

Case Officers Report of Delegated Action

Application No: WSCC/027/10/BA

Local Council: Mid Sussex District Council

Site Address

Lower Stumble Hydrocarbon Exploration Site, London Road, Balcombe, Haywards Heath, West Sussex, RH17 6JH.

Description of development

To upgrade existing stoned platform and drill an exploratory borehole for oil and gas exploration.

Relevant Planning History

The existing hardstanding was built for an exploratory drilling exercise which took place from 1986-1987 under planning permission **BA/10/86**. Upon completion of operations the site was restored in accordance with the planning permission.

A planning permission was granted under **BA/38/87** for 'the retention of the existing borehole site for forestry products storage and improvements to existing access'. The site has since been used as a forestry storage area for the Balcombe Estate.

Environmental Impact Assessment

A Screening Opinion was undertaken on 23 December 2009 which concluded that no Environmental Impact Assessment is required for the proposal.

Consultations

Mid Sussex District Council: No objection.

Balcombe Parish Council: No objection.

Environment Agency: No objection subject to conditions and Informatives.

Network Rail: No objection, subject to conditions.

Health and Safety Executive: No comment.

High Weald AONB: No objection.

Natural England: No response.

Aviation Safeguarding: No objection.

WSSC Highways: No objection.

WSSC Landscape: No comments.

WSSC Ecology: No objection.

WSSC Archaeology: No objection.

Representations (Main Points)

The application was advertised in accordance with Article 8 of the Town and Country Planning General Development Procedure Order 1995 for Major Development. No representations were received.

Main Material Considerations

The main material considerations in determining the application are:

- whether there is an identified need for hydrocarbon exploration;
- highway capacity and safety;
- impact on local amenity;
- environmental impacts; and
- suitability of the site for Hydrocarbon Exploration.

Identified Need for Hydrocarbon Exploration

There is a clear and overriding need for oil exploration in the UK. The development accords with National Minerals Policy as set out in Minerals Policy Statement 1 (MPS1) as well as the Development Plan Policies of the County Council which aim to:

- promote competitive markets in the UK and beyond;
- maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner; and
- maintain the reliability of energy supplies.

The above Policy aims provide the justification for Hydrocarbon exploration.

Highway Capacity and Safety

The site has previously been used for the exploration for hydrocarbons and therefore has an existing vehicular access which achieves an adequate standard of visibility onto the B2036 London Road.

Vehicle movements are of significant volume, however the temporary nature of proposals is such that disturbance would be largely limited to two intensive phases, as below:

Rig Mobilisation and Drilling: a period of approximately 7 weeks site construction and drilling which involves 68 movements over 4 days 'Rig Set up', 30 movements on days 4 and 5 for general consumables, and 3-5 movements per day thereafter.

Demobilisation and Restoration: Vehicle movements for rig demobilisation and restoration will be substantially similar to the first phase and will also occur over 7 weeks.

The application is supported by a safety audit which does not raise any significant concerns with the reuse of the access. However, recommendations have been made for the

installation of additional warning signage on the approaches to the access. A condition has been imposed to secure this.

The HGV route proposed as part of this application is the most direct and suitable route which involves vehicles turning right when exiting the site onto the B2036 (London Road which turns into Balcombe Road) where they will continue through Balcombe until junction 10a of the M23 Motorway. A condition has been imposed which requires the submission of signage details which strictly directs HGV drivers northbound onto the B2036.

The highways authority is satisfied that the proposed numbers and types of vehicles associated with this proposal could be safely accommodated with the proposed route and access.

The intensity of vehicle movements is not unacceptable on a temporary basis and when balanced against the need for the minerals development of this nature. Subject to conditions relating to signage and HGV routing, the proposal is considered satisfactory in terms of highway capacity and safety.

Impact on local amenity

Potential adverse impacts on the amenities enjoyed by occupants of surrounding residential properties may result from noise, unsightly views and inappropriate lighting. The site is reasonably isolated with the closest residential properties being Kemps House, 350m to the north, and Kemps Farm, 400m to the north.

Given the local topography, the site is within view of Rowhill House and Norfolk Cottage, located approximately 750m to the north-west of the site. A summary of the potential amenity impacts associated with the exploration are considered below:

- (1) **Noise:** A noise survey has been undertaken which establishes that the existing ambient noise levels are largely influenced by distant and local road traffic. The night time ambient noise levels are of a very low level- LA90 26dB (A).

