



Cuadrilla Resources Limited

Balcombe 2z Hydrocarbon Well Testing

Planning Statement

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RSK GENERAL NOTES

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Client: Cuadrilla Resources Limited

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CONTENTS

ABBREVIATIONS	3
1 INTRODUCTION	4
1.1 Background	4
1.2 The Applicant.....	5
1.3 Need for the Development	5
1.4 Scope of Application.....	6
1.5 Purpose of Report	6
2 APPLICATION SITE	8
2.1 Location	8
2.2 Current Status	8
2.3 History	8
2.4 Environmental Baseline.....	9
2.5 Stakeholder Engagement.....	9
3 THE PROPOSED DEVELOPMENT.....	11
3.1 Introduction.....	11
3.2 Stage 1: Exploration Well Testing Operations	11
3.3 Stage 2: Plug and Abandonment of Borehole.....	12
3.4 Stage 3: Demobilisation and Site Restoration.....	12
3.5 Programme.....	12
3.6 Working Hours.....	12
4 DEVELOPMENT PLAN.....	14
4.1 Introduction.....	14
4.2 West Sussex Minerals Local Plan	14
4.3 Mid Sussex Local Plan	15
4.4 Balcombe Parish Neighbourhood Plan	15
5 OTHER MATERIAL CONSIDERATIONS.....	16
5.1 Introduction.....	16
5.2 National Planning Policy Framework/Planning Practice Guidance	16
5.3 Proposed Submission Draft of West Sussex Joint Minerals Local Plan	17
5.4 Mid-Sussex District Plan	17
6 POLICY ASSESSMENT	18
6.1 Introduction.....	18
6.2 Planning for Minerals Development	18
6.3 Hydrocarbon Supply and Energy Security	21
6.4 Noise	21
6.5 Air Quality	22
6.6 Ecology.....	23
6.7 Traffic and Transport	24
6.8 Landscape and Visual	25
6.9 Hydrology and Flood Risk	27
6.10 Hydrogeology and Pollution Control.....	28
7 PLANNING BALANCE	30



ABBREVIATIONS

AONB	Area of Outstanding Natural Beauty
BPC	Balcombe Parish Council
BPNO	Balcombe Parish Neighbourhood Plan
DCLG	Department of Communities and Local Government
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ha	Hectares
HGV	Heavy Goods Vehicle
JMLP	Joint Minerals Local Plan
km	Kilometers
M	Metres
MPA	Minerals Planning Authority
MSDC	Mid-Sussex District Council
MSLP	Mid-Sussex Local Plan
NPPF	National Planning Policy Framework
OGA	Oil and Gas Authority
PEDL	Petroleum and Exploration Development Licence
PPG	Planning Practice Guidance
SDNPA	South Downs National Park Authority
SoSCLG	Secretary of State for Communities and Local Government
Sq km	Square Kilometers
UK	United Kingdom
WSCC	West Sussex County Council
WSMLP	West Sussex Minerals Local Plan

1 INTRODUCTION

1.1 Background

1.1.1 The Balcombe 2z hydrocarbon borehole (“the borehole”) was drilled into the Lower Stumble underground geological formations by Cuadrilla Balcombe Limited (“Cuadrilla”) in 2013 under planning permission WSCC/027/10/BA. The borehole extends approximately 820 metres (m) vertically and 520m laterally. The 2010 planning permission allowed the flow rates in the borehole to be tested and monitored but these works could not be completed within the time limits that were imposed on the works. Therefore, Cuadrilla secured a temporary planning permission in 2014 (ref: WSCC/005/14/BA) to prepare the borehole, test and monitor the flows, plug with cement and abandon the borehole and then restore the land back to its original use as forestry storage. The site has been subject to hydrocarbon exploration since 1986 when Conoco drilled the Balcombe 1 exploration well.

1.1.2 Due to the length of time and effort it has taken to commence operational activity in Cuadrilla’s Lancashire exploration licence area and the reduction in available UK service support brought about by a decline in oil prices, the borehole flow testing and monitoring has not been completed and the 2014 planning permission has now expired. Also, during the period there have been changes to the Environment Agency (EA) permit requirements for the Balcombe site which have required assessment by Cuadrilla. Cuadrilla would still like to undertake these flow testing and monitoring works so is now applying to West Sussex County Council (WSCC) for a new temporary planning permission. The description of development is:

“.....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 enclosed testing flare and site restoration....”

1.1.3 With the exception of an increase in the height of the workover rig from 22m to 32m, the proposed development is the same as that which was granted planning consent in 2014. Planning permission is now being sought for a temporary two-year period and the proposed work involves flow testing and pressure monitoring of the existing exploration borehole. If this testing reveals that the hydrocarbon reserves are not of sufficient quantity and/or quality to commercially extract then the existing borehole would be plugged with cement and the land restored back to its previous use as forestry storage. In the event that the borehole testing and pressure monitoring confirms that there are hydrocarbon reserves that could be commercially extracted then the existing borehole would be temporarily suspended whilst a separate planning application prepared for a future production phase. With reference to paragraph 093 (ref: 27-093-20150415) of Planning Practice Guidance (PPG) any future planning application for a production phase would be considered on its own merits at the time that any application is made. Paragraph 120 of PPG (ref: 27-120-20140306) makes it clear that when a Mineral Planning Authority (MPA) is considering an application for the exploration stage of a hydrocarbon project that any potential future production phase should not influence the decision-making process:

“.....Individual applications for the exploration phase should be considered on their own merits. They should not take account of any hypothetical future activities for which consent has not yet been sought, since the further appraisal and production phases will be subject of separate planning applications and assessments.....”.

- 1.1.4 As part of the proposed works, Cuadrilla is seeking to test the underground limestone rock layer which it has already been determined is (i) hydrocarbon bearing, and (ii) has a significant level of natural fracturing. As such, the proposed flow testing operations do not involve any hydraulic fracturing and for the avoidance of doubt Cuadrilla can confirm that it is not proposing to hydraulically fracture this well in the future.
- 1.1.5 The previous drilling that has been undertaken revealed that the hydrocarbons in the borehole constitute oil and gas resources. Therefore, in the context of paragraph 091 of Planning Practice Guidance (PPG) (ref: 27-091-20140306), the borehole contains conventional hydrocarbons.

1.2 The Applicant

- 1.2.1 Formed in 2007, Cuadrilla is a privately owned British exploration and production company focused on discovering and recovering natural resources, primarily natural gas, from shale rock. The company is headquartered in Bamber Bridge, Lancashire.
- 1.2.2 The Oil and Gas Authority (OGA) has granted Cuadrilla onshore Petroleum and Exploration Development Licences (PEDL) in the north and south of the United Kingdom (UK), which covers approximately 600 acres. These licences give Cuadrilla the authorisation to search for subsurface hydrocarbons by physical means within the licence boundaries.
- 1.2.3 The application site is located in PEDL area 244, which covers an approximate area of 154 square kilometres (sq km) within West Sussex, between Horsham and Haywards Heath. PEDL 244 allows for petroleum development and production to take place. Cuadrilla is a licensee of PEDL 244 and as operator will manage the exploration, appraisal and production of any viable reserves that are found in this area.

