Planning Committee **Agenda Item No. 4**

29 April 2014

Minerals Planning Application (County Matter)

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.

Lower Stumble Exploration Site, London Road, Balcombe RH17 6JH

Application No. WSCC/005/14/BA

Report by Strategic Planning Manager

Local Member: Bill Acraman **District: Mid Sussex**

Executive Summary

This report relates to an application to carry out hydrocarbon (oil and gas) exploration and appraisal at an existing hydrocarbon site south of Balcombe, Mid Sussex. The site is located on the north-eastern side of the B2036 (London Road) some 800 metres south of Balcombe in the east of Mid Sussex.

The proposal follows the drilling of a vertical and lateral (horizontal) well at the site over summer 2013 under planning permission WSCC/02/10/BA. That permission also allowed flow testing and monitoring activities, including flaring, but it expired in September 2013, before the applicant had time to complete appraisal operations. As a result, the applicant is now seeking a temporary, six month planning permission to clean the existing borehole, carry out seven days of flow testing (pumping fluids from the well into tanks on the site, and flaring any gas), and then the shutting-in of the well for pressure monitoring for sixty days. The well would then be sealed and secured and the site restored.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

Balcombe Parish Council and Ardingly Parish Council have raised objections to the proposed development. No objections have been raised by other statutory consultees.

There have been 889 objections have been received from third parties, and 9 representations in support.

Consideration of Key Issues

The main material planning considerations are whether:

- there is a need for the development;
- the development is acceptable in terms of highway capacity and road safety;

- the development is acceptable in terms of impact on amenity and public health;
- the development is acceptable in terms of impacts on the water environment;
- the development is acceptable in terms of impact on landscape; and
- the development is acceptable in terms of impacts on ecology.

Need for the Development

The National Planning Policy Framework (NPPF) gives 'great weight' to the benefits of mineral extraction, including to the economy and notes that minerals can only be worked where they are found. NPPF Planning Practice Guidance (PPG): Minerals notes that oil and gas will continue to form part of the national energy supply, and gives a clear steer from Government that there is a continuing need for indigenous oil and gas. The West Sussex Minerals Local Plan (2003) notes that planning permission for oil and gas exploration will normally be granted, subject to environmental considerations and the development being the 'best option' in the area of search. The present proposal would make use of an existing well, carrying out works to establish whether oil and gas resources are exploitable so is considered to represent the 'best option'. It is therefore concluded that there is an identified need for local oil and gas production, and that there is an identified need for development on this particular site, to establish whether the hydrocarbons identified during drilling in 2013 are exploitable.

Highway Capacity and Road Safety

The proposed development would result in increased HGV movements on the B2036 and other roads over the 6 month period sought. However, at most there would be an 18% increase in HGV movements, which would occur during the 4 day demobilisation. For most of the development the increase in HGV traffic would be no more than 10%. WSCC Highways Officers raise no objection to the proposal, concluding that the increase in vehicle movements is not sufficient to materially impact on the operation of the highway network in safety or capacity terms, subject to the imposition of a condition requiring the submission and approval of a Traffic Management Plan.

Impact on Amenity and Public Health

The development has the potential to adversely affect residential amenity and health primarily through increased noise and emissions to air. In terms of noise, there is a potential for the flare and plant on site to result in noise disturbance, but it is concluded that this can be adequately controlled by conditions requiring monitoring, and remediation if levels are exceeded. The development has the potential to result in impacts on air quality through the flare, and an increase in vehicles travelling to and from the site. However, emissions from the flare are controlled by the Environmental Permit which applies to the operations. The potential impact upon amenity and air quality as a result of increased vehicle numbers is not considered to be significant, as numbers are relatively low, on B- and A-roads, and for a temporary period.

Impacts on the water environment

The potential impact of the development on the water environment is a material consideration, but PPG: Minerals, paragraph 12 notes that mineral planning authorities must assume that non-planning regimes operate effectively. This means assuming that the well is constructed and operated appropriately, that surface

equipment operates satisfactorily, and that waste and NORMs are appropriately managed, in accordance with the requirements the Health & Safety Executive, Department of Energy and Climate Change and Environment Agency.

The Environment Agency and Health and Safety Executive have not raised concerns in relation to the proposal. The risk to surface water would be minimised by carrying out activities on an impermeable membrane with a sealed drainage system. Conditions would be added to the permission requiring the submission of a scheme to protect the water environment, as well as surface and foul water drainage schemes. With regards to groundwater, it must be assumed that the well is constructed and operated to the appropriate standards. Mapping and surveys ensure that there is no risk of the present well intersecting with the well drilled in the 1980s. It is proposed to use dilute hydrochloric acid to clean the well, which is a standard procedure with many boreholes, including those for drinking water. The hydrochloric acid would react with material in the borehole to become non-hazardous salty water. It is therefore concluded that the development does not pose a risk to the water environment, either at the surface or groundwater.

Impact on Landscape

The application site is located within the High Weald Area of Outstanding Natural Beauty (AONB), so the NPPF requires that great weight must be given to conserving landscape and scenic beauty. The most visible elements of the development would be the workover rig at 22 metres in height, and the enclosed flare at 14 metres in height. However these elements would only be in place for four weeks and 1 week respectively. The other development on site would be at a relatively low level and screened by mature vegetation. This and the temporary nature of the development has led WSCC's Landscape Officer, and the High Weald AONB unit to conclude that the development is unlikely to result in significant impacts on landscape or the natural beauty of the area. It is therefore concluded that the proposal is acceptable in terms of its potential visual impact and impact on the landscape.

Impact on Ecology

The proposed development site is adjacent to ancient woodland, and there are a number of Sites of Special Scientific Interest in the local area, though relatively distant from the site, each more than 2,000 metres away. It is considered that the potential impact of the development on habitats and species would be minimal, subject to controls on emissions to air and the water environment. A key concern relates to the potential impact on bats, but WSCC's Ecology officers have raised no objection, subject to conditions to control lighting on the site, and requiring bat monitoring. It is therefore considered that the proposal is acceptable in terms of its potential impact on ecology.

Overall Conclusion

The six month flow testing and monitoring operation proposed at the Lower Stumble Wood site has the potential to result in impacts on the highway, people and the environment, issues which have been raised in the large number of objections to the application. Balcombe Parish Council and Ardingly Parish Council have objected to the application, but no other statutory consultees have objected, subject to the imposition of conditions. It is concluded that the number of vehicles required to carry out the development is not significant enough to raise concerns regarding highway capacity or safety. Emissions from the development would be controlled through the planning regime as well as through the Environmental Permitting and health and safety regimes and the Health and Safety Executive which would ensure

that water quality would not be compromised and that emissions to air would be acceptable. The rig and flare on the site would be visible at times during the development, but the impact would be short-lived so would not compromise the landscape qualities of the High Weald Area of Outstanding Natural Beauty.

Recommendation

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

1. Introduction

1.1 This report relates to an application to carry out hydrocarbon (oil and gas) exploration and appraisal at an existing hydrocarbon site south of Balcombe, Mid Sussex. It follows the drilling of a vertical and lateral (horizontal) well at the site over summer 2013 under planning permission WSCC/02/10/BA. That permission also allowed flow testing and monitoring activities, including flaring, but it expired in September 2013, before the applicant had time to complete appraisal operations.

1.2 As a result, the applicant is now seeking a temporary, six month planning permission to clean the existing borehole, carry out seven days of flow testing (pumping fluids from the well into tanks on the site, and flaring any gas), and then the shutting-in of the well for pressure monitoring for sixty days. The well would then be sealed and secured and the site restored.

2. Site and Description

2.1 The application site is located on the north-eastern side of the B2036 (London Road), some 800m south of Balcombe (see **Appendix 2: Site Location**). It is within Balcombe Estate which also owns land to the east and west of the site.

2.2 It is located in an area of woodland comprising conifer plantation, native and non-native planting, as well as Lower Meadham Wood and Lower Stumble Wood, both of which are Ancient Woodlands.

2.3 The site extends to some 7,300 metres square in area (0.73 hectares), including the surface pad, access road linking to London Road, and the lateral well extending some 700 metres in a south-westerly direction from the surface site works (see **Appendix 3: Site Boundary**).

