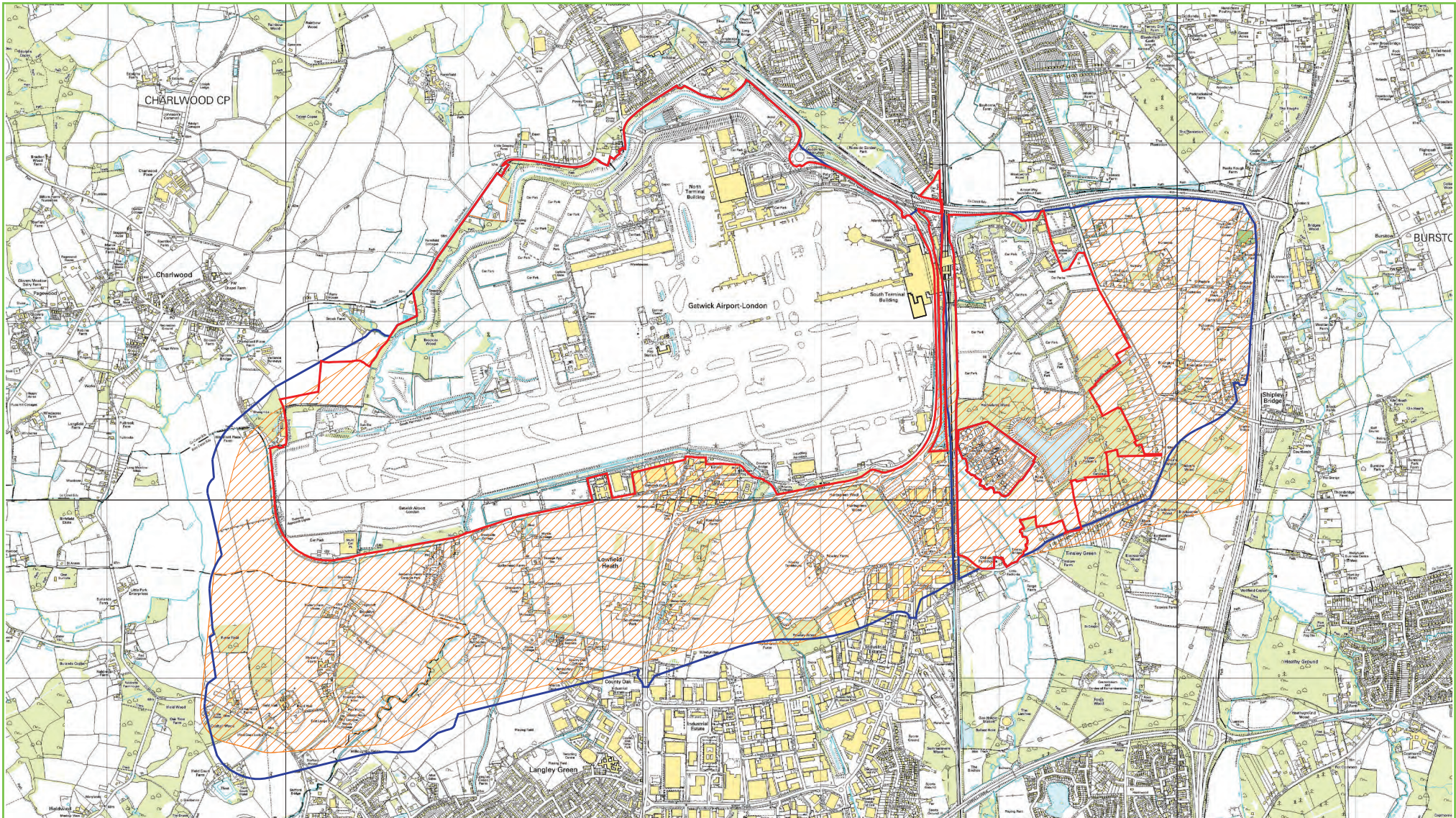
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Appendix 8

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Map Notes

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PLAN 21 - Safeguarded land Additional Runway

