



**Statement of Case**

**The Town and Country Planning (Appeals) (Written Representations Procedure)  
(England) Regulations 2009**

as amended by

**The Town and Country Planning (Appeals) (Written Representations Procedure and  
Advertisements) (England) (Amendment) Regulations 2013**

<b>Appellant:</b>	Angus Energy Weald Basin No. 3 Limited
<b>Appellant's Address:</b>	Building 3, Chiswick Park, 566 Chiswick High Road, London, W4 5YA
<b>Site Location:</b>	Lower Stumble Exploration Site, London Road, Balcombe, Haywards Heath, West Sussex
<b>Date:</b>	September 2021
<b>Minerals Planning Authority (MPA):</b>	West Sussex County Council (WSCC)
<b>MPA Planning Application Reference:</b>	WSCC/045/20
<b>Description of Development</b>	Temporary permission for exploration and appraisal comprising the removal of drilling fluids and subsequent engineering works with an extended well test for hydrocarbons along with site security fencing and site restoration

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APPENDIX A Planning Application ref. WSCC/045/20 Consultation Responses – Log of All Representations

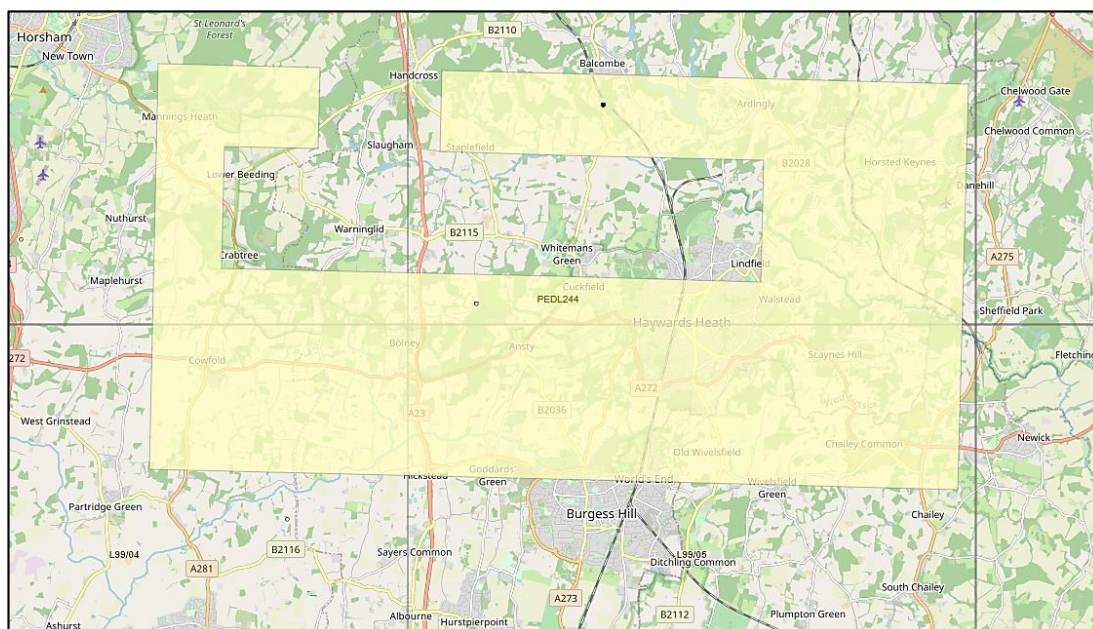
## 1 INTRODUCTION

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- 1.1 This Statement of Case (SoC) has been prepared by Angus Energy Weald Basin No. 3 Limited ('the Appellant') in support of a planning appeal made by the Appellant under The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 as amended by The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013.
- 1.2 This appeal is submitted in response to the decision by the Minerals Planning Authority (MPA), West Sussex County Council (WSCC), to refuse planning permission (application ref WSCC/045/20) for the following:
- “Temporary permission for exploration and appraisal comprising the removal of drilling fluids and subsequent engineering works with an extended well test for hydrocarbons along with site security fencing and site restoration”*
- 1.3 The Site address is Lower Stumble Exploration Site, London Road, Balcombe, Haywards Heath. The application was reported to the Planning Committee on 2<sup>nd</sup> March 2021, with the Planning Officer recommending that planning permission should be granted.
- 1.4 The MPA's Planning Committee refused planning permission for the following reason:
- “The proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there are no exceptional circumstances, and which is not in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of nationally designated landscapes. It would therefore be contrary to Policies M7a and M13 of the West Sussex Joint Local Minerals Plan (2018) and paragraphs 170 and 172 of the National Planning Policy Framework (2019).”*
- 1.5 The Appellant considers that there is no planning basis for refusal of the Approval Application for the reasons set out in this SoC. Planning permission should therefore be granted and the appeal allowed.

## 2 BACKGROUND

- 2.1 The Appellant, Angus Energy, is an independent onshore oil and gas development company focused on advancing its portfolio of licensed UK assets. Founded in 2009, Angus Energy is an Oil and Gas Authority (OGA) approved operator and a member of United Kingdom Onshore Oil and Gas (UKOOG) – the representative body for the UK onshore oil and gas industry. Further information can be read at Angus Energy at: <https://www.angusenergy.co.uk/>.
- 2.2 The Applicant is currently an operator in three licences in the Weald Basin in the south of England:
- Brockham, near Dorking, in Production Licence (PL) 235;
  - Lidsey oil field, near Bognor Regis, in Petroleum Exploration and Development Licence (PEDL) 241; and
  - Balcombe wellsite, near Crawley (PEDL 244).
- 2.3 Angus Energy also has an interest in PEDL 143, in Surrey.
- 2.4 The Appellant holds a 25% stake in PEDL 244, which covers an area of 154km<sup>2</sup> to the south east of Crawley and is shown on Figure 1, below. The Appellant received OGA approval on 22<sup>nd</sup> May 2018 that allows the Appellant to operate the Balcombe site in partnership with Cuadrilla Balcombe Limited (56.25%) and Lucas Bolney Limited (18.75%).

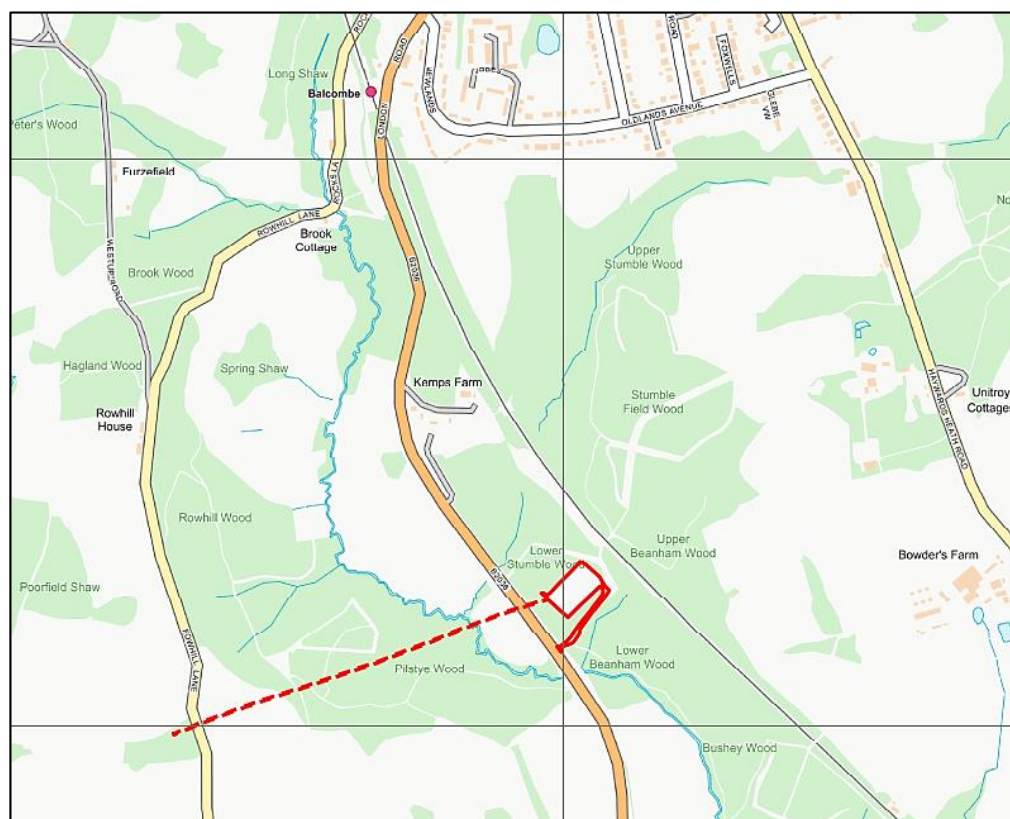


**Figure 1:** Petroleum Exploration and Development Licence (PEDL) 244 (shaded yellow) and Balcombe Wellsite (indicated with a black dot) (OGA, 2021).

- 2.5 Angus Energy is a responsible operator, with an excellent track record with regard to health and safety and the protection of the environment.

### 3 SITE AND SURROUNDINGS

- 3.1 The Site comprises an area of hard-standing (previously used as a drilling platform) with an associated access road, and some encroaching ruderal vegetation. Two-metre high security fencing currently surrounds the Site on all sides.
- 3.2 The Site is located in a predominantly rural area, approximately 800m to the south of the village of Balcombe. It is bounded by the B2036 (London Road) to the west, an area of forestry storage to the north, and the existing access track to the south and east, which links to London Road. Beyond this to the northeast lies the London to Brighton railway line, on an elevated bank. Surrounding the Site is Lower Stumble Wood, Upper Beanham Wood and Lower Beanham Wood, all of which are designated Ancient and Semi-Natural Woodlands.
- 3.3 The Site falls within the administrative boundaries of WSCC and Mid Sussex District Council (MSDC).
- 3.4 The Site extends to 0.58 hectares (ha). The Site is shown on 'Figure 1: Site Location Plan' (**Document 06a**), submitted with the application, and Figure 2, below.



**Figure 2:** Balcombe Wellsite (solid red line boundary), London Road, Balcombe, West Sussex.

- 3.5 No Public Rights of Way (PRoW) cross the Site. The closest PRoWs to the Site are footpath BALCOMBE 13Ba-1, located approximately 320m north of the Site, and footpath BALCOMBE 17Ba-1, located approximately 450m west of the Site.
- 3.6 The closest residential properties to the Site are:

- a) Properties at Kemp's Farm, the nearest of which is located approximately 310m northwest of the Site;
  - b) Bowder's Cottage, located approximately 530m southeast of the Site;
  - c) Properties adjacent to Hayward's Heath Road, including Unitroy Cottages, located approximately 630m east of the Site; and
  - d) Upper Pilstye Cottages and Pilstye Farm Cottage, located approximately 660m and 700m southwest of the Site respectively.
- 3.7 The Balcombe estate Saw Mill is located approximately 500m east of the Site.

### **Flood Risk and Water Resources**

- 3.8 The Environment Agency's (EA's) Flood Risk Map indicates that the Site is located entirely within Flood Zone 1 (lowest risk of flooding), which represents land assessed as having a 'low risk' of fluvial or tidal flooding, of less than 1 in 1,000 annual probability (<0.1%).
- 3.9 The Site is situated within a Drinking Water Protected Area and a Drinking Water Safeguard Zone for surface water. It does not fall within a Drinking Water Safeguard Zones for groundwater, a Source Protection Zone or a Nitrate Vulnerable Zone. The nearest groundwater source protection zone is 2.3km to the north-west of the Site.

### **Geology**

- 3.10 The Site lies on Wadhurst Clay, around 47m in thickness. This is classified as 'unproductive strata' because it is identified as being unable to provide usable water supplies. It is unlikely to have surface water and wetland dependent upon them. The clay also acts as a natural barrier to the migration of either groundwater or gases between permeable strata.
- 3.11 Below the clay lie the Ashdown Beds, 212m thick. These comprise a 'secondary aquifer' formed of fine-grained silty sandstone and mudstone. This contains naturally high levels of methane but this does not pose a risk to groundwater due to the natural geological strata. Below the Ashdown Beds lies the Kimmeridge Clay and below this, the hydrocarbon-bearing Micrite Beds into which the lateral well extends.

### **Ecology and Biodiversity**

- 3.12 Ardingly Reservoir Local Nature Reserve (LNR) is located approximately 1.1km northeast of the Site. There is one other LNR within 5km of the Site, that being Blunts and Paiges Wood LNR, located approximately 4.4km south of the Site.
- 3.13 There are three Sites of Special Scientific Interest (SSSI) within 5km of the Site, the closest of which is Wakehurst & Chiddingly Woods SSSI, located approximately 2.2km northeast of the Site.
- 3.14 There are no National Nature Reserves, Special Areas of Conservation or Special Protection Areas within 5km of the Site.

- 3.15 The Site is adjacent to Lower Stumble Wood Ancient & Semi-Natural Woodland to the north and Lower Beanham Wood Ancient & Semi-Natural Woodland to the south. Upper Stumble Wood/ Upper Beanham Wood Ancient & Semi-Natural Woodland is located approximately 60m to the east of the Site, and Pilstye Wood Ancient & Semi-Natural Woodland is located approximately 80m southwest of the wellsite and 20m west of the Site access track, beyond the B2036.