2.4 Although the drilling equipment has been removed, the site remains unrestored pending the outcome of this application.

2.5 The pad is a roughly rectangular area of hardstanding with the borehole in its approximate centre (see **Appendix 4: Proposed Site Layout**). It is enclosed with a security fence topped with razor wire to 4.3 metres in height. This was erected in response to security concerns raised by Sussex Police during the drilling operations in summer 2013. This fencing was approved as a non-material amendment to the fencing approved under condition 15 of planning permission WSCC/027/10/BA.

2.6 A site access road of some 150 metres in length links the north-eastern corner of the pad to the eastern side of the B2036. The access road is sealed, with agricultural-style gates at the highway access.

2.7 The lateral extension of the well is at some 760 metres in depth, and extends some 700 metres from the drilling pad in a south-westerly direction.

2.8 The pad is enclosed on three sides by woodland, and on the fourth, to the south-east, by the access road, beyond which is woodland. The London-Brighton railway line is some 45 metres east of the site on an elevated bank.

2.9 The site is some 350 metres south-east of Kemps Farm, the nearest residential property, and some 800 metres from the southern edge of Balcombe village.

2.10 The site is located within the High Weald Area of Outstanding Natural Beauty. It is not within an area subject to ecological, heritage or other designations, and is not in an area identified as being at risk of flooding. It is not within a groundwater source protection zone. The site is 1 kilometre from the Ardingly Reservoir, and there are small streams in the locality of the site, including 15 metres east of the access road.

2.11 The nearest Public Right of Way is some 300 metres north of the site, running from London Road east under the railway corridor.

3. **Relevant Planning History**

3.1 The site was first used for exploratory drilling in 1986 – 1987 under planning permission BA/10/86 which allowed the construction of a hard standing in association with exploratory drilling exercise. It was subsequently used by Balcombe Estate for forestry storage under planning permission BA/38/87 which allowed the retention of the pad for forestry product storage, and improvements to the existing access.

3.2 Planning permission was granted by West Sussex County Council in 2010 to *"upgrade existing stoned platform and drill and exploratory borehole for gas and oil exploration"* (ref. WSCC/027/10/BA). No objections to the application were received and planning permission was granted on 23 April 2010, subject to 21 conditions and 5 informatives. The approved development included flow testing and monitoring.

3.3 Condition 2 of the permission stated:

"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."

3.4 WSCC was advised that construction works would commence on 28 September 2010, at which time the applicant carried out preparatory site works sufficient to implement the permission. No further operations took place at the site until July 2013 when drilling commenced, after initial site preparations and mobilisation of equipment. Drilling began at the site on 29 July 2013 and was

completed by 24 September 2013, with equipment removed by 28 September 2013.

3.5 Two applications were submitted in July 2013 seeking additional time to carry out the drilling and testing programme (ref. WSCC/061/13/BA) and to vary the approved flare to be used under the 2010 permission (ref. WSCC/063/13/BA). These applications were withdrawn on 2 September 2013.

4. The Proposal

4.1 The applicant is seeking temporary planning permission to carry out hydrocarbon exploration and appraisal for a six month period, along with associated development including the installation of site security fencing, an enclosed flare, other testing equipment and ancillary facilities, as well as site restoration. The purpose of the further appraisal work is to establish whether the well has sufficient hydrocarbons with sufficient flow to make production economically viable. If appraisal indicates production from the well would be viable and the applicant wants to undertake production at the site, this would be subject to a new planning permission.

4.2 The proposed development is considered to fall within the definitions of both 'exploration' and 'appraisal', as set out in Planning Practice Guidance (PPG): Minerals (6 March 2014):

> *"The exploratory phase seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing."* (paragraph 95)

> *"The appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site…Much will depend on the size and complexity of the hydrocarbon reservoir involved."* (paragraph 100).

4.3 The applicant has stated that information emerging from previous operations at the site indicated that the limestone rock layer ('micrite') contains hydrocarbons, and that the micrite is naturally fractured. The applicant has therefore stated that there is no need for hydraulic fracturing:

> *"…the proposed flow testing operations do not include hydraulic fracturing and for the avoidance of doubt Cuadrilla can confirm that it will not be proposing to hydraulically fracture this well in the future."* (Planning Statement, page 3).

4.4 Flow testing operations such as that proposed would typically be undertaken during the exploration stage when the drill is still on site, and was approved as part of the 2010 permission (WSCC/027/10/BA). However, the operator only had time to drill the borehole before the permission expired, so flow testing was not undertaken.

4.5 In terms of the physical development on site, it is proposed to install a workover rig that would be at full extension (22 metres) for 4 weeks of the

development, and a flare (14 metres in height) in the south-eastern corner of the site for a period of one week (see **Appendix 5: Enclosed Flare and Workover Rig**).

4.6 Ancillary site infrastructure would be installed including modular buildings, tanks, pumps, generators, and a heras (temporary construction) fence around the pad's perimeter. The modular buildings would be located around the periphery of the drill pad and would contain staff accommodation and facilities, offices, and storage. There would be a parking area along the north-eastern boundary and skips for waste in the south-western corner of the site.

4.7 The drill pad is underlain with a self-contained impermeable high density polyethylene (HDPE) membrane in the rig/well-testing area around the borehole. Surface water would drain from the impermeable drill pad to a well cellar where it would be either used in the site operations or taken off site for disposal. Fuel tanks and chemicals would be stored outside of this area, in their own bunded containers.

4.8 The operational development would involve three stages: well testing, well sealing, and demobilisation/restoration.

Well Testing

4.9 This stage would involve initial site set-up, cleaning of the well, flow testing and the shutting-in of the well, resulting in up to 134 heavy goods vehicle (HGV) movements (67 HVGs coming to/leaving the site) over a period of nine weeks.

4.10 Equipment would be brought to site and installed over a period of one week. The equipment would comprise a beam pump (nodding donkey), coiled tubing unit (essentially a large roll of tubing), acid pump, tanks for oil, water and nitrogen, a separator (separating material brought to the surface into oil, gas and water), a nitrogen pump and a generator.

4.11 In addition, an enclosed flare to 14 metres in height would be installed in the south-eastern corner of the site.

4.12 Once the site equipment has been installed, the well would be prepared for flow testing. It would be cleaned with hydrochloric acid, diluted to less than 10%, which would be pumped through a nozzle on the end of coiled tubing. This process removes residue left in the well and cleans the immediate wellbore area. It would not be at pressures that would fracture the surrounding rock. Nitrogen would be injected to remove spent acid and initiate the flow of gas and oil (a 'nitrogen lift').

4.13 These operations would involve a 'workover rig' being in place, with a maximum height of 22 metres. This rig would be in place and fully extended during the well cleaning, flow testing, and during the set up for the pressure monitoring – a maximum of 21 days during this period.

4.14 The nodding donkey would then be installed to pump fluids and gas via a separator into tanks and the flare respectively for a period of one week. The nodding donkey and generator would operate continuously during the flow testing period, including overnight. However, no vehicle movements or other operations would take place at night.

4.15 Following the seven day flow testing operation, the nodding donkey and flare would be removed and pressure gauges installed in the well. The well would be shut-in and secured for a period of around sixty days to allow pressure testing. The pressure in a well helps to indicate the reserve available in a geological formation, the density of the fluid, and the permeability of the rock. This operation would involve ten HGV movements (five HGVs coming to and leaving the site) over a nine week period.

Well Sealing

4.16 After the well testing operations, the well would be sealed and secured, a process also known as 'plugging and abandonment'. A series of mechanical and cement plugs would be set at various points in the well to isolate sections of the well, and cement plugs higher up to prevent the escape or migration of fluids and gases. The steel casings around the borehole would be cut off at least 1.83 feet metres (6 feet) below ground level, and a steel plate would be welded to the casing stub. The well head and cellar would be removed, the cellar filled in and the impermeable membrane removed. Sub-surface wastes would be removed in accordance with an Environmental Permit relating to the management of mining waste.

4.17 The process would involve some 36 HGV movements (18 HGVs entering and leaving the site) over a period of four to eight weeks. The workover rig would be extended to full height (up to 22 metres) for up to one week during this period.