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Update on Mineral, Waste and Regulation 3 Planning Applications

Planning Committee date 24 March 2020

Report by Strategic Planning, County Planning Manager

Minerals and Waste Planning Applications

Report run on 11 March 2020

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Waste	WSCC/020/19/AR (Chris Bartlett)	Paul Wilson	Infilling of a hollow to restore grazing land	Fulling Mill Farm, Selsfield Road, Ardingly, Haywards Heath, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		386	Report to be written
County Matter Waste	WSCC/021/19/AR (Chris Bartlett)	Mr Paul Wilson	Infilling of a hollow to restore garden land	Fulling Mill Farmhouse, Selsfield Road, Ardingly, Haywards Heath, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		386	Report to be written
County Matter Waste	WSCC/037/19 (Edward Anderson)	T J Waste & Recycling Limited	Proposed Inert Waste Recycling Facility, with new building, hardstanding, car parking, boundary treatment and re-aligned access to the agricultural unit. Includes variation to approved site landscaping and use of internal spaces within the existing MRF	T J Waste Burndell Road Yapton Arundel BN18 0HR	Mrs Jacky A Pendleton	29/04/19	29/07/19		317	Awaiting signing of S106 agreement.
County Matter Waste	WSCC/052/19 (Jane Moseley)	Brett Concrete Ltd	Variation of condition 7 of planning permission WSCC/053/16/CR to allow 24 hour operations Monday to Friday	Crawley Goods Yard, Gatwick Road, Crawley, RH10 9RE	Mrs Brenda Burgess	10/07/19	09/10/19	01/05/20	245	EHO response received; likely to go to Planning Committee on 28 April 2020.
County Matter Waste	WSCC/053/19 (Chris Bartlett)	Landacre Trading Limited	Amendment of conditions 2, 3, 7 and 17 of planning permission WSCC/007/12/WE to allow extension of time for completion of restoration works by 18 months and variation of schemes	Hambrook Marlpit Marlpit Lane Hambrook Westbourne PO18 8UL	Mr Mike Magill	22/07/19	21/10/19		233	To be issued

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Waste	WSCC/068/19 (Edward Anderson)	Five Oaks Farm	Erection of a bund on the northern boundary	Land at Five Oaks Farm Haven Road Slinfold	Mr Christian R Mitchell	30/09/19	30/12/19		163	Applicant advised that Planning cannot support proposal in its current state. No response yet.
County Matter Mineral	WSCC/071/19 (Chris Bartlett)	Angus Energy Ltd	Remove drilling fluids and carry out an extended well test. This proposal is a two-stage activity: 1) Pumping out previously used drilling fluids to ascertain any oil flow (up to 4 weeks) 2) Should oil be seen to flow, an extended well test would be carried out over a period of 3 years.	Lower Stumble Exploration Site, off London Road, Balcombe, Haywards Heath, RH17 6JH	Mr Bill Acraman	08/10/19	07/01/20	27/03/20	155	This agenda
County Matter Waste	WSCC/066/19 (Edward Anderson)	Mr G Love	Replacement of existing below ground drainage to provide an improved foul and waste drainage system for existing dwellings at the property, comprising the installation of new pipes, a new bio-digester and field drain	Climping College The Mill Climping Street Climping BN17 5RN	Mrs Jacky A Pendleton	20/11/19	19/02/20	04/03/20	112	Awaiting Arboricultural Impact Assessment,
County Matter Waste	WSCC/002/20 (Chris Bartlett)	Southern Water Services Ltd	Construction and operation of a sludge cake barn, polymer dosing kiosk, LV distribution kiosk and steam boiler house	Goddard Green Sewage Treatment Works Cuckfield Road Haywards Heath RH17 5AL	Mrs Joy A Dennis	11/12/19	11/03/20		91	Report to be written
County Matter Mineral	WSCC/078/19 (Chris Bartlett)	UKOG (234) LTD	Amendment of condition no. 1 of planning permission WSCC/033/18/WC to enable the retention of security fencing, gates and cabins for a further 24 months	Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, RH14 9ED	Mrs Pat A C Arculus	13/12/19	13/03/20	27/03/20	89	This agenda
County Matter Mineral	WSCC/079/19 (Chris Bartlett)	UKOG (234) LTD	Amendment of condition no. 1 of planning permission WSCC/032/18/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration	Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, RH14 9ED	Mrs Pat A C Arculus	20/12/19	20/03/20	27/03/20	82	This agenda