### **Cultural Heritage**

- 3.16 There are nine listed buildings within 1km of the Site, the closest of which are Grade II Kemp's Farmhouse and Grade II\* Kemp's House, located approximately 330m north of the Site.
- 3.17 There is one Scheduled Monument within 5km of the Site, that being 'Philpots Camp: a promontory fort and Mesolithic rock shelters 500m north west of Philpots Farm', located approximately 4.7km to the northeast of the Site.
- 3.18 There are five registered parks and gardens within 5km of the Site, the closest of which is Grade II\* Borde Hill, located approximately 2km south of the Site.
- 3.19 Balcombe Conservation Area, designated in 1984, is located approximately 680m northeast of the Site.
- 3.20 There are no World Heritage Sites or registered battlefields within 5km of the Site.

### **Landscape and Visual**

- 3.21 The Site is located within the High Weald Area of Outstanding Natural Beauty (AONB). The Site does not fall within the Metropolitan Green Belt.

### **Air Quality and Noise**

- 3.22 The Site is not located within an Air Quality Management Area (AQMA), inferring that it is not located in an area where pollutant concentrations exceed the national mean air quality objectives. No Noise Important Areas (NIAs) are within 1km of the Site.

### **Suitability of the Site for Exploration**

- 3.23 The Balcombe Discovery was first drilled in 1986 by Conoco. Subsequently, Balcombe-2 and its associated side-track, Balcombe 2Z, were drilled in 2013 to a vertical depth of 670m and horizontally to a length of 522m through the Kimmeridge Micrite. The Balcombe Discovery is considered to be the 'sweet spot' of the Weald Basin given the 568m thickness and highest maturity of the Kimmeridge layers. Work undertaken by Angus Energy has established that the Kimmeridge micrite layers encountered at Balcombe can be regionally correlated across to both the Brockham oil field and Horse Hill in Surrey.
- 3.24 The Balcombe 2Z side-track has opened up approximately 520m horizontal section through the upper Kimmeridge Micrite which is naturally fractured and offers an extensive zone through the reservoir to test.

- 3.25 Section 2.0 of the Planning Statement (**Document 04**) provides an assessment of the suitability of the Site for further hydrocarbon development. Paragraph 120 of the Minerals Planning Practice Guidance (PPG) (2014) supports the Appellants view, stating:

*“When determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use that site only insofar as it establishes the presence of hydrocarbon resources.”*

- 3.26 Previous exploration activity, with flowrates of 1599.6 bbls/day (254 m<sup>3</sup>/day), has provided the Appellant with confidence that the Balcombe 2Z well has the potential to be developed further into an appraisal well.



## 4 THE PROPOSED DEVELOPMENT

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- 4.1 The Application relates to an existing well at the Site, which was drilled in 2013 pursuant to planning permission ref. WSCC/027/10/BA, granted by the MPA on 25<sup>th</sup> January 2010 ('the 2010 Permission') (**Document 02**), and with a subsequent flow test (planning permission ref. WSCC/040/17/BA) granted by the MPA on 10<sup>th</sup> January 2018 ('the 2018 Permission') (**Document 03**). The 2018 Permission is explained further in Section 5 of this SoC.
- 4.2 Planning application ref. WSCC/045/20 was validated by WSCC on 26<sup>th</sup> August 2020 and is the subject of this appeal ('the 2020 application'). The 2020 application was supported by a Planning Statement (**Document 04**) and other supporting documents (**Documents 05 & 06**). The Planning Statement contains relevant information that to avoid repetition is not repeated in this SoC, but attention is directed to relevant paragraphs of the Planning Statement (**Document 04**).
- 4.3 In summary, the Appellant is seeking permission for:
- “Temporary permission for exploration and appraisal comprising the removal of drilling fluids and subsequent engineering works with an extended well test for hydrocarbons along with site security fencing and site restoration at Lower Stumble Exploration Site, off London Road, Balcombe, Haywards Heath RH17 6JH.”*
- 4.4 The proposed development would be completed within a 30-month period.
- 4.5 The proposed work would focus upon the Balcombe 2Z well and would take place in a phased approach. Phase 1, pumping operation, is anticipated to take up to 4 weeks. Assuming this is successful, Angus Energy would then move on to Phase 2, the civil engineering works to upgrade the pad containment. Once construction and installation of the pad membrane is complete, Phase 3 would commence with an Extended Well Test (“EWT”), for 12 months, depending on results. The final phase, Phase 4, plugging and restoration of the Site, will be carried out on completion of the operation if future site production is not anticipated.
- 4.6 In terms of the surface plant and equipment for the proposed operations, this will be similar equipment to that approved under the 2018 permission, ref. WSCC/040/17/BA.
- 4.7 If the EWT confirms that there are hydrocarbon reserves which could be commercially extracted, a separate planning application will be prepared for a future production phase.
- 4.8 For the avoidance of doubt, the proposed development would not include hydraulic fracturing.
- 4.9 For further detail regarding the proposed development, refer to the Planning Statement (**Document 04, Section 4.0**).

## 5 PLANNING HISTORY

- 5.1 The planning history of the Site dates back to 1986, with oil and gas exploration drilled and tested by multiple operators. The full planning history is outlined in Table 1 of the Planning Statement (**Document 04, Section 1.6**) and is replicated in Table 5.1, below.

**Table 5.1:** Balcombe Wellsite Planning History Summary.

Minerals Planning Authority (MPA) Reference	Validation Date	Development Description	Outcome and Decision Date
WSCC/045/20	26/08/2020	Temporary permission for exploration and appraisal comprising the removal of drilling fluids and subsequent engineering works with an extended well test for hydrocarbons along with site security fencing and site restoration	Refused – 10/03/2021
WSCC/071/19	08/10/2019	Remove drilling fluids and carry out an extended well test. This proposal is a two-stage activity: 1) Pumping out previously used drilling fluids to ascertain any oil flow (up to 4 weeks), 2) Should oil be seen to flow, an extended well test would be carried out over a period of 3 years.	Withdrawn – 30/04/2020
WSCC/040/17/BA	27/10/2017	Temporary permission for exploration and appraisal comprising the flow testing and monitoring of the existing hydrocarbon lateral borehole along with site security fencing, the provision of an enclosed testing flare and site restoration.	Granted – 26/01/2018
WSCC/005/14/BA	21/01/2014	Temporary permission for exploration and appraisal comprising the flow testing and monitoring of the existing hydrocarbon lateral borehole along with site security fencing, the provision of an enclosed testing flare and site restoration.	Granted – 02/05/2014
WSCC/063/13/BA	17/07/2013	Amendment of condition 3 of WSCC/027/10/BA to vary the type of flare used during the testing process.	Withdrawn – 02/09/2013
WSCC/061/13/BA	11/07/2013	Amendment of condition 2 of WSCC/027/10/BA to allow additional time to complete the drilling and testing programme and restore the site.	Withdrawn – 02/09/2013
WSCC/027/10/BA	25/01/2010	To upgrade existing stoned platform and drill an exploratory borehole for oil and gas exploration.	Granted – 23/04/2010
BA/38/87	1987	Retention of existing borehole site for forestry products storage and improvements to existing access.	Granted
BA/10/86	1986	Construction of hard standing in association with exploratory drilling exercise.	Granted

### Summary of Key Planning Decisions

- 5.2 An existing hardstanding pad was constructed in 1986 in connection with a planning permission to undertake an exploratory drilling exercise (ref. BA/10/86). An

- exploratory borehole was drilled by Conoco and is referred to as Balcombe 1. This borehole has since been plugged with cement and abandoned.
- 5.3 In 1987, planning permission was granted for the retention of the borehole site for forestry storage in connection to wider activities on the Balcombe Estate (ref. BA/38/87). The Site continued to be used as forestry storage for the Balcombe Estate up until July 2013, when the Balcombe 2Z exploration borehole was drilled under a planning permission that was granted under delegated powers on 23<sup>rd</sup> April 2010 (ref. WSCC/027/10/BA).
- 5.4 There were no objections to the 2010 planning application (ref. WSCC/027/10/BA) from any statutory consultees, including Balcombe Parish Council, or from any third parties (see Delegated Officer's report – **Document 30**). The report considered the suitability of the location. It concluded that “the proposed location represents the best viable option in terms of vehicle access, impacts upon the visual character of the area and minimisation of potential impacts upon residential amenity.
- 5.5 Cuadrilla completed the drilling of the Balcombe 2Z borehole in September 2013 and no further activity occurred on the Site after drilling was completed. Planning permission was granted in May 2014 (ref. WSCC/005/14/BA) to flow test the Balcombe 2Z borehole and undertake pressure monitoring, but this work was never undertaken, and the planning permission expired in May 2017.
- 5.6 Planning application ref. WSCC/040/17/BA was granted by the MPA on 26<sup>th</sup> January 2018 for the temporary permission for exploration and appraisal comprising the flow testing and monitoring of the existing hydrocarbon lateral borehole along with site security fencing, the provision of an enclosed testing flare and site restoration.
- 5.7 The 2018 permission was time limited in that condition 2 required:  
*“The Stage 1 Activities (mobilisation, flow-test, pressure monitoring) hereby approved shall be completed and cease within a period of six months from the date of commencement of development.”*
- 5.8 The MPA's officer report dated 9<sup>th</sup> January 2018 (**Document 07**) which led to the granting of the planning permission stated:  
*“In relation to JMLP Policy M13, the proposed development is considered to accord with the requirements for major developments in the AONB in that there are ‘exceptional circumstances’ and it would be in the public interest.”*
- 5.9 The January 2018 report to Planning Committee noted that there were no statutory consultee objections other than from Balcombe Parish Council. However, it attracted 2,739 objections from third parties and 11 representations in support. Objections were received from other public bodies including Friends of the Earth, Sussex Wildlife Trust, the Campaign to Protect Rural England (CPRE), Sussex Countryside Trust, Ardingly Parish Council and Worth Parish Council.
- 5.10 The Appellant commenced the flow test on 24<sup>th</sup> September 2018 with the primary objective to establish that hydrocarbons can be produced from the Kimmeridge Micritic limestones at the Balcombe 2Z well and measure hydrocarbon productivity.

- 5.11 The operations included three sub-stages, as described in the Planning Statement (**Document 04, Section 4.0**). This involved setting the Site up, preparing the borehole for the flow testing, undertaking the flow testing (up to 7 days) and pressure monitoring over a period of 60 days.
- 5.12 Sub-stage 1 stated that the operations involved the mobilisation of plant/equipment on the Site, cleaning up the lateral wellbore utilising diluted hydrochloric acid, at a [10%] concentration through coiled tubing inserted into the well, a nitrogen lift to initiate the flow of hydrocarbons from the well, and the installation of the pump jack/beam pump. A crane up to 40m in height will be required to support the coiled tubing, and a work over rig will be needed to help set up the pump jack/beam pump.
- 5.13 Sub-stage 2, the flow testing operations will be undertaken over approximately fourteen days and will require a pump jack/beam pump to be installed to pump fluid from the borehole to storage tanks on the Site. An enclosed flare with a maximum height of 13.7m will be located on the Site and will be used to burn off any associated gas produced during the well flow test period.
- 5.14 Sub Stage-3, once the flow testing has been completed the pump jack/beam pump will be removed and the pressure gauges will be installed in the borehole. This is estimated to take 2- 3 days to complete. The borehole will then be shut in and secured for a period of up to 60 days. During this time, the gauges will record pressure in the wellbore but there will be no activity on the Site.
- 5.15 The Appellant issued notice to MPA 2<sup>nd</sup> October 2018, to notify that the flow testing had been completed (**Document 09**).
- 5.16 The Appellant issued a Regulatory News Service (RNS) statement to the London stock exchange that the test utilised Nitrogen and coiled tubing to clean and prime the well which when removed allowed a natural flow at 853 barrels oil per day (bopd) equivalent, not including 22.5% water. A second flow period was undertaken with the well flowing naturally at 1,587 bopd equivalent, not including 6.6% water (**Document 10**). Previous exploration activity, with flowrates of 1599.6 bbls/day (254 m<sup>3</sup>/day) per day, has provided the Appellant confidence that the Balcombe 2Z well has the potential to be developed further into an appraisal well.
- 5.17 On 8<sup>th</sup> October 2019 the Appellant submitted an application, ref. WSCC/071/19 (**Document 11**), to the MPA for planning permission to remove drilling fluids and carry out an EWT. The application sought approval for a two-stage activity:
1. Pumping out previously used drilling fluids to ascertain any oil flow (up to four weeks); and
  2. Should oil be seen to flow, an EWT would be carried out over a period of three years.
- 5.18 On 17<sup>th</sup> March 2020, the MPA published its report to go to the meeting of the Planning Committee to be held on 24<sup>th</sup> March. The report recommended refusal of the planning application for one reason, set out in Appendix 1 of the report (**Document 12**) and reproduced here:

*“The proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there are no exceptional*

*circumstances, and which is not in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of nationally designated landscapes. It would therefore be contrary to Policies M7a and M13 of the West Sussex Joint Local Minerals Plan (2018) and paragraphs 170 and 172 of the National Planning Policy Framework (2019)."*

- 5.19 The Appellant withdrew the application with the intention to submit a new application addressing the recommendation for refusal set out in the Planning Committee report.