4.18 The works would be undertaken in accordance with procedures agreed with the Health and Safety Executive (HSE), Environment Agency, and Department of Energy and Climate Change (DECC).

Demobilisation and Restoration

4.19 Once the well has been sealed, the site would be cleared of equipment, fencing, tanks, and waste and restored to its previous condition as a hardstanding for forestry use. This would take four days and up to 42 HGV movements (21 HGVs entering and leaving the site) over that period.

Vehicle Movements

4.20 Table 1 summarises the maximum time and HGV movements associated with each phase of the proposal.

Table 1: Maximum HGV movements and Days for Stages of Development

		Days (Maximum)	**HGV movements** (Maximum)
Stage 1			
Mobilisation/Set-up	Prepare & clean well	7	54
Flow Test	Nitrogen lift	3	70
	Install nodding donkey	3	
	Flow testing	7	
Pressure Monitoring	Remove pump, install gauges.	3	10
	Shut-in, secure.	60	
Stage 2			
Sealing Well	Plug and abandon well	56	36
Stage 3			
Demobilisation & restoration	Remove equipment, restore site.	4	42
	Total	**143**	**212**
		20.5 weeks	106 HGVs to/from site

4.21 As Table 1 shows, the most intensive period of HGV movements would be during the site set-up and demobilisation when equipment would be brought to and taken from the site. During the site set-up there would be up to 54 HGV movements (29 HGVs coming to/leaving the site) over 7 days, with at most 34 HGV movements in any day (17 HGVs coming to and leaving the site).

4.22 During demobilisation there would be up to 42 HGV movements (21 HGVS coming to/leaving the site) over four days, with a maximum of 32 HGV movements in any day (16 HGVs coming to and leaving the site).

Hours of Operation

4.23 Site preparation (set-up) and restoration works, and the movement of HGVs to/from the site would be restricted to between 07:30 and 18:30 hours on Monday to Friday, and 08:00 and 13:00 hours on Saturdays, with no operations on Sundays, Public or Bank Holidays. The flaring of gas and other operations would be undertaken 24 hours a day.

Environmental Permits

4.24 Both the implemented drilling programme and currently proposed testing programme are subject to Environmental Permits granted by the Environment Agency in relation to mining waste and radioactive substances.

5 Environmental Impact Assessment (EIA)

5.1 The need for EIA was considered in relation to this application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regulations').

5.2 The development does not fall within Schedule 1 of the EIA Regulations which sets out development for which EIA is always required.

5.3 It does, however, fall within Schedule 2, where EIA is required if the local authority considers the development is likely to have significant effects on the environment. It falls within Schedule 2 because the site is within a defined 'sensitive area', namely an Area of Outstanding Natural Beauty, and the development sought is a 'surface industrial installation for the extraction of petroleum and natural gas' (Part 2(e)) of more than 0.5 hectares in area.

5.4 Consideration must therefore be given as to whether the development has the potential to result in 'significant environmental effects' which require an EIA.

5.5 The Annex to PPG: Environmental Impact Assessment (6 March 2014) sets out indicative thresholds when considering whether EIA is necessary. For part 2(e) the indicative thresholds refer to a development site of 10 hectares or more, or where production is expected to be more than 100,000 tonnes of petroleum per year. The present proposal would not fall within either of these criteria.

5.6 The key issues to consider are noted in this annex as the scale of development, emissions to air, discharges to water, risk of accidents and arrangements for transporting the fuel.

5.7 The scale of the present development and emissions associated with it are not considered to be significant, particularly as the use would be temporary. The risk of accidents is not considered to be significant, and significant amounts of fuel would not require transportation. No potentially significant impacts have been identified when considering the key issues.

5.8 Taking into account the EIA Regulations 2011, as expanded upon by the above considerations, it was considered in an EIA Screening Opinion dated 14 January 2014 that the proposals would not have the potential for significant effects on the environment within the meaning of the EIA Regulations (see **Appendix 6: Screening Opinion**). Therefore, EIA was not considered necessary.

5.9 This view has been revisited in light of the new PPGs released on 6 March 2014. The conclusion remains the same.

6. Policy

Statutory Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')). For the purposes of the application, the statutory development plan is considered to comprise the West Sussex Minerals Local Plan (2003) and the Mid Sussex Plan (2004).

6.2 The Submission Mid Sussex District Plan (2013) was submitted to the Secretary of State but was subsequently withdrawn so carries no weight. After submission, the Inspector confirmed that he was not satisfied that Mid Sussex

District Council had met the Duty to Cooperate and advised them to withdraw the plan and carry out more work with neighbouring councils.

6.3 The key policies in the development plan which are material to the determination of the application are summarised below.

6.4 In addition, reference is made to the relevant parts of the NPPF and the PPGs which guide the decision-making process and which is material to the determination of the application.

West Sussex Minerals Local Plan (2003)

6.5 The West Sussex Minerals Local Plan (2003) contains a number of policies that are relevant to this application. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.

6.6 Policy 1 supports working practices which cause the least environmental harm, the incorporation of opportunities to conserve and enhance the environment, and appropriate afteruse.

6.7 Policy 10 notes that proposals which may 'irreversibly damage' statutorily designated sites of historic, architectural, natural or scientific interest if the damage can be prevented or the need for the mineral outweighs environmental objections.

6.8 Policy 12 notes some mineral working may be permitted in the AONB providing they would not *"irreversibly damage the intrinsic qualities of these areas"*, with assessments of need, alternatives and effects on the landscape/environment required, and mitigation measures to be of a high standard and rapid reclamation promoted.

6.9 Policies 16 and 56 seek to safeguard the water environment, Policy 19 seeks to protect residential and other amenity, and Policy 22 seeks appropriate restoration.

6.10 Policy 26 relates specifically to oil and gas development, noting it will be permitted where it is demonstrated to the satisfaction of the Planning Authority that it is the best option in comparison with other alternative sites, and that the proposal is acceptable in relation to the surrounding area. It notes that particular attention will be given to the impact on countryside, site access and vehicle routeing, residential amenity, Public Rights of Way, and the water environment.

6.11 Policy 27 states that permission for hydrocarbon exploration "*will normally be granted subject to compliance with the issues addressed in Policy 26, having regard to the limited duration and area of the activity."*

6.12 Policy 47 notes that account will be taken of the numbers, type and routeing of vehicles likely to be generated in relation to a minerals proposal, and that permission will be reused if the highway network is inadequate and any significant harm cannot be overcome.

6.13 Policy 49 states that in determining an application for a new mineral working, account will be taken of the cumulative effect of minerals workings on the locality.

6.14 Policy 60 notes that conditions will be imposed requiring that acceptable maximum levels of noise are not exceeded, while Policy 62 requires control over artificial lighting and Policy 63 requires conditions controlling hours of work.

Mid Sussex District Plan (2004)

6.15 The application site is within the defined 'countryside area of development constraint' on the Proposals Map.

6.16 Policy C1 of the District Plan notes that in these areas the countryside will be protected for its own sake and that proposals will be 'firmly resisted and restricted to', among other things *"(c) in appropriate cases, proposals for the extraction of minerals or disposal of wastes."*

6.17 Policy C4 relates to development in the AONB which will not be permitted unless, in summary, it is reasonably necessary for some other use which has to be located in the countryside; it is essential for local social/economic needs; or it is in the national interest and no suitable sites are available elsewhere. In considering development in the AONB the policy notes that 'particular attention' will be paid to siting, scale, design and screening of new buildings to ensure they do not detract from the area.

6.18 Policy T3 relates to HGVs, noting that proposals which give rise to significant numbers on roads not designed to accommodate HGVs will not be permitted.

Other Policies

National Planning Policy Framework (2012)

6.19 The NPPF sets out the government's planning policies for England and outlines how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process.

6.20 Paragraph 144 sets out matters to consider in determining applications for minerals development including (in summary): giving great weight to the benefits of mineral extraction, including to the economy; ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and taking into account cumulative impacts; ensure that unavoidable noise, dust and vibrations are mitigated; and providing for restoration at the earliest opportunity to the highest standard.

