



**KIMMERIDGE OIL & GAS LIMITED  
BROADFORD BRIDGE EXPLORATORY WELL SITE**

**PLANNING STATEMENT**

<b>PROPOSAL:</b>	<b>AMENDMENT OF CONDITION NO.2 OF PLANNING PERMISSION REF: 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</b>
<b>LOCATION:</b>	<b>WOOD BARN FARM, ADVERSANE LANE, BROADFORD BRIDGE, BILLINGSHURST, WEST SUSSEX, RH14 9ED</b>
<b>DOC REF:</b>	<b>KOGL-BB-PA-S73-01</b>
<b>DATE:</b>	<b>6<sup>TH</sup> JULY 2017</b>

**APPROVAL LIST**

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**REVISION RECORD**

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## 1. INTRODUCTION

Kimmeridge Oil & Gas Limited (“the Applicant”) is a wholly-owned subsidiary of UK Oil & Gas Investments PLC (“UKOG”), an investment company focused on oil and gas assets in the Weald Basin.

The Applicant is currently engaged in drilling of the Broadford Bridge-1 (“BB-1”) exploratory borehole (“developed site”) at Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex. The Mineral Planning Authority, West Sussex County Council (“WSCC”), issued a temporary planning permission (App Ref: WSCC/052/12/WC “consent”) on 11<sup>th</sup> February 2013, having paid regard to the findings of an Environmental Statement (“ES”) assessing the likely environmental impacts and effects.

The Applicant is seeking to extend the life of the consent by twelve (12) months to allow for the completion of Phase 3 well testing, followed by Phase 4 site restoration or retention (“the proposal”). The purpose of this Planning Statement is to consider the proposal’s acceptability, adopting an assessment approach consistent with the *Planning and Compulsory Purchase Act 2004*, section 38(6).

### 1.1 Site and Surroundings

The site comprises a worked farm that accommodates an operational well site. A secure compound encloses temporary earth bunding that delineates a stable, flat and drained well pad formed of crushed stone overlaying an impermeable membrane. A concrete chamber sunk into the ground holds a conductor pipe, through which BB-1 is being drilled. Temporary storage tanks, portable cabins and amenity facilities are in place to facilitate the drilling and well testing.

A crushed stone access track connects the developed site to the B2133 road, some 7km south-east of Horsham and 3km south of Billingshurst, within the Parish of West Chiltington. The surrounding area is characterised by gently undulating farmland with mature hedgerows and woodland blocks. Visual access to the site is restricted by woodland; however, the drilling rig can be seen above the tree line when in operation.

The approved site location plan and layout plan (Testing Mode) are attached at *Appendix 1A and Appendix 1B* respectively.

### 1.2 Planning History and Development Activity to Date

The planning history of the site and the approved plan list are recorded within *Appendix 3*. Following discharge of conditions attached to the consent, a four-phase programme of works commenced on 16<sup>th</sup> September 2014 with *Phase 1: Construction*. Following site construction, the programme was then put on hold by the then operator Celtique Energie Weald Limited (“CEWL”). UKOG completed acquisition of CEWL in August 2016, which included the developed site. CEWL was renamed Kimmeridge Oil & Gas Limited at that time. *Phase 2: Mobilisation and Drilling* commenced on 24<sup>th</sup> May 2017 and is scheduled to be completed in July 2017. It should therefore be noted that there was inactivity at the site from late 2014 to May 2017, some 28 months of the original 3-year planning period. This inactivity was due to the previous operator, not to the Applicant. Therefore, at the time of writing **there has only been around 4 months of operational activity at the site in practice**. By 15 September, this will be around 7 months of operational activity, out of the original 3-year planning permission period.

### 1.3 The Proposal and Need for an Extension of Time

*Phase 3: Testing* (for oil and gas) is due to commence in July 2017 and is scheduled to take up to fourteen (14) weeks to complete, as per the original planning consent, pushing the *Phase 3* completion date out to October/November 2017. Should no hydrocarbons be encountered during *Phase 2 and 3*, *Phase 4a: Restoration* would follow, involving the plugging of the well, removal of the cellar chamber and all temporary structures, re-grading of the developed site with aftercare activity due to complete spring/summer of 2018, consistent with the timing of works secured within the consent.