1.3 Need for the Development

- 1.3.1 The Government’s most recent Annual Energy Strategy (2014) (“Energy Strategy”) confirms that the production of gas and oil from the UK’s own reserves has been declining since 1999, and since 2004 the UK has been a net importer of energy. This trend threatens the UK’s energy security and one method of improving the situation is by encouraging the safe and sustainable exploration of indigenous onshore viable gas and oil reserves to boost domestic supplies.
- 1.3.2 The Energy Strategy also highlights that the UK oil and gas industry makes a substantial contribution to the UK’s economy by supporting around 450,000 jobs throughout the wider economy and supplying the equivalent of more than half of the UK’s oil and gas.

- 1.3.3 The proposed development has the potential to support the objectives of boosting indigenous oil and gas reserves and supporting the wider economy, as it will help to determine whether the existing exploration Well 2z borehole contains viable hydrocarbon reserves that could be extracted in the future. If this is proven not to be the case, in accordance with national and local planning policy the borehole will be plugged with cement and the site restored back to its former use as forestry storage.

1.4 Scope of Application

- 1.4.1 This report supports an application for planning permission under section 70 of the *Town and Country Planning Act 1990 (as amended)*. As the proposed development involves the exploration for and appraisal of minerals, the application is being made to the County Planning Authority, who is WSCC.

- 1.4.2 Pre-application consultation has been undertaken by email and telephone with Jane Moseley and Chris Bartlett from WSCC to agree the scope of the planning application. In addition to this report and the relevant fee, the application consists of the following documents:

- Application form and land ownership certificates;
- Covering letter;
- Figure 1: Site location plan;
- Figure 2: Existing site plan;
- Figure 3: Proposed site plan;
- Figure 4: Proposed site elevation; and
- Environmental Report.

- 1.4.3 A formal request for an Environmental Impact Assessment (EIA) screening opinion was submitted to WSCC in July 2017. In August 2017, WSCC issued a negative EIA screening opinion, which confirmed that the proposed development is unlikely to generate significant environmental effects and therefore, any planning application would not need to be accompanied by an Environmental Statement (ES). Notwithstanding this, Cuadrilla recognises that although temporary, the proposed development does have the potential to generate some adverse environmental effects. Therefore, an Environmental Report has been prepared to accompany this application which provides information on the baseline environmental conditions at the site and in the immediate surroundings; and provides information on the characteristics of any environmental effects that are likely to be generated after any necessary mitigation measures have been implemented. The report covers a range of topics including noise, air quality, ecology, traffic and transport and landscape and visual.

1.5 Purpose of Report

- 1.5.1 The purpose of this report is to provide information about the proposed development and to consider the extent to which it conforms with the development plan and those documents that constitute material considerations.

1.5.2 Following this introductory chapter, the report is structured as follows:

- Chapter 2 provides details of the application site in terms of its location and current status;
- Chapter 3 briefly describes the proposed development;
- Chapter 4 provides a brief overview of the saved policies of the adopted West Sussex Minerals Local Plan, the saved policies of the adopted Mid-Sussex Local Plan and the made Balcombe Parish Neighbourhood Plan, which collectively comprise the development plan for the proposed development;
- Chapter 5 identifies the status and weight that should be attached to those planning policy and guidance documents that constitute material considerations e.g. the National Planning Policy Framework (NPPF);
- On a topic-by-topic basis, chapter 6 assesses how the proposed development performs against the relevant policies in the development plan and other planning documents that constitute material considerations. This makes reference to the evidence in the Environmental Report, which forms part of the planning application package; and
- Chapter 7 draws on the evidence presented in the policy assessment and in the context of *section 38(6) of the Planning and Compulsory Purchase Act 2004*, provides a balanced judgment on the acceptability of the proposed development.

2 APPLICATION SITE

2.1 Location

- 2.1.1 The existing Well 2z borehole extends to 0.73 hectares (ha) (0.58 ha for the surface works) and is located at the Lower Stumble exploration site, which is situated off London Road (B2036), approximately 800m to the south of the village of Balcombe. Vehicular access to the site is provided by an existing track located off London Road.
- 2.1.2 The site is located in a predominantly rural area and is bounded by the B2036 to the west, an area of forestry storage to the north, and the existing access track to the south and east. Beyond this, is the London to Brighton railway line. Surrounding the site is Lower Stumble Wood and Lower Beanham Wood, both of which have been designated as ancient woodland. A location plan (Figure 2.1) is provided at the end of this section.

2.2 Current Status

- 2.2.1 The site currently consists of a crushed stone pad which accommodates the Well 2z borehole, a storage crate, some liquid storage tanks and a ground water monitoring borehole. To prevent unauthorised access to the pad, two-metre high security fencing currently surrounds the site on all sides.

Site Allocation

- 2.2.2 The site is not allocated for a specific land use in either the adopted West Sussex Minerals Local Plan or the made Balcombe Parish Neighbourhood Plan. In the adopted Mid-Sussex Local Plan the site is located in a countryside area of development restraint.

2.3 History

- 2.3.1 The existing hard standing was constructed in 1986 in connection with a planning permission to undertake an exploratory drilling exercise. A exploratory borehole was drilled by Conoco and is referred to as Balcombe 1. This has since been plugged with cement and abandoned. 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. The site continued to be used as forestry storage for the Balcombe Estate up until July 2013, when the Well 2z exploration borehole was drilled under a planning permission that was granted in 2010. Cuadrilla completed the drilling of the Well 2z borehole in September 2013 and no further activity on the site has taken place since. Planning permission was granted in May 2014 to flow test the Well 2z borehole and undertake pressure monitoring but this work was never undertaken and the planning permission expired in May 2017.
- 2.3.2 A summary of the recent planning history of the site is provided below. This demonstrates that intermittently the land has been associated with the exploration for and appraisal of hydrocarbons for over thirty years.

Table 2.1: Planning history

Date	Reference	Description	Outcome
May 2014	WSCC/005/14/BA	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
July 2013	WSCC/063/13/BA	Amendment of condition 3 of WSCC/027/10/BA to vary the type of flare used during the testing process.	Withdrawn
July 2013	WSCC/061/13/BA	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
January 2010	WSCC/027/10/BA	To upgrade existing stoned platform and drill an exploratory borehole for oil and gas exploration.	Granted
1987	BA/38/87	Retention of existing borehole site for forestry products storage and improvements to existing access.	Granted
1986	BA/10/86	Construction of hard standing in association with exploratory drilling exercise.	Granted

2.4 Environmental Baseline

- 2.4.1 A description of the existing environmental baseline at the site and in the surrounding area is provided in the Environmental Report, which accompanies the planning application.

