

## Planning Committee

**11 September 2018**

### County Matter Mineral Application

#### Applications

- **WSCC/032/18/WC - Amendment of Condition 1 of planning permission WSCC/029/17/WC to extend the permission by 18 months to enable the completion of phase 4 site retention and restoration**
- **WSCC/033/18/WC - Amendment of condition no. 1 of planning permission WSCC/032/17/WC to enable the retention of security fencing, gates and cabins for a further 18 months**

**At Woodbarn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED**

#### Report by Head of Planning Services

**Local Member: Pat Arculus**

**District: Horsham**

#### **Executive Summary**

This report concerns proposals for an extension of time for a period of 18 months to retain the well site (WSCC/032/18/WC) and the associated fencing, gates and structures (WSCC/033/18/WC) further to the restoration of the site at Wood Barn Farm, Broadford Bridge, near Billingshurst.

The applications are seeking a further period of time to enable data review and evaluation and propose that the site will be restored if no viable hydrocarbon resource is found or, if a viable resource is found, to retain the site whilst a further planning application is prepared. No further drilling or testing activities are sought in the current applications and operations at the site have been suspended.

The site benefits from planning permission for the exploration, testing and evaluation of hydrocarbons until 15 September 2017, and the fencing until 30 September 2018.

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.

The main policies of relevance to this application are policies M7a, M12, M15, M16, M17, M18, M19, M20, M22 and M24 of the West Sussex Joint Minerals Local Plan (2018) and policies 1, 10, 24, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

No objections were raised by statutory consultees, although West Chiltington Parish Council objected to both applications. Thirty-four representations were received from members of the public and public bodies for the well-site application (WSCC/032/18/WC), of which 27 objected to the development, six were in support,

and one raising concern. The application for the retention of the fencing (WSSC/033/18/WC) received eleven representations, all objecting.

### **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 impact on local residents; and
- the development is acceptable in terms of impact on the environment.

### ***Need for the Development***

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. Planning Policy Guidance on 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 Joint Minerals Local Plan (JMLP) notes that planning permission for oil and gas exploration will be permitted, subject to being located outside designated landscape areas, being the least sensitive, deliverable location from which the target reservoir can be reached, any unacceptable impacts being minimised and/or mitigated; that restoration/aftercare would be to a high quality standard; and that no unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground. The present proposals are considered to meet all of the criteria specified in Policy M7a of the JMLP. It is, therefore, concluded that there is an identified need for development on this site to establish whether there are any viable hydrocarbons that could be exploited.

### ***Impact on Local Residents***

It is not considered that the proposals would result in unacceptable impacts on local residents. Vehicular movements associated with the final phase (restoration) would be low; noise emissions have been shown to be within an acceptable range and the noise management plan would ensure the operator complies with identified noise limits. Given the low key, temporary nature of the development, it is considered acceptable with regards to its impact upon local residents.

### ***Impact on the Environment***

Although the site use is of an industrial nature within a rural setting, it is well-screened from public views and, therefore, it is considered that the proposal is acceptable in terms of landscape and visual impact. Other than restoration, no physical works are proposed and so the development does not pose a risk to the water environment, either at the surface or groundwater. The potential impact of the development on habitats and species would be minimal. Overall, given the temporary nature of the development and subject to the imposition of the suitable conditions and approved documents, the impact of the development on the immediate environment and the surrounding landscape is considered to be minimal.

### **Conclusion**

The 18 month extension of time to allow for evaluation of the borehole testing and

collaboration of results with other sites in the wider area and to retains the fencing at the hydrocarbon site at the Broadford Bridge has the potential to result in impacts on the highway, local residents, and the environment, issues that have been raised in the large number of objections to the application. However, no statutory objections have been received, although the local parish council has raised an objection to both applications.

It is concluded that the number of vehicles required to carry out the remainder of the development would not be significant enough to raise concerns regarding highway capacity or road safety. The retention of the site would not involve any activity, has limited visibility and would be temporary in nature, and the restoration operations would be over a limited time period and so, again, would not have an adverse impact on the character of the area. The impacts of 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.

Overall, the extensions of time to enable an overarching evaluation of the results of hydrocarbon exploration are considered to have minimal impacts on people or the environment, and would help to meet an identified need for local hydrocarbon exploration and appraisal. Both developments accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposals are acceptable subject to the imposition of appropriate conditions to control the potential impacts as it progresses through the final stage of development.

### **Recommendation**

It is **recommended**, therefore, that planning permission be granted for both applications subject to the conditions and informatives set out at Appendices 1 and 2.

