

Planning and Rights of Way Committee

18 May 2022

County Matter Mineral Planning Applications

WSCC/001/22 - Amendment of condition no. 1 of planning permission WSCC/078/19/WC to enable the retention of security fencing, gates and cabins for a further 24 months

WSCC/002/22 - Amendment of condition no. 1 of planning permission WSCC/079/19/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration

at Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED

Report by Head of Planning Services

Local Member: Councillor Charlotte Kenyon

Electoral division: Pulborough

District: Horsham

Summary

This report concerns two planning applications to retain, for an extended period of 24 months (two years), the hydrocarbon exploration well site (application WSCC/002/22) and associated fencing, gates and cabins (application ref. WSCC/001/22) at Wood Barn Farm, Broadford Bridge, near Billingshurst.

The additional two-year period is sought to carry out further off-site appraisal of the hydrocarbon resource, with the site remaining in its current dormant state, before being restored and fencing/cabins being removed (if no viable hydrocarbon resource is found). If a viable resource is confirmed, the site and fencing would be retained pending the preparation of a new planning application for further appraisal or production.

This 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 development plan policies of relevance to this application are Policies M7a, M12, M15, M16, M17, M18, M19, M20, M22, M23 and M24 of the West Sussex Joint Minerals Local Plan (July 2018 – Partial Review March 2021)('JMLP'), and

Policies 1, 10, 24, 25, 26, 31, and 33 of the Horsham District Planning Framework 2015 (HDPF).

Horsham District Council and Pulborough Parish Council and the Environment Agency either raise no objection or have provided no comment in respect of the applications. West Chiltington Parish Council object to the proposals, considering the site should be restored immediately. Other consultees have not returned any comments.

For the application for the retention of the well site (WSCC/002/22), two representations have been received, both of which object to the development. For the application for the retention of fencing/gates application (WSCC/001/22), five representations have been received of which two object to the development and three are in support.

Consideration of Key Issues

The main material planning considerations in relation to the two applications are whether:

- there is a need for the proposed extension in time;
- the impact on local residents is acceptable; and
- the impact on the environment is acceptable.

Need for Proposed Extension in Time

Policy M23 of the JMLP specifically provides for justified extensions in time to time-limited mineral operations. In this case, it is considered that there is a justified need for the proposed extension in time sought, to allow for further appraisal of the viability of the target hydrocarbon resource through analysis of other sites that may share commonality with the target hydrocarbon discovery. It follows that the extension in time is justified for the retention of the well-site and associated fencing, gates and cabins.

Impact on Local Residents

The proposed extensions of time would not result in any increase in either vehicle movements or potentially noise/dust producing activities beyond those which have already been considered acceptable through previous permissions, only a further delay to when those impacts, which may be associated with restoration, would occur. As a result, it is not considered that the proposed extensions of time would have potential for any unacceptable impacts on the amenity of local residents.

Impact on the Environment

Although the site is of an industrial character within a rural setting, it is not within a protected landscape, and is well-screened from public views. The continued retention of the site in a dormant state for a further two-years, whereafter it would be restored to agricultural land in accordance with that previously accepted, would not result in any permanent impact on the locality. It is, therefore, considered that the proposals are acceptable in terms of landscape/character impact. Other than restoration of the site in accordance with that previously-accepted, no physical works or activities are proposed. As a result, and taking into account the controls required by other regulatory regimes, the proposals do not pose any unacceptable

risk to the water environment or ecology. Subject to the imposition of suitable conditions, the impact of the development on the immediate environment and the surrounding landscape/character is considered to be minimal.

Overall Conclusion

The two planning applications propose a 24-month (two-year) extension of time to allow for the retention of the well site and associated fencing, gates and cabins at the hydrocarbon site at the Broadford Bridge. The proposals have the potential to result in an extended duration of impacts, those being principally upon the landscape/character of the area through a further delay in the removal of the well site and associated fencing, gates and cabins, and restoration of the site.

The JMLP provides support for oil and gas exploration and justified extensions in time thereto, subject to any unacceptable impacts on the environment and communities being minimised and/or mitigated to an acceptable level.

In accordance Policy M23 of the JMLP, it is considered that there is a justified need for the proposed extension in time sought to allow for further appraisal of the viability of the target hydrocarbon resource through analysis of other sites that may share commonality with the target hydrocarbon discovery.

The retention of the site would not involve any physical activity, being retained in a dormant state until its final restoration, which is to be required by 31 March 2024. The proposed extension of time would not result in any increase in either vehicle movements or potentially noise/dust producing activities beyond that which have already been considered acceptable through previous permissions; rather it would only result in a further delay to when the restoration would occur. As a result, it is not considered that the proposals would have potential for any unacceptable impacts on the amenity of local residents.