## **6 HISTORY OF PLANNING APPLICATION REF. WSCC/045/20**

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- 6.1 Following the decision to withdraw the application WSCC/071/19 and address the recommendation for refusal, the Appellant submitted a new application (ref. WSCC/045/20).
- 6.2 The Appellant new information included a socio-economic report (**Document 05k**), an enhanced need case assessment, recent material decisions (**Document 04, Section 8.3**) and a review of the potential to develop the operation elsewhere.
- 6.3 A revised operation timeline was changed which reduced the duration of the EWT from up to three years, to a period of up to 12 months.
- 6.4 The application detailed a more informative development description which required four phases, with a temporary duration of up to 30 months (**Document 04, Section 4.0**).
- 6.5 As a point of clarification in the planning officer's 2021 report (**Document 13, Section 4.25, page 24**) which outlined differences between the applications, both application ref. WSCC/071/19 and application ref. WSCC/045/20 require the installation of a membrane in response to an objection from the EA, which was subsequently withdrawn 18<sup>th</sup> February 2020 (**Document 14**).
- 6.6 The Appellant determined that the Application (ref. WSCC/045/20) did not require an Environmental Impact Assessment (EIA), due to the characteristics and short-term nature of the development. The MPA planning officer screened the Application in accordance with the Town and Country Planning (EIA) Regulations 2017 and agreed, noting that, in approving previous applications, it was considered that the development would not result in significant impact on people or the environment. Given the similarities between this proposal and those previously approved, these conclusions are relevant when considering whether EIA is necessary, even when taking into account the increased period of time (**Document 15**).
- 6.7 The MPA published its committee report for the meeting of 2<sup>nd</sup> March 2021. It recommended that permission be granted subject to 14 conditions, set out in Appendix 1 (**Document 13, Section 10**).
- 6.8 The Application was considered by the Planning Committee on 2<sup>nd</sup> March 2021. The planning officer's report was presented. However, the Committee voted to refuse the application on the basis that the application was contrary to policies M7a and M13 of the West Sussex Joint Local Minerals Plan (2018) and paragraphs 170 and 172 of the National Planning Policy Framework (NPPF) (2019).
- 6.9 In the Decision Notice dated 10<sup>th</sup> March 2021 (**Document 01**), the MPA gave a single reason for refusal, as follows:

*“The proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there are no exceptional circumstances, and which is not in the public interest. There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of nationally designated*

*landscapes. It would therefore be contrary to Policies M7a and M13 of the West Sussex Joint Local Minerals Plan (2018) and paragraphs 170 and 172 of the National Planning Policy Framework (2019)."*

## 7 PLANNING POLICY AND MATERIAL CONSIDERATIONS

### Relevant Planning Policy

7.1 The relevant development plan documents comprise the:

- a) West Sussex Joint Minerals Local Plan (JMLP) (2018) (**Document 16**);
- b) Mid Sussex District Plan (2014) (**Document 17**); and
- c) Balcombe Parish Neighbourhood Plan (2016–2031) (2016) (**Document 18**).

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

7.2 The planning policies considered to be most relevant to the application, listed in Section 6.0 of the MPA planning officer's report (**Document 13**), are policies M7a and M13 of the JMLP, which are reproduced below.

<b>Policy M7a: Hydrocarbon<sup>35</sup> development not involving hydraulic fracturing<sup>36</sup></b>
<p><b><i>Exploration and Appraisal</i></b></p> <p><b>(a) Proposals for exploration and appraisal for oil and gas, not involving hydraulic fracturing, including extensions* to existing sites will be permitted provided that:</b></p> <ol style="list-style-type: none"> <li><b>(i) With regard to development proposals deemed to be major, the site is located outside the South Downs National Park, High Weald AONB or Chichester Harbour AONB unless it has been demonstrated that there are exceptional circumstances and that it is in the public interest, and in accordance with Policy M13;</b></li> <li><b>(ii) the site selected represents an acceptable environmental option in comparison to other deliverable alternative sites from which the target reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements;</b></li> <li><b>(iii) any unacceptable impacts including (but not limited to) noise, dust, visual intrusion, transport, and lighting, on both the natural, historic and built environment and local community, including air quality and the water environment, can be minimised, and/or mitigated, to an acceptable level;</b></li> <li><b>(iv) restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24 whether or not oil or gas is found;</b></li> <li><b>(v) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground.</b></li> </ol> <p><b><i>Production</i></b></p> <p><b>(b) Proposals for oil and gas production, not involving hydraulic fracturing, including extensions* to existing sites, will be permitted provided that:</b></p> <ol style="list-style-type: none"> <li><b>(i) they accord with (a)(i-iv) above;</b></li> </ol>

<sup>35</sup> This includes conventional and unconventional hydrocarbons

<sup>36</sup> "hydraulic fracturing" in the context of this policy, means hydraulic fracturing of shale or strata encased in shale which—

a) is carried out in connection with the use of the relevant well to search or bore for or get oil and gas, and

b) involves, or is expected to involve, the injection of—

i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or

ii) more than 10,000 cubic metres of fluid in total.



- (ii) no unacceptable impacts would arise from the transport, by vehicle or other means, of oil/gas, water, consumables and waste to or from the site;

***Activity beneath or proximate to designated areas***

- (c) Proposals for exploration, appraisal and production of oil and gas, not involving hydraulic fracturing, will be permitted underneath or in close proximity to designated areas, assets and habitats<sup>37</sup>, which demonstrate that special care will be taken to avoid harming these areas and the special qualities of the South Downs National Park and/or setting and value of the Chichester Harbour AONB, High Weald AONB and other designated areas, assets and habitats.

\* including extensions of time, physical extensions or extensions to operations within the existing site boundary. N.B. The suitability of minor proposals for alterations to permitted operations will instead be considered against the Development Management policies.

**Policy M13: Protected Landscape**

- (a) Proposals for mineral development within protected landscapes (the South Downs National Park, the Chichester Harbour Area of Outstanding Natural Beauty, and the High Weald Area of Outstanding Natural Beauty) will not be permitted unless:
- i. the site is allocated for that purpose in the adopted plan; or
  - ii. the proposal is for a small-scale development to meet local needs that can be accommodated without undermining the objectives of the designation; or
  - iii. the proposal is for major mineral development that accords with part (c) of this Policy.
- (b) Proposals for mineral development located outside protected landscapes will be permitted provided that they do not undermine the purposes of the designation.

- (c) Proposals for major mineral development within protected landscapes will not be permitted unless there are exceptional circumstances and where it is in the public interest as informed by an assessment of:
- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for the mineral in some other way; and
  - iii. any potential detrimental impact on the environment, landscape, and recreational opportunities, and the extent to which identified impacts can be satisfactorily mitigated.

- 7.3 Paragraph (c) of policy M13 informs the exceptional circumstances and what is in the public interest.
- 7.4 Section 8.3 of the Planning Statement (**Document 04**) demonstrates how the proposed development has been informed by and is in accordance with the development plan, NPPF and National Planning Practice Guidance (NPPG), specifically JMLP policies M7a and M13.

#### Mid Sussex District Plan (2014)

- 7.5 Policy DP12 (Protection and Enhancement of Countryside) of the Mid Sussex District Plan (2014) (**Document 17**) states that *“the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*
- a) *it is necessary for the purposes of agriculture;*
  - b) *or it is supported by a specific policy reference either elsewhere in the Plan,*
  - c) *a Development Plan Document or relevant Neighbourhood Plan”*.

Policy DP16 (High Weald Area of Outstanding Natural Beauty) of the Mid Sussex District Plan (2014) (**Document 17**) states that development within the AONB will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular, landscape features, the interaction of people with nature, land management, character and local distinctiveness, settlement pattern, sense of place and setting of the AONB, and the conservation of wildlife and cultural heritage.

- 7.6 Section 8.9 of the Planning Statement (**Document 04**) demonstrates how the proposed development has been informed by and is in accordance with Mid Sussex District Plan policies DP12 and DP16.

#### Balcombe Parish Neighbourhood Plan (2016–2031) (2016)

- 7.7 The Balcombe Parish Neighbourhood Plan (**Document 18**), made in September 2016, forms part of the development plan. Whilst neighbourhood plans do not contain policy on minerals development, including oil and gas, they may contain policies relevant to the identification of sensitive receptors. Policy 1 (Built Up Area Boundary) states that development proposals outside the Built Up Area Boundary will be required to confirm to development plan policies in respect of the control of development in the countryside. The wellsite falls outside the proposed built up area boundary.

#### Relevant Energy Policy

##### NPS ES-1 (2011)

- 7.8 National energy policy, most succinctly set out in Overarching National Policy Statement (NPS) for Energy (EN-1) (NPS EN-1) (**Document 22**), states that *“the UK*

*economy is reliant on fossil fuels and they are likely to play a significant role for some time to come*" (para 2.2.5). Paragraph 2.2.20 states that it is critical that the UK continues to have secure and reliable supplies of energy as the UK makes the transition to a low carbon economy.

- 7.9 The NPS EN-1 also states that "*in the medium term, we face the challenges of reducing our energy demand ... and maximising the economic production of our declining domestic oil and gas reserves*" (para 2.2.21). The UK faces two main security of supply challenges during our transition to a low carbon economy: the first of these is increasing reliance on imports of oil and gas as North Sea reserves decline in a world where energy demand is rising and oil and gas production and supply is increasingly politicised.

#### Annual Energy Statement (2013)

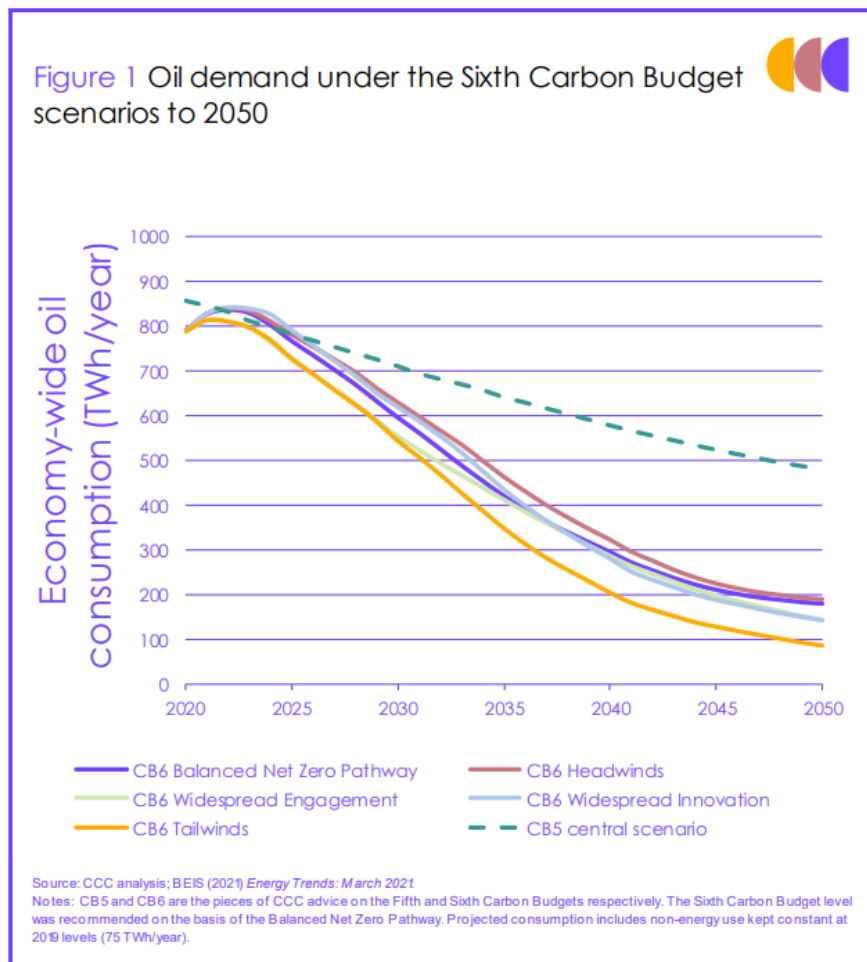
- 7.10 The Annual Energy Statement (AES) (**Document 23**), published in October 2013, notes that energy policy is underpinned by two key factors: the need to reduce carbon emissions and to ensure energy security (paragraph 1.1). While renewable energy must form an increasing part of the national energy picture, oil and gas will remain key elements of the energy system for years to come (paragraph 3.69). The then Government's priorities in delivering the UK's energy policies are:

- a) helping households and businesses take control of their energy bills and keep their costs down;
- b) unlocking investment in the UK's infrastructure that will support economic growth; and
- c) playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change.

#### Climate Change Committee (CCC) Net Zero (2019) and Sixth Carbon Budget

- 7.11 The Climate Change Act (2008) provided for the establishment and operation of the Climate Change Committee (CCC), which advises the UK government on setting and meeting carbon budgets and preparing for climate change. The Act, as amended in 2019, commits the UK to a 100% reduction in the emission of greenhouse gases as against 1990 levels by 2050 (known as 'net zero'). Emission reductions will be delivered through a system of five year carbon budgets that set a trajectory to 2050.
- 7.12 The CCC's 'Net Zero Report: the UK's Contribution to Stopping Global Warming' (**Document 25**), published in May 2019, recommended a new emissions target for the UK of net-zero greenhouse gases by 2050, which will also deliver on the commitment made by the UK Government in signing the Paris Agreement. Even with Net Zero 2050, the CCC has forecast that the UK will still require 140 Terawatt hours (TWh) of oil per annum – equivalent to 82 million barrels of oil equivalent in 2050. Of this total, the UK is expected to be dependent on just 10% from overseas, with the vast majority produced within the UK Continental Shelf (UKCS) and onshore. The Net Zero Report (2019) continues to endorse current Government policy that the UK needs a secure long-term supply of oil to meet our net zero targets.