If hydrocarbons are encountered during *Phase 2 and Phase 3* and well testing indicates the potential for commercial production, *Phase 4b: Retention* would follow. The well would be suspended and the developed site would be cleaned consistent with *Phase 4a: Restoration* but the crushed stone well-pad, drainage ditches and the cellar chamber would be left in place. A standard shipping container would be installed over the wellhead assembly and all valves closed pending a final decision to either plug and abandon the well and restore the site, or progress to further well testing, further appraisal drilling or production. In the event of further activities being proposed at the site, a new planning application to authorise this development would be submitted to WSCC without delay.

The proposal, therefore, seeks the additional time to complete the testing of the BB-1 well and either restore the site or complete the further assessments necessary to inform a new planning application in order to retain the site for further development.

A revised layout plan (Testing Mode) is attached at *Appendix 2A* and an on-site parking plan is attached at *Appendix 2B* for reference only. The amendments do not material change the character or the nature of the extant consent and are included within this application for authorisation.

#### **1.4 Environmental Impact Assessment**

The ES that informed the original planning consent assessed the likely impacts and effects of the exploration, testing and evaluation of hydrocarbons at the developed site. The proposal amounts to an “*extension of time*” that constitutes “*Schedule 2 development*” under the terms of the *Town and County Planning (Environmental Impact Assessment) Regulations 2017*<sup>1</sup>, therefore, the likelihood of significant adverse effects arising from the development as extended must be considered.

The ES identified likely significant and adverse effects, the majority of which related to *Phase 1: Construction* and *Phase 2: Mobilisation and Drilling*<sup>2</sup>. Extending the window of time within which the outstanding phases of work can commence and be completed would not materially change the nature or duration of the effects assessed within the ES and considered by WSCC when issuing the consent.

The consent has since been implemented and activity at the developed site has progressed, subject to further mitigation secured by way of the discharge of planning conditions. Those environmental impacts of the developed site that are monitored do not materially depart from the predictions of the ES and the environmental baseline considered within the ES has not materially changed.

Taking account of these considerations, the development, as extended, would not give rise to any new or additional significant adverse effects beyond those already considered within the ES. With this in mind, the proposal is not accompanied by an environmental impact assessment.

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<sup>1</sup> Town and County Planning (Environmental Impact Assessment) Regulations 2017, Schedule 2(1) table row No.13: Changes and Extension (b).

<sup>2</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) – Chapter 15: Statement of Significance, para 15.4.

## 1.5 Structure of this Statement

Adopting an assessment approach consistent with section 38(6) of *The Planning and Compulsory Purchase Act 2004*, this Planning Statement is structured accordingly:

### **Chapter 2: Development Description**

A detailed description of the operational development and the nature of the activity.

### **Chapter 3: Compliance with The Development Plan**

Recognising the Development Plan as the starting point.

### **Chapter 4: The Influence of Other Material Planning Consideration**

### **Chapter 5: Overall Conclusion**

Performing a final planning balance of the material planning consideration.

## 2. DEVELOPMENT DESCRIPTION

A well test is essentially a procedure for isolating and testing the potential of hydrocarbon bearing formations using a temporary well completion and production system. The operations, effects and duration of the procedures specific to the oil and gas testing proposed for the site are described below.

### 2.1 Phase 3a: Short Term Testing and Evaluation – Gas

Gas is tested to evaluate its flowrate, deliverability and the extent of the recoverable resource. The pressure and temperature characteristics of the producing formation and those that surround it are gauged and data collected. Testing is not continuous but follows a sequence of flow and shut-in periods. It begins with the mobilisation of a rig to produce an initial and short clean-up flow of the gas before passing it through a separator where oil and water are split off (prior to transportation off site) and the gas is burnt if volumes are too high for venting or if toxic gases such as Hydrogen Sulphide (H<sub>2</sub>S) are present. Flaring uses either a basic flare, a shielded flare or a clean enclosed burner on the grounds that there is no practical storage solution.