6.21 The other paragraphs in the NPPF of relevance to the application are:

Paragraph 7 (paragraph 14 (presumption in favour of sustainable development, and approving development that accords with the development plan); 17 (core planning principles); 109 (protection and enhancement of the natural and local environment); 110 (minimising

pollution and other adverse effects); 115 (great weight given to conserving landscape and scenic beauty in AONBs); 116 (major development in AONBs); 120 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment); 123 (impact of noise health and quality of life); 186 (positive decision making); 196 (determining applications in accordance with the development plan); 197 (presumption in favour of sustainable development); and 203-206 (use of planning conditions).

Planning Policy Guidance

6.22 Planning Practice Guides (PPGs) were first published in March 2014 to accompany the NPPF. As with the NPPF, these are a material consideration in considering planning applications.

PPG: Minerals

6.23 PPG: Minerals (March 2014) sets out the Government's approach to planning for mineral extraction in both plan-making and the planning application process.

6.24 Paragraph 12 sets out the relationship between planning and other regulatory regimes noting that *"the planning system controls development and the use of land in the public interest"* including ensuring development is appropriate for its location and an acceptable use of land.

6.25 Crucially, it notes that *"the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively."*

6.26 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, traffic, risk of contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and in some cases ground water issues, and water abstraction.

6.27 Paragraph 14 sets out issues which are for other regulatory regimes to address. For hydrocarbon extraction this links to paragraphs 110 to 112 which sets out the key regulators in addition to the Mineral Planning Authority, namely:

- Department of Energy and Climate Change (DECC): issues petroleum licences, gives consent to drill, responsibility for assessing risk of and monitoring seismic activity, grant consent for flaring or venting;
- Environment Agency: protect water resources (including groundwater aquifers), ensure appropriate treatment of mining waste, emissions to air, and suitable treatment/management of naturally occurring radioactive materials (NORMs). Assess chemical content of fluids used in operations.
- Health and Safety Executive: regulates safety aspects of all phases of extraction, particularly ensuring the appropriate design and construction of a well casing for any borehole.

6.28 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.

6.29 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.

6.30 Paragraph 93 notes that planning permission is required for each phase of hydrocarbon extraction, while paragraph 94 notes that applications can cover more than one phase and paragraph 118 notes that both vertical and horizontal drilling can be included in one application.

6.31 Paragraph 95 explains that the exploratory phase of hydrocarbon extraction:

> *"seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing."*

6.32 Paragraph 100 explains that the appraisal phase

> *"…can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site…Much will depend on the size and complexity of the hydrocarbon reservoir involved.*

6.33 Paragraph 124 states that Mineral Planning Authorities should take account of Government energy policy 'which makes it clear that energy supplies should come from a variety of sources' including onshore oil and gas. It also refers (and electronically links) to the Annual Energy Statement 2013 which notes, among other things, that the UK needs to make the transition to low carbon in order to meet legally-binding carbon emission reduction targets (paragraph 1.2) and that levels of production from the UK continental shelf are declining so the UK will become increasingly reliant on imported energy (paragraph 1.3). The three stated priorities in delivering the UK's energy policies in the near term are:

- *"helping households and businesses take control of their energy bills and keep their costs down;*
- *unlocking investment in the UK's energy infrastructure that will support economic growth; and*
- *playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change."* (paragraph 1.6).

6.34 Paragraph 3.69 states:

> *"With oil and gas remaining key elements of the energy system for years to come (especially for transport and heating), the Government is committed to maximising indigenous resources, onshore and offshore, where it is cost-effective and in line with safety and environmental regulations to help ensure security of supply."*

Other PPGs

6.35 PPG: Air Quality notes that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would (in summary): significantly affect traffic (through congestion, volumes, speed, or traffic composition on local roads); introducing new point sources of air pollution; give rise to potentially unacceptable impact (such as dust) during construction; or affect biodiversity (paragraph 5).

6.36 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking.

6.37 PPG: Natural Environment notes that planning decisions should be based on up-to-date information about the natural environment and other characteristics of the area, and local planning authorities should have regard to management plans for AONBs (paragraph 4). Paragraph 5 notes:

> *"Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable."*

7. Consultations

7.1 **Mid Sussex District Council**: asks that in determining application WSCC are satisfied with the effects on the AONB, and if permission is granted the conditions should ensure a Construction Management Plan includes hours of work and numbers of HGVs/routing/deliveries to avoid school drop-off and pick up times and weekends. If staff are to live on site appropriate accommodation should be provided.

7.2 **Balcombe Parish Council**: Objection. Local ballot held, with 59.8% of voters wanting the Parish Council to oppose the present application. If granted want conditions to address [summary of key issues]: financial condition of Cuadrilla (Balcombe) Ltd.; lack of EIA; transport of large and hazardous materials, particularly past school; inaccurate noise survey; more detailed air quality survey; lack of ecological survey, particularly new bat survey; 28 days' notice of commencement of works on site; 50 years aftercare period; extension of impermeable bunding; robust crisis plan involving South East Water; lighting pollution to be monitored; independent monitoring of noise, air and water; visual impact of rig and flare.

7.3 **Environment Agency**: seek conditions requiring submission and approval of a Construction Method Statement outlining how the site will be engineered to prevent pollution. Note that the operations at the site have the benefit of a Mining Waste Permit and Radioactive Substances Activity Permit, the latter

covering the storage and disposal of formation water containing Natural Occurring Radioactive Material (NORM) from the well flow testing phase.

7.4 **Health and Safety Executive:** No comment.

7.5 **Natural England:** No objection regarding statutory nature conservation sites; no comment regarding protected landscapes.

7.6 **WSCC Drainage**: No objection subject to submission, approval and implementation of surface and foul water drainage schemes.

7.7 **WSCC Ecology:** No objection subject to conditions relating to lighting and bat monitoring.

7.8 **WSCC Highways**: No objection subject to condition requiring Traffic Management Plan. Agree that Transport Assessment is not needed and site access is adequate. Have considered traffic counts on roads near site and concluded that development would result in a limited increase over existing HGV traffic, therefore unlikely to have a material impact on the operation of the highway network. Note that maintenance problems, raised in objections, are not a material consideration but have been passed to the relevant departments.

7.9 **WSCC Landscape**: Given temporary period of exploration do not think it likely to have significant visual impact or significantly affect landscape character.

7.10 **Southern Water**: proposes measures to protect and monitor groundwater resources including an appropriate environmental and hydrogeological risk assessment, baseline groundwater sampling, ongoing groundwater and environmental monitoring, and consultation with relevant agencies.

7.11 **High Weald AONB:** temporary development considered unlikely to have any additional impacts on natural beauty. Such a potentially polluting installation is not normally be considered appropriate in AONB but given the application is for a temporary installation it appears unlikely to have significant and long term impacts on the High Weald AONB.

7.12 **Network Rail:** request that flare is shrouded to prevent light egress that may distract train drivers. Seek assurance that flare does not result in smoke that may impair driver vision. Request submission of monthly environmental report to Network Rail team. *[please note: the requirement for monthly environmental reports forms part of the Environmental Permit].*

7.13 **Sussex Police**: Crime prevention advice provided, noting benefits of secure perimeter fencing, lighting, and CCTV.

7.14 **Lewes District Council** (neighbouring authority): No comment.

7.15 **Ardingly Parish Council** (neighbouring Parish): object due to close proximity to Ardingly reservoir, possibility of water contamination, environmental factors (i.e. wildlife, possible pollution/contamination), site situation in AONB.

7.16 **Ansty and Staplefield Parish Council** (neighbouring Parish): application 'noted'.

7.17 **Worth Parish Council** (neighbouring Parish): concerned over increased traffic generated in very rural area.

8. Representations

8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. In response to the erection of nine site notices located around the application site, and the notification of neighbours and those who had responded to previous applications at the site, 889 objections were received from third parties, and 9 representations in support.

8.2 Frack Free Balcombe Residents' Association (FFBRA) objected to the proposal. The organisation states it has a membership of more than 300 people living in the parish of Balcombe.