- 7.13 The Sixth Carbon Budget (**Document 26**), published by the CCC in December 2020 and accepted by the Government in April 2021, was legislated for by the Carbon Budget Order 2021 and became law in July 2021.
- 7.14 Under the Infrastructure Act 2015, the CCC is required to provide advice to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) regarding compatibility of onshore petroleum with UK carbon budgets. The CCC's latest advice 3 (letter dated March 2021) (**Document 20**) provides facts and information to help inform decision making for the Fuel Supply sector, specifically for the onshore hydrocarbon sector. Despite the advice being shale gas focused, the information provided is relevant to the proposed West Newton development.
- 7.15 National demand for oil consumption is forecast to decline from 1.6 million barrels per day as of 2020 to nearly 350,000 barrels per day in 2050. This statistic is inclusive of feedstock oil demand which was omitted from the CCC's Sixth Carbon Budget assumptions. Under the Balanced Net Zero Pathway, UK oil demand is forecast to be more than 60 million barrels of oil in the year 2050, or approximately 200 TWh/year, (refer to Figure 1 Oil demand under the Sixth Carbon Budget scenarios to 2050) (**Document 26**). The UK production (supply) forecast is forecast to be 10.3 million barrels of oil equivalent per year in 2050 (**Document 21**).



**Figure 3:** Oil Demand under the Sixth Carbon Budget Scenarios to 2050 (Source: CCC Letter 31<sup>st</sup> March 2021)

**Material Considerations.****National Planning Policy Framework (July 2021)**

- 7.16 The NPPF was partially revised in July 2021. No substantive changes have been made to the most relevant sections of the NPPF.

***Chapter 15: Conserving and Enhancing the Natural Environment***

- 7.17 Paragraph 174 states that decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 7.18 Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation these issues. It adds that the scale and extent of development within these designated areas should be limited.

- 7.19 Paragraph 177 states that permission for major development within AONBs should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It goes on to say that consideration of such applications should include an assessment of :

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which they could be moderated.

*Chapter 17: Facilitating the Sustainable Use of Minerals*

- 7.20 Paragraph 209 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
- 7.21 When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy (para 211). The Glossary defines minerals resources of local and national importance as “*minerals which are necessary to meet society’s needs, including ... oil and gas...*”

Minerals Planning Practice Guidance (October 2014)

- 7.22 The exploratory phase of hydrocarbon extraction seeks to establish whether hydrocarbons are present. Paragraph 99 of the Minerals PPG states that the appraisal phase takes place following exploration, when the existence of oil or gas has been proved but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. Paragraph 100 adds that the appraisal phase can take several forms including longer-term flow tests or the drilling of further wells. Much will depend on the size and complexity of the hydrocarbon reservoir.
- 7.23 Paragraph 102 states that any additional sites for appraisal will be selected by the operator, taking account of what they have learnt or discovered through previous phases. In doing so, operators should take into account their ability to access the resource whilst seeking to minimise or avoid any adverse environmental and amenity issues.
- 7.24 Paragraph 104 confirms that the exploratory or appraisal phases of hydrocarbon extraction can only take place where the Department of Energy and Climate Change (DECC, now the OGA) have issued a licence under the Petroleum Act 1998.
- 7.25 Paragraph 120 makes clear that MPAs should not take account of hypothetical future activities for which consent has not been sought when considering planning applications for earlier phases of hydrocarbon extraction. It goes on to state that “*when determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use that site only insofar as it establishes the presence of hydrocarbon resources*”.
- 7.26 Paragraph 124 states that MPAs should take account of government energy policy when determining planning applications. This makes clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the AES of October 2013 (**Document 23**).

Natural Environment Planning Practice Guidance (July 2019)

- 7.27 Paragraph 41 of the Natural Environment PPG refers to the NPPF, reiterating that the scale and extent of development in AONBs should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. All development in AONBs will need to be located and designed in a way that reflects their status as landscapes of the highest quality.

### **Emerging Energy Policy**

#### **The Energy White Paper (December 2020)**

7.28 The Planning Officer's March 2021 Report states:

*"An up-to-date picture of the Government's energy policy is provided by Energy White Paper: 'Powering our Net Zero Future' (December 2020), which sets out the Government's policies and commitments regarding UK energy strategies whilst striving for net-zero emissions by 2050. The White Paper is clear that "The UK's domestic oil and gas industry has a critical role in maintaining the country's energy security and is a major contributor to our economy..."*

*...The Energy White Paper is the latest and most up-to-date guidance and is a key material consideration. Therefore, it is concluded that although there are alternative sources of supply, both indigenous and imported, there is a clear need for onshore oil and gas development to contribute to national energy security." (Document 13, Section 9.9, page 36).*

## 8 THE APPELLANT'S CASE

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- 8.1 The MPA refused the application on the grounds that there are no exceptional circumstances, and that it is not in the public interest, so that the application is contrary to:
- a) policies M7a and M13 of the West Sussex JMLP (2018); and
  - b) paragraphs 170 and 172 of the NPPF (2019).
- 8.2 This reason for refusal was drawn from the MPA planning officer's recommendation in the 2020 March Report (**Document 12**). It is clear from the 2021 March Report that the MPA planning officer considered the changes to the application from the previous application ref. WSCC/071/19, as well as changes in national energy policy and additional supporting information provided by the Appellant. The MPA planning officer concluded that on balance the development accorded with the development plan policies, including M7a and M13.
- 8.3 The Appellant submits that the reason for refusal cannot be justified as it is not supported by:
- a) the assessment set out in the Planning Statement;
  - b) the Planning Officer's March Report; or
  - c) other planning policy and other relevant considerations relating to M7a and M13.
- 8.4 The Appellant responds to each reason for refusal below.
- 8.5 There are six key issues :
- a) whether there are exceptional reasons to justify the development and, if so, is it in the public interest;
  - b) whether there is a need for the development, in terms of national considerations;
  - c) whether it is practicable to either undertake the development outside the AONB or meet the need in another way;
  - d) the impact of permitting or refusing it upon the local economy;
  - e) whether there are likely to be any detrimental effects on the environment, the landscape and on opportunities for recreation; and
  - f) the weight to be attached to the Head of Planning Services committee report.
- 8.6 The Appellant agrees with the MPA that the application is for major development within the AONB. Footnote 60 of the NPPF states that whether a proposal is 'major development' is a matter for the decision maker, taking account of its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

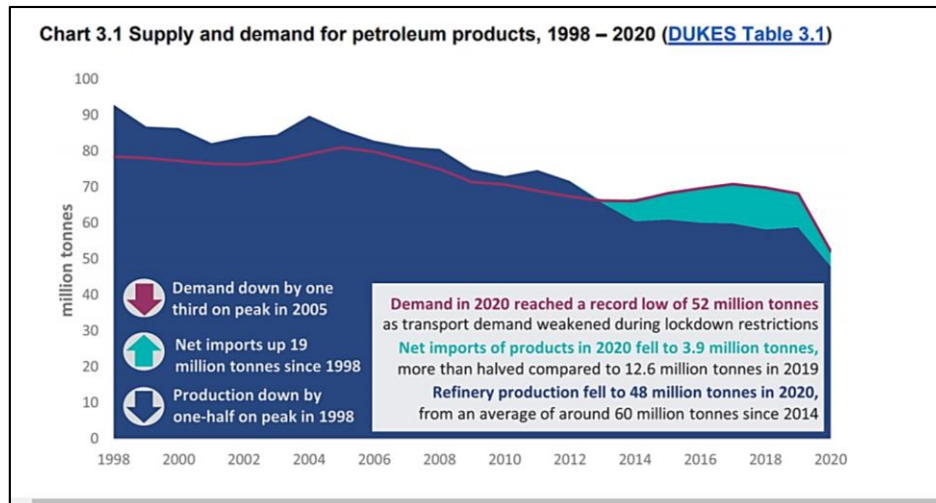


a) **Whether there are Exceptional Reasons to Justify the Development, and if so, Whether the Development is in the Public Interest**

- 8.7 The Appellant considers that there are exceptional circumstances to justify the development in the AONB. Firstly, paragraph 211 of the NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy. This statement applies to all minerals, including oil and gas, except for coal. Mineral extraction comprises exploration, appraisal and production. The Appellant considers that the MPA has failed to give great weight to the benefits of the proposed development in refusing the application.
- 8.8 The proposed development accords with NPS EN-1 (**Document 22**), which remains current Government policy whilst it is under review. The UK's continued reliance upon oil to meet transport demands means that the need for the appraisal of potential oil reserves remains valid.
- 8.9 The proposed development also accords with the most recent Government publication on future energy policy, the Energy White Paper, published in December 2020 (**Document 19**). The application will test and appraise the reserve at Balcombe which could lead to future oil production. It therefore helps, albeit in a small way, to potentially maintain the country's energy security and contribute to the economy."
- 8.10 National energy policy, therefore, is aimed at reducing demand by end users and in that way, reducing consumption. It is no part of national policy to attempt to reduce emissions by restricting the appraisal and production of hydrocarbons in the UK.

b) **Whether there is a Need for the Development**

- 8.11 The Planning Statement submitted with the 2020 application set out the need for the development in Section 5.0 (**Document 04**). The section on oil consumption in the Planning Statement drew upon the annual Digest of United Kingdom Energy Statistics (DUKES) published in July 2019 (**Document 27**). DUKES 2021 was published by the Department for BEIS on 29<sup>th</sup> July 2021. It found that oil formed one-third of total energy demand in 2020 compared to nearly half in 2019. Demand for petroleum products reached a record low last year, down 23% compared to 2019. Most oil demand is typically for transport fuels which were heavily impacted as movement was restricted.
- 8.12 Net imports of petroleum products halved in 2020 as the UK imported less fuel to meet the reduced demand. The UK became a net exporter of primary oils, by 0.5 million tonnes, for the first time since 2004.



**Figure 4:** Supply and demand for petroleum products, 1998 – 2020, reproduced from the Digest of United Kingdom Energy Statistics (DUKES) report 2021, published by the Department for Business, Energy and Industrial Strategy (BEIS) on 29 July 2021.

- 8.13 This table shows that demand in 2020 fell to 52 million tonnes of oil, which comprised 48 million tonnes from UK production and just 3.9 million tonnes from net imports. The reduction in demand for oil products therefore had a beneficial result in the balance of payments as imports fell by nearly 70%. The demand for oil products, particularly for road and air travel, is likely to rise in the short to medium term as COVID-19 restrictions are lifted. Whether demand will return to pre-pandemic levels is unclear. However, the data for 2020 shows that the UK has the capacity to meet demand as levels fall. The vast majority will continue to be produced from the UKCS. However, UK onshore oil production is likely to continue to help meet domestic demand with significantly lower production costs.
- 8.14 As the forecast demand for oil falls towards 2050, the UK is expected to be more reliant on UK production with net imports significantly reducing, as occurred in 2020. This is important for two reasons: from a balance of payments perspective, there will be more tax revenue, both locally and nationally; and from a security of supply with a reduced reliance upon imported oil supplies. The need to maximise UK oil production remains Government energy policy. The Energy White Paper, published in December 2020 (**Document 19**), does not place restrictions on future oil production as the country transitions to a net zero emissions economy. It is therefore in the national interest for oil to continue to be appraised in anticipation of future production if commercially viable.
- 8.15 The UK has a declining hydrocarbon production figure since 1990. However, the Energy Security Strategy (2012) (**Document 28**) states that the Government seeks to maximise economic production of the UK oil and gas reserves to provide reliable energy supplies which are not exposed to international energy supply risks. This is supported by the CCC which has placed emphasis on avoiding driving industry overseas, stating that:
- “The design of the policy framework to reduce UK industry emissions must ensure it does not drive industry overseas, which would not help to reduce global emissions, and be damaging to the UK economy.”* (**Document 04, Section 8.2.6**).
- 8.16 It is considered that the proposed development will support the 2014 AES’ (**Document 24**) three main aims by appraising and, thereby, enabling the potential

production of indigenous oil reserves which, in turn, will help to maintain a security of supply and contribute towards the UK's transition to a low carbon economy. Providing indigenous oil and gas reserves.

8.17 The Planning Officers reports draws a similar conclusion:

*“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. PPG: Minerals notes that energy supplies should come from a variety of sources and that oil and gas will continue to form part of the national energy supply. The latest national energy policy indicates that the oil and gas industry has a critical role in maintaining the country’s energy security and economy. On balance, therefore, it is concluded that there is a need for the development to contribute to national energy security and supply” (Document 13, Section 9.11, page 36).*

8.18 The Appellant submits that, the reliance on imports as an alternative source is inconsistent with national energy policy and should be given little to no weight when assessing alternative sources. Domestic alternative sources are declining and have been since 1990 making the UK a net importer since 2004. Therefore, the domestic supply gap will be strengthened by the proposed development contributing to the security of supply and towards the UK's transition to a low carbon economy.

**c) Whether it is Practicable to Either Undertake the Development Outside of the AONB, or Meet the Need in Another Way.**

8.19 In their reason for refusal, WSCC has stated that:

*“there are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need...there is scope for meeting the need in some other way, outside of nationally designated landscapes.”*

8.20 Firstly, the MPA has failed to undertake a proper assessment of the actual proposal before them at the Balcombe wellsite. By referring to the alternative sources as both indigenous and imported, it presupposes that the oil production from potential reserve at Balcombe can be extracted from anywhere else, as long as it is outside nationally designated landscapes.