A flaring pit was installed as part of *Phase 1: Construction*, to minimise disruption. It used excavated subsoil from the well site to form earth bunds on three sides that screen radiated heat, attenuate noise and limit the visual impact.

Mobilisation of the rig and connecting the flaring equipment would take one (1) week and testing would take one (1) week. During this period, there would be very low levels of traffic generation comprising light and private vehicles. Throughout the process the rig may not need to be operating in which case smaller generators would be engaged to provide power and lighting. It is not anticipated that Phase 3a will take place, only oil testing (Phase 3b).

### 2.2 Phase 3b: Short Term Testing and Evaluation – Oil

Oil is tested to evaluate its flowrate, deliverability and the extent of the recoverable resource. The pressure and temperature characteristics of the producing formation and those that surround it are gauged and data collected. Testing is not continuous but follows a sequence of flow and shut-in periods. There will be no drilling on site during well testing. Well testing begins with an initial and short clean-up flow of the oil before passing it through a separator where oil and water are split off (prior

to transportation off site) and the gas is burnt in a shrouded flare. Gas flaring is necessary on the grounds that there is no practical storage solution.

Mobilisation of the well testing equipment and connecting the flaring equipment would take one (1) week and testing would take up to a further 13 weeks. During this period, there would be low levels of traffic. Small diesel generators will provide power and lighting. Storage tanks will be installed to facilitate the generation and storage of produced liquids. Please refer to the revised layout plan (Testing Mode attached at *Appendix 2A*).

Well testing equipment will be demobilised as soon as practical. The storage tanks will be contained within a secondary bunded compound comprising an HDPE membrane and it would be designed to accommodate 110% of tank capacity.

### **2.3 Phase 4a: Restoration**

If the site is to be restored the well would be plugged and abandoned in accordance with *Oil and Gas UK Guidelines for the Abandonment of Wells*. The workover rig on site would install cement plugs at strategic points to isolate and seal the well. The steel casing would be cut approximately 2.5m below the surface and the well capped with a steel plate.

Demobilisation of the workover rig would then commence and complete in around three days. All structures including welfare and support buildings, storage tanks, the well cellar and all linings would be removed for appropriate disposal. The concrete of the cellar walls and other areas would be broken up and taken off site for recycling.

Aggregate used for hardstanding and access track construction would be recycled for local re-use. Areas of compaction would be addressed by lifting and breaking the soil pans prior to replacing and re-grading the soil stored in on-site bunds and allowing restored areas to re-seed naturally.

Land and field drains disturbed by the development would be reinstated or new systems installed by agreement with the landowner. There are no water courses adjacent to the wellsite but any ditches around the perimeter of the fields would be cleaned as appropriate.

Hedgerows would be replanted with young whips of native variety hedgerow plants that are protected by wooden post and rail fences with rabbit netting to deter rodents. The post and wire fences would be temporary retained to protect freshly worked soils from livestock. Site aftercare would be sub-contracted to the farmer so he can time the works to suit his own operations and the growing season. All highway signage would be removed upon completion of the works.

### **2.4 Phase 4b: Retention**

In the event of retention, the BB-1 well would be suspended with two (2) permanent barriers to flow. Consistent with Phase 4a, the site would be cleaned but the stone surface, drainage ditches and the cellar would be left in place. A standard shipping contained would be installed over the wellhead assembly and all valves closed pending a decision either to plug and abandon the well or to carry out further works. All fence lines would be retained and maintained and gates across the entrance would be secured to deter unauthorised access.

## **3. COMPLIANCE WITH THE DEVELOPMENT PLAN**



The Development Plan for the site comprises:

- West Sussex Mineral Local Plan (2003); and
- Horsham District Planning Framework (2015).