Noise impacts as part of the proposed development can be expected from activities associated with the construction of the site and the 24 hours drilling operation.

Site construction will result in noise impacts that can be expected from a typical civil construction project. The works will be undertaken between 07.30 and 18.30 as controlled by condition. The construction noise will be within the recommended range of acceptability, as set out in Minerals Policy Statement 2 (MPS2), with relation to the closest residential properties. As such impact on residential amenity as a result of site construction is acceptable.

24 hours Drilling Operation for a period of 4-6 weeks will result in varying degrees of noise impact relative to the change in ambient noise levels. MPS2 indicates that an acceptable noise levels associated with mineral extraction is ambient noise level +10dB(A). The submitted noise assessment indicates that the proposal is within the acceptable noise levels as it would result in 9dB above ambient noise levels at the closest residential property.

Further, MPS2 indicates that an acceptable outside night-time noise limit for drilling operations is 42dB (A). The proposal will result in a maximum of 35dB (A) which is within the suggested maximum.

Noise arising from the proposed activities would fall within recommended acceptable limits, be of a temporary nature and time limited during construction/restoration phases. The noise levels will be monitored for the

duration of the operations as secured by condition. Accordingly, noise arising from the development, although having some temporary impact on amenity, is considered acceptable.

- (2) **Visual:** The development site is not prominent in the locality. The site is elevated and generally screened from view of passing motorists using the north and southbound B2036. The 36m tall drill mast will be visible from a small amount of surrounding residential properties, however, given the temporary nature of it's occupation on site this will not give rise to an unacceptable visual impact.
- (3) **Lighting:** Low level lighting will be associated with the night time drilling operations. All lighting will be required to be directed inward and downward to reduce light spill and glare from the site. A condition will be imposed to ensure the lights associated with the development do not give rise to a dazzle hazard to passing motorists and train drivers. Given the temporary nature of lighting and the distance from neighbouring sensitive receptors the lights associated with the proposal would not give rise to an unacceptable impact on residential amenity.

Suitability of the location

The nature of oil exploration is such that in order to explore the extent/existence of hydrocarbons, any exploration site will have to fall within a geographically defined area. In this case, the site falls within an Area of Outstanding Natural Beauty. Although a 36m drill rig will be alien to the landscape, it would be screened and sited for a temporary period only resulting in a short term impacts.

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.

Decision

Grant temporary Planning Permission

Conditions

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

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

Reason: To secure the proper restoration of the site following the temporary operations.

Approved Operations Programme

3. The development hereby approved shall be carried out strictly in accordance with the particulars of the development contained in the Supporting Statement to the Application Prepared by Cuadrilla Resources in January 2010, appendix C (The Drilling Operation), appendix G (Restoration Plan), and appendix H (Site Lighting) of Supporting Statement to the Application, Noise impact Assessment Ref No. PJ2689/29140 prepared October 2009, Transport Assessment Prepared by DMMason, Road Safety Audit Stage 1- Preliminary Design prepared in January 2010, and Drawing No CRL-001 Revision A prepared on 18/01/10 except as modified by condition hereafter or any variation thereto that may be agreed in advance and in writing by the County Planning Authority.

Reason: To ensure the development is carried out as proposed

4. Prior to the commencement for each phase of development works hereby approved (construction, drilling, testing and restoration) written notification shall be served to the County Planning Authority no less than seven days before the commencement of each phase. Unless otherwise agreed in writing by the County Planning Authority, each individual phase, as mentioned above, shall be carried out within the time scale set out in the Supporting Statement to the Application.

Reason: To ensure the individual phases and disruptive periods do not extend unreasonably in the interests of amenity.

5. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

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

Hours of Working

6. Unless otherwise agreed in advance and in writing by the County Planning Authority, construction, drilling rig mobilisation and restoration phases of the development work at the site shall only be undertaken between the hours of 0730 and 1830 Mondays to Fridays and 0800 to 1300 on Saturdays. No work shall occur on Sundays, Bank Holidays and Public Holidays. This condition does not relate to operations necessary for the 24hrs drilling operation.

Reason: In the interest of residential amenity.

Noise

7. The corrected noise level* for operational noise from the site shall not exceed 55dB(A) (free field as a L(A)eq over a time period of 60 minutes) between the hours set out in condition 6 of this planning permission, or 42dB(A) (free field a L(A)eq over a time period of 5 minutes) for the hours outside those set out in condition 6. The noise levels shall be determined at the facades of the nearest residential premises.