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Waste	WSCC/080/19 (Chris Bartlett)	H Ripley & Co Ltd	Variation of conditions 2, 8, 9 and 12 of planning permission WSCC//037/18/CR to alter approved plans and documents relating to noise control, waste deliveries and skip and waste storage and non-compliance with condition 4 relating to access and discharge of Condition 5 relating to cycle parking	International Park, Priestley Way, Northgate, Crawley RH10 9NT	Ms Karen Sudan	20/12/19	20/03/20		82	Agent reviewing consultee comments. Likely to require further information
County Matter Waste	WSCC/081/19 (James Neave)	PJ Brown Construction Ltd	Proposed Temporary Concrete Crushing and Soil Recycling Facility	Kilmarnock Farm Charlwood Road Ifield RH11 0JY	Mrs Liz Kitchen	23/12/19	23/03/20	27/03/20	79	This agenda
County Matter Waste	WSCC/001/20 (Chris Bartlett)	Britaniacrest Recycling Ltd	Variation of conditions 1,2,4,8,19 and 22 of planning permission WSCC/009/18/SR to allow two further years' extraction and restoration by 2028	Washington Sand Pit Hampers Lane Sullington West Sussex RH20 3EX	Mr Paul A Marshall	06/01/20	06/04/20		65	Consultee comments to be reviewed
County Matter Waste	WSCC/004/20 (James Neave)	Mr Pearce	Restoration of the former Standen Landfill site with a woodland and pasture landfill cap system	Evergreen Farm West Hoathly Road East Grinstead RH19 4NE	Mrs Jacquie E Russell	24/01/20	24/04/20		47	Additional information likely to be required. Agent to be contacted.
County Matter Waste	WSCC/009/20 (James Neave)	A Hyatt Contractors Ltd	Change of use from agricultural land to a construction/demolition/excavation waste recycling facility	Land at Thistleworth Farm Grinders Lane Dial Post Horsham RH13 8NR	Mr Lionel H Barnard	28/01/20	28/04/20		43	Additional information likely to be required. Agent to be contacted
County Matter Waste	WSCC/015/20 (Jane Moseley)	Sir Charles Burrell	Amendment to application WSCC/029/18/SP to allow extension of time to 31 December 2020 to carry out restoration works to Knepp Mill Pond by dredging and construction of landscape enhancement features using imported inert materials, together with the provision of public access and amenity	Knepp Castle West Grinstead Horsham RH13 8LJ	Mrs Amanda J Jupp	02/03/20	01/06/20		9	Out for consultation.

