

**Application No: WSCC/005/14/BA
COUNTY MATTER**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

To Cuadrilla Balcombe Limited
c/o Arup
The Arup Campus
Blythe Gate
Blythe Valley Park
Solihull
B90 8AE

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development, that is to say:-

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

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 21 January 2014 (and in accordance with the relevant correspondence a copy of which is attached *) and subject to the conditions specified hereunder:-

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. All operations hereby approved under this permission, including restoration (in accordance with the scheme approved under Condition 17), shall be complete within six (6) months of the date of the commencement of the development.

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

Date 02/05/14 Signed Strategic Planning Manager 

***N.B.** The reasons for imposing the above conditions are as specified after the conditions. The words in brackets do not apply unless a copy of the relevant correspondence is attached. Your copy of the application, determined as above, is returned herewith for your records.

Continuation Sheet

3. The proposed development shall not take place other than in accordance with the approved drawings and documents:
- Planning Application Boundary (drawing 230382-61 dwg. 001, issue 1.0);
 - Testing Site Lay-out Plan (drawing CRL-002);
 - Site Restoration Plan (text at Planning Statement Appendix F, dated December 2013);
 - Drainage Strategy Report (Planning Statement Appendix E, updated version received 17 March 2014);
 - Enclosed Oilfield Flare (Planning Statement Appendix G, Photo (02));

along with supporting information, including the Planning Statement (Version 2.0 November Arup 2013) as varied by the conditions hereafter. For the avoidance of doubt, high pressure hydraulic fracturing shall not be undertaken as part of this development.

Reason: To secure a satisfactory development.

4. 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.

5. Written notification shall be provided to the County Planning Authority no less than fourteen days before the commencement of development. Written notification shall be provided to the County Planning Authority of each phase of the development.

Reason: To enable the County Planning Authority to monitor the development.


Pollution Prevention Statement

6. Development shall not begin until a Pollution Prevention Statement has been submitted to and approved in writing by the County Planning Authority setting out details of the construction of the engineered site to prevent pollution. The Statement shall include:
- Details of how the impermeable membrane is constructed;
 - Details of remediation to the existing membrane; and
 - Details of inspection and maintenance of the membrane.

The Pollution Prevention Statement shall include detailed pollution prevention assessments and mitigation methods to prevent pollution of the water environment. The approved Statement shall be implemented in full and maintained throughout the course of the development. Any changes to the approved Statement shall be approved in advance and in writing by the County Planning Authority.

Reason: to protect the water environment.

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Signed.....
Strategic Planning Manager

Continuation Sheet

Surface Water Drainage Scheme

7. Development shall not begin until a scheme of surface water drainage following the guidance set out in the approved Drainage Strategy Report (received 17 March 2014), has been submitted to and approved in writing by the County Planning Authority. Details shall include:

- Design for 1:100 year return period.
- Inclusion of 30% peak run-off and 20% additional volume for climate change.
- Infiltration rates and groundwater levels shall be determined by site investigation and/or testing during the winter period
- Inclusion of a suitable freeboard above the seasonal high groundwater table (minimum 1m unless otherwise agreed by the County Planning Authority's engineers).
- Consideration of overland flows (pluvial impact).
- Evidence of agreement with the Local Water Authority.
- Assessment of pollution control measures in accordance with the Environment Agency's Pollution Prevention Guidelines on the use and design of oil separators in surface water drainage systems (PPG3).

The approved scheme shall thereafter be implemented in full and maintained throughout the duration of the development.

Reason: to protect the water environment.

Foul Water Drainage Scheme

8. Development shall not begin until a scheme of foul water drainage has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full and maintained throughout the duration of the development.

Reason: to protect the environment and people from the impacts of foul water.

Lighting Strategy

9. Development shall not begin until a Lighting Strategy, assessed by a suitably-qualified ecologist, has been submitted to and approved in writing by the County Planning Authority. The Lighting Strategy shall include continuous monitoring and recording of light levels throughout the site (including site boundaries) and:

- a) Re-assessment by suitably-qualified ecological consultant of the impact of the site's lighting regime on the surrounding vegetation at night within 7 days of its installation;
- b) Measures for immediate remedial action should the assessment carried out at (a) indicate that light spill exceeds 1 lux; and

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Signed
Strategic Planning Manager

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- c) Within 14 days of the installation of site lighting, submission to the County Planning Authority of a report detailing the impact of the lighting on the surrounding vegetation. The report shall detail lighting measurements (carried out in accordance with (a)), remediation undertaken and its impact, and the type and timescale of further remediation which may be required to ensure light spill onto adjacent vegetation is less than 1 lux.

The approved Lighting Strategy shall thereafter be implemented in full.

Reason: to protect the ecology of the area, particularly bats.

Traffic Management Plan

10. Development shall not begin, including any works of mobilisation, until a Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during the development;
- the method of access and routing of vehicles including consideration of routing to/from the south;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in the development;
- the erection and maintenance of security hoarding (if relevant);
- the provision of works required to mitigate the impact of the development upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during the development;
- traffic management schemes such as restrictions on timings, associated signage etc.; and
- measures to ensure that HGVs avoid travelling past Balcombe Church of England Primary School (a) 30minutes before and 15 minutes after the start of the school day; and (b) 15 minutes before and 30 minutes after the end of the school day on any school day.