## **1. Introduction**

- 1.1 This report concerns two planning applications to retain, for an extended period of 18 months, the hydrocarbon well site and associated fencing, gates and structures at Wood Barn Farm, Broadford Bridge, near Billingshurst.
- 1.2 The site benefits from planning permission for the exploration, testing and evaluation of hydrocarbons until 15 September 2018 (ref. WSCC/029/17/WC), and the fencing until 30 September 2018 (ref. WSCC/032/17/WC). The applications propose that the site will be restored and fencing removed if no viable hydrocarbon resource is found or, if a viable resource is found, to retain the site and fencing whilst a further planning application is prepared.
- 1.3 The construction/site set-up (Phase 1), mobilisation and drilling (Phase 2) and the testing (Phase 3) have been completed. The present applications seek the additional time in order to complete the review of the technical data as well as data from other boreholes in the wider Weald Basin formations.

## 2. **Site and Description**

- 2.1 The proposed application site is located in the countryside in the parish of West Chiltington, in Horsham District, approximately 7km to the south east of Horsham and 3km to the south of Billingshurst.
- 2.2 The drilling pad and main operational area is set back some 430m from the western side of Adversane Lane (the B2133), accessed via a purpose-built crushed stone track (**Appendix 3 – Site Location Plan**). Currently the only visible elements on site are the well-pad itself with a container protecting the well-head/borehole, the access track and the surrounding fencing and gates. All drilling equipment, storage tanks, pumps, separators and any other plant required for the testing phase has been removed (**Appendix 4 –Retention Mode**).
- 2.3 The site is surrounded in all directions by woodland and arable fields, typically enclosed with hedgerows. The most significant areas of woodland consist of Pocock’s Wood to the north-west and Prince’s Wood approximately 150m to the east, the latter designated as Ancient Woodland.
- 2.4 The local area is generally characterised by gently undulating farmland enclosed by mature hedgerows and scattered woodland blocks. The settlement pattern comprises a network of farmsteads and associated agricultural workings alongside smaller villages, groups of residential properties and individual cottages and homes, some of which are Listed Buildings (the closest of which being Broadford Bridge Farmhouse some 500m to the south-east). The closest area of development lies approximately 300m to the south east and consists of a number of poultry houses at Homefield Farm. Further to the east of the poultry houses is the main farmhouse and other detached properties associated with the hamlet of Broadford Bridge. The most significant area of development is the village of Billingshurst which lies approximately 3km to the north of the site, while Pulborough is some 4km to the south-west.
- 2.5 There is a network of public footpaths and bridleways in the locality. The closest public right of way passes approximately 320m to the north-west between Wood Barn Farm and Gay Street Farm.

## 3. **Relevant Planning History**

- 3.1 Following approval by the Planning Committee, a temporary planning permission was granted in September 2017 for "*Amendment of condition no. 2 of planning permission WSCC/052/12/WC to allow for a further 12 months of continued operations to enable the completion of phase 3 testing and phase 4 restoration or retention on land at Wood Barn Farm, Broadford Bridge.*" (ref. WSCC/029/17/WC). No hydraulic fracturing was proposed or approved. The permission expires on 15 September 2018.
- 3.2 The timescales set out in the Environmental Statement that accompanied the original 2012 application (as set out in the Planning Committee Report for that application) are summarised below:

<b>Phase</b>	<b>Best Case Scenario</b>	<b>Worst Case Scenario</b>
<b>Phase 3a</b> Testing (gas)	1 week (includes	2 weeks (includes

	mobilisation, 1 week test with rig and flaring)	mobilisation, 2 weeks test with rig and flaring)
<b>Phase 3b</b> Testing (oil)	2 weeks – (1 week mobilisation, 1 week testing with rig and flaring)	14 weeks (2 weeks mobilisation, 12 weeks testing, but rig would not be at site during an extended test such as this)
<b>Phase 4a</b> Restoration	6 weeks	6 weeks
<b>Phase 4b</b> Retention	1 month	30 months

3.3 Phase 3 was completed in March 2018, with the site now in the 'retention' phase.

3.4 In addition, planning permission was granted in October 2017 under delegated powers for the "Amendment of Condition no.2 of planning permission ref: WSCC/037/14/WC to allow for the retention of security fencing, gates & cabins for a further 12 months" on the exploration site (ref. WSCC/032/17/WC). The permission expires on 30 September 2018.

#### 4. **The Proposal**

4.1 A planning application (WSCC/032/18/WC) has been submitted to amend condition 1 of planning permission WSCC/029/17/WC which states:

*"This permission shall be for a limited period only expiring on 15th September 2018, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall have been removed from the site, and the site shall be restored in accordance with the approved restoration scheme (ref. Proposed Site - Restoration Plan 3261/BB/18).*

*Reason: To secure the proper restoration of the site following the approved period for this temporary development*

4.2 A separate planning application (WSCC/033/18/WC) seeks to vary condition 1 of planning permission WSCC/032/17/WC which states:

*"The fencing, gates and structures hereby approved shall be removed from the site, and the site restored in accordance with the restoration scheme approved under planning permission WSCC/029/17/WC either:*

*a) on or before the period ending 30 September 2018; or*

*b) within three months of the cessation of the operations and need of the site whichever occurs soonest.*

*Reason: To secure the proper restoration of the site following the approved period for this temporary development.*

4.3 Permission is now sought to extend both permissions until 31 March 2020 to allow for a further 18 month period to review the technical data obtained from the exploratory borehole.