* A 5 dB correction shall be added if one or more of the following features occur:

- the noise contains a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.);

- the noise contains distinct impulses (bangs, clicks, clatters, or thumps);
- the noise is irregular enough to attract attention.

Reason: In the interests of residential amenity.

8. Within 5 days of the commencement of drilling, a noise survey shall be carried out accounting for 'regular working hours' and night time operations, to demonstrate compliance with conditions 7 and 8 of this permission. Should the site fail to comply with conditions 7 and 8, the applicant shall provide details of noise attenuation/mitigation to ensure compliance with the maximum noise levels.

Reason: In the interests of residential amenity.

9. The operator will not, unless in the event of an emergency, withdraw and replace during well drilling operations the drilling string or set casing or place cement in the borehole between the hours of 22.00 and 07.00.

Reason: In the interests of residential amenity.

Lighting

10. All lighting forming part of the approved lighting scheme shall be directed in a way which minimises spillage beyond the site. The lights shall be kept to the minimum luminance level required to achieve safe working operations.

Reason: In the interests of residential amenity.

Restoration

11. Restoration of the main site compound shall be completed strictly in accordance with the site restoration plan contained in appendix G of the Supporting statement to the planning application. Prior to the commencement of restoration, the applicant shall submit a scheme of restoration for the access track for approval in writing by the County Planning Authority. Thereafter access track restoration shall form part of the overall restoration of the site which shall be completed in full.

Reason: To ensure the site is restored to a satisfactory standard of appearance.

Access

12. Prior to the commencement of the development hereby approved details of signage (including text, size, fixings and location) to be displayed at the exit of the site strictly directing all Heavy Goods Vehicles northbound onto the B2036, shall be submitted to and approved in writing by the County Planning Authority. The signage shall then be installed and maintained in place as approved for the duration of the site occupation.

Reason: In the interests of highway safety.

13. Prior to the commencement of works hereby approved warning signage, in accordance with the recommendations of the Road Safety Audit Stage 1- Preliminary Design prepared in January 2010, shall be submitted for approval in writing to the County Planning Authority and thereafter retained in place as approved for the duration of the occupation of the site.

Reason: In the interest of highway safety.

- 14 Prior to the commencement of the development hereby approved the applicant shall submit a scheme detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth and mud adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of mud or debris arising from the development being present on the highway. Thereafter the approved scheme shall be implemented in full.

Reason: In the interests of highway safety.

Fencing

15. Prior to the commencement of the development hereby approved details of all fencing and gates to be erected around the site shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the approved fencing shall be implemented in full and retained for the duration of the development.

Reason: To secure a satisfactory development.

Groundwater Protection/Drainage

16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of its maintenance and management after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality; to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal, to improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with South East Plan Policy NRM4, PPS23 and PPS25.

17. Any oil, fuel, lubricant and other potential pollutants (other than tankage incorporated in vehicles, rig components and auxiliaries for fuel storage) shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bunded area.

Reason: To minimise the risk of pollution to watercourses.

18. Drainage from areas identified as high risk, e.g. loading bays and waste storage areas, shall not be discharged to any watercourse, surface water sewer or soakaway. The applicant should consider the risks associated with these areas, and incorporate appropriate pollution prevention measures at the design stage.

Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal. It is not acceptable for Hazardous (List 1)) Substances to enter groundwater as this would contravene the Groundwater Regulations (2009).

Plant and machinery

19. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended loads does not swing over railway

infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

Reason: To ensure safe operation of the adjoining railway.

20. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway properties of such plant, or loads attached thereto, in the event of failure.

Reason: To ensure safe operation of the adjoining railway.

21. An emergency procedure and electrification warning are to be included in the pre-start briefing, displayed in site cabins and at the worksite. This procedure is to be implemented promptly in the event of an incident affecting safe operation of the railway. The Contractor must ensure that at least one employee at the site has a mobile phone to facilitate implementation.

Reason: To ensure safe operation of the adjoining railway.

Informatives

A. The applicant will be required to obtain the necessary licenses to undertake any works within the public highway required as part of condition 12 for the installation of warning signage. In this regard the applicant is advised to contact the Area Engineer, West Sussex County Council, Worthing Road, Broadbridge Heath, Horsham, RH12 3LZ, Tel No: 01403 223900 to obtain formal approval from the Highway Authority.

B. The applicant is advised of the following comments provided by the Environment Agency:

If the site is further developed as a production facility, an Environmental Permit will be required. It is advised that the applicant carries out pre-application discussions with the agency prior to any permit application being submitted.