8.21 The MPA is in effect, introducing a new restriction to any form of hydrocarbon extraction (that is, exploration, appraisal or production) in a National Park, an AONB or the Broads. In justifying its reason for refusing planning permission, it is going beyond national planning guidance set out in paragraph 177 of the NPPF and in the Minerals PPG. The MPA is also going beyond both the guidance in the NPPF and policies M7a and M13 of the West Sussex JMLP, which require exceptional circumstances to be demonstrated. By stating that the need can be met elsewhere, the MPA is applying a blanket refusal in allowing any form of hydrocarbon production in the High Weald AONB. As long as there continues to be oil production either from the North Sea or from overseas which can be imported, the MPA is stating that oil development within the AONB will never be permitted.

8.22 The Appellant accepts that there are alternative sources of oil, both globally and nationally. However, national energy policy does not purport to establish a hierarchy of supply or state a preference for imports from overseas. In fact, the proposed development would support the security of supply, consistent with national energy

- policy. A policy of reliance on imports would be contradictory to national energy policy.
- 8.23 Secondly, the MPA has failed to give any proper consideration to an assessment of the cost of and scope for developing outside the designated area in respect of the Site for which planning permission is sought.
- 8.24 Paragraph 177 (b) of the NPPF states that “*consideration of applications should include an assessment of the cost of, and scope for, developing outside the protected area or meeting the need for it in some other way.*” The inference from the guidance is that the MPA will undertake such an assessment, rather than the applicant. The reason for refusal gives no indication how this assessment has been undertaken to come to the MPA’s decision. There is no explanation of what the alternative sources of hydrocarbon supply are to meet the national need.
- 8.25 The Appellant did consider alternative development locations outside of the AONB. However, as concluded in the planning officers report and the Planning Statement, the Balcombe wellsite represents the best environmental option. By using the existing Site, the Appellant can make use of existing, site-specific geological data, and utilise the borehole drilled in 2013. This is the ‘best option’ for establishing whether the reserves are viable to exploit when compared to the other option of identifying a new site and establishing an operational footprint. This approach is consistent and material as outlined in Minerals PPG, paragraph 120.
- 8.26 Thirdly, Angus Energy and its partners have invested approximately £5.2 million to date at the Balcombe wellsite, including construction, undertaking the drilling of the borehole, flow testing and technical analysis of the results. These results have confirmed the presence of oil in the Kimmeridge Micrite formation. Having invested considerable capital sums in the initial exploration and testing phases, the Appellant considers that there is a justifiable technical case to move to an EWT as part of the appraisal phase.
- 8.27 If the well was decommissioned (plugged and abandoned) and the Site restored now, the potential reserves in place would be unlikely to ever be recovered. A significant level of investment has already been made in the Site. The proposed EWT would be of modest duration and would establish whether viable commercial quantities of oil are in place.
- 8.28 The MPA has failed to give sufficient weight to the Energy White Paper: Powering our Net Zero Future (December 2020) (**Document 19**). It remains the latest and most up to date guidance in respect of the Government’s energy policy. The Appellant considers that it is an important material consideration along with the CCC forecast for hydrocarbons, as outlined in Section 7 of this SoC.
- 8.29 Chapter 6 (Oil and Gas) states “*The UK’s domestic oil and gas industry has a critical role in maintaining the country’s energy security and is a major contributor to our economy*” (**Document 19**).
- 8.30 The Government is clear – delivering our net zero target by 2050 means transforming the oil and gas sector in the UK. The onshore sector has been severely affected by COVID-19 and the Government has supported the oil and gas sector to bounce back. However, a return to ‘business as usual’ is no longer an option. Government support is in the context of delivering our net zero target. The sector is continuing to come

under significant pressure from investors and the public to reduce emissions and support the wider decarbonisation of the economy. The Appellant is committed towards the net zero energy transition and welcomes the challenge. The Appellants skills as drillers have prompted the start of exploration of geothermal power as our means of contributing to the nations efforts in transitioning away from carbon intensive energy production.

- 8.31 The Energy White Paper (2020) (**Document 19**) acknowledges that many oil and gas companies are responding to the challenge. Angus Energy is one of those. In order to invest in tomorrow's technology to source, develop and bring to market reliable and renewable energy, it is critical that Angus Energy seeks to maximise the reserves within their licence areas whilst minimising any environmental effects. The Government is continuing to push for a high level of ambition amongst oil and gas companies, transitioning their operations into emerging energy technologies. However, the transition to deep geothermal is a pioneering technology and it will demand considerable upfront investment. Without ongoing revenues from careful husbandry of existing oil and gas fields, the Appellant will not be able to pursue these projects.

**d) The Impact of Permitting the Development or Refusing it Upon the Local Economy**

- 8.32 A socio-economic report (**Document 05k**) was carried out by the Appellant to address Policy M13 I sub paragraph "(i) *the impact of permitting or refusing the development upon the local economy*".
- 8.33 The Appellant has estimated that £815,000 could be invested into the local economy with civil engineering contracts, accommodation, consultancy services, transport and logistics, security and welfare including waste management and fuel supply if the development were approved.
- 8.34 The socio-economic report (**Document 05k**) highlights several local considerations, including:
- a) facilitating economic growth in the area by enabling an existing business to expand and adapt;
  - b) supporting the development of a previously developed site which is safeguarded for oil and gas exploration,
  - c) appraisal and production within Local Planning Policy;
  - d) supporting a strong and diverse rural economy;
  - e) reducing the over-reliance on the London economy to provide employment opportunities for the C2C area and the Gatwick Diamond;
  - f) contributing to the resilience and flexibility of the local economy, ensuring it maintains its competitiveness;
  - g) allowing local people to gain access to work which provides a wage above the current average salary;
  - h) bridging the gap between lower wages and high house prices in the Mid Sussex, by providing opportunities for people to live and work in the District; and

- i) contributing to an economy which will continue to be significantly impacted by the COVID-19 pandemic.
- 8.35 The Appellant submits that, in assessing the national need, the recent Energy White Paper (2020) (**Document 19**) confirms the importance of domestic hydrocarbons into the future and the continued need case. The proposed development has the potential to inwardly invest and provide economic benefits to the local economy of which great weight should be applied.
- 8.36 For further detail regarding the local economic benefits of the proposed development, refer to the socio-economic report (**Document 05k, Section 6.0**) accompanying the application.

**e) Whether There are Likely to be any Detrimental Effects on the Environment, the Landscape and on Opportunities for Recreation**

- 8.37 The Appellant has submitted several technical documents with the planning application to show that there will be no unacceptable environmental effects arising from the proposed development, including a Noise Management Plan (**Document 05a**), Traffic Report (**Document 05b**), Air Quality Assessment (**Document 05c**), Hydrogeological Risk Assessment (**Document 05e**), Flood Risk Assessment (FRA) (**Document 05f**), Landscape and Visual Appraisal (LVA) (**Document 05g**), Preliminary Ecological Appraisal (PEA) (**Document 05h**), Bat Activity Report (**Document 05i**) and Habitat Regulations Assessment (HRA) (**Document 05j**). In its reason for refusal, the MPA has not referred to a particular environmental impact that could arise from the proposed development. Instead, the MPA has stated that the proposed development does not comply with Policies M7a and M13 and the JMLP and paragraphs 170 and 172 of the NPPF.
- 8.38 Policy M7a (iii) lists those impacts which any proposal for exploration and appraisal for oil and gas will need to be considered. These are noise, dust, visual intrusion, transport, lighting, natural, historic and built environment, local community, air quality and the water environment. These are considered in Section 9, below.

**f) Weight to be attached to the Planning Committee Report 2 March 2021**

- 8.39 In the March 2021 committee report, the Head of Planning Services states:
- “In summary, in relation to the assessment required under Policies M7(a) and M13(c), it is considered that there is a national need for the development and there would be a benefit to the local economy. Although there are alternative sources of local and national supply, the operator is constrained by the extent of the PEDL area. Furthermore, the cost of developing a new well outside the AONB, which may not be successful, weighs in favour of the continued use of the existing well site. Although there are some adverse impacts, these could be satisfactorily mitigated through planning conditions. Taking all these factors into account, the overall assessment is that there are exceptional circumstances, and the development is in the public interest.”* (**Document 13, Section 9.30, page 39**).
- 8.40 Paragraph 10.9, (**Document 13**), states that, on balance, in light of the socio-economic report (**Document 05k**), the shorter duration of the proposed operations compared to the earlier application and changes in national energy policy, the revised

application accords with policies in the development plan, in particular, policies M7 and M13 of the JMLP.

- 8.41 The officer's recommendation was clear and unequivocal. It was based upon a thorough examination of the proposed development and its effects in the light of relevant policy and the available evidence. The advice from statutory consultees, notably the EA, the Highways Authority, Natural England and the High Weald AONB Officer, was that the application and the supporting material had either addressed any concerns identified in the previous application of 2018, or could be addressed by planning conditions to secure the necessary protective and mitigation measures.
- 8.42 However, the Planning Committee refused the application on the grounds of:
- "[T]he proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there are no exceptional circumstances, and which is not in the public interest."* (**Document 01**).
- 8.43 The Planning Committee report states:
- "There are alternative sources of hydrocarbon supply, both indigenous and imported, to meet the national need, there would be minimal benefit to the local economy from the development, and there is scope for meeting the need in some other way, outside of nationally designated landscapes."* (**Document 01**).
- 8.44 The reason for refusal was generalised and not supported by any objective analysis. Local Planning Authorities (LPAs) should properly exercise their development management responsibilities. The Council has relied on a single reason for refusal which does not stand up to scrutiny.
- 8.45 The reason for refusal regarding the need for the development (Policy M13 C (i)) is not supported by the planning officer's report and the assessment of the exceptional circumstances and public interest outlined in the Appellant's Planning Statement (**Document 04, Section 8**). The Appellant disagrees that the Application is contrary to JMLP policies M7a and M13.
- 8.46 The need for the development is quite clear with the UK a net importer of hydrocarbons since 2004. Furthermore, the Planning Statement outlines recent decisions, where planning permission was granted for several oil and gas developments in sensitive locations, including AONBs (**Document 04, Section 8.3**). It should also be noted that in 2018 planning permission was granted by the Planning Committee for the temporary testing of the well. This decision is highlighted in the Planning Statement (**Document 04, Section 7.6**).
- 8.47 Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.
- 8.48 The reasons for refusal relating to paragraphs 170 and 172 of the NPPF (2019) are not supported by the planning officer's report or the assessment in the Planning Statement.
- 8.49 As previously stated, the reason for refusal was not on the grounds of landscape or visual impact. Paragraph 170 of the NPPF states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the*

*Broads and Areas of Outstanding Natural Beauty.*” The Appellant submits that the restoration and aftercare of the Site to a high-quality standard would take place in accordance with Policy M24 and paragraph 170 providing a source of local landscape enhancement (**Document 04, Section 8.3**).



## 9 CONSULTATION RESPONSES AND REPRESENTATIONS

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- 9.1 Consultation responses were received from the following statutory consultees:
- a) The High Weald AONB Unit/ High Weald Joint Advisory Committee (JAC) (Comments – No Objection);
  - b) Balcombe Parish Council (**Objection**);
  - c) Sussex Police (Crime Prevention) (Comments – No Objection);
  - d) Southern Water (Comments – No Objection);
  - e) WSCC Highways (Comments – No Objection);
  - f) Network Rail (Comments – No Objection);
  - g) Natural England (Comments – No Objection);
  - h) Mid Sussex District Council (Comments – No Objection);
  - i) The Environment Agency (Comments – No Objection);
  - j) WSCC Ecology (Comments – No Objection); and
  - k) WSCC Drainage (Comments – No Objection).
- 9.2 Balcombe Parish Council were the only statutory consultee to object to the proposed development, raising concerns relating to:
- a) The cost-effectiveness of the development;
  - b) The lack of need for the development;
  - c) The lack of economic benefits;
  - d) The duration of the development;
  - e) The use of acidisation;
  - f) Site security/ the risk of protests and the associated costs;
  - g) The potential for impacts on the landscape, traffic and transport (including highway safety), amenity and public health, the water environment, air quality and nature conservation/ ecology;
  - h) Safety and emergency procedures;
  - i) The lack of community engagement;
  - j) The development not being in the public interest; and
  - k) The development being contrary to Policies M7a, M7b, M13 and M17 and Objective 13 of the West Sussex JMLP (2018) and paragraphs 170 and 172 of the NPPF (2019).
- 9.3 The High Weald AONB Unit/ High Weald JAC also highlights that it is “*not clear from the application material submitted how the proposal complies with the above policies (NPPF paragraph 172 and West Sussex JMLP Policies M7a and M13) and what exceptional circumstances justify this major hydrocarbon development in the High Weald AONB.*”

- 9.4 Additionally, a total of 839 representations were made in relation to the proposed development, four of which were representations were made in support of the proposed development. A summary of the issues raised in the 835 objections is provided in Table 9.1, below. A log of all of the representations is included at **Appendix A**.