Although the site is of an industrial nature within a rural setting, it does not fall within a protected landscape, is enclosed and well-screened from public views, and temporary in nature. Therefore, it is considered that the proposals are acceptable in terms of landscape/character impact. Other than restoration towards the end of the two-year period sought, no physical works are proposed so the development poses limited, if any, any additional risk to the water environment (controlled through the Environmental Permitting and Health and Safety regimes) or biodiversity. The only change would be in the delay to the restoration of the site. Subject to conditional controls being carried over and updated (as appropriate) from the 2020 planning permissions, the impact of the development on the immediate environment and the surrounding landscape/character is considered to be minimal.

Overall, the applications for an extension of time to enable further detailed evaluation of the results of hydrocarbon exploration are considered justified and would have minimal impacts on people or the environment. Both applications accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the applications are acceptable subject to the imposition of appropriate conditions to control the potential impacts as operations progresses through the final stage of development.

Recommendations

- (a) That planning permission be granted for planning application WSCC/001/22 subject to the conditions and informatives set out at **Appendix 1**.
 - (b) That planning permission be granted for planning application WSCC/002/22 subject to the conditions and informatives set out at **Appendix 2**.
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1. Introduction

- 1.1 This report concerns two planning applications to retain, for an extended period of 24 months (2 years), the hydrocarbon exploration well site (application ref. WSCC/002/22) and associated fencing, gates and cabins (application ref. WSCC/001/22) at Wood Barn Farm, Broadford Bridge, near Billingshurst.
- 1.2 The site benefits from planning permissions for the retention of the site and the fencing, gates and associated structures until 31 March 2022 (refs. WSCC/078/19 and WSCC/079/19).
- 1.3 These applications seek an additional two-year period to carry out further off-site appraisal of the hydrocarbon resource, after which the site would be restored (and the fencing removed) if no viable hydrocarbon resource is found. If a viable resource is confirmed, the site and the fencing would be retained pending the preparation of a new planning application for further appraisal or production.
- 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 current applications only seek the additional time to retain the site in its dormant state to allow time to review data from other boreholes in the wider Weald Basin formation and to complete the restoration of the site.

2. Site and Description

- 2.1 The site, which is the subject of the two applications, 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 Pockock'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 populated area 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). This permission for exploration and appraisal was to be undertaken in four main phases as follows:

Phase	Best Case Scenario	Worst Case Scenario
Phase 1 Construction	6 weeks	6 weeks
Phase 2 Mobilisation and Drilling	6 weeks	10 weeks (includes a 4 week contingency)
Phase 3 Testing (gas)	1week (includes mobilisation, 1 week test with rig and flaring)	2 weeks (includes mobilisation, 2 weeks test with rig and flaring)
Phase 4 Testing (oil)	2 weeks (includes mobilisation, 1 wk test with rig and flaring)	14 weeks (2 weeks mobilisation, 12 weeks testing, but rig could not be at site during an extended test such as this)
Phase 5 Restoration	6 weeks	6 weeks
Phase 6 Retention	1 month	30 months

- 3.2 The applicant subsequently determined that a temporary security fence and cabins would be required, so a separate planning permission was sought (ref. WSCC/037/14/WC) and granted in September 2014.
- 3.3 As a result of delays in the commencement of drilling impacted by a change in operator, 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 and WSCC/032/17WC).

- 3.4 Since the completion of the testing phase in March 2018, further temporary planning permissions to extend the period to complete the restoration of the site and remove fencing were granted. Applications WSCC/032/18/WC and WSCC/033/18/WC were granted in September 2018 allowing an additional 18 months to 31 March 2020 and applications WSCC/078/19 and WSCC/079/19 were granted in July 2020 allowing an additional 24 months to 31 March 2022. These permissions were sought to enable further analysis of data, including from other sites, which could inform the viability of hydrocarbon resource found.
- 3.5 Since the completion of Phase 3 in March 2018, the site has remained in the 'retention' phase.

4. The Proposal

- 4.1 Planning application WSCC/002/22 relates to the well site and seeks to amend condition 1 of planning permission WSCC/079/19 which states:

"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-PA-XX-09).

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

- 4.2 Planning application WSCC/001/22 relates to the associated security fencing and cabins and seeks to amend condition 1 of planning permission WSCC/078/19 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/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."

- 4.3 In summary, approval is now sought to extend both permissions until 31 March 2024 to allow for a further two-year period to review technical data from other boreholes in the wider Weald Basin formations. 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 the same geological formation within the wider Weald Basin.
- 4.4 While future data sought from the appraisal of other sites is awaited, the site would be held in its 'retention mode' (see paragraph 2.2. above), essentially maintaining the site in its current dormant state (**Appendix 6 – Site Photos**). If further review of data from other sites indicates that there is not a viable hydrocarbon resource at the application site, the well would be

plugged and abandoned and all structures, security fencing, cabins, plant, foundations and hardstanding would be removed. The site surface would then be reprofiled using stored soils and allowed to regenerate naturally to its former agricultural condition, as per the currently required restoration plan (**Appendix 5 – Restoration Layout Plan**). This would be undertaken in the planting season from October 2023-March 2024.