2.5 Stakeholder Engagement

- 2.5.1 In addition to the pre-application dialogue with the Planning Officer from WSCC (see section 1.4.2), all households in the Balcombe Parish Council area received a letter

from Cuadrilla on 30 May 2017, which confirmed that the 2014 planning permission had expired and that a new planning application would be submitted in autumn 2017 once ecology surveys had been updated.

- 2.5.2 A further letter was issued to local residents on 19 October 2017, which provided an update on the status of the planning application, outlined the key elements of the proposed development, and provided a link to Cuadrilla's community helpline for the Sussex area.

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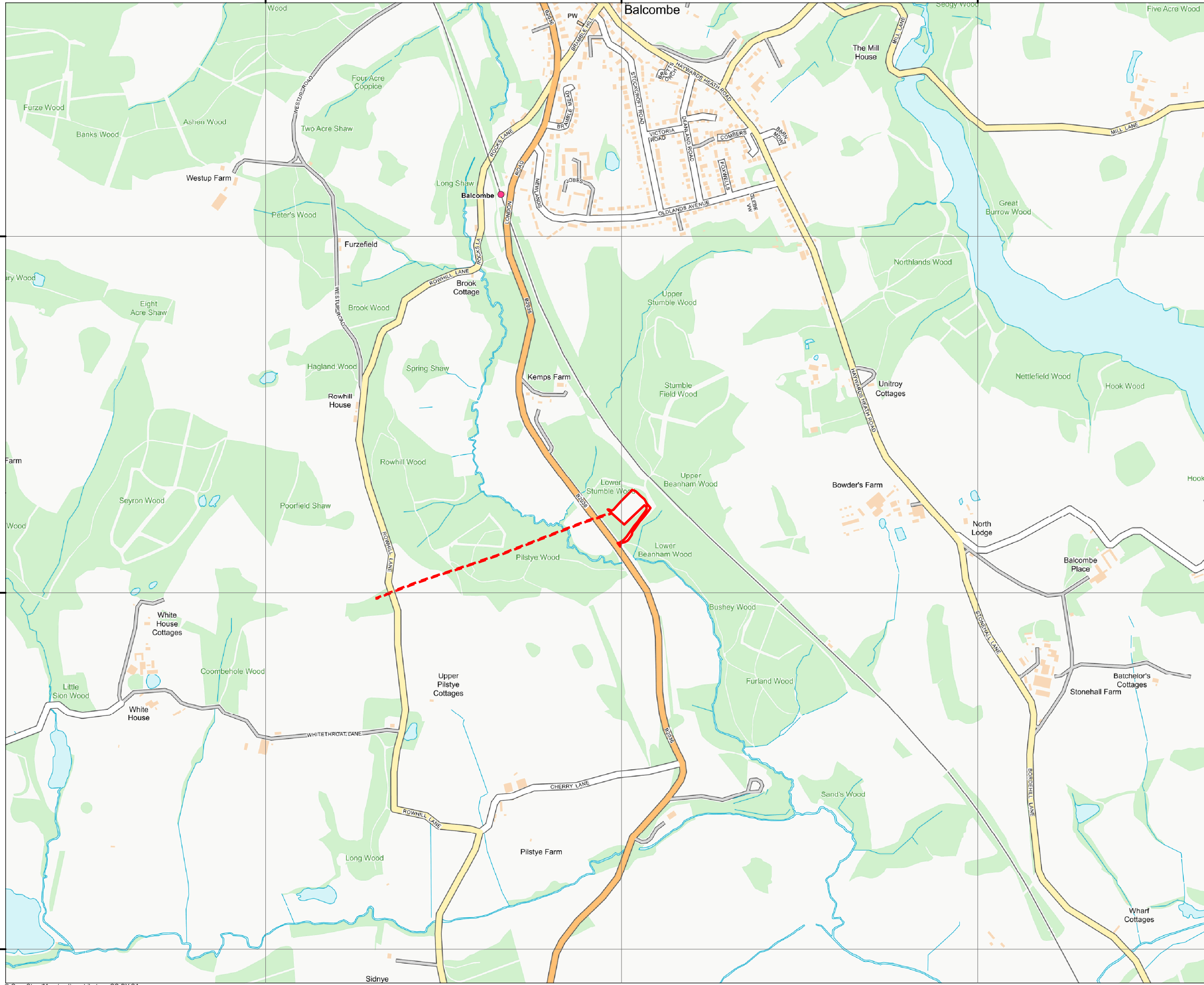
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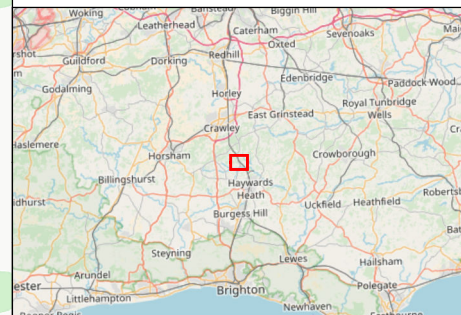
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Legend:

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

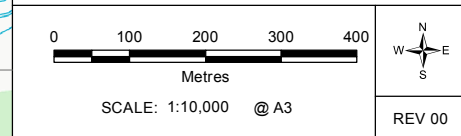
Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936
 Units: Meter



Rev	Date	Description
00	17/10/2017	First Draft

Balcombe 2z Hydrocarbon Well Testing

TITLE:
**Figure 2.1:
 Site Location Plan**



3 THE PROPOSED DEVELOPMENT

3.1 Introduction

- 3.1.1 A detailed overview of the proposed development is provided in the Environmental Report, which accompanies the planning application. A description of the proposed three main work stages is provided below:

3.2 Stage 1: Exploration Well Testing Operations

- 3.2.1 Stage 1 consists of three sub-stages and involves setting the site up, preparing the borehole for the flow testing, undertaking the flow testing and pressure monitoring over a period of 60 days.

Borehole Preparation and Flow Initiation Operations

- 3.2.2 The borehole preparation and flow initiation operations will be undertaken over a period of 4-6 days on a daytime basis only. The operations will involve 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.

Hydrocarbon Flow Testing

- 3.2.3 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. The hydrocarbon flow from the well will last for no longer than seven days and during this time the flare will be available for operations on a 24-hour basis.

Pressure Monitoring

- 3.2.4 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.

If the flow testing and pressure monitoring works reveal that any hydrocarbon reserves are not of sufficient quantity and/or quality to extract in the future then stage 2 will commence.