**Table 9.1:** Summary of Representations

<b>Topic/ Area of Concern</b>	<b>No. of Representations Which Raise the Issue/ Area of Concern</b>
Water Pollution/ Water Management/ Hydrology/ Hydrogeology	431
Traffic and Transport/ Road Safety/ HGV Movements	359
Climate Change/ Sustainability	327
Impacts upon Human Health/ Health and Safety	330
Air Quality/ Air Pollution and Dust	325
Impacts upon the AONB	320
Not Appropriate for the Area	207
The Development Not Being in the Public Interest	155
Fracking	123
Broadly, Adverse Environmental Effects (if Specifics Not Mentioned)	115
Impacts upon Ecology/ Wildlife/ Biodiversity/ Habitats	106
Impacts Relating to Seismicity and/or Ground Stability	85
Noise and Vibration	83
Conflict with National Policy/ Targets e.g. the NPPF	63
No Need for the Proposed Development	63
Setting a Precedent for Future Works/ Industrialisation on the Site and in the Wider Area	50
Impacts on Wellbeing/ Overall Quality of Life of Local Residents	45
Conflict with Local Policy/ Targets	37
Emergency Procedure/ Risk of Accidents e.g. Spillages	33
Economic Viability/ Financial Security of Angus Energy/ Future of the Oil and Gas Industry	32
Timescale of the Proposed Development/ the Proposed Development Not Being 'Temporary'	32
Lighting Effects	16
Waste Generation and Management	15
Landscape and Visual Effects	15
Restoration and Aftercare	11
Odour	9
Harm to Local Economy/ Amenity e.g. Impacts upon Housing Prices	7
Impacts upon Peace and Tranquillity	6
Harm to Enjoyment of the Area	6
Proximity to the London to Brighton Railway Line	5
Lack of Public Consultation/ Engagement	2
Impact on Soils	2
Land Use (Inappropriate or Other Land Uses Preferred)	2
Impact on the Historic Environment/ Assets	1
Site Security/ Protestors	1
Timing of the Application (Covid-19/ lockdown)	1

- 9.5 The areas of concern most frequently highlighted were water pollution/ water management/ hydrology/ hydrogeology (particularly, concern regarding the possibility of groundwater pollution, and the perceived risk to Ardingly Reservoir), traffic and

transport (in particular the number of Heavy Goods Vehicles (HGVs) travelling past Balcombe Primary School), and climate change/ sustainability. Impacts upon human health/ health and safety concerns (for example relating to road safety, or relating to air quality), air quality/ dust and impacts upon the AONB followed closely behind.

- 9.6 Each of the topics/ concerns brought up by statutory consultees and members of the public is addressed in the sections below. The following sections should be read in conjunction with the Planning Statement (**Document 04**) and the technical assessments accompanying the application (**Documents 05a-I**).

### Environmental Effects

#### *Water Pollution/ Water Management/ Hydrology/ Hydrogeology*

- 9.7 A Hydrogeological Risk Assessment (**Document 05e**) and a Flood Risk Assessment (FRA) (**Document 05f**) were submitted alongside the application.
- 9.8 The FRA concluded that given the location of the Site within Flood Zone 1 and the absence of significant external overland flow routes through the Site, no further mitigation measures to control runoff from outside the Site are required. No significant effects relating to flood risk are predicted.
- 9.9 The Hydrogeological Risk Assessment concluded that there is a very low likelihood of groundwater impact from the development, and that this will be monitored and managed, with the full engagement of the EA during all phases. Effects upon Ardingly Reservoir were scoped out of the hydrogeological risk assessment, as the Site is not hydraulically linked to it, and is separated from it by significantly higher ground which forms the watershed. The watercourses surrounding the Site are monitored in compliance with EA permits.
- 9.10 The main risks to groundwater are as a result of the 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 EA and the Health and Safety Executive (HSE). Neither consultee has raised concerns about the proposal.
- 9.11 The EA has reviewed the Hydrogeological Risk Assessment and has raised no objection to the proposed development as submitted, stating that it is satisfied with the fundamental findings and recommendations of the report.
- 9.12 For further detail, refer to the Hydrogeological Risk Assessment (**Document 05e**) and a FRA (**Document 05f**) accompanying the application, or the Planning Statement (**Document 04, Section 8.10**) which summarises them.

#### *Traffic and Transport/ Road Safety/ HGV Movements*

- 9.13 No changes are proposed to the existing Site access, which was subject to a Site Safety Audit as part of previous planning applications, or to the route to Site from the M23 motorway.
- 9.14 A Technical Note was prepared to accompany the application, assessing the potential traffic and transport effects of the proposed development. The assessment states that in all stages of work, HGV movements are the same as or less than previously

consented and therefore it is considered that the existing site access and route could accommodate the proposed development without any further improvements. It is also expected that the level of traffic generated by the proposed development would be likely to have a negligible impact on the local highway network.

- 9.15 In terms of light vehicles, it is estimated that up to 22 car/van movements may be generated by the activities at the peak with a typical value of 16 movements during site mobilisation and just 8 movements during the Extended Well Testing stage. Given the distribution of these movements to north and south directions from the site access, it is likely to result in a negligible effect on the local highway network.
- 9.16 The assessment concludes that the local highway network has sufficient capacity to accommodate the level of temporary traffic during the operational period, and that the proposed mitigation measures, comprising good practice preparation of a Traffic Management Plan (TMP), should be sufficient to overcome any concerns raised over increased HGV and non-HGV movements generated during the proposed operations. No significant adverse effects are expected.
- 9.17 Furthermore, in their consultation response, WSCC Highways raise no objection to the proposed development, highlighting that the proposed access, routeing and trip generation is largely the same as accepted and approved under permission ref. WSCC/040/17/BA.
- 9.18 WSCC Highways acknowledge the local concern regarding routing through Balcombe and recommend that an updated Traffic/Construction Management Plan is secured via condition in order to restrict the timings of HGV movements (for example, outside of school drop off and pick up times). In line with this, the Traffic Management Plan prepared for the Site outlines measures to ensure that HGVs avoid travelling past Balcombe Church of England Primary School (a) 30 minutes before and 15 minutes after the start of the school day; and (b) 15 minutes before and 30 minutes after the end of the school day on any school day.
- 9.19 For further detail, refer to the Traffic and Transport Technical Note (**Document 05b**) accompanying the application, or the Planning Statement (**Document 04, Section 8.6**) which summarises it.

#### *Climate Change/ Sustainability*

- 9.20 Decision making of applications for appraisal and production should only consider the potential impacts greenhouse gases, rather than any consequential impacts arising from the ultimate use of the oil and gas that potentially could be extracted. This was confirmed in the High Court in December 2020 following the handing down of the judgment in R (Sarah Finch) vs Surrey CC (2020 EWHC 3566) (**Document 29**). The impact of the Proposed Development upon climate change should be considered in respect of both the local setting and the wider national impact.
- 9.21 With regard to the local setting, the FRA (**Document 5f**) accompanying the application takes account of the impact of climate change in respect of increased rainfall and the potential for increased flooding events. It does not predict any significant adverse effects relating to the flood risk; the existing surface and water quality control features ensure that any effects on flood risk, hydrology and drainage are considered to be minor to negligible. The impermeable membrane to be installed

will be designed to accommodate a 1 in 100 year rainfall event, plus a 30% allowance for an increase in rainfall resulting from climate change.

- 9.22 With regard to the national setting, the CCC's 'Net Zero Report: the UK's Contribution to Stopping Global Warming' (2019) (**Document 25**) recommended a new emissions target for the UK of net-zero greenhouse gases by 2050. Even with Net Zero 2050, the CCC has forecast that the UK will still require 140 TWh of oil per annum – equivalent to 82 million barrels of oil equivalent in 2050. Of this total, the UK is expected to be dependent on just 10% from overseas, with the vast majority produced within the UKCS and onshore. The Net Zero Report (2019) (**Document 25**) continues to endorse current Government policy that the UK needs a secure long-term supply of oil to meet our net zero targets.
- 9.23 Further information regarding climate change, Net Zero and efforts by the Appellant to respond to the challenge of reducing emissions and decarbonising, is provided in Section 7 (Planning Policy and Material Considerations) and Section 8 (The Appellant's Case), above.

#### *Air Quality/ Air Pollution and Dust*

- 9.24 An Air Quality Assessment (**Document 05c**) was submitted with the application, which found that:
- a) Based upon 2017 Environmental Protection UK/ Institute of Air Quality Management (EPUKIAQM) guidance, the impact of operational phase traffic upon local air quality is considered to be negligible;
  - b) The main potential air quality impact once the proposed development is operational is considered to be emissions from the two flares and two generator engines. Although only two emission sources (one flare and one generator) would be operational at any one time, a combination of operational scenarios (with two flares and two generators) were assessed, for a conservative, worst-case scenario assessment. A realistic scenario where one flare and one generator would be in operation was also assessed and presented in the report.
  - c) The proposed development would have a negligible impact on local air quality in terms of all pollutants assessed. The proposed development was also assessed as having a minimal impact at nearby sites designated for their ecological importance, with regards to nitrogen and acid deposition, and ambient annual mean NO<sub>x</sub> concentrations when the flow testing and flaring operational period is taken into account.
- 9.25 As such, no significant effects relating to air quality are predicted, upon either human or ecological receptors. For further detail, refer to the Air Quality Assessment (**Document 05c**) accompanying the application or the Planning Statement (**Document 04, Section 8.7**) which summarises it.

#### *Not Appropriate Development for the AONB*

- 9.26 The Appellant considers that there are exceptional circumstances to justify the development in the AONB. This is addressed at Section 8 (The Appellant's Case), above.

*Impacts upon Ecology/ Wildlife/ Biodiversity/ Habitats*

- 9.27 A PEA, (**Document 05h**), Bat Activity Report (**Document 05i**) and HRA (**Document 05j**) were submitted alongside the application.
- 9.28 The PEA and bat activity report suggest that the potential impact of the proposed development upon habitats and species would be minimal, subject to the implementation of the controls and mitigation measures outlined in the two documents, such as the lighting strategy and bat monitoring scheme.
- 9.29 There is one statutory designated site of nature conservation importance within 10km of the Site – Ashdown Forest Special Area of Conservation (SAC)/ Special Protection Area (SPA)/ Natura 2000 site. The HRA assessed potential affects upon it. The HRA concluded that there are no habitats present within or close to the works footprint which could support qualifying features of the SAC/ SPA. As none of the habitats or species listed as primary qualifying features will be affected by the proposed development and general construction measures have been, and will continue to be, implemented to prevent pollution and general ecological impacts, it was concluded that the proposed development will not results in any likely significant effects on Ashdown Forest SAC/SPA.
- 9.30 Natural England confirm in their consultation response to the application that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. WSCC Ecology also confirm that they have no objection to the proposed works, subject to the imposition of suitably worded conditions relating to the implementation of a lighting strategy and a bat monitoring scheme (should the development occur between April and October).
- 9.31 For further detail, refer to the PEA (**Document 05h**), Bat Activity Report (**Document 05i**) and HRA (**Document 05j**) accompanying the application, or the Planning Statement (**Document 04, Section 8.5**) which summarises them.

*Impacts Relating to Seismicity and/or Ground Stability*

- 9.32 The operation does not involve hydraulic fracturing or any extraction technique which could impact ground stability or result in seismicity.

*Noise and Vibration Effects*

- 9.33 A Noise Assessment and Management Plan (**Document 05a**) was submitted with the application, which concluded that (based on worst case assumptions), no significant noise effects are predicted as a result of the proposed development.
- 9.34 Due to the minor (not significant) predicted exceedance in noise levels at Kemps Farm (R1) during the night-time period, a continuous noise monitoring regime may not be required at the boundary of the residence. However, if complaints are received at this receptor during any night time operation, then continuous noise monitoring should be undertaken.
- 9.35 In the event that exceedances are identified, and complaints are raised, appropriate mitigation measures will be installed to reduce noise levels to within the specified limit. Where safe and practical works will be stopped immediately following a verified complaint and exceedance and will not be commenced until adequate noise control

measures are developed and installed. Furthermore, noise measurements will be undertaken once additional mitigation is in place, in order to check the effectiveness of those mitigation measures and the compliance with the noise limit.

- 9.36 For further detail, refer to the Noise Assessment (**Document 05a**) accompanying the application, or the Planning Statement (**Document 04, Section 8.4**) which summarises it.

#### *Lighting Effects*

- 9.37 During the flow testing operations, the Site will be operational over 24 hours and may require some minor night time lighting of the working areas; however, minimal human activity is expected during this time so lighting requirements are likely to be very temporary and brief.
- 9.38 To minimise the potential lighting effects (and impacts on bats) during these periods of 24 hour working all, operational areas of the drilling platform will be lit with task-based lighting towers, which will be inward facing to avoid light spill to areas outside of the works footprint, therefore minimising the potential for negative impacts to bats. Lighting cowls would be utilised to further reduce light spillage to areas outside of the works footprint.
- 9.39 It is anticipated that during phases 2 and 4 no or very minor night-time lighting will be required during the bat active season, as Angus Energy plan to work between the hours of 07:00 and 19:00.
- 9.40 WSCC Ecology requested a condition be attached for the preparation and submission of a lighting strategy. Development shall not begin until the lighting strategy, assessed by a suitably-qualified ecologist, has been submitted to and approved in writing by the MPA. This is acceptable to the Appellant.

