

## Lower Stumble Wood, Balcombe – Oil and Gas Exploration: Frequently Asked Questions

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### **What is the approved development?**

Planning permission was granted by West Sussex County Council (WSSC) in 2010 for the temporary use of the site for a ' hydrocarbon exploratory borehole ' (WSSC ref. WSSC/027/10/BA). That permission allows the drilling of a borehole at the site to attain geological data to determine whether hydrocarbons (gas and/or oil) are present, and if so, how easy (and therefore economically feasible) they are to extract.

Information relating to that permission can be seen here:

<http://buildings.westsussex.gov.uk/ePlanningOPS/loadFullDetails.do?apllid=1154>

The permission was granted on 23 April 2010 and is subject to 21 conditions. Condition 2 granted the permission for 3 years from the date of the commencement of site construction. The applicant (Cuadrilla Resources Limited - ' Cuadrilla') notified WSSC that work commenced on 28 September 2010. The current planning permission therefore expires on 28 September 2013.

All of the pre-commencement conditions attached to the permission (i.e. the conditions that require discharging before works commence on the site) have been discharged. The approved information relating to the conditions can be found online using the above link.

### **Can Cuadrilla use hydraulic fracturing ('fracking') at the site?**

Under the 2010 permission, Cuadrilla could use fracking to explore for oil/gas at the site. However, they have indicated to the County Council that they do not intend to do so. More importantly, they do not have the required approvals from the Department of Energy and Climate Change (DECC) or the Environment Agency to use hydraulic fracturing at the present time.

For further information about fracking please see [www.westsussex.gov.uk/fracking](http://www.westsussex.gov.uk/fracking).

### **Cuadrilla has submitted two other planning applications for the site. What are these for?**

Two further applications have been submitted to the County Council in relation to the Lower Stumble Wood site:

- WSSC/061/13/BA: Application validated on 11 July 2013 to amend condition 2 of WSSC/027/10/BA to allow additional time to complete the drilling and testing programme and restore the site.

The application is for an extra 6 months at the site which Cuadrilla state is because of delays to their programme and subsequent requirement of the Environment Agency to gain necessary Environmental Permits.

They confirm in this application that the proposed drilling and testing programme would not include fracking.

Representations regarding the application can be made until **16 August 2013**.

Please see:

<http://buildings.westsussex.gov.uk/ePlanningOPS/loadFullDetails.do?apllid=1571>

- WSSC/063/13/BA: Application validated on 17 July 2013. This is an application to amend condition 3 of WSSC/027/10/BA to vary the type of flare used during the testing process.

A 'ground flare' of 1.8m in height was approved in the information set out in condition 3 of the 2010 permission. This would deal with any natural gas found.

This application is to install a 13.7m high flare.. The flare would be in place for up to 7 days.

The public can make representations about this application until **15 August 2013**.

Please see: <http://buildings.westsussex.gov.uk/ePlanningOPS/loadFullDetails.do?aplId=1574>

### **When do Cuadrilla intend to start drilling at the site?**

On 21 July 2013, Cuadrilla gave WSSC 7 days' notice of their intention to start drilling, as required by condition 4 of WSSC/027/10/BA. Cuadrilla has indicated that drilling at the site is therefore likely to begin on Monday 28 July 2013.

Prior to drilling commencing Cuadrilla will be bringing the drilling rig and other infrastructure to the site over a 4 day period. This will involve 34 large loads coming to the site, through Balcombe village to the north. The planning permission provides that no vehicles will access the site from the south (via Cuckfield).

Cuadrilla has informally committed to avoiding school drop-off and pick-up times with these movements.

### **How long will drilling take?**

Cuadrilla has indicated that the drilling would take place over a 4 – 6 week period. The 2010 planning permission indicated that they would drill to a depth of up to 4,700 feet, and may drill a horizontal well to carry out further testing for oil/gas.

The well will have a diameter of some 22 cm and will reduce in size as they drill deeper. Steel casing is cemented in the well in stages by pumping cement slurry between the wall of the well and steel casing to ensure well integrity, and the protection of groundwater.