8.3 The main issues raised through objections, including that of FFBRA, were, in summary:

- Impacts of flare on human health and the environment;
- Increased traffic past school, through Balcombe, and on rural roads;
- HGVs should travel to south, rather than through Balcombe;
- Too close to residential properties;
- Tankers of chemicals travelling past children's classrooms and playground at school. Emergency procedures needed in case of spills on road;
- Reliance on fossil fuels rather than renewables will undermine climate change obligations;
- Noise impacts will be unacceptable;
- Impact on bats;
- Pollution of water environment, particularly as aquifer is shallow at site;
- Pollution of streams adjacent to site which link to River Ouse and Ardingly Reservoir;
- Use of hydrochloric acid and impact on environment;
- Amount of water used;
- Distance between previous borehole and current borehole;
- HSE or EA have not inspected well or had required meetings;
- No social licence to drill as Balcombe Parish Council poll shows;
- Lack of local benefits;
- Deterioration of village life with threatened and actual presence;
- Disposal of toxic waste;
- Potential for earthquakes;
- Permit does not deal with Radon-222;
- Cuadrilla should not monitor itself;
- Location in AONB;
- Landscape impact of flare;

- Lack of EIA, Transport Assessment, fault mapping, baseline bat data, baseline air monitoring, and noise information relating to flare;
- Fracking should be banned;
- Concern at lack of WSCC resources and expertise to deal with application and monitor operation if granted;
- Poor performance of Cuadrilla over summer 2013 – numerous breaches, and at sites in Lancashire;
- Cumulative impact: multiple boreholes, multiple sites, potential for future activities;
- PEDL for site expires in July. Should defer decision until can confirm whether PEDL would cover full length of permission; and
- Need for financial guarantee to ensure Cuadrilla can cover pollution.

Several representations were received from other public bodies:

- *Public Health England:* seek wider emissions monitoring, particularly in relation to emissions from the flare; suggest WSCC consults with the Environmental Health Department; suggest consideration of flood matters; and suggest consultation with the Director of Public Health.
- *Sussex Wildlife Trust:* object. Development would undermine climate change obligations; up-to-date surveys needed; inadequate information submitted; need for additional lighting information.
- *Campaign to Protect Rural England Sussex Countryside Trust:* Length of permission should be minimised. Conditions should be updated from 2010 permission to reflect new knowledge. Noise emissions should be controlled; risk to bats clarified and aftercare considered.
- *Director of Public Health:* Response awaited (to be presented verbally at Committee).

9. Consideration of Key Issues

9.1 The key issues in relation to this application are considered to be whether:

- there is a need for the development;
- the development is acceptable in terms of highway capacity and road safety;
- the development is acceptable in terms of impact on amenity and public health;
- the development is acceptable in terms of impacts on the water environment;
- the development is acceptable in terms of impact on landscape; and
- the development is acceptable in terms of impacts on ecology.

Need for the Development

9.2 In considering the need for oil/gas exploration, the NPPF notes that "*Minerals are essential to support sustainable economic growth and our quality of life"* and that "…*minerals are a finite natural resource, and can only be worked*

where they are found…" (NPPF paragraph 142). Paragraph 144 requires that in determining planning applications local planning authorities *"give great weight to the benefits of mineral extraction, including to the economy"*, though this must be balanced against the weight given to environmental impacts of a development.

9.3 Paragraph 124 PPG: Minerals provides a clear steer that nationally, energy should come from a variety of sources, including oil and gas, giving the following response to the hypothetical question:

> *"Do mineral planning authorities need to assess demand for, or consider alternatives to oil and gas resources when determining planning applications?*
>
> *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 the Government's Annual Energy Statement published in October 2013."*

9.4 The Annual Energy Statement referred to in this paragraph notes that energy policy is underpinned by two key factors: the need to reduce carbon emissions and to ensure energy security (paragraph 1.1). It makes it clear that while renewable energy must form an increasing part of the national energy picture, oil and gas remain key elements of the energy system for years to come (paragraph 3.69).

9.5 One of the three key priorities outlined in the Annual Energy Statement is *'unlocking investment in the UK's energy infrastructure that will support economic growth'* (paragraph 1.6). Paragraph 3.69 of the Statement notes the Government is committed to maximising indigenous resources, subject to safety and environmental considerations.

9.6 Taking this into account, the present proposal is considered to accord with the approach set in national guidance by investing in energy infrastructure to establish whether indigenous oil and gas reserves are available and worth exploiting at Balcombe.

9.7 At the local level, Policy 27 of the West Sussex Minerals Local Plan (2003) states that permission for hydrocarbon exploration "*will normally be granted subject to compliance with the issues addressed in Policy 26, having regard to the limited duration and area of the activity."* This policy indicates a presumption in favour of allowing temporary hydrocarbon exploration, subject to environmental matters which are considered in detail in the separate sections below.

9.8 Policy 26 of the West Sussex Minerals Local Plan (2003) states that *"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 in comparison with other alternative sites within the area of search…".* This feeds into consideration of whether there is a need for this development on this site in particular.

9.9 In terms of consideration of alternative sites, for oil and gas these would be limited by geology to those which can tap into the identified reserve. Paragraph 147 of the NPPF states that minerals planning authorities should *"when*

planning for on-shore oil and gas development…address constraints on production and processing within areas that are licensed for oil and gas exploration or production." This makes it clear that any consideration of constraints should be limited to sites which are covered by a Petroleum Exploration and Development Licence (PEDL). As operators can only explore within the area they own a PEDL for, it is considered reasonable to limit consideration of alternative sites to a single PEDL area, particularly as a key constraint for oil/gas exploration will be owning the PEDL licence.

9.10 The application site is within PEDL 244 in which there are currently two hydrocarbon sites: the application site (including Balcombe-1, the original well drilled in 1987) and Bolney-1, a gas site some 3.7 miles south of the site. The latter was drilled in 1963 by Esso[1] but has not been in operation for many years. Balcome-1, within the drill pad of the application site, was drilled in 1987, with a new borehole (Balcombe-2) drilled in 2013. PEDL 244 is therefore the 'search area' for the purposes of this application.

9.11 The operator wants to make use of existing geological data, and to utilise the borehole drilled in 2013 and the associated infrastructure on site including the membrane and access road. It is considered that this is the best option for establishing whether the reserves are viable to exploit compared to the possibility of exploratory and appraisal operations taking place at other sites within the area of search that have not been drilled in the past.

9.12 Taking the above into account it is concluded that there is a need for continued exploration and appraisal at the site to establish whether there are hydrocarbon resources present which can be utilised. It is also concluded that the site represents the best option within the search area, namely the PEDL boundary.

9.13 *The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. PPG: Minerals notes that oil and gas will continue to form part of the national energy supply, and gives a clear steer from Government that there is a continuing need for indigenous oil and gas. The West Sussex Minerals Local Plan (2003) notes that planning permission for oil and gas exploration will normally be granted, subject to environmental considerations and the development being the 'best option' in the area of search. The present proposal would make use of an existing well on a site with established infrastructure to establish whether oil and gas resources are exploitable so is considered to represent the 'best option'. It is therefore concluded that there is an identified need for local oil and gas production, and that there is an identified need for development on this particular site, to establish whether the hydrocarbons identified in drilling in 2013 are exploitable.*

Highway Capacity and Road Safety

9.14 One of the key issues raised in objections to the application has been the impact of HGVs on the road network, in particular as they travel through Balcombe village.

[1] http://www.southampton.ac.uk/~imw/Petroleum-Balcombe-Weald.htm and http://balcombeparishcouncil.files.wordpress.com/2012/07/130529-statement-by-cuadrilla-on-shallow-gas-in-west-sussex.pdf

9.15 As already noted, the application site is located on the western side of the B2036 (London Road). It has an existing upgraded bellmouth and access road which have been used for previous hydrocarbon operations, including the drilling in 2013.

9.16 As set out in Table 1 of this report, the development is expected to result in a total of 212 HGV movements (106 HGVs coming to/leaving the site) over a 6 month period.

9.17 However, there are likely to be peaks and troughs, with up to 54 HGV movements (27 HGVs coming to and leaving the site) expected during the seven day site set-up, a maximum of 34 HGV movements expected in any day (17 HGVs coming to/leaving the site). During demobilisation, there would be 42 HGV movements expected (21 HGVs coming to/leaving the site) over four days, a maximum of 32 HGV movements expected in any day (16 HGVs coming to/leaving the site).