- 4.5 If data confirms the site is viable, a further planning application would be prepared to retain the site for either further appraisal or production.
- 4.6 For the avoidance of doubt, no further drilling or testing activities are sought by the current applications and all operations at the well site have been suspended, with permission being sought to retain the site in its current dormant state. Hydraulic fracturing ('fracking') was not permitted under any previous permissions, is not proposed under the current applications, and it could not be carried out at the site without further permissions and authorisations being secured.

5. Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA)

- 5.1 The proposals do 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 approved development proposals (WSCC/052/12/WC) was voluntarily accompanied by an Environmental Statement as proposals which may fall within the EIA Regulations, 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 also considered to fall within Schedule 2, 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 Although the site is not located within a 'sensitive area' as defined in the EIA Regulations, the site (including access track) are some 2.12 hectares in total area, exceeding the 0.5 hectare threshold set out in Column 2 to Schedule 2. As a result, with reference to Schedule 3 of 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' that require an EIA.
- 5.5 Planning Practice Guidance (PPG) on Environmental Impact Assessment (26 March 2015) sets out 'Indicative screening thresholds' when considering whether EIA is necessary. For part 2(e) 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. 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.

- 5.6 In this case, the development site is relatively small in scale, as is the physical development, no further activities/works are proposed (the site being held in its current dormant state), and temporary permissions are being sought. As a result, any potential for emissions is not considered to be significant, any potential for emissions to air are limited and controlled through the Environmental Permitting process, and the risk of accidents is also limited considering the transport of fuel is not sought, and controls required by the Health and Safety Executive (HSE). No potentially significant impacts have been identified when considering the key issues.
- 5.7 In approving previous applications, it has been determined that the development would not be likely to result in significant impact on people or the environment. Given the similarities between these proposals and those previously approved (and which have now been largely completed), these conclusions are relevant when considering whether EIA is necessary, even when taking into account the increased period of time.
- 5.8 Taking into account the EIA Regulations, it is considered that the proposals would not have the potential for significant effects on the environment, within the meaning of the EIA Regulations. Therefore, an EIA is not considered necessary for either of the application proposals.
- 5.9 Under 'The Conservation of Habitats and Species Regulations 2017 (as amended)' all planning applications that may affect the protected features of a protected European Habitat Site require consideration of whether the plan or project is likely to have significant effects on that site.
- 5.10 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty, that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.
- 5.11 HRA screening has been undertaken which concludes that without mitigation in place, the proposal will not have a 'likely significant effect' on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment is not required, and the proposals would not conflict with the County Council's obligations under the Regulations.

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 (NPPF)).

For the purposes of the applications, the following documents form the statutory development plan: West Sussex Joint Minerals Local Plan (July 2018 – Partial Review March 2021), and the Horsham District Planning Framework (2015).

- 6.2 All 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 Practice Guidance, and national policy which guide the decision-making process and can be material to the determination of the application.

West Sussex Joint Minerals Local Plan (July 2018 – Partial Review March 2021)('JMLP')

- 6.3 The JMLP was adopted in July 2018, subsequently reviewed with formal revisions adopted in March 2021, 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.

- 6.4 Policy M23 of the JMLP is of key relevance to the present applications, relating to 'Design and Operation of Minerals development' and requiring:

"Proposals to vary conditions of existing consents to extend the time limit for working and/or final restoration of sites must demonstrate the need for the development and its acceptability in terms of other relevant policies of this Plan".

- 6.5 Supporting text to Policy M23, at paragraph 8.12.8 clarifies that "Such extensions may be acceptable provided that there is a need for the activity, and they do not result in unacceptable impacts on the environment and communities."

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

- Policy M7a: Hydrocarbon development not involving hydraulic fracturing Provides support for proposals for oil and gas exploration and appraisal, subject to certain criteria including the demonstration that the site represents an acceptable environmental option, consideration of potential impacts on the communities and the environment, and restoration of the site being secured.
- Policy M12: Character – supports development which would not have an unacceptable impact on the character, distinctiveness, sense of place of the different areas of the County;
- 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 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 manoeuvring/parking 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')

6.7 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;
- Policy 31 - Green Infrastructure and Biodiversity; and
- Policy 33 - Development Principles.

National Planning Policy Framework (July 2021) ('NPPF')

6.8 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.

6.9 The key relevant paragraphs of the NPPF relevant to the proposed development are: 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 55-58 (planning conditions and obligations), 100 (protect and enhance public rights of way), 110-113 (Transport and considering development proposals), 152-154 (meeting the challenge of climate change, flooding and coastal change), 174 (conserving and enhancing the natural environment), 180 (protecting and enhancing biodiversity and geodiversity in determining planning applications), 183-184 (ground conditions and contamination), 185 -186 (effects on health, living conditions and the natural environment including from noise, lighting and air quality), 188 (control and processing of emissions are subject to separate pollution control regimes), 194 (proposals affecting heritage assets), 199-205 (Considering potential impacts to heritage assets), 209 (ensuring the essential supply of minerals to meet the needs of the country; highlights that minerals can only be worked where they are found),

211 (great weight to be given to the extraction of minerals, and key considerations for proposals for minerals extraction), and 215 (clearly distinguishing between exploration, appraisal and production phases and ensuing appropriate monitoring/site restoration).