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- 4.4 In addition, the applicant states that the future of the site will be informed by data retrieved from other boreholes which are targeting similar reserves within the wider Weald Basin formations. In particular, testing is currently being undertaken at the Horse Hill well-site in Surrey, with the evaluation of data from this site anticipated in 2019.
- 4.5 If the data from the application site and the wider area show that there is not a viable hydrocarbon resource, the well would be plugged and abandoned. All structures, buildings, plant and machinery including foundations and hardstanding would be removed and the land would be returned to its former use, using the native soils from the stored sub and top soil bunds. The site surface would be re-formed using the stored soils, and allowed to regenerate naturally. In addition, the surrounding fencing, gates and structures approved under WSCC/032/17/WC would also be removed (**Appendix 5 – Restoration Layout Plan**).
- 4.6 The applicant states that the period of data review and evaluation would be followed immediately by site restoration (phase 4), and would be completed within the planting season from October 2019-March 2020.
- 4.7 If there is a favourable review of the data, the applicant's stated intention is that a new planning application would be submitted seeking either further testing or a further side-track of the borehole.

### 5. **Environmental Impact Assessment (EIA)**

- 5.1 The proposals does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017('the EIA Regulations').
- 5.2 The original application submitted in respect of the currently approved development proposals (WSCC/052/12/WC) was voluntarily accompanied by an EIA as proposals which may fall within Schedule 2, Part 2 (e) 'Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale'. The Screening threshold set out in column 2 to Schedule 2 for such development is where 'The area of the development exceeds 0.5 hectare.
- 5.3 The development proposals are considered to fall within Schedule 2 to the EIA Regulations, namely Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed.'
- 5.4 The site is not located within a 'sensitive area' as defined in regulation 2(1) of the EIA Regulations, however, the site measures 2.12 hectares exceeding the 0.5 hectare threshold set out in column 2 to Schedule 2.
- 5.5 As a result of the above, with reference to Schedule 3 to the EIA Regulations, consideration needs to be given as to whether the proposed variations amendments to the approved developments, along with the existing, approved development has the potential to result in 'significant environmental effects' which require an EIA.

- 5.6 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 proposals would not fall within either of these criteria.
- 5.7 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.
- 5.8 The scale of the present developments 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.
- 5.9 Taking into account the EIA Regulations, it was considered that the proposals would not have the potential for significant effects on the environment within the meaning of the EIA Regulations. Therefore, EIA was not considered necessary for either application proposals.

## 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')) 2018. For the purposes of the application, the following approved or adopted planning policy documents form the statutory development plan: the West Sussex Joint Minerals Local Plan (2018) ('JMLP') and the Horsham District Planning Framework (2015) ('HDPF').
- 6.2 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance, emerging planning policies and other policies that guide the decision-making process and which are material to the determination of the application.

### ***West Sussex Joint Minerals Local Plan (2018)(JMLP)***

- 6.3 The JMLP was adopted in July 2018 and forms part of the 'Development Plan'. The relevant policies are:
- Policy M7a: Hydrocarbon development not involving hydraulic fracturing
  - Policy M12: Character
  - Policy M15: Air and Soil
  - Policy M16: Water Resources
  - Policy M17: Biodiversity and Geodiversity
  - Policy M18: Public Health and Amenity

- Policy M19: Flood Risk Management
- Policy M20: Transport
- Policy M22: Cumulative Impact
- Policy M24: Restoration and Aftercare

***Horsham District Planning Framework (2015)(HDPF)***

6.4 The HDPF was adopted in November 2015 and forms part of the 'Development Plan'. The relevant policies are:

- Policy 1 - Sustainable Development;
- Policy 10 – Rural Economic Development
- Policy 24 - Environmental Protection;
- Policy 25 - Natural Environment and Landscape Character;
- Policy 26 - Countryside Protection; and
- Policy 33 - Development Principles

***National Planning Policy Framework (2018)(NPPF)***

6.8 The NPPF sets out the Government's planning policies for England and outlines how these are expected to be applied. The Framework is a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development.

6.9 Paragraph 203 sets out the importance of minerals to support sustainable economic growth, highlighting that minerals can only be worked where they are found, and the importance of making best use of them to secure their long-term conservation.

6.10 Paragraph 205 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.

6.11 Paragraph 209 instructs Minerals Planning Authorities to "*recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction*" and that "*when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for*".

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

Paragraph 8 (three dimensions of sustainable development); paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); 38 (approach decisions



in a positive and creative way); 47 (determining applications in accordance with the development plan); 54-56 (use of planning conditions); 170 (protection and enhancement of the natural and local environment); 180 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment and impact of noise on health and quality of life).