9.18 WSCC Highways Officers have considered traffic counts in three locations on the B2036 near the site to consider the impact of the development on the 'baseline' highway environment. Counts were taken north of Balcombe on the B2036, in Balcombe village (at the B2036/Haywards Heath Road junction), and south of Balcombe (between Balcombe and the application site). The data indicates that on weekdays there are around 350 HGV movements at the junction in Balcombe, with 230 counted at the northern point, and 120 to the south.

9.19 As a worst case scenario, HGVs would increase by 18% over the mobilisation period and 4 day demobilisation period (as measured as a proportion of HGV movements south of Balcombe - i.e. where the lowest number of HGVs was counted so the effect would be greatest). However, for the bulk of the operations, the increase is unlikely to exceed 10% (see Table 2).

Table 2: Percentage Increase in HGV Movements

Activity	South	Village	North	Days
Mobilisation	13%	4.5%	7%	7
Flow Test	8%	3%	4%	14
Pressure Monitoring	<1%	<1%	<1%	63
Sealing	10%	3%	5%	56
Demobilisation	18%	6%	9%	4

9.20 Therefore, WSCC Highways Officers conclude that the development would not have a material impact on the operation of the highway network in safety or capacity terms.

9.21 WSCC Highways Officers have also noted that the site access is acceptable, subject to a Traffic Management Plan which would incorporate signage alerting drivers to the presence of the site.

9.22 It has been suggested in a number of representations that HGVs are routed to/from the south of the site, via Whitemans Green, to avoid Balcombe village, in particular the local school. Previous development has been routed to the north on the B2036, through Balcombe village, linking to junction 10A of the M23 some 7 kilometres north of the site. The comparable route to the south

would be 7.6 kilometres long. In highways terms the route north is preferable as it is more direct. Both routes would travel past residential properties and other sensitive uses, but the disturbance is considered to be minimal given the numbers of HGVs involved.

9.23 To address concerns regarding impacts on Balcombe CofE Primary School, WSCC Highways Officers have recommended the imposition of a condition requiring a Traffic Management Plan which would require the timing of HGV movements to be restricted, including that of hazardous waste such as hydrochloric acid (though it should be noted that the safe carriage of hazardous waste is covered by other regulations (the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, regulated by the HSE)).

9.24 It is considered that the development is acceptable in terms of its impact on the highway network, subject to the imposition of a condition requiring a Traffic Management Plan.

9.25 *The proposed development would result in increased HGV movements on the B2036 and other roads over the 6 month period sought. However, at most there would be an 18% increase in HGV movements, which would occur during the 4 day demobilisation. For most of the development the increase in HGV traffic would be no more than 10%. WSCC Highways Officers raise no objection to the proposal, concluding that the increase in vehicle movements is not sufficient to materially impact on the operation of the highway network in safety or capacity terms, subject to the imposition of a condition requiring the submission and approval of a Traffic Management Plan.*

Impact on Amenity and Public Health

9.26 A key concern raised in objections is the potential impact of the development on public health and the amenity of local people.

9.27 The nearest dwelling to the site is a Kemps Farm, some 340 metres north and the nearest residential street, Oldlands Avenue, is some 780 metres north.

9.28 The site sits at a lower topographical level (around 59 metres above ordnance datum (AOD)) than the village (generally rising to the north and east from 100 metres AOD). Ancient woodland and farmed woodland separates the site from Kemps Farm. Both the site and Kemps Farm abut the B2036 to the west, and are close to the railway corridor to the east.

9.29 The key potential impacts on amenity and public health resulting from the proposed development are likely to be increased noise and reduced air quality.

Noise

9.30 The development has the potential to result in increased noise at residential properties through the use of plant such as the nodding donkey, pumps, and the generator, in addition to vehicle movements to, from, and within the site.

9.31 A Noise Impact Appraisal was submitted with the application which concluded that the impact of road traffic noise was not significant enough to be quantified,

given the number of vehicles. WSCC's Noise Consultant agrees with this conclusion.

9.32 The site set-up operations, as well as most testing and flaring operations would be undertaken during the day (from 07.30 – 18.30 Monday to Friday, and 08.00 to 13.00 on Saturdays) which would help to minimise off-site impact.

9.33 The flaring of gas can be a noisy operation, depending on how much gas is produced, but can be controlled by 'throttling back the flow' and/or enclosing the flare. The Environment Agency notes (Environmental Permit Decision Document page 10) that the flare would be under 24 hour supervision and has been designed to minimise noise.

9.34 It is therefore considered that noise impacts from the flare are controllable. A condition is proposed requiring a Noise Management Plan which would require the applicant to provide details of 'instantaneous mitigation measures' (e.g. throttling back the gas flow) in the event that noise from the flare exceeds accepted limits.

9.35 With regards to the generator to be used on site, the applicant notes that the power requirements, and therefore the noise associated, would be significantly lower than during the drilling process, when measured at the nearest sensitive receptor (Kemps Farm to the north of the site). The generator to be used would be silenced and canopied to minimise noise. Specifications have been provided for the range of generators proposed which have been found acceptable to WSCC's Noise Consultants, subject to conditions setting acceptable noise emission levels. It is considered the smaller generator, along with robust, enforceable conditions would ensure the operation of the generator is acceptable in terms of noise emissions.

9.36 The nodding donkey (beam pump) and workover rig also have the potential to result in off-site noise impacts. The workover rig would only be used during the day so the potential impact is reduced. The nodding donkey would operate continuously during testing, but calculations submitted as part of the Noise Impact Appraisal show that the noise impact would not be significant, a conclusion not challenged by WSCC's Noise Consultants.

9.37 Noise monitoring would be undertaken before and during operations by the applicant, with results submitted to the County Council on a weekly basis, but also on request. In the event that noise emissions do cause a problem, a condition is proposed requiring submission of a Noise Management Plan that will identify, in advance, the mitigation measures to be put in place. One of these measures will include ceasing operations until appropriate action is taken (unless it is unsafe to do so).

9.38 In addition, the County Council now engages independent noise consultants which can carry out noise monitoring if required to verify whether noise emissions do exceed the levels sets in conditions.

9.39 Under these circumstances and given the controls the conditions would give, it is not considered that the proposal would risk adverse noise impacts to residential amenity.

Air Quality

9.40 Concern has been raised in third party objections over the potential impact of the flare in particular on air quality and human health.

9.41 The flare would be on site for seven days to dispose of natural gas which is a by-product of oil exploration which it not always viable to use.

9.42 PPG: Minerals (paragraph 112) is clear that the flaring or venting of gas is subject to DECC controls and regulated by the Environment Agency with Minerals Planning Authorities needing to consider only "*how issues of noise and visual impact will be addressed."* It is clear therefore that the potential impact of the flaring of gas on air quality is not a matter for the County Council.

9.43 However, in leaving this issue to other regimes, PPG: Minerals also makes it clear that the Minerals Planning Authority must be satisfied that the issues can or will be addressed by taking advice from the relevant regulatory body (paragraph 112). The Environment Agency has commented on this application and has raised no objection. In addition, the Environment Agency has granted an Environmental Permit which addresses the flaring of waste gas resulting from the proposed operations, and considers it can be done without risk to people or the environment.

9.44 A number of representations have picked up on issues raised in a response from Public Health England which has questioned the air quality information provided and suggested that wider emissions monitoring should be required. However, it is important to note that their response was similar to that made to consultation regarding the Environmental Permit an influencing the monitoring scheme in place as a result. In direct response to the issues raised, the Environment Agency has confirmed that it is satisfied with the baseline and ongoing air quality monitoring results provided to them.

9.45 The development also has the potential to result in impacts on air quality through increased traffic on the road to and from the site. However, the levels of vehicles associated are not considered to be significant enough to reduce air quality, particularly given the short term nature of the project and the small increase over existing HGV numbers already on the local highway network.

9.46 Taking the above into account, it is concluded that the potential impact of the development on air quality is satisfactory, particularly given the controls in place through the Environmental Permitting regime.