National Planning Practice Guidance (PPG)

- 6.10 PPG is a web-based resource that sets out the Government's planning guidance to be read in conjunction with the NPPF. It does not form part of the development plan but is a material consideration in determining planning applications.
- 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 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."
- 6.13 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, landscape character, traffic, risk of contamination to land, geological structure, flood risk, ecological networks, site restoration and aftercare, surface and in some cases ground water issues, and water abstraction.
- 6.14 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.
- 6.15 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".
- 6.16 Paragraph 110 sets out the key regulators in addition to the Mineral Planning Authority, namely:
- Department of Energy and Climate Change (now principally the North Sea Transition Authority): 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); and
 - 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.

- 6.17 Paragraph 112 reaffirms the responsibility of the above authorities and associated regulatory regimes, and highlights that “minerals planning authorities should assume that these regimes will operate effectively” and that minerals planning authorities “should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies”.
- 6.18 Paragraph 120 makes clear that each phase of hydrocarbon proposals must be considered on their own merits, and that minerals planning authorities should not take account of hypothetical future activities for which consent has not yet been sought since they will be the subject of separate planning applications and assessments.
- 6.19 Paragraph 124 sets out how minerals planning authorities should consider the demand for hydrocarbons and whether there is a need to consider alternatives to oil and gas resources. It states “Mineral planning authorities should take account of government energy policy, which makes 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”.

British Energy Security Strategy (April 2022)(BESS)

- 6.20 The BESS is the most up-to-date statement of the Government’s policy on energy. Although it does not form part of the development plan, it may have some weight as a material consideration in the determination of planning applications. Page 5 states “Even as we reduce imports, we will continue to need gas to heat our homes and oil to fill up our tanks for many years to come – so the cleanest and most secure way to do this is to source more of it domestically with a second lease of life for our North Sea. Net zero is a smooth transition, not an immediate extinction, for oil and gas.”

7. Consultations

WSCC/001/22 (Security fencing and cabins)

- 7.1 **Horsham District Council:** No objection.
- 7.2 **West Chiltington Parish Council:** Objection. Consider the site should be restored immediately. If approved recommend a bond be considered to ensure land is restored at the end of temporary period.
- 7.3 **Pulborough Parish Council:** No objection. Notes concern that the site is being continually extended.
- 7.4 **Environment Agency:** No objection.
- 7.5 **WSCC Councillor Charlotte Kenyon:** No comments received.

WSCC/002/22 (Well-site)

- 7.6 **Horsham District Council:** No comments received.
- 7.7 **Horsham District Council (Environmental Health Officer - EHO):** No comments received.

- 7.8 **West Chiltington Parish Council:** Objection. Consider the site should be restored immediately. If approved recommend a bond be considered to ensure land is restored at the end of temporary period.
- 7.9 **Pulborough Parish Council:** No comments received.
- 7.10 **Environment Agency:** No objection. Note the requirement for an Environmental Permit or variation thereto.
- 7.11 **Health and Safety Executive:** No comments received.
- 7.12 **WSCC Councillor Charlotte Kenyon:** No comments received.

8. Representations

- 8.1 The applications were publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved the erection of site notices located around the application site, and advertisement in the local newspaper, and (for the well-site application) thirty-two neighbour notification letters were sent out.
- 8.2 The application for the retention of fencing/gates application (WSCC/001/22), received five representations of which two object to the development and three are in support. The application for the retention of the well site (WSCC/002/22) received two representations, both of which object to the development.
- 8.3 The main material issues for both applications raised through objections, are, in summary:
- Applicant has had more than long enough to reach a decision on the well's future and the site must now be restored;
 - Impact on landscape and rural locality, no biodiversity net gain, and negative impact on wildlife, and natural habitat;
 - Contrary to latest Government Policy and the UK Climate Emergency and Government's Environment Plan;
 - Need to reduce reliance on fossil fuels in line with national and regional policies;
 - Does not accord with the development plan or the NPPF;
 - Previous drilling activities may have given risen to harm to the water environment and residential amenity;
 - The carbon footprint of the development has not been assessed in the context of the UK commitment to Net Zero;
 - The site is within the Sussex North Water Supply Zone where water neutrality must be achieved to ensure there would be no additional harm to Arun Valley Special Protection Areas (SPA). The site has no sustainable water supply; and
 - The applicant is not financially stable and may not restore the site.
- 8.4 The main material issues for both applications raised through support, are, in summary:

- There is no harm in leaving the site for another two years, it would be premature to close an established site, and a potential waste of mineral resources; and
- The need for UK fuel and energy security supplied by oil and gas. Net Zero 2050 is a transition, not a switch off. Impact to the UK economy.