### ***Planning Practice Guidance (PPG)***

- 6.13 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*

- 6.14 PPG: Minerals (October 2014) sets out the Government's approach to planning for mineral extraction in both plan-making and the planning application process.
- 6.15 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.
- 6.16 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.*"
- 6.17 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.
- 6.18 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:
- Oil and Gas Authority (formerly 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.
- 6.19 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.

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- 6.20 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.
- 6.21 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.
- 6.22 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."*

- 6.23 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."*

- 6.24 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).

- 6.25 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

- 6.26 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).

- 6.27 PPG: Noise notes that noise can override other planning concerns (paragraph 2), and that the acoustic environment should be taken account of in making decisions, including consideration of (in summary) whether a significant adverse effect is likely to occur; whether an adverse effect is likely to occur; and whether a good standard of amenity can be achieved (paragraph 3).
- 6.28 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking.

## 7. Consultations

### ***Application WSCC/032/18/WC***

- 7.1 ***Horsham District Council:*** No response received
- 7.2 ***West Chiltington Parish Council:*** Objection; concerns that a scheme of work with timelines has not been provided; 18 months seems an excessive amount of time. Query whether West Sussex County Council would underwrite the returning of the site to its original state.
- 7.3 ***Pulborough Parish Council:*** No objection, but queries the length of time required.
- 7.4 ***Billingshurst Parish Council:*** No comments to make.
- 7.5 ***Health & Safety Executive:*** No response received.
- 7.6 ***WSCC Tree Officer:*** No objection; notes that the approved landscaping should have established more successfully.
- 7.7 ***WSCC Ecology:*** No objection.
- 7.8 ***WSCC Councillor Patricia Arculus:*** No comments received.

### ***Application WSCC/033/18/WC***

- 7.9 ***Horsham District Council:*** No comments to make
- 7.10 ***West Chiltington Parish Council:*** Objection due to concerns that a scheme of work with time lines has not been provided by the applicant and that 18 months seems an excessive amount of time. They also query whether West Sussex County Council would underwrite the returning of the site to its original state.
- 7.11 ***Pulborough Parish Council:*** No objection, but queries the length of time required.
- 7.12 ***Billingshurst Parish Council:*** No comments to make.

7.13 **WSCC Councillor Patricia Arculus:** *No comments received.*

## 8. **Representations**

8.1 The applications were publicised in accordance with The Town and Country Planning (Development Management Procedure)(England) Order 2015. This involved the erection of site notices located around the application site, and (for the well-pad application) advertisement in the local newspaper, and neighbour notification letters were sent out.

8.2 In total, thirty-four representations were received from members of the public and public bodies for the well-site application (WSCC/032/18/WC), of which 27 objected to the development, six were in support, and one raised concern. The application for the retention of the fencing (WSCC/033/18/WC) received eleven representations, all objecting. Representations were received from local residents and interested parties, including the Broadford Bridge Action Group (BBAG), Keep Kirdford and Wisborough Green (KKWG) and Campaign to Protect Rural England Sussex Countryside Trust (CPRE).

8.3 Issues raised through objections, were, in summary:

- Local area is faulted;
- Drilling has caused water pollution;
- Risk of use of toxic chemicals without adequate assessment being done;
- Justification for extension of time is unclear;
- Lack of adequate, independent monitoring;
- Impact of HGVs on condition of road, and amenity;
- Increase the risk of traffic accidents;
- Industrialisation of rural area;
- Impact on ecology, including adjacent ancient woodland and local birds;
- Oppose fracking: operation now appears to involve and/or require hydraulic fracturing (fracking), including through acidisation;
- Lack of bond and no information on insurance in case of accident;
- Potential pollution of local aquifers;
- Waste of water resources (site is classified as water stressed by the EA);
- Impact of fossil fuel extraction on climate change;
- Increased impact when site goes into production;
- Health impacts;
- No local facilities to deal with toxic waste;
- Few economic benefits for local residents;
- Risks of transportation of hazardous material;
- WSCC should be promoting renewable energy;
- Continuing visual impact; and
- Loss of amenity and value in properties.

- 8.4 Of those in support of the development, the following issues were raised:
- Operator should be allowed adequate time to evaluate;
  - Application is not for fracking so no justification for refusal;
  - Fencing is required due to on-going protestors;
  - Important to make use of on-shore resources for national security; and
  - Need to stop importing oil.

9. **Consideration of Key Issues**

- 9.1 The main material planning considerations in relation to this application are whether:
- there is a need for the development;
  - the development is acceptable in terms of impact on local residents; and
  - the development is acceptable in terms of impact on the environment.