3.3 Stage 2: Plug and Abandonment of Borehole

- 3.3.1 As part of stage 2, the borehole will be sealed with cement and secured. The well steel casing will be cut off approximately 1.5 m below ground level and a steel plate welded to the remaining casing stub. The well head and well cellar will be removed and the cellar filled in.
- 3.3.2 It is estimated that stage 2 will take a maximum of eight weeks to complete.

3.4 Stage 3: Demobilisation and Site Restoration

- 3.4.1 Stage 3 involves removing all of the plant and equipment from the site and restoring the land back to its former use in accordance with best practice and the requirements of the extant environmental permit(s). It is estimated that this will take approximately one week to complete.

3.5 Potential Future Production Stage

Should the borehole flow testing and pressure monitoring works reveal that there are hydrocarbon reserves that could viably be extracted in the future, then after stage 1 has been completed the borehole would be temporarily suspended, whilst a new planning application was prepared and submitted for the production stage. During this period all plant and machinery would be removed from the site and the land would effectively lie dormant pending the outcome of the planning application.

3.6 Programme

- 3.6.1 The borehole flow testing and pressure monitoring data will require analysis. The analysis will enable Cuadrilla to decide whether or not to seek the necessary planning, permitting and other approvals required to take the site forward as a production site. This analysis and assessment process will take approximately six to nine months to complete after the flow testing and pressure monitoring has finished and the data been collected. In the event that the assessment concludes that a future production phase would be commercially viable, then an additional 18 months would be required to apply for and secure the necessary planning, environmental permitting and other permissions required for production operations. The borehole will be safely suspended during any such application period. If the results of the assessment are that commercial production would not be viable then the exploration well will be plugged with cement and the site restored.

3.7 Working Hours

- 3.7.1 Mobilisation and equipment set up, demobilisation and restoration and the movement of all Heavy Goods Vehicles (HGVs) to and from the site will be undertaken during standard working hours i.e. 07:30 to 18:30 Monday to Friday; and 08:00 to 13:00 on Saturdays. The well plug and abandonment works (stage 2) will be undertaken up to 22:00 on weekdays and 08:00 to 13:00 on Saturdays. The well flow testing operations (maximum 14 days) and borehole pressure monitoring (maximum 60



days) will be undertaken over 24 hours, but will not require any HGV vehicle movements. The only potential exception to this is in the unlikely event of a borehole control situation where work needs to be undertaken urgently, which may require the movement of plant, materials and staff personnel outside of standard working hours.

4 DEVELOPMENT PLAN

4.1 Introduction

4.1.1 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.1.2 Annex 2 of the NPPF provides a useful definition of the development plan:

“... This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.....”

4.1.3 As the site is located within the administrative boundaries of WSCC, Mid-Sussex District Council (MSDC) and Balcombe Parish Council (BPC), the development plan consists of a combination of the saved policies of the adopted West Sussex Minerals Local Plan, the saved policies of the adopted Mid-Sussex Local Plan, and the made Balcombe Parish Neighbourhood Plan (BPNP). Further information on the status of these documents and the weight that should be afforded to any relevant policies is provided below.

4.2 West Sussex Minerals Local Plan

4.2.1 The West Sussex Minerals Local Plan (WSMLP) was adopted in 2003 and sets out WSCC's vision, objectives and strategy for mineral land use planning in West Sussex. In September 2007, the Government confirmed that 55 of the 64 policies in the adopted plan would be saved until they are replaced by new documents prepared as part of the new Minerals Local Plan.

4.2.2 Paragraph 214 of the NPPF, which was adopted in March 2012, indicates that for 12 months from the day of publication, the decision-taker may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Paragraph 215 goes onto confirm:

“...In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the Framework, the greater weight that may be given....”

4.2.3 Given that 14 years has elapsed since the policies in the WSMLP were adopted, and the fact that WSCC has not undertaken an exercise to consider the extent to which the saved policies of the Minerals Local Plan conform with the NPPF, it can be concluded that the saved policies of the adopted WSMLP should be given limited weight in the decision-making process.

4.3 Mid Sussex Local Plan

- 4.3.1 The Mid-Sussex Local Plan (MSLP) was adopted in May 2004 and sets out policies and specific proposals for the development and use of land to guide planning decisions in mid-Sussex. It is important to note that in non-unitary authority areas such as Mid-Sussex, applications for minerals development are dealt with by the County Council i.e. WSCC. Therefore, the saved policies of the adopted MSLP make no specific reference to planning for mineral development such as hydrocarbon exploration and extraction.
- 4.3.2 In September 2007, the Government confirmed that the majority of the policies in the adopted Local Plan had been saved until replaced by policies within a future adopted plan i.e. the emerging Mid-Sussex District Plan.
- 4.3.3 With reference to paragraph 215 of the NPPF (see paragraph 4.2.2), it can be concluded that the adopted MSLP should be afforded limited weight in the decision-making process. This is because of the significant amount of time that has passed since the Local Plan was adopted, and the fact that MSDC has not undertaken an exercise to consider the extent to which the saved policies in the MSLP are consistent with the NPPF.

4.4 Balcombe Parish Neighbourhood Plan

- 4.4.1 The BPNP was formally made in September 2016 and according to the plan:
- “....Will help to achieve sustainable development by ensuring that its development policies and proposals will meet the needs of people living and working in the Parish, while at the same time helping to ensure that any adverse environmental impact is minimised....”*
- 4.4.2 As stated in paragraph 1.4.1 the responsibility for planning matters related to the exploration for, appraisal of and extraction of minerals lies with the County Council i.e. WSCC. Therefore, Neighbourhood Plans should not include policies or proposals for minerals and waste development. This position is reflected in the made Balcombe Neighbourhood Plan where the only reference to minerals is on page 14, where it makes reference to the fact that the issue of fracking, which is not being undertaken for this proposal, was identified as a challenge during the consultation that was undertaken during the plan preparation. Notwithstanding this, paragraph 5.2 of the BPNP states:
- “.....The silence of the BPNP on a policy matter does not therefore mean that the matter is not important in the parish but that it must be addressed by other development plan policies....”*
- 4.4.3 In the context of the limited scope of the BPNP for the type of development that is being proposed, it can be concluded it should be afforded very limited weight in the decision-making process.

5 OTHER MATERIAL CONSIDERATIONS

5.1 Introduction

5.1.1 This chapter identifies those statutory and non-statutory planning policy documents, which are considered to be material considerations. In particular, this will focus on the current status of each document and the weight that should be attached to it in the decision-making process.

5.2 National Planning Policy Framework/Planning Practice Guidance

5.2.1 The NPPF was formally adopted in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In March 2014, the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance (PPG) web-based resource to supplement the NPPF. It contains detailed information on a number of topics and is updated on a regular basis to reflect the introduction of new Acts of Parliament and/or the publication of new Regulations.