### 3.1 West Sussex Mineral Local Plan (MLP) (2003)

When dealing with a type of development for which there are bespoke policies, it is logical to take that policy as the starting point in the determination process. While the Development Plan must be read as a whole, it follows that the greatest weight should be attributed to bespoke policies. The dominant policies for consideration in this case is ***Oil and Gas Policy: 26 and 27***.

#### 3.1.1 Compliance with Dominant Policy: MLP Oil and Gas Policy 26 and 27

***MLP Oil and Gas Policy 26*** states that proposals will be permitted where they present the “best option” for development in comparison with other alternative sites within an area of search. *ES Chapter 5: Need and Alternative Sites*, considered seven alternative locations, applying a range of technical, environmental and planning policy constraints. The developed site emerged as the best option, having adopted a site selection approach consistent with the principle of *Policy 26*.

The site is not within 1km of any area designated for nature conservation and was assessed as being of “low” ecological value<sup>3</sup>. The ES recorded that the ecological integrity and conservation status of protected or notable natural heritage populations would not be compromised<sup>4</sup>. Further mitigation derived from adherence to consent *Condition 10: Ecology* and the implementation of a Tree Protection Plan secured by consent *Condition No 11: Landscaping*, has been sufficient to avoid any further unacceptable adverse impacts. Within this context, the proposal would not compromise the countryside resources consistent with *criterion (A) of Policy 26* and NPPF para 144<sup>5</sup>.

WSCC Highway Department found the traffic and transport effects assessed within *ES Chapter 10: Transport and Access* to be “imperceptible”<sup>6</sup> and a temporary extension of time would not materially change this finding. The developed site has been constructed consistent with consent *Conditions 18 and 19: Access/Highways*, that secure satisfactory standards of access and the routing of HGV’s was agreed with WSCC Highways in discharging consent *Condition 20*, prior to the commencement of development. Within this context, the highway network could acceptably accommodate a temporary extension of time, consistent with *criterion (B) of Policy 26*.

Having considered *ES Chapter 8: Landscape and Visual Impact*, *ES Chapter 9: Noise* and *ES Chapter 12: Lighting*, WSCC found residential amenity effects to be “minimal”<sup>7</sup>, given the separation distances involved. The developed site has been constructed consistent with consent *Condition 6: Hours of Operation* and *Conditions 7-9: Noise* that secured a Noise Management Plan designed to protect the

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<sup>3</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) - Chapter 7: Ecology, para 7.135.

<sup>4</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) - Chapter 7: Ecology, para 7.126.

<sup>5</sup> WSCC Decision Notice WSCC/052/12/WC - Permitting Exploration, Testing & Evaluation at Broadford Bridge: Reasoned justification for Condition 11: Ecology.

<sup>6</sup> WSCC Planning Committee Report dated 5<sup>th</sup> February 2013, Agenda Item No.8: Exploration, Testing & Evaluation at Broadford Bridge: para 9.6.

<sup>7</sup> WSCC Planning Committee Report dated 5<sup>th</sup> February 2013, Agenda Item No.8: Exploration, Testing & Evaluation at Broadford Bridge: para 9.13.

amenity of residents. Within this context, the proposal would not compromise residential amenity consistent with *criterion (C) of Policy 26*.

The site is not constrained by public footpaths or bridleways so *criterion (D) of Policy 26* is not engaged. *ES Chapter 11 Ground and Groundwater Protection* found there to be no major aquifers present and a limited local reliance on groundwater supplies<sup>8</sup>. The risk of groundwater pollution is therefore inherently “low” and has since been further reduced by the implementation of mitigation secured by consent *Conditions 22 and 23: Groundwater Protection/Drainage*, designed to protect water quality in compliance with the NPPF<sup>9</sup>. Within this context, the proposal would not compromise the water environment consistent with *criterion (E) of Policy 26*. In addition, the developed site is now subject to the Environmental Permitting (England and Wales) Regulations 2016, which requires the Applicant to apply to the Environment Agency for Environmental Permits, which exist to ensure the protection of the environment, including ground and groundwater.