9. Consideration of Key Issues

9.1 The main material planning considerations in relation to the two applications are whether:

- There is a need for the proposed extension in time;
- The impact on local residents is acceptable; and
- The impact on the environment is acceptable.

Need for Proposed Extension in Time

- 9.2 In considering the need for the extended period sought, as required by JMLP Policy M23, the applicant seeks planning permission to retain the existing site until 31 March 2024 to allow for a further two-year period to review the technical data obtained from other boreholes in the wider Weald Basin formations. During this period the site would be held in its 'retention mode' (see paragraph 2.2. above), essentially maintaining the site in its current dormant state. If further review of data from other sites indicates that there is not a viable hydrocarbon resource, the site would be restored (see paragraph 4.4 above).
- 9.3 The applicant states that the potential viability of the site (and its future) will be informed by data retrieved from other boreholes that are targeting the same geological formation within the wider Weald Basin. The applicant considers the data from other sites is critical to the future planning and viability of the application site.
- 9.4 In particular, the applicant is awaiting the outcome of further testing and appraisal of the Horse Hill well-site in Surrey (north of Gatwick Airport); initial findings suggest that it may access the same continuous Kimmeridge Limestone reservoir. Although further evaluation of completed drilling and appraisal works at Horse Hill has now taken place (since the last extension at time at the application site), the required assessment work necessary to determine the connectivity and similarity of geological formations common to the sites has not been possible, owing to significant delays caused by to (unsuccessful) legal challenges of the Surrey County Council decision to grant permission for the production of hydrocarbons at Horse Hill.
- 9.5 Further, the applicant is also awaiting the outcome of an application made for exploration, testing and appraisal at Loxley in Surrey, within the same PEDL area (east of Dunsfold), which is the subject of a current appeal following Surrey County Council's decision to refuse the application in November 2019. Although the appeal was heard by public inquiry in August 2021, a decision is still awaited. If the appeal is allowed and the Loxley works go ahead, they would also provide data of direct relevance to the future of the current application site. However, given this site does not benefit from planning permission, any future potential for which is uncertain, little weight is given

to any potential contribution to the understanding of the viability for production at the application site.

- 9.6 In summary, data from the wider area will help determine the extent of reserves, the mix of hydrocarbons, flow rates and pressures at play within the target formations, which may be common amongst the sites. On this basis, it is considered that there is a justified need for the proposed extensions in time sought to restore the site, which will allow for further appraisal of the viability of the target hydrocarbon resource.
- 9.7 In conclusion, Policy M23 of the JMLP specifically provides for justified extensions in time to time-limited mineral operations. In this case, it is considered that there is a justified need for the proposed extensions in time sought to allow for further appraisal of the viability of the target hydrocarbon resource through analysis of other sites that may share commonality with target hydrocarbon discovery.

Impact on Local Residents

- 9.8 The proposed extensions of time would not result in any increase in either vehicle movements or potentially noise/dust producing activities beyond that which have already been considered acceptable through previous permissions. In essence, the site would remain in its current inactive state for the remainder of the two-year extensions in time sought.
- 9.9 Final restoration of the site, as has previously been agreed by the Planning Committee, would be undertaken from 07.00 to 19.00 Monday to Friday and 08.00 to 13.00 on Saturdays, which would minimise the risk of disturbance to local residents, particularly from noise.
- 9.10 A Noise Management Plan (NMP) was required and approved by Planning Committee as part of the original permission for the well site and has been taken forward as a conditional requirement of subsequent extensions in time. The NMP requires monitoring of the development throughout the various phases of the development to ensure that noise from the site does not exceed the noise limits established in the assessments carried out as part of the original Environmental Statement. Should application WSCC/002/22 be approved, the NMP would be taken forward as part of the approved documents to which the operator would be required to adhere.
- 9.11 In conclusion, the proposed extensions of time would not result in any increase in either vehicle movements or potentially noise/dust producing activities beyond those which have already been considered acceptable through previous permissions, only a further delay to when those impacts which may be associated with restoration, would occur. As a result, it is not considered that the proposed extension of time would have potential for any unacceptable impacts on the amenity of local residents. All previously imposed conditions will be updated and amended as appropriate and carried over to any permissions granted.