5.2.2 Paragraphs 12 and 13 of the NPPF confirm that the document does not change the statutory status of the development plan as the starting point for decision-taking. However, the NPPF does constitute guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

5.2.3 Paragraph 14 highlights that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:

- *“....Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted....”*

5.2.4 As the NPPF and its accompanying PPG is a contemporary document which represents the Government's current thinking on the operation of the planning system, it should be afforded significant weight in the decision-making process.

5.3 Proposed Submission Draft of West Sussex Joint Minerals Local Plan

5.3.1 The Joint Minerals Local Plan (JMLP) was submitted to the Secretary of State for Communities and Local Government (SoSCLG) by WSCC and the South Downs National Park Authority (SDNPA) in June 2017. The JMLP was subject to a public examination in September 2017 and it is expected that the document will be adopted in May 2018.

5.3.2 Paragraph 216 of the NPPF states:

“.....From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, then greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given.....”*

5.3.3 Although the submission version of the JMLP has not been adopted it has been subject to an examination so represents an advanced representation of WSCC's and SDNPA's position on minerals planning. Therefore, the document should be given some weight in the decision-making process.

5.4 Mid-Sussex District Plan

5.4.1 The Mid-Sussex District Plan (MSDC) was submitted to the SoSCLG in August 2016 and examination hearings were subsequently held in 2016 and 2017. At these hearings, the Inspector recommended that the Plan could proceed to adoption subject to a number of modifications. MSDC is now undertaking public consultation on the main modifications that are proposed, and this will run between 02 October 2017 and 13 November 2017. It is expected that the District Plan will be adopted in spring 2018.

5.4.2 In the context of the information provided in paragraph 5.2.2 above, it can be concluded that the main modifications version of the District Plan is at an advanced stage of preparation and should therefore be afforded some weight in the decision-making process.

6 POLICY ASSESSMENT

6.1 Introduction

6.1.1 The purpose of this section is to assess how the proposed development performs against the development plan identified in section 4 and those policy and guidance documents identified in section 5, which constitute material considerations. This will draw on the evidence presented in those technical documents that have been prepared to accompany the planning application.

6.1.2 It should be noted that this assessment has been restricted to those issues that are most relevant to the proposed development, including those topics covered in the Environmental Report

6.2 Planning for Minerals Development

Policy Summary

6.2.1 Policy 26 of the WSMLP indicates that:

“.....Applications for the exploration, appraisal and/or commercial development of oils and gas resources will be permitted where it is demonstrated to the satisfaction of the mineral planning authority that the proposal represents the best option in comparison with other alternative sites within the area of search and that the proposal is acceptable in relation to the surrounding area. Particular attention will be given to:

- The impact on other countryside resources;
- *The site access and routing of heavy vehicles;*
- *The means of protecting nearby residents and amenities from the effects of the operations;*
- *The safeguarding of public rights of way; and*

The safeguarding of water supplies and the water environment.....”

6.2.2 Policy C1 of the MSLP highlights that “...outside the built-up area boundaries, as detailed on the proposals and inset maps, the remainder of the plan area is classified as a countryside area of development restraint where the countryside will be protected for its own sake. Proposals for development in the countryside, particularly that which would extend the built-up area boundaries beyond those shown will be firmly resisted and restricted to:

(c) in appropriate cases, proposals for the extraction of minerals and the disposal of waste.....”

6.2.3 Strategic Objective 12 of the draft JMLP is “...to protect the environment and local communities in West Sussex from unacceptable impacts of any proposal for oil or gas development, whilst recognising the national commitment to maintain and enhance energy security in the UK.....”.

6.2.4 Policy M7a (Hydrocarbon development not involving hydraulic fracturing) of the draft JMLP states that “...proposals for exploration and appraisal for oil and gas not involving hydraulic fracturing, including extensions to existing sites will be permitted provided that:

1. *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;*
2. *The site selected is the least sensitive, deliverable location from which the target the reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements;*
3. *Any unacceptable impacts including (but not limited to) noise, dust, visual intrusion, transport and lighting, on both the natural and built environment and local community, including air quality and the water environment, can be minimised and/or mitigated to an acceptable level;*
4. *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; and*
5. *No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground.....”*

6.2.5 Policy M24 (Restoration and Aftercare) of the draft JMLP highlights that “...Proposals for minerals extraction and temporary minerals infrastructure development will be permitted provided that they are accompanied by comprehensive restoration and aftercare schemes that:

- *Ensure land is restored at the earliest opportunity including where appropriate, by phased, or progressive restoration;*
- *Make provision for high quality and practicable restoration, management and aftercare;*
- *Are appropriate to their locations, maximizing benefits taking account into account local landscape character, the historic environment, biodiversity gain, priority habitat creation and wider environmental objectives; and*
- *Provide for the removal of all buildings, machinery and plant when no longer required in connection with the principal use unless their removal conflicts with the agreed restoration scheme.....”*

6.2.6 Paragraph 144 of the NPPF indicates that “...when determining planning applications for mineral developments, local authorities should:

- *Ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality; and*
- *Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary....”*

Policy Assessment

- 6.2.7 The proposed development is located on a site with the pre-existing 2z borehole. The use of this site for hydrocarbon-related development for over 30 years confirms that it is an appropriate site for minerals-related development. The alternative to stimulating the existing 2z borehole to test the target formation would be to either drill a new borehole at the Lower Stumble site or find an alternative site elsewhere within the PEDL 244 licence area. Therefore, using the existing 2z borehole which is already protected by an impermeable membrane represents the most efficient and environmentally friendly option for testing the hydrocarbon reserves in the target formation.
- 6.2.8 As the proposed development involves minerals-related operations and is not predicted to generate any significant adverse environmental effects, it represents an appropriate type of development in a countryside area of development restraint.
- 6.2.9 Stage 3 of the proposed development involves restoring the site back to forestry storage, which represents an appropriate use for the land not dissimilar to the existing well pad condition used for hydrocarbon extension. Cuadrilla is committed to implementing stage 3 if the borehole flow testing and monitoring works reveal that it is not viable to extract the hydrocarbon reserves. If the testing works reveal that it would be viable to extract the hydrocarbon reserves then a new planning permission would be required, which would be subject to its own conditions requiring the site to be restored following completion of the production stage. Subsequently, there is no conflict with Policy M24 of the draft JMLP.
- 6.2.10 The Environmental Report which accompanies the planning application has concluded that as a worst case, the direct and indirect adverse environmental effects of the proposed development would be minor and temporary in nature. Therefore, it can be concluded that there is no conflict with Policy 26 of the WSMLP or paragraph 114 of the NPPF.
- 6.2.11 Although Policy M7a of the draft JMLP has not been adopted it is applicable as it is consistent with paragraph 116 of the NPPF. This states that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. Furthermore, consideration of such applications should include an assessment of 1) the need for the development; 2) the cost of, and scope for, developing elsewhere outside the designated area; and 3) any detrimental effect on the environment.
- 6.2.12 In response to point 1), the proposed development is needed to understand whether there are viable hydrocarbon reserves in place that could be extracted in the future. If this is the case, the site has the potential to make a positive contribution to the Government's energy supply and energy security objectives.
- 6.2.13 With regards to point 2), minerals-related developments can only be undertaken where there are known reserves. The site has been associated with hydrocarbon exploration and appraisal for over 30 years so represents the most appropriate site

in West Sussex to accommodate the type of development that is being proposed.