The proposal is in compliance with *Policy 26* with no material conflict identified.

**MLP Oil and Gas Policy 27** engages “duration” and the “area of activity” as material planning considerations. The extension of time would not change the nature or duration of effects assessed within the ES; they would remain temporary and reversible subject to a programme of aftercare secured by consent *Condition 17: Restoration*. The developed site occupies a small footprint, screened by mature woodland adopting best available techniques to minimise the scope for adverse effects.

The proposal’s compliance with *Policy 26*, when combined with the above assessment of acceptability, is sufficient to demonstrate compliance with *Policy 27*.

### 3.1.2 Compliance with Other Policy Engaged

**MLP Countryside Policy 14** calls for the physical characteristics of the land to be restored “to what they were when the land was last used for agriculture”. The procedures described within *Phase 4a: Restoration* provide for this and any subsequent approval would secure delivery through the retention of consent *Condition 17: Restoration*.

**MLP Landscaping Policy 53** has been satisfactorily addressed by virtue of the Tree Protection Plan, agreed to discharge consent *Condition 11: Landscaping*. The proposal would not compromise the mitigation already committed on site. Consistent with *criterion (B) of Landscaping Policy 53* and the relevant criteria of **MLP Soil Policy 58**, soil has been appropriately handled and stored on site. Excavated soil has not been taken off site and the bunding currently in place will be utilised for reclamation purposes in the discharge of consent *Condition 17: Restoration*.

Consistent with **MLP Noise Policy 60**, the proposal would be subject to the same limits and obligations secured by consent *Conditions 7 and 9: Noise* and the mitigation measured embedded within the Noise Management Plan, secured by consent *Condition 8*.

The development site has progressed, adopting working practices and best available techniques that ensure the scope for environmental harm is minimised. Opportunities to conserve and enhance the

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<sup>8</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) - Chapter 11: Ground and Groundwater Protection, para 11.86.

<sup>9</sup> WSCC Decision Notice WSCC/052/12/WC - Permitting Exploration, Testing & Evaluation at Broadford Bridge: Reasoned justification for Condition 22 & 23: Groundwater Protection/Drainage.

environment have been incorporated and will be committed in the discharge conditions designed to ensure that land is restored to a standard appropriate to its anticipated agricultural after-use. None of these benefits and concessions would be lost as a result of the proposal consistent with the core planning principle of **MLP Policy 1: Sustainable Development**.

### 3.2 Horsham District Planning Framework (HDPF) (2015)

Unlike the MLP, the HDPF does not contain dominant policy designed to address oil and gas development. It does contain policies designed to promote sustainable development and protect natural and built heritage. The relevant policies are considered below.

**HDPF Policy 1: Sustainable Development**, establishes that local decision-takers will apply the NPPF's "**presumption in favour of sustainable development**"<sup>10</sup>. Having established compliance with the MLP when read as a whole the proposal is "*sustainable development*". The decision taking guidance of **HDPF Policy 1** and the NPPF will inform the final planning balance performed within *Chapter 5: Conclusion*.

*ES Chapter 13: Socio-Economics*, anticipated the generation of local employment in trades identified as having a readily available labour force. In addition, considerable indirect economic vitality would be introduced to the District through the procurement of locally supplied services and materials<sup>11</sup>. Moreover, agricultural diversification would be supported by virtue of the steady income stream that would supplement the existing agricultural business. The proposal would not compromise these benefits, consistent with **HDPF Policy 10: Rural Economic Development**.

Having established compliance with **MLP Oil and Gas Policy 26**, the proposal is consistent with the relevant criteria of **HDPF Policy 24: Environmental Protection** and **HDPF Policy 31: Green Infrastructure and Biodiversity** policies, designed to protect the District's high-quality environment by minimising its exposure to pollutants and maintaining/enhancing its natural heritage. Similarly, compliance with **MLP Landscaping Policy 53**, is sufficient to establish consistency with the relevant criteria of **HDPF Policy 25: The Natural Environment and Landscape Character** and **HDPF Policy 30: Protected Landscapes**. The temporary and reversible nature of the effects of the proposal are acceptable when considered against an environmental base-line that contains the developed site.

