

## **Planning Committee**

**7 July 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 Chilmington 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 (WSSC/079/19), of which 413 objected to the development, 125 were in support. The application for the retention of the fencing (WSSC/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.

- 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:

<b>Phase</b>	<b>Best Case Scenario</b>	<b>Worst Case Scenario</b>
<b>Phase 3a</b> Testing (gas)	1 week (includes mobilisation, 1 week test with rig and flaring)	2 weeks (includes mobilisation, 2 weeks test with rig and flaring)
<b>Phase 3b</b> 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)
<b>Phase 4a</b> Restoration	6 weeks	6 weeks
<b>Phase 4b</b> 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-LL-BB-PA-XX-09).*

*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 (29<sup>th</sup> 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')).
- 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;*
- *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**

### ***Application WSCC/078/19***

- 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.

### ***Application WSCC/079/19***

- 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;
  - 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.
- 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 6 – Site Location Annotated
- Appendix 7 – Site Photos

## **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- 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- BB-PA-XX-02;
  - Existing Site Entrance Layout Plan - KOG- BB-PA-XX-03;
  - Existing Access Track 2 Layout Plan - KOG- BB-PA-XX-04;
  - Existing Site Entrance Layout Plan - KOG- BB-PA-XX-05;
  - Existing Well Site Retention Mode Layout Plan - UKOG- BB-PA-XX-06;
  - Existing Well Site Retention Mode Sections - KOG- BB-PA-XX-07;
  - Well Site Parking Layout Plan - KOG- BB-PA-XX-08; and
  - Well Site Restoration Layout Plan – KOG- 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-LL-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-LL-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-LL-BB-PA-XX-10' and 'Site Ditch Construction Details - KOG-LL-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-LL-BB-PA-XX-12' and 'Site Ditch Construction Details - KOG-LL-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

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.