Further details regarding the protection of the water environment can be found on the Environment Agency's 'FAQs', found on the Balcombe Parish Council website:

<http://balcombeparishcouncil.files.wordpress.com/2013/07/environment-agency-faqs.pdf>

### **How tall will the drill rig be?**

The drill rig will have a mast of up to 36 metres in height. Once drilling has ceased, the mast will be removed.

### **What happens after drilling has finished?**

The drilling unit may be left in situ for a period of up to 7 days while initial testing takes place. It would then be removed from the site and well testing would commence.

**What does 'well testing' involve?**

The information provided with the application indicated that the horizontal well will be washed with around 20m<sup>3</sup> of dilute (10%) hydrochloric acid to clear it of any debris.

It notes that nitrogen (an inert gas) will then be pumped down to flush the well, returning any liquids or solids remaining in the wellhole.

After this process, any water (produced water) and oil will be pumped to the surface and stored. At this point an evaluation will be made on the economic viability of the operation.

Any waste water will be tested and sent to a suitably permitted facility.

**The Environment Agency considers the site a 'Mining Waste Facility' so has asked for an Environmental Permit. Why has WSCC not asked for a separate planning permission for a waste use?**

The Environment Agency required a Mining Waste Facility Permit for the management of extractive waste because of the risk that "*spent drilling muds and salty water may be left in the wellbore*" (as stated in Decision Document relating to the Permit). The management of this material is not considered a separate activity in planning terms, so a separate planning permission is not required.

The Mining Waste Facility Permit was granted by the Environment Agency on 24 July 2013. Please contact the Environment Agency for more details. <https://consult.environment-agency.gov.uk/portal/permits/app/cuadrilla/balcombe>

**Is hazardous waste to be managed at the site?**

As noted above, the Environment Agency considers, in terms of their definitions, that 'extractive waste' would be stored at the site. In planning terms, hazardous waste is only considered to be stored at the site (and therefore declared on the planning application form) if certain quantities are exceeded, as set out in the Planning (Hazardous Substances) Regulations 1992.

The only 'hazardous waste' identified in the Waste Management Plan submitted to the Environment Agency as part of the Mining Waste Facility Permit application is surplus natural gas which would be flared to convert it to carbon dioxide.

It is not therefore considered that hazardous substances would be stored at the site in quantities warranting consideration in a planning application.

**Was an Environmental Impact Assessment (EIA) undertaken for the 2010 application or the current 2013 applications?**

WSCC confirmed in a Screening Opinion (dated 23 December 2009) that EIA was not required for the proposed use of the site for oil/gas exploration.

WSCC has more recently confirmed through Screening Opinions (dated 25 July 2013) that EIA is not required for either the proposed extension of time (WSCC/061/13/BA) or the proposed new flare height (WSCC/063/13/BA).

The Screening Opinions for each application can be viewed online in the application documents.

**Why are the new applications being treated as amendments / S73 applications / minor material amendments? Should they not be full applications?**

The applications (for the 6 month extension of time, and the increased flare height) are both considered to be 'minor material amendments' in accordance with the definition set out in the Government's guidance: *A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.*" (see paragraph 62 of 'Greater flexibility for planning permissions': [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5997/1729942.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5997/1729942.pdf)). For both applications the County Council considers amendments can be made without the principle of the approved development being affected. Neither the extension of time, nor the erection of a larger flare would result in development which is substantially different from the oil/gas exploration development approved under the 2010 planning permission.

**What has the County Council done to publicise the current applications?**

In relation to WSCC/061/13/BA and WSCC/063/13/BA we have:

- Erected notices at the site;
- Erected notices around Balcombe;
- Put advertisements in the Mid Sussex Times (on 25 July 2013);
- Directly notified Balcombe residents closest to the site by letter;
- Directly notified by email/letter people who had, prior to the application, contacted our planning department regarding the Balcombe site;
- Notified consultees including Mid Sussex District Council, the Environment Agency, the Health and Safety Executive, the Department of Energy and Climate Change, Network Rail, Natural England, Southern Water, the Police, High Weald AONB, Parish Councils (Balcombe, Worth, Turners Hill, Ansty and Staplefield, Slaugham), Lewes District Council, East Sussex County Council, and our internal consultees relating to highways, archaeology, ecology, landscape and flooding/drainage.