- 6.2.14 In relation to point 3), the Environmental Report that accompanies this planning application has concluded that as a worst case the proposed development has the potential to generate minor adverse effects that will be temporary in nature and reversible.
- 6.2.15 Based on the evidence presented above in paragraphs 6.2.11 to 6.2.15, it can be concluded that the proposed operations represent an acceptable type of development for the site and therefore does not conflict with Policy M7a of the JMLP or paragraph 116 of the NPPF.

6.3 Hydrocarbon Supply and Energy Security

Policy Summary

- 6.3.1 Paragraph 142 of the NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life. Therefore, it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. Furthermore, “...since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation....”
- 6.3.2 Paragraph 124 of PPG (ref: 27-124-20140306) states that when determining applications for oil and gas developments “...Mineral planning authorities should take account of government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in government’s Annual Energy Statement....”.

Policy Assessment

- 6.3.3 Although the proposed development does not involve the commercial extraction of hydrocarbons reserves from the Well 2z borehole, it will provide evidence on the potential mineral reserves that are available and which could potentially be worked in the future. Subsequently, there is no conflict with paragraph 142 of the NPPF or paragraph 124 of PPG.

6.4 Noise

Policy Summary

- 6.4.1 Policy 19 of the WSMLP indicates that in considering planning applications for mineral extraction attention will be given to the effect upon residential and other amenity, and measures to mitigate the impact.
- 6.4.2 Policy 60 of the WSMLP highlights that conditions will be imposed requiring that acceptable maximum levels of noise are not exceeded and appropriate monitoring points will be identified on site boundaries and/or at appropriate locations outside the site.

- 6.4.3 Policy B23 of the MSLP states that proposals for new development should be designed, located and controlled to minimise the impact on noise on neighbouring properties and the surrounding environment in order to protect the environment and residential amenity. Furthermore, developments likely to generate significant levels of noise will only be permitted where it is satisfied that appropriate noise attenuation measures will be incorporated which would reduce the impact on adjoining land uses, existing or proposed to acceptable levels. Particular attention will be given to the impact of noise generating developments on a Listed Building and outside the built-up area.
- 6.4.4 Policy M18 (*Public Health and Amenity*) of the draft JMLP states that proposals for minerals development will be permitted provided that lighting, noise, dust, odours, vibration and other emissions, including those arising from traffic, are controlled to the extent that there will be no unacceptable impact on public health and amenity.
- 6.4.5 Paragraph 123 of the NPPF indicates that planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
 - Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Policy Assessment

- 6.4.6 Section 4 of the Environmental Report which accompanies this planning application has concluded that as a worst case, the proposed development has the potential to generate minor but insignificant noise impacts at neighbouring residential properties. Furthermore, any impacts will only be for the temporary 6-month duration of stages 1-3 of the proposed operations. Based on this evidence, it can be concluded that the proposed development does not conflict with the relevant policies in the development plan and those policy documents that constitute material considerations.

6.5 Air Quality

Policy Summary

- 6.5.1 Policy 19 of the WSMLP indicates that in considering planning applications for mineral extraction attention will be given to the effect upon residential and other amenity, and measures to mitigate the impact.
- 6.5.2 Policy G1 of the MSLP states that development will not be permitted where it would cause unacceptable disturbance or nuisance.

- 6.5.3 Policy M15 (*Air and Soil*) of the draft JMLP highlights that proposals for mineral development will be permitted provided that there are no unacceptable impacts on the intrinsic quality of, and where appropriate the quantity of, air and soil.
- 6.5.4 Policy M18 (*Public Health and Amenity*) of the draft JMLP states that proposals for minerals development will be permitted provided that lighting, noise, dust, odours, vibration and other emissions, including those arising from traffic, are controlled to the extent that there will be no unacceptable impact on public health and amenity.

Policy Assessment

- 6.5.5 There is no conflict with the relevant policies of the development plan or those policy documents that constitute material considerations because section 5 of the Environmental Report has concluded that any air quality impacts associated with the proposed development will be negligible.

6.6 Ecology

Policy Assessment

- 6.6.1 Policy 10 of the adopted WSMLP confirms that proposals for mineral working which may irreversibly damage statutorily designated sites of historic, architectural, natural or scientific interest will only be granted if the damage can be prevented or the need for the mineral outweighs the environmental objections relating to those designations.
- 6.6.2 Policy 13 of the adopted WSMLP indicates that proposals for mineral extraction in areas which do not have statutory protection but which are of local environmental significance will be given careful consideration and will not be permitted unless the benefits of the development would outweigh the detrimental effects of the proposal on the value of these areas having taken into account measures to mitigate the adverse effects.
- 6.6.3 Policy G1 of the MSLP states that development will not be permitted where it would cause irretrievable or irreplaceable loss of significant natural, created or social assets.
- 6.6.4 Policy C5 of the MSLP highlights that “....*proposals for development or changes of the use of management within.....Ancient Woodlands or to other sites or areas as being of nature conservation importance or geological importance, including wildlife corridors, will be subject to rigorous examination, and only permitted where the proposal, by virtue of design and layout, minimizes the impact on features of nature conservation importance. Proposals should take advantage of opportunities for habitat creation wherever possible....*”
- 6.6.5 Policy M13 (Biodiversity and Geodiversity) of the draft JMLP states that “....*Proposals for minerals development will be permitted provided that the development will:*
- *Avoid significant harm to wildlife species and habitats; or*
 - *Where the significant harm cannot be wholly or partially avoided, ensure that the harm is effectively mitigated; or*

- *As a last resort, where there is still significant residual harm, ensure suitable compensation for that harm.....”.*

Policy Assessment

- 6.6.6 Section 7 of the Environmental Report has concluded that the direct impacts of the proposed development on ecological receptors will be negligible. There is the potential for some minor adverse, indirect effects on bats using the surrounding woodland for foraging and commuting. However, if the suggested mitigation associated with minimising light levels is implemented any effects will be acceptable. On this evidence, it can be concluded that the proposed development does not conflict with the relevant policies in the development plan or those policy documents that constitute material planning considerations.