9.47 *The development has the potential to adversely affect residential amenity and health primarily through increased noise and emissions to air. In terms of noise, there is a potential for the flare and plant on site to result in noise disturbance, but it is concluded that this can be adequately controlled by conditions requiring monitoring, and remediation if levels are exceeded. The development has the potential to result in impacts on air quality through the flare, and an increase in vehicles travelling to and from the site. However, emissions from the flare are controlled by the Environmental Permit which applies to the operations. The potential impact of increased vehicle numbers is not considered to be significant as numbers are relatively low, on B- and A-roads, and for a temporary period.*

Impacts on the water environment

9.48 One of the key issues raised in objections to the proposal is the potential impact on the water environment. PPG: Minerals notes that *"surface, and in some cases ground water issues"*, should be addressed by minerals planning authorities as well as flood risk and water (paragraph 13). The impact on the water environment is, therefore, a material planning consideration.

9.49 The site is not within a groundwater source protection zone, with the nearest of these some 2.3 km north-west of the site, without an abstraction licence to pump water (though $20m^3$ can be abstracted without such a licence). The Environment Agency has confirmed that there are no licenced groundwater abstractions within 3km of the site.

9.50 There are small streams as close as 15 metres from the site access road.

9.51 In terms of the geology of the site, it lies on Wadhurst Clay some 47 metres thick, classified as 'unproductive strata' (formerly 'non-aquifers'). It is identified as being generally unable to provide usable water supplies and unlikely to have surface water and wetland dependent upon them. The clay also acts as a natural barrier to the migration of either groundwater or gases between permeable strata.

9.52 Below the clay are the Ashdown Beds of some 212 metres thickness, a 'Secondary Aquifer' formed of fine-grained silty sandstone and mudstone. The Environment Agency notes that this contains naturally high levels of methane, but that due to geology and well construction this does not pose a risk to groundwater. Below the Ashdown Beds is another layer of Kimmeridge Clay, below which are the hydrocarbon-bearing Micrite Beds into which the lateral well extends.

9.53 In considering the potential impacts on the water environment, it is important to note that the County Council must assume that other, non-planning regimes operate effectively (PPG: Minerals, paragraph 112). In relation to water, this means assuming that the construction, design and operation of the borehole have been undertaken appropriately, in accordance with Health and Safety Executive (HSE) requirements. It also means assuming that the Environment Agency will ensure that surface equipment operates satisfactorily, and that mining waste and NORMs are appropriately managed.

9.54 Nonetheless, as already noted, paragraph 112 of PPG: Minerals notes that before granting permission the County Council will need to be satisfied that the issues dealt with under other regimes can be adequately addressed 'by taking advice from the relevant regulatory body'. The County Council has consulted with the Environment Agency and HSE, neither of which has objected.

9.55 The main risks to surface water are due to run-off from the surface of the site. For any development, it is important to ensure that fluids, particularly where they are potentially polluting, are managed within the site. For this development, impacts on water quality would be mitigated by ensuring potentially-polluting activities are undertaken on an impermeable surface with sealed drainage system. A condition would be added, as requested by the Environment Agency, requiring the submission and approval of a Construction Method Statement detailing: how the impermeable membrane is constructed;

remediation of the existing membrane; inspection and maintenance; and pollution prevention assessments and mitigation methods. Fuel tanks and chemicals stored outside of the impermeable area would have their own bunded containers, as is common practice in industry and agriculture.

9.56 It is considered these mechanisms, which satisfy the Environment Agency, would ensure that surface water is protected.

9.57 Details of surface and foul water drainage are required by conditions at the request of WSCC Drainage Officers, which would ensure that the site does not increase the risk of flooding off-site, and that foul waste is managed appropriately.

9.58 The main risks to groundwater are through failure of the well casing, leaking of chemicals and hydrocarbons, and through migration of liquid from the borehole. All of these matters are addressed through regulation by the Environment Agency and HSE. The Environment Agency has considered the site's location in terms of a range of issues including geology and hydrogeology, and protected sites and species. The HSE has considered the potential interaction with nearby wells, as well as geological strata and the fluid within them. Neither consultee has raised concerns about the proposal.

9.59 Concern has been raised that the works presently proposed would interact with the borehole drilled in the 1980s (Balcombe-1) which is 10 metres from the present borehole. HSE has confirmed that Balcombe-1 has not been inspected since it was abandoned, but that there is no regulatory requirement for them to do so as it was abandoned in accordance with agreed procedures to minimise the risk to the environment. The drilling of boreholes in close proximity to other boreholes is common practice and is not considered to pose particular risks. As an example, there are seven wells drilled from a pad at Singleton oilfield near Chichester with no resultant problems emerging.

9.60 The vertical (and horizontal, where relevant) position of existing wells is mapped prior to new wells being drilled so there is no risk of collision.

9.61 Specific concerns have been raised regarding the use of hydrochloric acid. This is a standard procedure in the cleaning of boreholes for not just oil and gas development but also more generally for many drinking water boreholes. The acid would be diluted to a maximum of 10%, with at most 2,000 litres being used with 18,000 litres of water.

9.62 The Environment Agency has considered the use of dilute hydrochloric acid in responding to the present application, as well as in granting its Environmental Permits and has raised no concerns. The decision document relating to the Environmental Permit for this operation notes that *"the dilute hydrochloric acid reacts with the residual drilling muds debris and surrounding rocks to become salty water (calcium carbonate, calcium chloride and water)."* (Decision Document for Draft Permit number EPR/AB3307XD, page 7). This salty water (spent hydrochloric acid) is considered non-hazardous, with the Environment Agency concluding that it *"does not create a risk to groundwater as it cannot migrate to where there is groundwater as there is no pathway to where groundwater can be found."* (ibid, page 18).

9.63 It has been suggested that a bond or financial guarantee should be sought to cover remediation in the event that contamination occurs. However, for minerals projects, typically quarries and similar, financial guarantees are only justified in 'exceptional cases' involving very long term projects, novel approaches, or reliable evidence of the likelihood of financial or technical failure (PPG: Minerals, paragraph 48). For oil and gas projects, the operator is explicitly liable for any damage or pollution caused by their operations, with DECC checking that operators have appropriate insurance against these liabilities in granting a PEDL Licence.

9.64 Finally, Southern Water has set out a number of measures to protect and monitor groundwater resources including an Environmental and Hydrogeological Risk Assessment, baseline sampling and ongoing groundwater monitoring, consultation with relevant environmental/nature agencies and agreeing waste management, drainage and well design with the appropriate agencies. All of these requirements have been addressed through the Environmental Permit which relates to the site, and through the HSE requirements. It is not therefore considered necessary to require any of these measures in relation to the present application.

9.65 Taking the above into account it is considered that subject to the imposition of appropriate conditions the development does not pose a risk to the water environment.

9.66 *The potential impact of the development on the water environment is a material consideration, but PPG: Minerals, paragraph 12 notes that mineral planning authorities must assume that non-planning regimes* operate *effectively. This means assuming that the well is constructed and operated appropriately, that surface equipment operates satisfactorily, and that waste and NORMs are appropriately managed in accordance with other regulatory regimes. The Environment Agency and Health and Safety Executive have not raised concerns in relation to the proposal. The risk to surface water would be minimised by carrying out activities on an impermeable membrane with a sealed drainage system. With regards to groundwater, it must be assumed that the well is constructed and operated to the appropriate standards. Mapping and surveys ensure that there is no risk of the present well intersecting with the well drilled in the 1980s. It is proposed to use dilute hydrochloric acid to clean the well, which is a standard procedure with many boreholes, including those for drinking water. The hydrochloric acid would react with material in the borehole to become non-hazardous salty water. It is therefore concluded that the development does not pose a risk to the water environment, either at the surface or groundwater.*

Impact on Landscape

9.67 The proposal has the potential to result in impacts on the surrounding landscape, particularly as the site is within the High Weald AONB.

9.68 The physical development would involve the use of a workover rig of up to 22 metres in height (when extended), a flare of up to 14 metres in height and site infrastructure including portacabins, tankers, pumps and generators. The site is enclosed with a security fence to 4.3 metres in height, and heras (temporary construction) fencing would be erected around the site perimeter. The applicant has indicated that additional fencing may be required between the access gate

on London Road and the pad, but if needed, this would be controlled by a condition requiring approval of details.