The approved Plan shall be implemented and adhered to throughout the development.

Reason: In the interests of highway safety and the amenities of the area.

11. Mobilisation and equipment set up (Stage 1(a)), Demobilisation and Restoration (Stage 3), and the movement of all HGVs to/from the site shall only be undertaken between the hours of 07:30 and 18:30 Mondays to Fridays and 08:00 to 13:00 on Saturdays. None of these works and movements shall occur on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the amenity of local residents.

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Signed
Strategic Planning Manager



Continuation Sheet

Noise

12. The corrected* noise level for operational noise from the site shall not exceed 55dB(A) LAeq,5 minutes (free-field) between the hours of 07:00 - 19:00 Mondays to Fridays and 08:00 - 13:00 Saturdays; shall not exceed Background LA90,1 hour + 10dBA evenings (19:00-22:00) and weekends and shall not exceed 42dB(A) LAeq,5-minutes free-field at night (22:00-07:00). Noise levels which shall be continuously monitored and recorded shall be determined at Kemps Farm premises.

* A 5dB correction shall be added to the LAeq noise level to provide a corrected noise level 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.

13. Noise levels shall be continuously monitored and recorded at Kemps Farm from the date of the commencement of development. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The results shall be submitted to the County Planning Authority on a weekly basis or upon request by the County Planning Authority. If the results indicate that the noise levels exceed those set out in Condition 12 the mitigation detailed in Condition 14 shall be implemented within 48 hours.

Reason: to minimise the impact on residents and the environment.

Noise Management Plan

14. Prior to the commencement of development, the applicant shall submit to, and have approved in writing by the County Planning Authority a Noise Management Plan. The Plan shall identify:

- Details of initial noise tests for each item of noise-emitting plant on site to establish whether noise emissions are compliant with condition 12;
- If not compliant, details of what mitigation would be introduced and timescales for implementation;
- Details of instantaneous mitigation methods for each item of noise-emitting equipment (e.g. throttling back gas flow for the flare, stopping works where safe to do so) and any longer term mitigation;
- Detail of continuous monitoring procedure to monitor noise limits;
- Procedures for addressing any complaints received.

Once approved, the Noise Management Plan shall be implemented in full throughout the course of the development.

Reason: To protect the amenities of local residents.

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Signed
Strategic Planning Manager 

Continuation Sheet

Reversing Alarms

15. Vehicles within the operator's control, including those required to visit the site under contract that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

Reason: To protect the amenities of local residents.

Bat Monitoring

16. Within 12 months of the commencement of development and during the appropriate active season (May to August) bat activity will be assessed again by a suitably licenced ecologist, following recognised best practice. A report shall be produced and submitted to the County Planning Authority.

Reason: to assess the impact of the development on bat activity.

Restoration

17. Prior to the commencement of development, a Restoration Scheme which accords with the guidelines set out in Appendix F to the Planning Statement shall be submitted to and approved in writing by the County Planning Authority setting out details of the site restoration as well as restoration of the access track, and aftercare of the site for a five year period. The Restoration Scheme shall thereafter be implemented in full.

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

Additional Security Measures

18. Prior to the commencement of development, a scheme of additional security measures shall be submitted to and approved in writing by the County Planning Authority. The scheme shall identify the height, location and appearance of any fencing and other security measures which may be required to be installed on the site. It shall not include fencing of more than 4.5 metres in height or 2 metres in height fronting the highway. Only security measures approved in this scheme shall be erected on site. Any security measures installed shall be removed upon completion of the development.

Reason: to ensure that the site can be secured appropriately without significant impact on the landscape of the area.

Workover Rig

19. Prior to the commencement of development, details of the workover rig to be used shall be submitted to and approved in writing by the County Planning Authority. Only the approved rig shall be used in implementing the development.

Reason: to secure a satisfactory development.

Date 02/05/14 Signed
Strategic Planning Manager

Continuation Sheet

Liaison Group

20. Prior to commencement of the development hereby approved, the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing the establishment of a local liaison group to include representation from the site operator, WSCC and local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.


Reason: In the interests of the local amenities of the area.

INFORMATIVE

- A. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- B. The applicant should contact Network Rail's Asset Protection South East team prior to commencement of site works to agree a Basic Asset Protection agreement. Network Rail's Asset Protection South East team can be contacted at AssetProtectionSussex@networkrail.co.uk. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.
- C. The applicant is advised to contact the Local Highway Assessment Management Officer with respect of a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway at the site access as a direct consequence of the construction traffic.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the report by contacting County Planning, West Sussex County Council or visiting the website at <http://www.westsussex.gov.uk/ePlanning>

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Signed
Strategic Planning Manager

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT.

TOWN AND COUNTRY PLANNING ACT 1990

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at www.planning-inspectorate.gov.uk or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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- (a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and County Planning Act 1990.

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Further correspondence about this application should quote the reference number at the top right hand corner of the form.