Any fluids recovered during testing such as water or light oils must be removed from site by tanker and disposed of at an authorised facility.

Any arising from the site will be stored and taken away from the site to an authorised facility.

Pollution Control on site is to be afforded by an impermeable membrane extending into the containing bunds so as to prevent liquids from penetrating into soils and groundwater both beneath and adjoining the site.

Pollution Spill kits should be on site so that if any spills occur they can be dealt with.

The drilling operation mainly uses water as a drilling fluid. The application does not state that they will be using Oil Based Muds (OBM). If OBM is used, we would like to be re-consulted on the application.

C. The applicant's attention is drawn to the comments from Network Rail dated 18 February 2010 as attached to the permission.

D. In accordance with the advice from Network Rail, the operator should ensure that the lighting scheme at the site does not present a dazzle hazard to train crew, and that any coloured lighting as part of the proposal does not conflict with the railway signalling system. For this reason the operator is advised to submit the lighting scheme to Network Rail for comment prior to installation.

E. Reasons for granting Planning Permission:

The proposed development meets the main material considerations in that it;

- meets an identified need for hydrocarbon exploration;
- is acceptable in terms of highway capacity and safety;
- has an acceptable impact on local amenity;
- has an acceptable environmental impact; and
- represents a suitable site for Hydrocarbon Exploration.

Accordingly, the proposal complies with the Development Plan, the relevant policies of which are listed below:

West Sussex Minerals Local Plan, Revised Deposit Draft July 2004.

Policy 1 - Seeks to ensure working practices that cause the least environmental harm are followed, opportunities to conserve and enhance the environment and appropriate after use is incorporated.

Policy 12 - Some mineral working may be permitted within the AONB provided it would not irreversibly damage the intrinsic qualities of these areas. Mitigation measures should be of a high standard, rapid reclamation should be promoted. Assessment must be made of need, alternatives, and effect on landscape/environment.

Policy 13 - Minerals proposals in areas of local environmental significance will be given careful consideration. Benefits must outweigh the detrimental effects on the values of these areas.

Policy 16 - Seeks to ensure safeguarding of the water environment

Policy 19 - Seeks to protect residential amenity

Policy 22 - Seeks to ensure appropriate restoration

Policy 26 - Proposals for oil and gas will be permitted where it is demonstrated to the satisfaction of the Planning Authority that it demonstrates the best option. Particular attention will be given to, impact on countryside, site access and vehicle routeing, residential amenity, Public Rights of Way, and the water environment.

Policy 47 - Consideration will be given numbers, type and routeing of vehicles. Permission will be refused where the highway network could not support such movements.

Policy 48 - Seeks to ensure vehicle safety within sites e.g turning.

Policy 52 - Details of siting and appearance of buildings, machinery and plant will be required. Such shall be removed upon cessation of works.

Policy 53 - Applications for mineral workings will be required to incorporate satisfactory measures for the provision, retention and protection of landscaping.

Policy 56 - The quality of surface and ground water supplies will be protected.

Policy 59 - Conditions shall be attached to ensure controlled and effective discharge of water from sites.

Policy 60 - Seeks to ensure noise levels are acceptable and conditions are attached accordingly.

Policy 61 - Seeks to ensure dust is suppressed

Policy 62 - Seeks to control lighting in the interests of amenity

Policy 63 - Where appropriate hours of work will be controlled

Policy 64 - Buffer will be considered to reduce impact of the development upon residential amenity.

Mid Sussex Local Plan 2004

Policy G1- General Policies
 Policy C1- Development outside the built up area boundaries.
 Policy C4- Areas of Outstanding Natural Beauty.
 Policy B3 - Seeks to protect the amenities of nearby residents.
 Policy B23- Impact of noise on neighbouring properties.
 Policy B24- Impacts of lighting on neighbouring amenities.
 Policy T3- Heavy Goods Vehicles.
 Policy CS13- Surface water Drainage.
 Policy CS15- Protection of rivers and the water environment.
 Policy B7 - Seeks to ensure the retention or replacement of trees of amenity value.

Crime & Disorder Act '98

No implications

Human Rights Act 1998

Article 8 of the European Convention safeguards the respect for family life and home whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the planned development have been fully considered as have the relevant considerations which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations

Date of Report Submission:	Case Officer Name: Michael Vine
	Case Officers Signature
Date of Final Report: 22/04/09	Group Manager's Signature