Having demonstrated the developed site to be the "*best option*", consistent with **MLP Oil and Gas Policy 26**, the proposal is in compliance with **HDPF Policy 26: Countryside Protection**, which recognises the "*extraction of minerals*" (*criterion 2*) as being appropriate development outside built-up area boundaries. In addition, it would be consistent with the siting and design criteria of **HDPF Policy 33 Development Principles**. In accordance with both policies, the proposal would not lead to a significant increase in the overall level of activity in the countryside and nor would it compromise its key features or wider landscape character.

### 3.3 Overall Assessment of Compliance

The adverse environmental effects of the proposal are low, when considered against an environmental base-line that contains the developed site. Such effects are further reduced by their

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<sup>10</sup> National Planning Policy Framework (2012), para 14, page 4 – the '**bold type**' derives from the Framework.

<sup>11</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) - Chapter 13: Socio-Economics, para 13.60.

temporary nature. Any residual adverse effects would be satisfactorily addressed when discharging consent *Condition 17: Restoration*.

Taking account of these characteristics, the proposal gives rise to no new or additional material adverse effects beyond those previously considered acceptable. Accordingly, the proposal would not give rise to any new policy conflicts. When read as a whole, the proposal is in compliance with the Development Plan with no material conflicts identified. This is a benefit, which attributed significant weight in favour of approving the proposal.

#### **4. THE INFLUENCE OF OTHER MATERIAL PLANNING CONSIDERATION**

Section 38(6) of *The Planning and Compulsory Purchase Act 2004* provides for the influence of other material considerations.

##### **4.1 National Energy Policy and The Need for Oil and Gas Developments**

Government energy policy is set out in the following primary legislation and policy statements.

###### **4.1.1 The Energy White Paper: Meeting the Energy Challenge (2007)**

The Government used the paper to set out its international and domestic energy strategy in response to climate change, rising fuel prices and the need for substantial new investment in the UK's energy generating infrastructure. It promotes a diverse energy mix within which fossil fuels will continue to play an *"essential role"*<sup>12</sup>. To ensure security of the supply, a crucial element of the Government's energy strategy is to maximise production of our domestic energy sources.

###### **4.1.2 Overarching National Policy Statement for Energy (EN-1) (2011)**

The Government states that fossil fuel plays a *"vital role"* in providing reliable electricity supplies and is an *"important role"*<sup>13</sup> in our energy mix as the UK makes the transition to a low carbon economy. It finds the UK's domestic gas market to be robust but warns that the risk of shortfalls in supply *"cannot be ruled out nor that there may need to be significant rises in wholesale gas prices to balance the market"*<sup>14</sup>. It concludes that further infrastructure (beyond that which exists) is needed<sup>15</sup>.

###### **4.1.3 Annual Energy Statements (AES) (2012, 2013 and 2014)**

AES 2012 states the Government continues to develop a fiscal regime that encourages *"investment in indigenous oil and gas production for the economy and security of supply"* and will *"support new ways of tapping our indigenous resources"*<sup>16</sup>. The policy framework aims to *"bring forward investment in every aspect of our energy infrastructure"* which includes *"maintaining UK oil and gas production"*<sup>17</sup>.

AES 2013 confirms that oil and gas remain *"key elements of the energy system for years to come"*. And that the Government is committed to *"maximising indigenous resources"*<sup>18</sup>. AES 2014 states *"UK oil*

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<sup>12</sup> The Energy White Paper: Meeting the Energy Challenge (2007) - Maximising economic production from our domestic fossil fuel reserves, page 20.

<sup>13</sup> Overarching National Policy Statement for Energy (EN-1) (2011), para 3.6.1, page 30.

<sup>14</sup> Overarching National Policy Statement for Energy (EN-1) (2011), para 3.8.8, page 38.