***Need for the Development***

- 9.2 In considering the need for oil/gas exploration, the NPPF notes at paragraph 205 that in determining planning applications minerals planning authorities should *"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. It continues, stating that minerals planning authorities should *"recognise the benefits of on-shore oil and gas development...for the security of energy supplies and supporting the transition to a low-carbon economy"* (NPPF paragraph 209).

- 9.3 Paragraph 124 of PPG: Minerals provides a clear steer that nationally, energy, including oil and gas, should come from a variety of sources, 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.

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- 9.6 Taking this into account, the present proposals are considered to accord with the approach set in national guidance by investing in energy infrastructure to establish whether indigenous oil and/or gas reserves are available and worth exploiting at Broadford Bridge.
- 9.7 At the local level, Policy M7a supports proposals for oil and gas exploration and appraisal not involving hydraulic fracturing subject to certain criteria, in summary:
- i. They are located outside South Downs National Park and Areas of Outstanding Natural Beauty;
  - ii. The site is the least sensitive, deliverable location from which the target reservoir can be reached;
  - iii. Any unacceptable impacts can be minimised and/or mitigated;
  - iv. Restoration/aftercare would be to a high quality standard; and
  - v. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground.
- 9.8 The site is not within the national park or an area of outstanding natural beauty and so meets this requirement.
- 9.9 In terms of consideration of whether the site is the 'least sensitive, deliverable location from which the target reservoir can be reached', exploration, appraisal and production of oil and gas can only take place within areas which are covered by a Petroleum Exploration and Development Licence (PEDL). As hydrocarbons can only be exploited within a given PEDL area, it is considered reasonable to limit consideration of alternative sites to a single PEDL area.
- 9.10 The application site is within PEDL 234, a reverse-L shaped area of some 300 square kilometres. The area covered by the PEDL is generally rural with scattered, small settlements and, therefore, any oil/gas site tapping into this reserve is likely to be within the West Sussex countryside. PEDL 234 is therefore the 'search area' for the purposes of this application.
- 9.11 By retaining the existing site, the operator can make use of existing geological data, and the associated infrastructure on site including the well pad and access road. It is considered that making use of an existing site and data is the best option for establishing whether the reserves are viable to exploit.
- 9.12 Policy M7a indicates a presumption in favour of allowing temporary hydrocarbon exploration and appraisal, subject to environmental matters. In this regard, criteria iii) and v) of Policy M7a (impacts arising from the development) are considered in further detail in the separate sections below.
- 9.13 In terms of the restoration of the site, a restoration scheme has already been agreed. This also relates to landscaping matters and includes a restoration methodology for removing the well-pad as well as the access track. In general terms, the site would be restored to its original state as an agricultural field. A scheme of aftercare shall be sought by condition which would seek the details of aftercare following the restoration of the site.

- 9.14 For the avoidance of doubt, no further drilling or testing activities are sought in the current applications and the operations at the well site have been suspended. The applicant states that the period of data review and evaluation would be followed immediately by Phase 4: Restoration commencing and completing within the planting season (October 2019 - March 2020), unless a further application is submitted.
- 9.15 Further to this, hydraulic fracturing ('fracking') was not permitted under any previous permissions, is not proposed under the current applications, and it cannot be carried out at the site without further permissions and authorisations being secured.
- 9.16 *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. Planning Policy Guidance on 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 JMLP notes that planning permission for oil and gas exploration will be permitted, subject to being located outside designated landscape areas, being the least sensitive, deliverable location from which the target reservoir can be reached, any unacceptable impacts being minimised and/or mitigated; that restoration/aftercare would be to a high quality standard; and that no unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground. The present proposals are considered to meet all of the criteria specified in Policy M7a of the JMLP. It is, therefore, concluded that there is an identified need for development on this site to establish whether there are any viable hydrocarbons that could be exploited.*

### **Impact on Local Residents**

- 9.17 The potential impacts of the proposed applications are considered to result from vehicular movements and noise when carrying out the restoration of the site because for the remainder of the time the site would remain inactive. The nearest dwelling to the site is Gatewick Farm, some 400 metres south of the development site, with Adversane Road (B2133) being the nearest roadway.
- 9.18 The original application in 2012 assessed the traffic and transport attributed to the development. It was broken down into the four phases, anticipating that the fourth phase (restoration) would result in up to 22 HGV movements/day (11 HGVs travelling to/from the site) for the six weeks of restoration to take place.
- 9.19 In response to the 2012 application, WSCC Highways confirmed that the vehicles generated by the development would have an imperceptible impact on the highway network. It should be noted that this assessment covered all four phases of the development, with the second phase generating the greatest impact. The extension of time would not increase the movements that have already been considered as acceptable.
- 9.20 Given the relatively low levels of vehicle movements associated with the final phase of the developments, it is not considered that there is a potential for these to result in unacceptable impacts on the amenity of local residents.