6.7 Traffic and Transport

Policy Summary

- 6.7.1 Policy 19 of the WSMLP indicates that in considering planning applications for mineral extraction attention will be given to the effect upon residential and other amenity, and measures to mitigate the impact.
- 6.7.2 Policy 47 of the WSMLP states that where planning applications for mineral development are considered, account will be taken of the numbers, type and routing of vehicles likely to be generated. Permission will be refused if the highway network is inadequate and any significant harm which would be caused by the inadequacy cannot be overcome. In addition, permission will be refused if, in attempting to overcome and highway inadequacy, the improvements themselves would cause significant harm to the environment.
- 6.7.3 Policy G1 of the MSLP states that development will not be permitted where it would cause unacceptable disturbance or nuisance.
- 6.7.4 Policy T3 of the MSLP indicates that proposals for development which would give rise to significant movements of freight within the villages or on roads not designed to accommodate Heavy Goods Vehicles will not be permitted and the Council will object to applications for operating site licences where it considers the site to be unsuitable.
- 6.7.5 Policy M20 (*Transport*) of the draft JMLP states that proposals for minerals development will be permitted provided that transport links are adequate to serve the development or can be improved to an appropriate standard without an unacceptable impact on amenity, character or the environment. Policy M20 goes on to highlight that where the need for road traffic is demonstrated that “...*vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network.....”.*
- 6.7.6 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. In addition, plans and decisions should take account of whether safe

and suitable access to the site can be achieved for all people.

Policy Assessment

- 6.7.7 The proposed development does not conflict with the relevant policies in the development plan or those policy documents that constitute material planning considerations because the traffic and transport assessment (section 8 of the Environmental Report) has concluded that for the temporary 6-month duration of stages 1-3 of the proposed works there will be a negligible impact on the local highway network.

6.8 Landscape and Visual

Policy Summary

- 6.8.1 Policy 10 of the adopted WSMLP confirms that proposals for mineral working which may irreversibly damage statutorily designated sites of historic, architectural, natural or scientific interest will only be granted if the damage can be prevented or the need for the mineral outweighs the environmental objections relating to those designations.
- 6.8.2 Policy 12 of the adopted WSMLP indicates that some mineral working may be accommodated within AONBs, but mineral workings considered likely to damage irreversibly the intrinsic qualities of these areas will be refused. Furthermore, the highest standards will be required in all measures to mitigate the impact of working and to promote rapid reclamation, unless it can be demonstrated that rapid reclamation is not practicable. Policy 12 then goes on to state:

“....Mineral applications will be subject to the most rigorous examination which will include an assessment of:

- a) The need for the development, in terms of national considerations of minerals supply; and the impact of permitting the development, or refusing it, on the local economy;*
- b) Whether alternative supplies can be made available at reasonable cost; and the scope for meeting the need in some other way; and*
- c) Any detrimental effects of the proposals on the environment and landscape and the extent to which that should be moderated.....”.*

- 6.8.3 Policy G1 of the MSLP states that development will not be permitted where it would cause unacceptable environmental damage
- 6.8.4 Policy C4 of the MSLP indicates that “....within the High Weald AONB, the aim is to conserve and enhance natural beauty is regarded as the overall priority. Proposals for development will be subject to the most rigorous of examination and only those which comply with this aim will be permitted. Development will not be permitted unless:

(a) It is reasonably necessary for the purposes of agriculture or some other use which has to be located in the countryside.....and

(c) *It can be demonstrated that the development would be in the national interest and that no suitable sites are available elsewhere.....”*

6.8.5 Policy M12 (*Character*) of the draft JMLP states that proposals for minerals development will be permitted provided that they would not have an unacceptable impact on the character, distinctiveness, sense of place of the different parts of the County including the setting of the High Weald AONB.

6.8.6 Policy M13 (*Protected Landscape*) of the draft JMLP highlights that proposals for minerals development within protected landscapes will not be permitted unless the proposal is for major mineral development that accords with part (c) of the Policy. Part (c) of the Policy indicates that “.....*development will not be permitted unless there are exceptional circumstances and where it is in the public interest as informed by an assessment of:*

1. *The need of the development, including in terms of any national considerations, and the impacts of permitting it, or refusing it, upon the local economy;*
2. *The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for the mineral in some other way; and*
3. *Any potential detrimental impact on the environment, landscape, and recreational opportunities, and the extent to which identified impacts can be satisfactorily mitigated.....”*

6.8.7 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 then goes on to highlight that “....*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *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;*
- *The cost of, and the scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.....”*

Policy Assessment

6.8.8 A response to paragraphs 115 and 116 of the NPPF has already been provided in this report and is presented in paragraphs 6.2.11 to 6.2.15.

6.8.9 Section 6 of the Environmental Report has concluded that the proposed development has the potential to have minor adverse, direct effects on the High Weald AONB and

the landscape character in the local area. Any landscape effects will be restricted to the 6-month duration of stages 1-3 of the proposed works and will be concentrated during the flow testing and plug and abandonment stages. All landscape effects will also be fully reversible. From a visual perspective, it has been predicted that there will be some minor adverse effects from the limited number of suitable viewpoints that are located close to the site. Again, any effects are predicted to be temporary in nature and fully reversible. Based on the limited temporal scope of the predicted landscape and visual effects, it can be concluded that there is no conflict with the relevant policies in the development plan or those policy documents that constitute material planning considerations.

6.9 Hydrology and Flood Risk

Policy Summary

- 6.9.1 Policy 16 of the WSMLP highlights that appropriate measures will be required for safeguarding the water environment during working and the prudent use and recycling of water within mineral workings will be encouraged. Policy 17 goes on to state that mineral workings will not be permitted where it is considered the diversion of land drainage and surface water flows could result in a detrimental effect due to additional flows being directed to a public sewerage system or any other drainage system unless any harm can satisfactorily be mitigated.
- 6.9.2 Policy 56 of the WSMLP states that the quality of surface and ground water supplies will be protected and steps will be taken to ensure that proposed mineral extraction will have no adverse effect upon the water table, which would be likely to cause significant environmental damage, flooding or adversely affect water resources.
- 6.9.3 Policy CS16 of the MSLP indicates that development will not be permitted which would lead to the deterioration in the quality of underground and surface waters; or lead to reduced flows in water courses.
- 6.9.4 Policy M16 (Water Resources) of the draft JMLP states that “.....Proposals for minerals development will be permitted provided that they would not cause unacceptable risk to the quality and quantity of water resources; and not cause changes to groundwater and surface water levels which would result in unacceptable impacts on:
- adjoining land;
 - *the quality of groundwater resources or potential groundwater resources; and*
 - *the potential yield of groundwater resources, river flows or natural habitats such as wetlands or heaths.....”.*
- 6.9.5 Policy M19 (Flood Risk Management) of the draft JMLP indicates that “...Proposals for minerals development will be permitted provided that:

- *mitigation measures are provided to an appropriate standard so that there would not be an increased risk of flooding on the site or elsewhere for the life of the development including any restoration or aftercare.....*
- *.....appropriate measures are used to manage surface water run-off, including, where appropriate, the use of sustainable drainage systems; and*
- *they would not have any unacceptable impact on the integrity of sea, tidal or fluvial flood defences, or impede access for future maintenance and improvements of such defences....”*

6.9.6 Paragraph 100 of the NPPF highlights that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy Assessment

6.9.7 From a hydrology and flood risk perspective, the proposed development does not conflict with the relevant policies of the development plan or those policy documents that constitute material planning considerations. This is because section 9 of the Environmental Report has concluded that for the most part, any predicted effects will be negligible. The site is not considered to be at risk of flooding from surface water and ground water. Minor adverse effects are expected on surface water and ground water flooding, but they will be insignificant and only experienced for the 6-month duration of stages 1-3 of the proposed works.

6.10 Hydrogeology and Pollution Control

Policy Summary

6.10.1 Policy 15 of the WSMLP states that proposals for mineral working which would result in a change in surrounding ground water levels will only be permitted if they effect on the adjoining land or on the quality or potential yield of groundwater resources, river flows groundwater levels or natural habitats would not be significantly detrimental, or where mitigation measures could be implemented to overcome and harmful effects which would otherwise arise.

6.10.2 Policy 18 of the WSMLP indicates that where working is proposed below the water table a comprehensive groundwater management scheme will be required to cater for groundwater management both during and after mineral extraction.

6.10.3 Policy 56 of the WSMLP states that the quality of surface and ground water supplies will be protected and steps will be taken to ensure that proposed mineral extraction will have no adverse effect upon the water table, which would be likely to cause significant environmental damage, flooding or adversely affect water resources.

6.10.4 Policy G1 of the MSLP states that development will not be permitted where it would cause unacceptable environmental damage.

6.10.5 Policy CS16 of the MSLP indicates that development will not be permitted which

would lead to the deterioration in the quality of underground and surface waters; or lead to a reduction in ground water levels.

6.10.6 Policy M16 (Water Resources) of the draft JMLP states that “.....*Proposals for minerals development will be permitted provided that they would not cause unacceptable risk to the quality and quantity of water resources; and not cause changes to groundwater and surface water levels which would result in unacceptable impacts on:*

- *adjoining land;*
- *the quality of groundwater resources or potential groundwater resources; and*
- *the potential yield of groundwater resources, river flows or natural habitats such as wetlands or heaths.....”.*

Policy Assessment

6.10.7 Section 10 of the Environmental Report has concluded that once the suggested mitigation measures have been implemented there is a very low likelihood of the proposed development having an adverse effect on shallow soils and ground water quality and flow. Therefore, it can be concluded that the proposed development does not conflict with the relevant policies in the development plan or those policy documents that constitute material planning considerations.

7 PLANNING BALANCE

- 7.1.1 This document has described the application site, provided a brief overview of the proposed development and using the evidence presented in the Environmental Report, assessed how it performs against the relevant policies in the development plan and those policy documents that constitute material planning considerations.
- 7.1.2 The proposed exploration well testing and monitoring works will generate the following benefits:
- It will allow Cuadrilla to better understand the flow rate of the hydrocarbon resources that are available in the Lower Stumble geological formations. This information will contribute to the decision on whether to pursue a future production stage (at this site or other site (s)) where the hydrocarbons are extracted for commercial use. Whilst it is recognised that this would require a separate planning application, under this scenario there would be a positive contribution to the Government's indigenous oil and gas supply and energy security objectives; and
 - It will support the restoration of the site back to its previous use as forestry storage. This will take place after stage 3 if the borehole flow testing and monitoring works reveal that it is not viable to extract the hydrocarbon reserves. If the testing works reveal that it would be viable to extract the hydrocarbon reserves then a new planning permission would be required, which would be subject to its own conditions requiring the site to be restored following completion of the production stage
- 7.1.3 Section 4 of this document revealed that those documents that collectively consist of the development plan should be afforded limited weight in the decision-making process either because they are out-of-date e.g. WSMLP and MSLP, or not relevant to the type of development that is proposed e.g. BPNP. Under this scenario, paragraph 14 of the NPPF comes into play, which states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or 2) specific policies in the NPPF indicate development should be restricted.
- 7.1.4 In response to point 1) above, the issue of a negative EIA screening opinion by WSCC confirms that the proposed development is unlikely to generate any significant environment effects. Furthermore, the Environmental Report which accompanies the planning application has concluded that as a worst-case, any environmental effects are likely to be minor, temporary in nature and reversible. Based on this evidence, it can be concluded that any adverse effects associated with the proposed development would not significantly and demonstrably outweigh the benefits.
- 7.1.5 With regards to point 2), the only paragraphs of the NPPF that are applicable in this instance are 115 and 116 which highlight that great weight should be given to

conserving landscape and scenic beauty in AONBs, and that planning permission should be refused for major developments in these areas except in exceptional circumstances, and where it can be demonstrated they are in the public interest. A similar message is contained in Policy M7a and M13 of the JMLP, which although still in draft, is at an advanced stage of preparation and should be afforded some weight in the decision-making process.

- 7.1.6 In response to the requirements of paragraphs 115 and 116 of the NPPF and Policies M7a and M13 of the draft JMLP, it can be concluded that the proposed development does represent exceptional circumstances. This is because firstly, minerals can only be worked where they are available. The use of this site for hydrocarbon-related development for over 30 years confirms that it is an appropriate site for minerals-related development. The alternative to stimulating the existing 2z borehole to test the target formation would be to either drill a new borehole at the Lower Stumble site or find an alternative site elsewhere within the PEDL 244 licence area. Therefore, using the existing 2z borehole which is already protected by an impermeable membrane represents the most efficient and environmentally friendly option for testing the hydrocarbon reserves in the target formation.
- 7.1.7 Secondly, it is in the wider public interest for the proposed works to be completed as it will improve knowledge of the hydrocarbon reserve potential of the Lower Stumble geological formations. This could result in a future production stage, at this site or other sites which has the potential to make a positive contribution to the UK Government's energy production and energy security objectives.
- 7.1.8 Finally, as a worst case any adverse environmental effects associated with the proposed development are likely to be minor and restricted to the temporary 6-month duration of stages 1-3 of the proposed works.
- 7.1.9 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. Accordingly, it is recommended that WSCC grant temporary planning permission, subject to the imposition of any conditions deemed necessary.