#### *Landscape and Visual Effects and Impacts upon the AONB*

- 9.41 A LVA (**Document 05g**) was submitted alongside the application, to assess the potential landscape and visual effects of the proposed development.
- 9.42 The consideration of landscape effects focused on the effects experienced on the High Weald AONB and the local landscape character area High Weald LCA with ancient woodland. The landscape sensitivity is considered medium as a result of combining the high landscape value of the High Weald AONB and LCA with the low susceptibility to change due to the proposed development utilising an existing drill rig pad. The proposed development would affect a very small geographical area that is well contained, due to the surrounding woodland cover and there would be no loss of existing vegetation or landscape features of interest.
- 9.43 The LVA concluded that with regard to landscape effects, the direct effect on the landscape character and AONB would be locally minor adverse (not significant), reducing within the wider area, beyond 0.5km, to negligible. Landscape effects experienced as a result of the proposed development would therefore not be prominent.
- 9.44 The consideration of visual effects focused on the effects experienced at four representative viewpoints within a 1 km study area. The low number of receptors is

a result of the wooded and enclosed nature of the location, with all viewpoints less than 0.5km from the Site boundary. The Site is well screened by existing, intervening woodland and hedgerow vegetation. For the majority of the works, the flare is likely to be the only tall vertical element of the proposed development that would be visible.

- 9.45 Effects upon one local receptor on London Road (Viewpoint 1) were assessed as minor adverse (not significant), with all other effects (at viewpoints 2, 3 and 4) assessed as negligible for the majority of the works, rising to minor adverse should the coil tubing unit (CTU) and mobile crane be deployed. It is therefore considered that overall visual effects experienced as a result of the proposed development would not be prominent (no significant effects).
- 9.46 Therefore, no significant landscape or visual effects are predicted as a result of the proposed development, including those upon the AONB. For further detail, refer to the LVA (**Document 05g**) accompanying the application, or the Planning Statement (**Document 04, Section 8.9**) which summarises it.

#### *Odour*

- 9.47 As stated in the Air Quality Assessment accompanying the application (**Document 05c**), the borehole is already located at the application Site and there will be no significant construction works. Odour and dust associated with this type of development are typically minimal and given that the closest residential receptor is over 300m away from the Site, emissions are considered to be insignificant. As such, assessment of odour (and dust) were scoped out of the Air Quality Assessment and no effects relating to odour are anticipated.

#### *Impact on Soils*

- 9.48 As stated in the Hydrogeological Risk Assessment (**Document 05e**) accompanying the application, shallow soils are classified by the EA as having a low sensitivity to surface contamination.
- 9.49 The presence of an impermeable membrane and perimeter bund beneath the area of the active well site and the implementation of liquid management plans on site will also significantly reduce the likelihood of impacting shallow soils. The integrity of the impermeable membrane is to be checked following construction through implementation of a quality assurance process and so any impact of shallow soils is likely to be extremely limited in aerial and vertical extent and easily characterised and managed during the Site decommissioning.
- 9.50 Other mitigation measures, such as the proposed basal liner and perimeter bund, are designed to significantly reduce the potential impact on site soils (as well as underlying groundwater resources). Hazardous substances will be stored, used and produced on site and the proposed mitigation is designed to prevent these chemicals from entering the ground.
- 9.51 Additionally, soil samples were taken at the Site prior to any development works taking place. The purpose of this baseline sampling was to determine the soil quality prior to the proposed works. Upon completion of all site works, including decommissioning and the removal of the basal protector layer, additional soil samples will be collected to confirm the nature of the soil quality. The results from the chemical analysis will be assessed against current standards that are appropriate



to the proposed end use of the Site and the results will be provided to the EA as soon as practicable after the assessment. The following analysis is envisaged, and it will be presented to the EA for approval before the sampling commences: metals, pH, total petroleum hydrocarbons.

- 9.52 As such, no significant effects upon soils are predicted.

*Impact on the Historic Environment/ Assets*

- 9.53 As stated above, there are nine listed buildings within 1km of the Site, the closest of which are Grade II Kemp's Farmhouse and Grade II\* Kemp's House, located approximately 330m north of the Site. There is one Scheduled Monument within 5km of the Site, that being Philpots Camp, located approximately 4.7km to the northeast of the Site. There are five registered parks and gardens within 5km of the Site, the closest of which is Grade II\* Borde Hill, located approximately 2km south of the Site. There are no World Heritage Sites or registered battlefields within 5km of the Site. No adverse effects are anticipated upon any of these cultural heritage assets or their settings, by virtue of their remoteness from the proposed development and the existing intervening vegetation in place – refer to '*Landscape and Visual Effects and Impacts upon the AONB*', above, or the LVA submitted with the application (**Document 05g**), for further detail regarding the potential landscape visual effects of the proposed development.
- 9.54 Balcombe Conservation Area, designated in 1984, is located approximately 680m northeast of the Site. No significant effects are predicted upon the Conservation Area, again by virtue of its remoteness from the Site and the presence of the intervening woodland.

Impacts upon Human Health/ Health and Safety, and Impacts on Wellbeing/ Overall Quality of Life of Local Residents

*Site Operations*

- 9.55 With regard to health and safety on-site, Angus Energy shall ensure that the facilities required for the programme of work are sufficient and suitable, adequately ventilated and lit and kept in a clean and orderly condition. Angus Energy shall fully comply with the legal obligations as outlined under the Workplace (Health, Safety and Welfare) Regulation 1992 and associated primary and secondary legislation.

*Road Safety Related Human Health Effects*

- 9.56 With regard to road safety, the Committee Report (dated 24<sup>th</sup> March 2020) for the previous application, permission ref. WSCC/071/19, concluded that, "*the increase in HGV traffic would not be significant in highways terms, and would not result in an unacceptable impact on highway safety, or a severe impact on the road network. WSCC Highways Officers raise no objection to the proposal, concluding that the increase in vehicle movements is not sufficient to materially impact on the operation of the highway network in safety or capacity terms, subject to the imposition of a condition requiring the submission and approval of a Traffic Management Plan.*"
- 9.57 Notwithstanding this, for the present application, an updated Technical Note assessing traffic and transport impacts was prepared (**Document 05b**), which

reviews the impacts of the new phases and concludes a consistent response to the Committee Report.

9.58 Although there is no discernible effect on the traffic flow as a result of the proposed operations, a TMP has been developed (Appendix 1 to the Technical Note (**Document 05b**)), which includes information regarding mitigation measures, such as traffic management schemes (e.g. restrictions on timings, associated signage etc.) and measures to ensure that HGVs avoid travelling past Balcombe Church of England Primary School (a) 30 minutes before and 15 minutes after the start of the school day; and (b) 15 minutes before and 30 minutes after the end of the school day on any school day. For further detail, refer to the Traffic and Transport Technical Note and TMP accompanying the application.

9.59 The assessment concludes that:

- a) the proposed operations will have a negligible effect on the local road network and no greater than that previously approved for flow testing operations;
- b) the local highway network has sufficient capacity to accommodate the level of temporary traffic during the operational period; and
- c) the proposed mitigation measures, comprising good practice preparation of a TMP, should be sufficient to overcome any concerns raised over increased HGV and non-HGV movements generated during the proposed operations.

9.60 As such, it is not considered that the proposed development will incur significant human health effects with respect to road safety.

#### *Air Quality Related Human Health Effects*

9.61 With regard to the risk of human health implications which may arise from air pollution, the Air Quality Assessment (**Document 05c**) submitted with the application concluded that no significant effects relating to air quality are predicted, upon either human or ecological receptors. The Air Quality Assessment included assessment of both emissions from traffic/ HGVs, and emissions from on-site equipment, including the flares and generators. The assessment presented both a worst-case scenario (with both flares and both generators running at the same time) and a more realistic scenario (with just one flare and one generator running at any one time, which is likely to be the case). No significant effects were predicted under either scenario, with negligible impacts on local air quality in terms of all pollutants assessed. Therefore, no health effects are expected relating to air quality.

#### *Water Related Human Health Effects*

9.62 With regard to the risk of human health implications which may arise from water pollution, the Hydrogeological Risk Assessment (**Document 05e**) submitted with the application concluded that there is a very low likelihood of groundwater impact from the development, and that this will be monitored and managed, with the full engagement of the EA during all phases. As stated above, no adverse effects upon Ardingly Reservoir are anticipated; it is not hydraulically linked to the Site. Therefore, no health effects are expected relating to the pollution of surface water or groundwater resources.

*Impacts upon Wellbeing/ Overall Quality of Life/ Stress*

- 9.63 Perceived impacts upon wellbeing, quality of life and stress can only be a material planning consideration where there is a real and actual risk of an event occurring. None of the regulators, notably the EA and HSE have raised such a risk. MPAs and decision-makers can rely upon the advice of the regulators in determining planning applications. Therefore, the Appellant considers that this is not a material consideration in the determination of this appeal.

The Development Not Being in the Public Interest

- 9.64 The Appellant considers that the development is in the public interest. This is addressed at Section 8 (The Appellant's Case), above.

No Need for the Proposed Development/ Concern Regarding the Future of the Oil and Gas Industry

- 9.65 This is addressed at Section 8 (The Appellant's Case), above, and Section 5 (Need for Development) of the submitted Planning Statement (**Document 04**).

Fracking

- 9.66 All operations at Balcombe will be undertaken using conventional methods of oil extraction. The acidisation of wells, which is regulated by the EA, involves the delivery of acid wash below the formation fracture gradient; hence, there will be no hydraulic fracturing or "fracking". Acidisation is used in the water well industry to clean up wells before the production of water, or in this case hydrocarbons.

Conflict with Local and National Policy/ Targets

- 9.67 Balcombe Parish Council, the High Weald JAC, and a number of public representations (see Table 9.1, above) raise the concern that the proposed development does not comply with local or national planning policy (specifically NPPF paragraphs 170 and 172 and West Sussex JMLP policies M7a and M13) or targets such as Net Zero by 2050.
- 9.68 Compliance with the NPPF and West Sussex JMLP policies is addressed at Section 8 (The Appellant's Case), above.
- 9.69 With regard to the target of Net Zero by 2050 – refer to Section 7 (Planning Policy and Material Considerations) and Section 8 (The Appellant's Case), above.

Setting a Precedent for Future Works/ Industrialisation on the Site and in the Wider Area

- 9.70 The potential for future planning applications relating to the Site or in the wider area, by the applicant or otherwise, is not a material consideration and as such is not considered further.

Emergency Procedure/ Risk of Accidents e.g. Spillages, Fires

- 9.71 The Appellant operates an integrated health, safety and environmental management system which will be in place throughout the operational activity. Implementation is achieved through documentation, competency of staff and contractors, using best available techniques and an active programme of monitoring and review.
- 9.72 Operators are required by the Borehole Sites and Operations Regulations (BSOR) (1995) to risk assess and document mitigation measures, including the risks from a fire and spillages a part of the site safety document. The HSE are the lead authority of the BSOR (1995). Operators are required to notify the HSE 21 days in advance of operations.
- 9.73 Should any emergency occur, the well would be instantly shut in at the wellhead. The adoption of normal emergency procedures applicable to oilfield operations ensure compliance with the UK onshore environmental and safety control regime. Site specific emergency response procedures are in place and communicated to the emergency services prior to the commencement of any work.

Financial Viability of the Proposal/ Financial Security of Angus Energy

- 9.74 This is not a planning matter and as such is not considered further.

Timescale of the Proposed Development/ the Proposed Development Not Being Temporary

- 9.75 The development is temporary in nature – the total duration of the project will last up to 30 months; however, surface operations during this period will be confined to a much shorter duration of approximately 18 months. The additional 12 months is to source available equipment and personnel to bring to the Site, as well as allow for contingencies such as inclement weather.
- 9.76 This application is not for production. If the EWT confirms that there are hydrocarbon reserves which could be commercially extracted, a separate planning application will be prepared for a future production phase.

Waste Generation and Management

- 9.77 Waste generation and management measures employed on-site are outlined in the Planning Statement (**Document 04, Section 4.6**), and are summarised below.

*Liquid Waste – Brine and Oil*

- 9.78 During Phase 1 of the proposed development, the main fluid produced will be brine and this will be stored in the on-site tanks. During Phase 3, the main fluid produced would be oil which would also be stored in the on-site tanks. During all operations, tanks will be emptied by an approved waste removal company and trucked to a similarly approved facility. At the end of the operation the tanks will then be professionally cleaned and returned to the contractor. The very same pressurised tank that was used during the initial Autumn 2018 well test will also be installed for vapour recovery in compliance with our obligations as outlined in the wellsite EPR permit under The Environmental Permitting (England & Wales) Regulations 2016.

### *Domestic Waste*

- 9.79 The domestic sewage waste from toilets, sinks, basins, washing machine, tumble dryer and shower unit shall be stored in self-contained tanks and these shall be emptied and disposed of using a registered and approved waste contractor. The vacuum tanker shall be called upon on an as-and-when required basis to ensure the portaloos and welfare cabins are kept in good working order for the requirement of the project. The waste contractor's operational team are fully trained professionals, who conform to industry codes of best practice.
- 9.80 The waste contractor shall transport and dispose the waste to a licensed sewage treatment facility. Every transfer of waste between Angus Energy and the waste contractor shall be covered by a Waste Transfer Note (WTN) as specified under the Waste (England and Wales) Regulations 2001 and subsequent amendments in 2012 and 2014. Angus Energy shall make these WTN available to any internal or external interested party and these records shall be kept and maintained by Angus Energy for at least two years.
- 9.81 As such, it is not considered that adverse effects relating to waste management or disposal are likely to occur.