## Agenda Item 5

- 9.21 Restoration of the site would be undertaken during the day, from 07.00 to 19.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, which would minimise the risk of disturbance, particularly that resulting from noise.
- 9.22 A Noise Management Plan (NMP) was required and discharged under Condition 8 of the original application. The NMP requires the monitoring of the development to ensure that noise from the site does not exceed the noise limits used in the assessments for the original Environmental Statement. Should the application be approved, the NMP would still form part of the approved documents to which the operator would be required to adhere.
- 9.23 Under these circumstances and given the controls that the conditions would provide, it is not considered that the proposals would result in adverse noise impacts on residential amenity.
- 9.24 Taking into account these factors, the temporary nature of the proposals and, and the separation distances involved, it is considered that the impact on neighbouring residents, is likely to be minimal.
- 9.25 *It is not considered that the proposals would result in unacceptable impacts on local residents. Vehicular movements associated with the final phase (restoration) would be low; noise emissions have been shown to be within an acceptable range and the noise management plan would ensure the operator complies with identified noise limits. Given the low key, temporary nature of the development, it is considered acceptable with regards to its impact upon local residents.*

### **Impact on the Environment**

#### *Landscape/character*

- 9.26 The application site is located adjacent to agricultural land within a rural area characterised by open fields and woodlands. The key visible elements of the site would comprise the well-pad and the on-site security accommodation, access track and the surrounding fencing and gates. Access to the site for the final phases of the development would utilise the existing site access, which itself was an existing field access prior to the permitted development.
- 9.27 Although the site use is industrial in nature, it is enclosed to the north, west and south with mature woodland, with a bund to the east. The distance and screening from Adversane Lane by mature trees and hedgerows is significant, meaning that there are limited public views into the site. Furthermore, any such views are transient, primarily as people travel in vehicles along Adversane Lane.
- 9.28 Comments have been made regarding the poor quality of the metal heras fencing along Adversane Lane and that this additional fencing is unnecessary and unsightly. The agent has been informed regarding this fencing and has agreed that the metal heras fencing at the front of the site and internal to the site is not required and is to be removed.
- 9.29 Depending upon the results of the evaluation, the site would either be restored to agricultural use or retained in a safe state pending the preparation of a planning application for production. Whether the applicant opts for restoration



or retention of the site by 31 March 2020, proposed condition 1 would require the site be restored. Therefore, there would be no long-term impact on the landscape as a result of the current proposal.

- 9.30 WSCC's Trees and Woodland Officer raises no objection to the extension of the time period. No changes are proposed to the well-pad itself and access road that would affect surrounding trees and hedgerows.
- 9.31 Given the temporary nature of the proposals and the location of the site within a heavily wooded area, the impact on the visual amenity and landscape is considered to be minimal. The site would be restored to a standard that would blend in with its surroundings, as has been previously agreed, and so any visual impacts would be temporary.

#### *Water Environment*

- 9.32 One of the concerns raised in objections to the retention of the site 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.
- 9.33 The site is not within an area considered to be at increased risk of flooding, nor is it within a groundwater source protection zone.
- 9.34 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 naturally occurring radioactive materials (NORMs) are appropriately managed. 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'.
- 9.35 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.
- 9.36 Furthermore, this application is only seeking an extension of time to allow the evaluation of the results from the testing phase. No further drilling or on-site operations are proposed as part of these applications, apart from the eventual restoration of the site.
- 9.37 It has been suggested by objectors that a bond or financial guarantee should be sought to cover remediation in the event that contamination occurs or that the operator finds itself in financial trouble. 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 the Oil & Gas Authority checking that operators have appropriate insurance against these liabilities in granting a PEDL Licence. It is not, therefore, considered appropriate to secure a bond in relation to the present applications.

- 9.38 Taking the above into account, it is considered that the development does not pose a risk to the water environment.

#### *Ecology*

- 9.39 The application site abuts woodland to the north, west and south, with ancient woodland some 125m to the east. It is otherwise relatively distant from any ecological designations, none being within 1km of the site. The nearest Site of Special Scientific Interest (SSSI) is some 2.8 kilometres north of the site; the Coneyhurst Cutting. WSCC's Ecology Officers have raised no objection to the proposals to retain the site and fencing until 2020.

- 9.40 Taking into account the inactivity at the site, aside from the restoration, for the duration of the applications, it is considered that the impacts of the proposed developments would not adversely affect the ecological habitats and species surrounding the site.

- 9.41 *Although the site use is of an industrial nature within a rural setting, it is well-screened from public views, and, therefore, it is considered that the proposal is acceptable in terms of landscape and visual impact. Other than restoration, no physical works are proposed so the development does not pose a risk to the water environment, either at the surface or groundwater and the potential impact of the development on habitats and species would be minimal. Overall, given the temporary nature of the development and subject to the imposition of the suitable conditions and approved documents, the impact of the development on the immediate environment and the surrounding landscape is considered to be minimal.*

## **10. Overall Conclusion and Recommendation**

- 10.1 The proposed 18 month extension of time to allow for evaluation of the borehole testing and collaboration of results with other sites in the wider area and the proposal to retain the fencing at the hydrocarbon site at the Broadford Bridge has the potential to result in impacts on the highway, local residents, and the environment, issues that have been raised in the large number of objections to the application. However, no statutory objections have been received, although the local parish council has raised an objection to both applications.