9.69 The workover rig would be extended to its full height (22 metres) for the first three weeks of the development and for a further week when the well is plugged and abandoned. For the remainder of the development, the boom would be lowered and so would be the height of a lorry. The flare (14 metres in height), would be located in the south-eastern corner of the site, and would be in place for seven days while flow testing is undertaken, during which time the rig would also be at full height. There would therefore be a four week period during which the infrastructure on site would be at its most visible. For the remainder of the time the equipment on site would be relatively low in profile, and largely screened by mature trees.

9.70 The potential visual impact and impact on landscape must be considered against paragraph 115 of the NPPF which notes that:

> *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads, Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."*

9.71 Paragraph 116 of the NPPF notes that planning permission should be refused for major developments in AONBs and National Parks except in exceptional circumstances. Paragraph 4 of PPG: Natural Environment restates this and notes that whether proposals are considered 'major development' is a matter for the decision taker, taking into account the proposal in question and the local context.

9.72 The development is for a short period, after which the site would be restored (or an application for further works which could then be considered). The visual impact of the works would be largely contained within the site, and as previously stated, the key off-site impacts relating to the work-over rig and flare would be short-lived. It is therefore considered that the works could be considered 'minor' in terms of this policy.

9.73 The applicant has submitted 'viewpoint photographs' indicating the potential impact of the workover rig from four key locations as a 'worst case scenario'. These indicate that the rig is likely to be visible from London Road at the site entrance and farm entrance, with more limited views likely from Kemps Farm and the Public Right of Way north-west of the site. Although the photographs do not include the flare, given this would be in place for 7 days, and smaller than the rig, it is not considered this is a significant omission or one which which compromises conclusions regarding landscape impacts.

9.74 A condition would be added to the permission requiring the submission and approval of a lighting plan to minimise the impact of lighting on both the landscape and ecology of the area. It is important to note that the flare would be fully enclosed so no light would be visible.

9.75 WSCC's Landscape Officer has not objected to the proposal, noting that the development is for a temporary period so unlikely to have significant visual impacts. This view is echoed by the High Weald AONB unit which concludes that it is unlikely to have any additional impacts on the components of natural beauty identified by the High Weald AONB Management Plan 2004.

9.76 Taking the above into account, it is concluded that the proposed development would not conflict with the conservation of the landscape and scenic beauty of the AONB in which it is located. The development would not 'irreversibly damage' the qualities of the AONB, or result in significant visual impacts, particularly as the operations would be temporary in nature, and the flare and extended rig would only be in place for 4 weeks of the six month permission.

9.77 *The application site is located within the High Weald Area of Outstanding Natural Beauty (AONB), so great weight must be given to conserving landscape and scenic beauty. The most visible elements of the development would be the workover rig at 22 metres in height, and the enclosed flare at 14 metres in height. However these elements would only be in place for four weeks and 1 week respectively. The other development on site would be at a relatively low level and screened by mature vegetation. This and the temporary nature of the development has led WSCC's Landscape Officer, and the High Weald AONB unit to conclude that the development is unlikely to result in significant impacts on landscape or the natural beauty of the area. It is therefore concluded that the proposal is acceptable in terms of its potential visual impact and impact on the landscape.*

Impact on Ecology

9.78 The application site abuts ancient woodland to the north and south, as well as beyond the railway corridor to the east and beyond the B2036 to the west. It is otherwise relatively distant from any ecological designations being some some 800 metres south-east of the Rowhill Copse Local Nature Reserve and some 1,100 metres south-west of the Ardingly Reservoir Local Nature Reserve.

9.79 There are several Sites of Special Scientific Interest (SSSIs) within 5 kilometres of the site. Wakehurst and Chiddlingly SSSI is some 2,300 metres north-west of the site; Cow Wood and Harry's Wood SSSI is some 3,200 metres west of the site; Worth Forest SSSI is some 3,800 metres north of the site and Philpot's and Hook Quarry SSSI is some 4,600 metres north-east of the site. Beyond this, Ashdown Forest Special Protection Area (internationally-designated) is some 9,100 metres east of the site. There are no records of protected species being found in the vicinity of the site.

9.80 It is considered that through controlling impacts on surface and groundwater, and emissions to air, impacts on ecology would also be minimised. Monitoring of both water and air quality (as required by the Environmental Permit) would ensure that any emissions are identified and controlled appropriately. The potential for adverse impacts through water and air emissions is therefore considered to be minimal.

9.81 Of specific concern in relation to this application is the potential impact on bats as the site is surrounded by trees, much of it ancient woodland, with the potential to house bat roosts. However, surveys indicate that no roosts are present which would be directly affected by the proposals.

9.82 WSCC's Ecology Officers have raised no objection to the proposal, subject to conditions seeking to protect bats by way of minimising lighting, and carrying out bat monitoring. In reaching this conclusion he has taken into account concerns raised by Sussex Wildlife Trust which asks WSCC to ensure that

adequate ecological information has been submitted, and note concerns that the 'pre works update' and bat survey do not address ecological issues adequately in relation to ancient woodland and species.

9.83 WSCC's Ecology Officers have scrutinised the application and the latest data from the Sussex Biodiversity Records Office (to 27 January 2014) and consider that the information is robust, and that additional surveys would not add to the current understanding of the site. They also note that any disturbance would be minor and temporary, and minimised by the imposition of a condition controlling lighting.

9.84 Taking the above into account it is considered that the impacts of the proposed development can be contained within the site to ensure that habitats and species are not adversely affected.

9.85 *The proposed development is adjacent to ancient woodland, and there are a number of Sites of Special Scientific Interest in the local area, though relatively distant from the site, each more than 2,000 metres away. It is considered that the potential impact of the development on habitats and species would be minimal, subject to controls on emissions to air and the water environment which would contain the operation within the site. A key concern relates to the potential impact on bats, but WSCC's Ecology officers have raised no objection, subject to conditions to control lighting on the site, and requiring bat monitoring. It is therefore considered that the proposal is acceptable in terms of its potential impact on ecology.*

10. Overall Conclusion and Recommendation

10.1 The six month flow testing and monitoring operation proposed at the Lower Stumble Wood site has the potential to result in impacts on the highway, people and the environment, issues which have been raised in the large number of objections to the application. Balcombe Parish Council and Ardingly Parish Council have objected to the application, but no other statutory consultees have objected, subject to the imposition of conditions.

10.2 It is concluded that the number of vehicles required to carry out the development is not significant enough to raise concerns regarding highway capacity or safety. Emissions from the development would be controlled through the planning regime as well as through the environmental permitting and health and safety regimes to ensure that water quality would not be compromised and that emissions to air would be acceptable. The rig and flare on the site would be visible at times during the development, but the impact would be short-lived so would not compromise the landscape qualities of the High Weald Area of Outstanding Natural Beauty.

10.3 It is, therefore, **recommended** that planning permission is granted, subject to conditions and informatives set out at Appendix 1.

11. Crime and Disorder Act Implications

11.1 There are no implications.

12. **Equality Act Implications**

12.1 As part of the decision-making process, under the Equality Act, public bodies must have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

12.2 An Equality Impact Report is required in relation to this development to show how consideration of equality issues has influenced the decision-making process **(see Appendix 7**). This concluded that the development would not adversely affect those with 'protected characteristics'.

13. **Human Rights Act Implications**

13.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

13.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

13.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Strategic Planning Manager

Background Papers: As set out in Section 6.

List of Appendices
Appendix 1 – Conditions
Appendix 2 – Site Location

Appendix 3 – Site Boundary
Appendix 4 – Proposed Site Layout
Appendix 5 – Enclosed Flare and Workover Rig
Appendix 6 – Screening Opinion
Appendix 7 – Equality Impact Report

Contact: Jane Moseley, ext. 26948

Appendix 1: Conditions and Informatives

CONDITIONS

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 cease 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.

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.

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:
   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

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;
- 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 HGV movements avoid school pick-up and drop-off times.

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.

Hours of operation

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.

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 shall be determined at the nearest residential 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 monitored at Kemps Farm at weekly intervals 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 monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the County Planning Authority within 3 days of the monitoring being carried out. 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.

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.

INFORMATIVES

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/aspx/1538.aspx.