Impact on the Environment

Landscape/Character

- 9.12 The applications have the potential to adversely affect the landscape/character of the area through the retention of hardstanding, ancillary structures, and security fencing/cabins in a countryside location for an additional period of two years, and through disturbance during the restoration of the site. The site is located adjacent to agricultural land within a rural area characterised by open fields and woodland, however, it does not fall within a protected landscape. At present, the key visible elements of the site comprise the well-pad, access track and security fencing/gates surrounding the main well-site (the fence being a total of 4m in height including the wire top). No changes are proposed to the existing site, and it is notable that site access onto Adversane Lane was an existing field access prior to the development being permitted, albeit now with a 2.5m gate. **(Appendix 6 – Site Photos)**.
- 9.13 The proposals also include provision for a fire water tank, on-site security accommodation and two prefabricated containers within the main well-site (the largest being 3m x 7m and 3m in height) and approximately 50m from Adversane Lane, a prefabricated cabin to control vehicular access to the site (3m x 2m and 3m in height). Although they are not currently on site, they have previously been in place during operational activities and may be required again during the final restoration of the site.
- 9.14 The proposals would result in the continued retention of the site for an additional 2-year period until 31 March 2024, some 7.5 years beyond that envisaged by the initial temporary permission for exploration (under which restoration was due to take place by September 2017). Nonetheless, in granting subsequent permissions at the site, the County Council has considered the justification for extensions in time against any impacts, including upon the landscape/character of the area, and to date has deemed them acceptable.
- 9.15 Although the well-site and security fencing is of an industrial character, not wholly in keeping with its rural countryside location, it does not fall within a protected landscape, is enclosed to the north, west and south by mature woodland, and has a vegetated bund to the east (formed from stockpiled soils). The main mesh part of the fencing is finished in a dark green colour, which also helps to minimise its visual impact. The distance and screening from Adversane Lane offered by intervening mature trees and hedgerows is significant, meaning that there are limited public views into the site, with most views only being transient and from a moving vehicle. In addition, no further physical activities are proposed on site (except for restoration, which is required regardless), meaning the potential for any additional negative impact on the landscape character of the area are limited.
- 9.16 A restoration scheme for the site has already been agreed, and which remains a conditional requirement of the latest permissions for the site **(Appendix 5 – Restoration Layout Plan)**. This includes a detailed restoration methodology for removing the well-pad as well as the access track, the protection of trees, and landscaping proposals. In general terms, the site would be restored to its original profiles and state as an agricultural

field, and the 'gapping up' of hedgerows would be ensured along the access track. The proposals do not result in any change to the currently approved restoration scheme, rather a delay as to when they would be carried out. A scheme of aftercare would be sought by condition, as is currently required, which would seek the details of aftercare following the restoration of the site.

- 9.17 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 North Sea Transition 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.
- 9.18 Although the proposed extension in time sought would delay restoration of the site to its former agricultural use until 31 March 2024, there would be no permanent impact on the landscape/character of the area. Should the applicant wish to retain the site in the future or seek permission for further appraisal/production facilities following results of the data from other hydrocarbon sites, that would require a further planning application. The merits of any future application would need to be considered at that time and are not material considerations in the determination of the current applications.
- 9.19 Although the proposals would result in the continued retention of a site not wholly in keeping with its countryside location for a further two-years, the site does not fall within a protected landscape, and the temporary nature of the proposals and the secluded location of the site within a heavily wooded and well screened area, is such that the impact on the landscape/character of the area is minimal. The requirement to restore the site to its original agricultural condition would remain, which would ensure that it would blend in with its surroundings upon completion of restoration. Such impacts must be considered against the benefits of the proposal.

Water Environment

- 9.20 The site is not within an area considered to be at increased risk of flooding, nor is it within a groundwater source protection zone.
- 9.21 Concerns raised in third party objections include the potential impacts of the water environment and those which may have arisen from previous completed activities. 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.
- 9.22 However, these applications only seek an extension of time to allow the evaluation of data from other hydrocarbon sites in the wider locality. No further drilling or on-site operations are proposed, apart from the eventual

restoration of the site in accordance with the methodology and specifications that were previously approved.

- 9.23 The main potential for risk is that to groundwater through a failure of the well casing and potential migration of liquid via the borehole. These matters are addressed through regulation by the Environment Agency and Health and Safety Executive, and which the County Council must assume are regimes that will operate effectively (PPG: Minerals, paragraph 112). The Environment Agency raise no objection to the proposals.
- 9.24 Taking the above into account, it is considered that the proposals do not pose any increased risk to the water environment.

Ecology

- 9.25 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 applications do not propose any further physical development or activities, rather a delay to the restoration of the site. Although the site has been in place for several years, it has been in a dormant state for the majority of that time. The applications are supported by an updated ecological appraisal based on recent field surveys (2021), which confirm that the retention of the site has limited potential for impacts on surrounding habitats and species. It is, therefore, considered the proposals have limited, if any, potential for any additional impact upon ecology.

Water Neutrality

- 9.26 As highlighted in objections, the well site is located within the Sussex North Water Supply Zone, subject to a position statement issued by Natural England on 14 September 2021 (see paragraphs 5.9–5.11).
- 9.27 HRA screening has been undertaken, which concludes that without mitigation in place, the proposal will not have a likely significant effect on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment is not required, and the proposals would not conflict with the County Council's obligations under 'The Conservation of Habitats and Species Regulations 2017 (as amended)'.
- 9.28 In coming to this opinion, it has been noted that advice provided by Natural England confirms that "since the 2017 Regulations cannot be applied retrospectively, the requirement for Water Neutrality will not apply to any projects with full planning permission prior to the Natural England Statement being published on 14 September 2021". In this regard, the well-site and its required restoration were already permitted at the time the Natural England Position Statement. Further, noting that drilling and testing phases of the development have been completed, the proposed development does not involve any activities that would be likely to result in water use from the public water supply, and none beyond that which would have already benefitted from consent at the time of the position statement.