- 10.2 It is concluded that the number of vehicles required to carry out the remainder of the development would not be significant enough to raise concerns regarding highway capacity or road safety. The retention of the site would not involve any activity, has limited visibility and would be temporary in nature, and the restoration operations would be over a limited time period and so, again, would not have an adverse impact on the character of the area. The impacts of 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.

10.3 Overall, the extensions of time to enable an overarching evaluation of the results of hydrocarbon exploration are considered to have minimal impacts on people or the environment, and would help to meet an identified need for local hydrocarbon exploration and appraisal. Both developments accord with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposals are acceptable subject to the imposition of appropriate conditions to control the potential impacts as it progresses through the final stage of development.

10.4 It is **recommended**, therefore, that planning permission be granted for both applications subject to the conditions and informatives set out at Appendices 1 and 2.

10.5 The conditions would be carried over from the 2017 planning permissions, unless they have been formally discharged and are no longer required (for example, where they relate to Phases 1, 2 or 3).

#### 11. **Resource Implications and Value for Money**

11.1 This is not a material planning consideration and cannot, therefore, be considered in determining this application. There will be no requirement for additional resources unless the decision is challenged and there is a requirement to defend the County Council's position at any subsequent appeal.

#### 12. **Equality Duty**

12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### 13. **Risk Management Implications**

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

#### 14. **Crime and Disorder Act Implications**

14.1 This decision has no implications in relation to crime and disorder.

#### 15. **Human Rights Act Implications**

15.1 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 County 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 wellbeing 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.

- 15.2 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 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.
- 15.3 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**

Head of Planning Services

**Contact:** Chris Bartlett (phone 0330 222 6946).

**Background Papers**

As set out in Section 6

**List of Appendices**

Appendix 1 – Conditions and Informatives for WSCC/032/18/WC

Appendix 2 – Conditions and Informatives for WSCC/033/18/WC

Appendix 3 – Site Location Plan

Appendix 4 – Retention Mode

Appendix 5 – Restoration Layout Plan

## **Appendix 1: Conditions and Informatives for WSCC/032/18/WC**

### **CONDITIONS**

#### **TIME LIMITS**

1. This permission shall be for a limited period only expiring on 31 March 2020, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall have been removed from the site, and the site shall be restored in accordance with the approved restoration scheme (ref. Well Site Restoration Layout Plan – KOGL-BB-PA-XX-09).

*Reason: To secure the proper restoration of the site following the approved period for this temporary development.*

#### **APPROVED OPERATIONS PROGRAMME**

2. Only Phase 4 - Restoration/retention is permitted under this approval. Phase 1 – Construction, Phase 2 - Mobilisation and Drilling and Phase 3 – Testing shall not be carried out or revised in the lifetime of this approval. For the avoidance of doubt, hydraulic fracturing ('fracking') is not permitted under this permission.

*Reason: To ensure the development is carried out as proposed*

3. The development hereby approved shall not take place other than in accordance with the approved drawings:
  - Site Location Plan - 26059 P1
  - Existing Site Entrance Layout Plan - KOGL-BB-PA-XX-03;
  - Existing Access Track 2 Layout Plan - KOGL-BB-PA-XX-04;
  - Existing Site Entrance Layout Plan - KOGL-BB-PA-XX-05;
  - Existing Well Site Retention Mode Layout Plan - UKOG-BB-PA-XX-06;
  - Existing Well Site Retention Mode Sections - KOGL-BB-PA-XX-07;
  - Well Site Parking Layout Plan - KOGL-BB-PA-XX-08; and
  - Well Site Restoration Layout Plan – KOGL-BB-PA-XX-09,
 except as modified by condition hereafter.

*Reason: To ensure the development is carried out as proposed*

4. Prior written notification of the date of commencement of Phase 4a - Restoration hereby approved shall be sent to the Minerals Planning Authority not less than seven days before commencement of each Phase.

*Reason: To inform the Minerals Planning Authority of potential disruptive periods in the interests of amenity.*

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

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

### **HOURS OF WORKING**

6. Work at the site, including HGVs entering and leaving the site, shall only be undertaken between the hours of 0700 and 1900 Mondays to Fridays and 0800 to 1300 on Saturdays. No work shall occur on Sundays, Bank Holidays and Public Holidays.