### Restoration and Aftercare

- 9.82 The Site restoration plan incorporates landscape enhancement (deciduous woodland planting) sympathetic to the AONB and its objectives. It is estimated that plugging and abandonment and Site restoration will take approximately 1- 2 months to complete, with an ongoing aftercare scheme. For further information, refer to submitted Planning Statement (**Document 04, Section 4.5**), LVA (**Document 05g**) and Restoration Planting Plan (**Document 06e**) accompanying the application.
- 9.83 A financial guarantee to cover restoration and aftercare costs is only justified in exceptional cases such as where a novel approach or technique is applied. An EWT is standard practice in onshore oil and gas extraction and does not justify the need for any form of financial bond or guarantee.

### Harm to Local Economy/ Amenity e.g. Impacts upon Housing Prices

- 9.84 The proposed development will not harm the local economy; rather, it will incur significant economic benefits. The Appellant has estimated that £815,000 could be invested into the local economy with civil engineering contracts, accommodation, consultancy services, transport and logistics, security and welfare including waste management and fuel supply if the development were approved, as well as incurring other indirect economic benefits. This is addressed in further detail at Section 8 (The Appellant's Case), above, and the socio-economic report accompanying the application (**Document 05k**).
- 9.85 With regard to the potential for impacts upon local amenity/ housing prices – this is not a material consideration and as such is not considered further.

### Impacts upon Peace and Tranquillity and Harm to Enjoyment of the Area

- 9.86 Peace and tranquillity are not quantifiable, not least because the subjective impression of tranquillity does not relate directly to the absolute sound level.

Birdsong, leaves rustling and other sounds produced by a light breeze all contribute positively to the feeling of tranquillity even though the sound level is thereby increased from a subjective silence.

- 9.87 Notwithstanding this, as stated above and in the Noise Assessment (**Document 05a**) and Planning Statement (**Document 04, Section 8.4**) which accompany the application, no significant noise effects are expected as a result of the proposed development. Similarly, no significant adverse effects are predicted relating to odour (which was scoped out of the Air Quality Assessment (**Document 05c**)) or the landscape and visual environment (as per the LVA submitted with the application (**Document 05g**)).
- 9.88 It is therefore not anticipated that the proposed development would adversely affect the peace or tranquillity of the area surrounding the Site, nor the enjoyment of the area as a result.

#### Proximity to the London to Brighton Railway Line

- 9.89 Network Rail were consulted on the application and have confirmed that they have no objection to the proposed development, asking only that the applicant makes Network Rail's Asset Protection team aware of the operations by contacting them prior to starting works, in case there is any interface with railway operations.

#### Lack of Public Consultation/ Engagement

- 9.90 Angus Energy engaged with the Community Liaison Group (CLG) via a written letter to update members regarding the withdrawal of application WSCC/071/19, and submission of a new application which considers the reasons for recommending refusal, as per Committee Report WSCC/071/19, 24<sup>th</sup> March 2020.
- 9.91 The letter provided an outline of the proposed development and a link to view the application via West Sussex County Council's website (see Appendix 2 of the Planning Statement (**Document 04**) to view a copy of the CLG letter). Angus Energy has continued to engage in dialogue with the CLG during the application process and will continue to do so in a transparent and open manner.
- 9.92 Given the situation with Covid-19 at the time of the application, in line with the government's advice on social distancing, an in-person CLG meeting was not possible. However, in its place, an online CLG meeting was held on 7<sup>th</sup> October 2020, which took the form of a presentation on the application to highlight differences, as well as a pre-submitted Q&A section.
- 9.93 Angus continues to maintain a Balcombe Residents Frequently Asked Questions site on its own corporate website and maintains a dedicated email account for questions by residents.

#### Land Use (Inappropriate or Other Land Uses Preferred)

- 9.94 The Site is an existing wellsite, comprising an area of hard-standing (previously used as a drilling platform) with an associated access road. The Site is surrounded by woodland on all sides. It is considered that the continued utilisation of the wellsite is an appropriate land use; wellsite operations are well established, with the planning history of the Site dating back to 1986, with oil and gas exploration drilled and tested

by multiple operators. It is not considered that alternative land uses would be more appropriate.

Site Security/ Protestors

- 9.95 To prevent unauthorised access to the Site, two-metre high security fencing currently surrounds it on all sides.
- 9.96 Activities at the Site have historically been the subject of protests and in the event of protestors being present, liaison will be undertaken with the West Sussex Police to ensure the safety of pedestrians in the vicinity of the Site. Any protestor activity will be monitored by specialist personnel and at all times liaison will be maintained by the security personnel with the West Sussex Police.

Timing of the Application (Covid-19/ Lockdown)

- 9.97 As stated above, given the situation with Covid-19 at the time of the application, in line with the government's advice on social distancing, an in-person CLG meeting was not possible. However, in its place, an online CLG meeting was held, which took the form of a presentation on the application to highlight differences, as well as a pre-submitted Q&A section.
- 9.98 As such, it is not considered that the timing of the application prejudiced the ability of residents to make representations.

## 10 PLANNING BALANCE AND CONCLUSIONS

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- 10.1 Section 9.0 of the Planning Statement (**Document 04**) summarises the planning balance for the proposed development (including exceptional circumstances and the need for the development, which are also addressed in Sections 2, 5 and 8 of the Planning Statement). The principal conclusion of the assessment relating to these policies is as follows:

*“On balance, it can be concluded that the proposed temporary development is acceptable when it is considered against the development plan and any relevant material considerations.”*

- 10.2 The Appellant agrees with the Head of Planning Services report (**Document 13**) which concluded that, on balance, there are exceptional circumstances, and that it is in the public interest for the application to be permitted, following an assessment of accordance with Policies M7a and M13 of the JMLP. The officer’s report states:

*“On balance, in light of the above assessment and taking account of the changes to the proposed development (in particular the shorter duration of the operations proposed compared with the previous application), the additional information submitted by the applicant, and changes to national energy policy, the revised application is considered to accord with the policies in the development plan (in particular, Policies M7 and M13 of the JMLP) and, therefore, it is acceptable.”*

- 10.3 The Appellant submits that there is therefore no reasonable planning basis for refusal. This is consistent with the planning officer’s recommendation in his report (**Document 13**).

- 10.4 In summary:

- a) the principle of the development of testing the well for a temporary period has been accepted by the 2018 permission;
- b) the site selection represents the best environmental option and is safeguarded;
- c) adverse impacts can be managed and mitigated by condition;
- d) energy Policy states that domestic oil and gas industry has a critical role in maintaining the country’s energy security and is a major contributor to our economy;
- e) minerals are given great weight with the extraction of hydrocarbons seen as central to the UK energy policy in the immediate and long-term future; and
- f) potential for local inward investment with direct and indirect spend on contracts up to a potential £815,000.

- 10.5 On balance, therefore, the planning appeal should be allowed. The Appellant considers that the planning benefits of granting planning permission and material considerations far outweigh the disbenefits. Consequently, the Appellant considers that the planning balance is strongly in favour of granting planning permission.



## 11 PLANNING CONDITIONS

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- 11.1 Should the Application be granted on appeal, the Appellant proposes that the draft conditions set out in the Head of Planning Services committee report are applied, subject to the following amendments to draft conditions 2 and 3. These conditions as set out in the 2021 report are replicated below, with an explanation of the changes sought in each case.

Draft Condition 2:

*Time Limitations.*

*The Extended Well Test (Phase 3) hereby approved shall be completed and cease within a period of twelve months from the date of **commencement of development**.*

*Reason: To ensure that the impacts are limited to the timeframe considered in granting the planning permission.*

- 11.2 A revised version of draft condition 2 above is sought to clarify the duration of the EWT. We believe that this was the intention of the draft condition, reflecting operational needs as set out in Section 1 (paragraph 1.1.7), Section 4.0 and Appendix 1 of the Planning Statement (**Document 04**). The following revised wording is proposed for the purpose of such clarification (revised text in red bold):

Draft Condition 2 – Revised Wording:

*Time Limitations.*

*The Extended Well Test (Phase 3) hereby approved shall be completed and cease within a period of twelve months from the date of **phase 3 notification of Works (EWT)**.*

*Reason: To ensure that the impacts are limited to the timeframe considered in granting the planning permission.*

- 11.3 A revised version of draft condition 3 is sought to clarify and make the condition consistent with the phases rather than stages of development. We believe that this was the intention of the draft condition, reflecting operational needs as set out in Section 4.4 and Appendix 1 of the Planning Statement (**Document 04**).

Draft Condition 3:

*Notification of Works*

*Prior written notification of the date of commencement of each phase of works (removal of fluids, pad membrane works and the extended well test) hereby approved shall be sent to the Minerals Planning Authority not less than seven days and no more than 14 days before commencement of each **Stage 1** Activity.*

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

- 11.4 The following revised wording is proposed for the purpose of such clarification (revised text in red bold):

Draft Condition 3 – Revised Wording:

*Notification of Works.*

*Prior written notification of the date of commencement of each phase of works (removal of fluids, pad membrane works and the extended well test) hereby approved shall be sent to the Minerals Planning Authority not less than seven days and no more than 14 days before commencement of each **phased** activity.*

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

## 12 SUPPORTING DOCUMENTS

12.1 The documents submitted with this appeal in support of this SoC are provided in Table 12.1, below.

**Table 12.1:** Supporting Documents (Document Title, Document Number and Author).

Document Title	Document Number	Author
Decision Notice WSCC/045/20 (2021)	01	West Sussex County Council (WSCC)
Decision Notice WSCC/027/10/BA (2010)	02	WSCC
Decision Notice WSCC/040/17/BA (2018)	03	WSCC
Planning Statement submitted with planning application ref. WSCC/045/20, August 2020	04	Angus Energy
Supporting Planning Application Documents (submitted with planning application ref. WSCC/045/20), August 2020: <ul style="list-style-type: none"> <li>• 05a: Noise Assessment/ Management Plan</li> <li>• 05b: Traffic and Transport Report/ Technical Note</li> <li>• 05c: Air Quality Assessment</li> <li>• 05d: Design Philosophy Statement</li> <li>• 05e: Hydrogeological Risk Assessment</li> <li>• 05f: Hydrology, Flood Risk and Drainage Assessment</li> <li>• 05g: Landscape and Visual Appraisal</li> <li>• 05h: Preliminary Ecological Appraisal</li> <li>• 05i: Bat Activity Report</li> <li>• 05j: Habitat Regulations Assessment</li> <li>• 05k: Socio-economic Report</li> <li>• 05l: CO<sub>2</sub> Calculations</li> <li>• 05m: Application Form</li> <li>• 05n: Checklist</li> <li>• 05o: Covering Letter</li> </ul>	05a-l	Angus Energy
Site Drawings (submitted with planning application ref. WSCC/045/20) <ul style="list-style-type: none"> <li>• 06a: Figure 1: Site Location Plan</li> <li>• 06b: Figure 2: Existing Site Plan</li> <li>• 06c: HSF-BALCOME-SL-01: Proposed Site Plan – Well Testing</li> <li>• 06d: HSF-BALCOME-SL-02: Proposed Site Plan – Pumping Operation</li> <li>• 06e: RSK (M)/32414/04/04: Restoration Planting Plan</li> </ul>	06a-e	Angus Energy
Planning Permission ref. WSCC/040/17/BA Committee Report	07	WSCC
Planning Statement October 2017 (submitted with planning permission ref. WSCC/040/17/BA)	08	Cuadrilla Resources
Email Angus Energy to WSCC	09	Angus Energy
Regulatory News Service (RNS) Statement	10	Angus Energy
Planning Statement September 2019 (submitted with planning application ref. WSCC/071/19)	11	Angus Energy
Planning Officers March 2020 Report (24/03/2020)	12	WSCC
Planning Officers March 2021 Report (2/03/2021)	13	WSCC
Environment Agency (EA) Consultation Response 18 <sup>th</sup> February 2020	14	EA

EIA Screening Opinion July 2020	15	WSCC
West Sussex Joint Minerals Local Plan (JMLP) (2018)	16	WSCC
Mid Sussex District Plan (2014)	17	Mid Sussex District Council (MSDC)
Balcombe Parish Neighbourhood Plan (2016)	18	Balcombe Parish Council
Energy White Paper: Powering our Net Zero Future (2020)	19	Department of Business, Energy and Industrial Strategy (BEIS)
CCC Letter to Rt Hon Kwasi Kwarteng MP (March 2021)	20	Climate Change Committee
Oil and Gas Production and expenditure projections Feb 2021) ( <a href="https://www.ogauthority.co.uk/data-centre/data-downloads-and-publications/production-projections/">https://www.ogauthority.co.uk/data-centre/data-downloads-and-publications/production-projections/</a> )	21	Oil & Gas Authority (OGA)
National Policy Statement (NPS) EN-1 (2011)	22	Department of Energy and Climate Change (DECC)
Annual Energy Statement (2013)	23	DECC
Annual Energy Statement (2014)	24	DECC
Net Zero Report: the UK's Contribution to Stopping Global Warming (2019)	25	Climate Change Committee
Sixth Carbon Budget Report (2020)	26	Climate Change Committee
Digest of United Kingdom Energy Statistics (DUKES) Report (2019)	27	Department for BEIS
Energy Security Strategy (2012)	28	DECC
R (Sarah Finch) vs Surrey County Council (SCC) (2020 EWHC 3566)	29	High Court of England and Wales (EWHC)
2010 Planning Permission ref. WSCC/027/10/BA Delegated Officer's Report	30	WSCC

## **Appendix A Planning Application ref. WSCC/045/20 Consultation Responses – Log of All Representations**



























