Conclusion

9.29 Although the site is of an industrial character within a rural setting, it is not within a protected landscape, and is well-screened from public views. The continued retention of the site in a dormant state for a further two-years, whereafter it would be restored to agricultural land in accordance with that previously accepted, would not result in any permanent impact on the locality. It is, therefore, considered that the proposals are acceptable in terms of landscape/character impact. Other than restoration of the site in accordance with the previously approved details, no physical works or activities are proposed. As a result, and taking into account the controls required by other regulatory regimes, the proposals do not pose any unacceptable risk to the water environment or ecology. Subject to the imposition of conditions to ensure the proposals would continue to be carried out in accordance with the previously approved details, the impact of the development on the immediate environment and the surrounding landscape/character is considered to be minimal.

10. Overall Conclusion and Recommendations

- 10.1 The two planning applications propose a 24-month (two-year) extension of time to allow for retention of the well site and associated fencing, gates and cabins at the hydrocarbon site at the Broadford Bridge. The proposals have the potential to result in an extended duration of impacts, those being principally upon the landscape/character of the area through a further delay in the removal and restoration of the site.
- 10.2 The JMLP provides support for oil and gas exploration and justified extensions in time thereto, subject to any unacceptable impacts on the environment and communities being minimised and/or mitigated to an acceptable level.
- 10.3 In accordance Policy M23 of the JMLP, it is considered that there is a justified need for the proposed extension in time sought to allow for further appraisal of the viability of the target hydrocarbon resource through analysis of other sites that may share commonality with target hydrocarbon discovery.
- 10.4 The retention of the site would not involve any physical activity, being retained in a dormant state until its final restoration to be required by 31 March 2024. The proposed extension of time would not result in any increase in either vehicle movements or potentially noise/dust producing activities beyond that which have already been considered acceptable through previous permissions; rather it would only result in a further delay to when the restoration would occur. As a result, it is not considered that the proposals would have potential for any unacceptable impacts on the amenity of local residents.
- 10.5 Although the site is of an industrial nature within a rural setting, it does not fall within a protected landscape, is enclosed and well-screened from public views, and temporary in nature. Therefore, it is considered that the proposals are acceptable in terms of landscape/character impact. Other than restoration towards the end of the two-year period sought, no physical works are proposed so the development poses limited, if any, any additional risk to the water environment (controlled through the Environmental Permitting and Health and Safety regimes) or biodiversity. The only change would be in the

delay to the restoration of the site. Subject to conditional controls being carried over and updated (as appropriate) from the 2020 planning permissions, the impact of the development on the immediate environment and the surrounding landscape/character is considered to be minimal.

- 10.6 Overall, the applications for an extension of time to enable further detailed evaluation of the results of hydrocarbon exploration are considered justified and would have minimal impacts on people or the environment. Both applications accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the applications are acceptable, subject to the imposition of appropriate conditions to control the potential impacts as operations progresses through the final stage of development and restoration.
- 10.7 It is **recommended**, therefore, that:
- (a) planning permission be granted for planning application WSCC/001/22 (security fencing and cabins) subject to the conditions and informatives set out at **Appendix 1**.
 - (b) planning permission be granted for planning application WSCC/002/22 (well site) subject to the conditions and informatives set out at **Appendix 2**.

Factors taken into account

11. Consultations

- 11.1 See Sections 7 and 8.

12. Resource Implications and Value for Money

- 12.1 Not applicable.

13. Legal Compliance

- 13.1 In considering the applications, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

14. Equality and Human Rights Assessment

- 14.1 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 proposals would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposals were required to make them acceptable in this regard.
- 14.2 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.

- 14.3 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. The applications have been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.4 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.

15. Risk Management Implications

- 15.1 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.

16. Crime and Disorder Reduction Assessment

- 16.1 Not applicable.

17. Social Value and Sustainability Assessment

- 17.1 Not applicable.

Michael Elkington

Head of Planning Services

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Appendices

Appendix 1 – Conditions and Informatives for WSCC/001/22 (security cabins and fencing)

Appendix 2 - Conditions and Informatives for WSCC/002/22 (well site)

Appendix 3 – Site Location Plan

Appendix 4 – Retention Mode

Appendix 5 – Restoration Layout Plan

Appendix 6 – Site Photos

Background papers

See Section 6.