*Reason: To protect the amenities of occupiers of nearby residential properties*

### **NOISE**

7. No plant or equipment shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment.

*Reason: In the interests of the amenities of occupiers of nearby residential properties*

8. The approved Noise Management Plan (ref KOGl-BB-DOC-XX-06 and dated 21 August 2014) shall be adhered to and retained throughout the duration of the permission. Should monitoring of noise indicate that the limits (which are specified within Chapter 9 of the Environmental Statement) are being exceeded, details of further mitigation and a timetable for implementation will be submitted to the County Planning Authority for approval.

*Reason: In the interests of the amenities of the residents of the locality; to ensure that noise from the site does not exceed the noise limits set out in the Environmental Statement.*

### **LANDSCAPING AND ACCESS TRACK RESTORATION**

9. The approved plans and documents relating to landscaping matters and restoration methodology, namely:

- Tree Protection Plans – KOGl-BB-DOC-XX-01;
- Tree Protection Plan Methodology – KOGl-BB-DOC-XX-02;
- Methodology for the removal and reinstatement of the access track and no-dig surfacing at the access off Adversane Lane – KOGl-BB-DOC-XX-03; and the
- Landscape Proposals – KOGl-BB-DOC-XX-05;

shall be adhered to and where relevant form part of the overall restoration of the site which shall be completed in full.

*Reason: To ensure the landscape and ecology of the area is protected after the development has been completed.*

10. A scheme of aftercare specifying the steps to be taken to manage restored land shall be submitted for the written approval of the Minerals Planning Authority prior to the commencement of restoration. Thereafter the approved strategy shall be implemented in full.

*Reason: To ensure effective restoration and afteruse of the land to protect the landscape and ecology of the area.*

## **ACCESS / HIGHWAYS**

11. The vehicular access and visibility splays, shown on drawing KOG-L-BB-PA-XX-05, shall be retained and maintained throughout the duration of the permission.

*Reason: In the interests of highway safety*

12. The discharged Construction Traffic Management Plan document (ref KOG-L-BB-DOC-XX-04 and dated 14 August 2014) shall be adhered to and retained throughout the duration of the permission.

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

## **FIRE FIGHTING**

13. The fire water tanks shown on approved plan UKOG-BB-PA-XX-06 shall remain on site, in the approved position and available for immediate use throughout the development.

*Reason: In the interests of fire safety*

## **GROUNDWATER PROTECTION/DRAINAGE**

14. The approved groundwater protection/drainage scheme to dispose of foul and surface water and accompanying drawings 'Surface Water Distribution at Site Entrance Plan - KOG-L-BB-PA-XX-10' and 'Site Ditch Construction Details - KOG-L-BB-PA-XX-11' shall be adhered to and retained throughout the duration of the permission.

*Reason: To protect water quality and ensure compliance with the NPPF*

15. The approved Construction Method Statement and accompanying drawings 'Cellar Construction Detail - KOG-L-BB-PA-XX-12' and 'Site Ditch Construction Details - KOG-L-BB-PA-XX-11' shall be adhered to and retained throughout the duration of the permission.

*Reason: To protect water quality and ensure compliance with the NPPF*

## **INFORMATIVES**

- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:

- Providing pre-application advice;
- Discussing issues of concern as early as possible, including those raised by consultees and third parties; and
- Giving them the opportunity to provide further information/changes to overcome material impacts

As a result, the Minerals Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

## **Appendix 2: Conditions and Informatives for WSCC/033/18/WC**

### **CONDITIONS**

#### **TIME LIMITS**

1. The fencing, gates and structures hereby approved shall be removed from the site, and the site restored in accordance with the restoration scheme approved under planning permission WSCC/032/18/WC either;
  - a) on or before the period ending 31 March 2020; or
  - b) within 3 months of the cessation of the operations and need of the site whichever occurs soonest.

Reason: *To secure the proper restoration of the site following the approved period for this temporary development.*

#### **APPROVED PLANS/DOCUMENTS**

2. The proposed development shall not take place other than in accordance with the approved drawings:
  - Site Location Plan – KOGI-BB-PA-YY-01;
  - Site of Application - KOGI-BB-PA-YY-02;
  - Existing Compound Fence & Cabins Layout Plan - KOGI-BB-PA-YY-03;
  - Existing Fencing Sections - KOGI-BB-PA-YY-04;
  - Existing Well Site Security Cabins Sections - KOGI-BB-PA-YY-05;
  - Existing Gates and Entrance Cabin Layout Plan - KOGI-BB-PA-YY-06;
  - Existing Entrance Gates – Sections – UKOG-BB-PA-YY-07;
  - Existing Entrance Security Cabins – Layout, Plan and Sections - KOGI-BB-PA-YY-08;

Reason: *To ensure the development is carried out as proposed.*

#### **INFORMATIVES**

- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
  - Providing pre-application advice;
  - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
  - Discussing issues of concern as early as possible, including those raised by consultees and third parties; and
  - Giving them the opportunity to provide further information/changes to overcome material impacts

As a result, the Minerals Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.