Regulation 3 Planning Applications

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
Reg 3	WSSC/047/19 (Edward Anderson)	West Sussex County Council	The installation of a daily mile track at Colgate Primary School	Colgate Primary School, Blackhouse Road, Colgate, Horsham, RH13 6HS	Mrs Liz Kitchen	03/07/19	28/08/19		252	Awaiting acceptable method statement that would not harm trees or result in loss of sport field.
Reg 3	WSSC/003/20 (Edward Anderson)	West Sussex County Council	Installation of external cladding system to North Elevation of Grange Building	County Hall, The Grange, Tower Street, Chichester, PO19 1RE	Mr Jamie D Fitzjohn	17/01/20	13/03/20		54	Decision ready to be issued
Reg 3	WSSC/005/20 (Tyra Money)	West Sussex County Council	The installation of a new external canopy to the north of the site to accommodate an outdoor eating area for pupils.	The Burgess Hill Academy Station Road Burgess Hill RH15 9EA	Ms Kirsty Lord	23/01/20	19/03/20		48	Extension of time agreed. More information and plans required.
Reg 3	WSSC/006/20 (Edward Anderson)	West Sussex County Council	The renewal of a planning approval for a temporary relocatable technology block providing 4 technology teaching classbases and a second relocatable block providing 2 drama and 2 music teaching spaces.	Sackville School Lewes Road East Grinstead RH19 3TY	Mrs Liz A Bennett	27/01/20	23/03/20		44	Report ready to be written
Reg 3	WSSC/007/20 (Edward Anderson)	West Sussex County Council	Amendment of Condition 1 of planning permission WSSC/010/10/GR to allow the continued siting and use of a temporary classroom	Imberhorne Lower School Windmill Lane East Grinstead RH19 2DT	Mrs Liz A Bennett	27/01/20	23/03/20		44	Report ready to be written
Reg 3	WSSC/008/20 (Edward Anderson)	West Sussex County Council	Amendment of condition 1 of planning permission WSSC/012/10/WB to allow the continued siting and use of a double temporary classroom unit	Thomas A Becket Infant School 60A Pelham Road Worthing BN13 1JB	Mr Bob J Smytherman	27/01/20	23/03/20		44	Report ready to be written
Reg 3	WSSC/010/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 3 of planning permission WSSC/020/11/WB to allow the continued use and siting of a temporary classroom	Whytemead Primary School Dominion Road Worthing BN14 8LH	Mr Bryan W Turner	11/02/20	07/04/20		29	Consultees responses to be reviewed

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
Reg 3	WSCC/011/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 3 of planning permission FB/94/02510/CPO to allow the continued use and siting of a temporary classroom	Fishbourne C of E Primary School Roman Way Chichester PO19 3QS	Ms Louise Goldsmith	11/02/20	07/04/20		29	Consultees responses to be reviewed
Reg 3	WSCC/012/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 1 of planning permission WB/830/08 to allow the continued use and siting of a temporary classroom	Oak Grove College The Boulevard Worthing BN13 1JX	Mr Sean A McDonald	19/02/20	15/04/20		21	Out for consultation
Reg 3	WSCC/013/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 1 of planning permission WSCC/020/15/Y to allow the continued use and siting of a temporary classroom	Yapton C of E School North End Road Arundel BN18 0DU	Mrs Jacky A Pendleton	19/02/20	15/04/20		21	Out for consultation
Reg 3	WSCC/014/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 2 of planning permission AR/15/96 to allow the continued use and siting of a temporary classroom	St. Peters C Of E Primary School Holmans Ardingly Haywards Heath RH17 6UQ	Mr Bill Acraman	20/02/20	16/04/20		20	Out for consultation
Reg 3	WSCC/016/20 (Edward Anderson)	West Sussex County Council	Amendment to Condition 2 of planning permission WSCC/026/19 to extend the car parking area	Shelley Primary School Wickhurst Lane Horsham RH12 3LU	Mr Christian R Mitchell	04/03/20	29/04/20		7	Out for consultation

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Report of Delegated Action; Applications approved subject to conditions

Planning Committee date: 24 March 2020

Report by Strategic Planning, County Planning Manager

Decided between: Period Start Date : '22-JAN-2020', and Period End Date : '11-MAR-2020'

Report run on 11 March 2020

Application Type	District	Application No	Proposal	Location
County Matter Waste	Horsham	WSCC/067/19	Amendment of Restoration Scheme approved through WSCC/005/16/NH to provide rich grassland rather than woodland	Brookhurst Wood Landfill Site Langhurst Wood Road Horsham RH12 4QD
Regulation 3	Horsham	WSCC/073/19	Replacement all-weather pitch with new surfacing, sub-base, fencing and drainage provision. New lighting electric head units and wiring.	The Weald School, Station Road, Billingshurst, RH14 9RY
	Mid Sussex	WSCC/076/19	Erection of a 1 story modular building for use as a classroom. Demolition of existing hutted single story classroom.	Albourne Primary School, The Street, Albourne, Hassocks, BN6 9DH
	Worthing	WSCC/077/19	Replacement of the main front entrance doors (south elevation) as part of a wider proposal to remodel and refurbish the existing library to create a new community hub	Central Library Richmond Road Worthing BN11 1HD

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