Appendix 1: Conditions and Informatives for WSCC/001/22

CONDITIONS

TIME LIMITS

1. This permission shall be for a limited period only expiring on 31 March 2024, by which date the fencing, gates and structures hereby approved shall be removed from the site, and the site restored in accordance with the approved restoration scheme (ref. Well Site Restoration Layout Plan – KOG-LL-BB-PA-XX-09).

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 – KOG-LL-BB-PA-YY-01 Rev 2;
 - Site of Application - KOG-LL-BB-PA-YY-02 Rev 2;
 - Existing Compound Fence & Cabins Layout Plan - KOG-LL-BB-PA-YY-03 Rev 2;
 - Existing Fencing Sections - KOG-LL-BB-PA-YY-04 Rev 2;
 - Existing Well Site Security Cabins Sections - KOG-LL-BB-PA-YY-05 Rev 2;
 - Existing Gates and Entrance Cabin Layout Plan - KOG-LL-BB-PA-YY-06 Rev 2;
 - Existing Entrance Gates – Sections – UKOG-BB-PA-YY-07 Rev 3;
 - Existing Entrance Security Cabins – Layout, Plan and Sections - KOG-LL-BB-PA-YY-08 Rev 2; and
 - Well Site Restoration Layout Plan – KOG-LL-BB-PA-XX-09 Rev 2.

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

INFORMATIVES

- A. In accordance with 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;
 - Working with consultees.

As a result, the County 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/002/22

CONDITIONS

TIME LIMITS

1. This permission shall be for a limited period only expiring on 31 March 2024, 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-LL-BB-PA-XX-09 Rev 2).

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-LL-BB-PA-XX-02 Rev 2;
- Existing Site Entrance Layout Plan - KOG-LL-BB-PA-XX-03 Rev 2;
- Existing Access Track 2 Layout Plan - KOG-LL-BB-PA-XX-04 Rev 2;
- Existing Site Entrance Layout Plan - KOG-LL-BB-PA-XX-05 Rev 2;
- Existing Well Site Retention Mode Layout Plan - UKOG-BB-PA-XX-06 Rev 2;
- Existing Well Site Retention Mode Sections - KOG-LL-BB-PA-XX-07 Rev 2;
- Well Site Parking Layout Plan - KOG-LL-BB-PA-XX-08 Rev 2;
- Cellar Construction Details – KOG-LL-BB-PA-XX-12 Rev 2; and
- Well Site Restoration Layout Plan – KOG-LL-BB-PA-XX-09 Rev 2,

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 Restoration hereby approved (Phase 4a) 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 during any active phase of the development 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. All phases of the development hereby permitted shall be carried out in full accordance with the Noise Management Plan (ref KOGl-BB-DOC-XX-06 and dated 21 August 2014) which shall be adhered to during any active phase of the development and which, for the avoidance of doubt, will include noise monitoring during restoration. Should monitoring indicate that the noise limits (as specified in Table 5-1 of the Noise Management Plan) are being exceeded, details of further mitigation and a timetable for its implementation will be submitted to the Minerals Planning Authority for approval with seven days of any such exceedance.

Reason: In the interests of the amenities of the residents of the locality; to ensure that noise from the site does not exceed those envisaged.

LANDSCAPING AND ACCESS TRACK RESTORATION

8. 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 (Sheets 1-3) – 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 – 1377-3001 Rev 01;

Reason: To ensure the satisfactory restoration of the site.

9. 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 after-use of the in the interests of the landscape and biodiversity of the area.

ACCESS / HIGHWAYS

10. The vehicular access and visibility splays, shown on drawing KOG-LL-BB-PA-XX-05 Rev 2, shall be retained and maintained throughout the duration of the permission.

Reason: In the interests of highway safety.

11. The development shall be undertaken in full accordance with the Construction Traffic Management Plan document (ref 9Y0895/R00001/304121/PBor – Rev 2 - dated 14 August 2014).

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

FIRE FIGHTING

12. A fire water tank with a capacity of 54,000 litres as shown on approved plan UKOG-BB-PA-XX-06 shall be provided on site, in the approved position and available for immediate use during any active phase of the development and which, for the avoidance of doubt, will include site restoration.

Reason: In the interests of fire safety.

GROUNDWATER PROTECTION/DRAINAGE

13. The approved groundwater protection/drainage scheme to dispose of foul and surface water and accompanying drawings 'Surface Water Distribution at Site Entrance Plan - KOG-LL-BB-PA-XX-10 Rev 2' and 'Site Ditch Construction Details - KOG-LL-BB-PA-XX-11 Rev 2' shall be adhered to and retained throughout the duration of the permission.

Reason: To protect the water environment.

14. The approved Construction Method Statement and accompanying drawings 'Cellar Construction Detail - KOG-LL-BB-PA-XX-12 Rev 2' and 'Site Ditch Construction Details - KOG-LL-BB-PA-XX-11 Rev 2' shall be adhered to and retained throughout the duration of the permission.

Reason: To protect the water environment

INFORMATIVES

- A. In accordance with 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;
- Working with consultees.

As a result, the County 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.