**Would the flare result in impact on bats?**

Given that the flare would be in place for 7 days this is considered unlikely. Nonetheless, the County Council has asked that Cuadrilla provide a bat survey before the flare is erected.

**Will the current applications be heard by the Planning Committee? Why did the 2010 application not go to Committee?**

There were no objections to the 2010 application, and no representations from the public so the decision was taken by the Divisional Manager County Development.. This was in accordance with the County Council's scheme of delegation to officers which is set out in the Council's Constitution.

Due to the nature of the objections that have been received so far in relation to the current applications they will be considered by WSCC's Planning Committee.

**The 2010 planning permission expires on 28 September 2013, but it is likely that the application for an extension (WSCC/061/13/BA) will not go to Planning Committee until 8 October 2013.**

**What will WSCC do if Cuadrilla continues to operate without permission from 28 September to 8 October 2013?**

**What will WSCC do if Cuadrilla erects the flare before the planning application (WSCC/063/13/BA) is determined?**

This will be considered by our enforcement team if the situation arises. The County Council can only take formal enforcement action if the breach of planning control is unacceptable in planning terms, and it is in the public interest to do so. The existence of applications to regularise the use will be a consideration in determining the appropriate course of action, as will the risk of harm to the environment caused by letting the operator continue. Please see [https://www.westsussex.gov.uk/living/planning/planning\\_and\\_businesses/compliance\\_and\\_enforcement.aspx](https://www.westsussex.gov.uk/living/planning/planning_and_businesses/compliance_and_enforcement.aspx).

**How will WSCC monitor Cuadrilla's operations to make sure they comply with their planning conditions?**

WSCC monitors all minerals and waste sites to ensure operators are carrying out the development in the way it has been approved. Accordingly, we monitor all permitted developments and their methods of operation. However, officers cannot be present at all times to ensure conditions are complied with, and this would not be an appropriate use of limited staff resources.

If we identify any problems through our monitoring or we are notified by members of the public about potential breaches of planning control, we seek to resolve them through negotiation with the developer/operator. If we are unable to resolve any unacceptable impacts through negotiation, we will only take appropriate enforcement action if this is in the public interest (and any action will be proportionate and reflect the severity of the breach of planning control).

In this case, the County Council is in daily contact with Cuadrilla about activities on the site (including raising local concerns about operations and any suggested breaches of control). In addition, officers carry out announced and unannounced site visits to ensure that the development is taking place in accordance with the planning permission. Officers from the Environment Agency are also actively involved in ensuring that there is compliance with the conditions of the Environmental Permits. County Council officers are working closely with their EA colleagues to ensure that development is taking place in the right way.

**Cuadrilla is monitoring its own emissions to air and water. How can we trust them?**

The monitoring of air and water is being undertaken by Cuadrilla in response to Environment Agency requirements so is not a matter for WSCC.

The Environment Agency has released 'FAQs' relating to the site which can be seen via the Balcombe Parish Council website:

<http://balcombeparishcouncil.files.wordpress.com/2013/07/environment-agency-faqs.pdf>

### **If Cuadrilla finds gas/oil at the site, what happens?**

If a feasible oil/gas reserve is found, Cuadrilla will need to submit a new full planning application to go into production. This would be subject to a new public consultation process, and an entirely new planning permission would be required.

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#### **Contacts:**

WSSC Planning:            [planning.applications@westsussex.gov.uk](mailto:planning.applications@westsussex.gov.uk);            telephone 01243 642 118.

WSSC Enforcement:    [planning.enforcement@westsussex.gov.uk](mailto:planning.enforcement@westsussex.gov.uk);            telephone 01243 642 118.

WSSC Highways:            [highwaysandtransporthq@westsussex.gov.uk](mailto:highwaysandtransporthq@westsussex.gov.uk);            telephone 01243 642105

Environment Agency:    [ssdenquiries@environment-agency.gov.uk](mailto:ssdenquiries@environment-agency.gov.uk);            telephone: 03708 506 506

West Sussex Police:        [contact.centre@sussex.pnn.police.uk](mailto:contact.centre@sussex.pnn.police.uk);                            telephone 01273 470 101

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**West Sussex County Council - County Planning Team**

**25 July 2013**