<sup>15</sup> Overarching National Policy Statement for Energy (EN-1) (2011), para 3.8.8, page 38.

<sup>16</sup> Annual Energy Statement 2012: Department of Energy & Climate Change, para 1.8, page 7.

<sup>17</sup> Annual Energy Statement 2012: Department of Energy & Climate Change, para 1.9, page 8.

<sup>18</sup> Annual Energy Statement 2013: Department of Energy & Climate Change, para 3.69, page 39.

and gas continues to make a substantial contribution to our economy, supporting around 450,000 jobs in the wider UK economy and supplying the equivalent of more than half the UK's oil and gas"<sup>19</sup>.

## 4.2 National Planning Policy – National Planning Policy Framework (NPPF) (2012)

The purpose of the planning system is to “contribute to the achievement of sustainable development”<sup>20</sup>. To aid decision takers achieve this goal, the NPPF provides core planning principles that are transposed into topic specific policies across paragraphs 18-219. This constitutes “the Government’s view of what sustainable development in England means”. At its heart is a “presumption in favour of sustainable development”, which is a “golden thread” running through decision taking.

Minerals “are essential to support sustainable economic growth and our quality of life” and that it is important that there is a “sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs”<sup>21</sup>. Decision-takers are guided to “give great weight to the benefits of the mineral extraction, including to the economy”<sup>22</sup>.

## 4.3 Emerging Development Plan Policy - West Sussex Joint Minerals Local Plan (JMLP): Proposed Submission Draft (Regulation 19) (January 2017)

### 4.3.1 Vision and Strategic Objective 12: Oil and Gas

The JMLP is predicated upon a “**Vision**” for West Sussex in 2033. It provides the direction of travel for sustainable minerals development. The relevant statements for consideration are that West Sussex:

- Will be a place where minerals are produced in ways which conserve and enhance the beautiful outdoors of West Sussex... for the benefit of current and future generations.
- Will have contributed to the supply of minerals, in particular... oil and gas, to support growth in West Sussex.
- Will be a place where the production and transportation of minerals does not detract from it having thriving communities and being a special place to live and visit.
- Will ensure minerals have been produced in a manner that protects and enhances the historic and natural environment, and contributes to a low carbon, circular economy.
- Will be a place where mineral sites are restored to the highest standards<sup>23</sup>

The vision is transposed into sector specific *Strategic Objectives*. The Oil and Gas objective reads:

**Strategic Objective 12:** *To protect the environment and local communities in West Sussex from unacceptable impacts of any proposal for oil and gas development, whilst recognising the national commitment to maintain and enhance energy security in the UK*<sup>24</sup>

The strategic objective is transposed into the bespoke **JMLP Policy M7a: Hydrocarbon development not involving hydraulic fracturing**, which is the dominant policy for consideration.

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<sup>19</sup> Annual Energy Statement 2014: Department of Energy & Climate Change, para 197, page 51.

<sup>20</sup> National Planning Policy Framework (2012), para 6, page 2.

<sup>21</sup> National Planning Policy Framework (2012), para 142, page 32.

<sup>22</sup> National Planning Policy Framework (2012), para 144, bullet point No.1, page 34.

<sup>23</sup> West Sussex Joint MLP: Proposed Submission Draft (Regulation 19) (January 2017) page 15.

<sup>24</sup> West Sussex Joint MLP: Proposed Submission Draft (Regulation 19) (January 2017) para 2.3.13, page 19.

#### 4.3.2 Compliance with Dominant Policy: JMLP Policy M7a: Hydrocarbon Development not Involving Hydraulic Fracturing

*Criterion (a)* states that proposals for exploration and appraisal “including extensions of time” to existing sites will be permitted subject to criteria compliance. The proposal is in compliance with the spatial guidance of *criterion (a)(i)* and *(ii)*, having demonstrated the site to be the “best option” consistent with *MLP Oil and Gas Policy 26* (based on an assessment approach that accounted for the impacts of “on... and off-site activities including HGV movements”).

*ES Chapter 15: Statement of Significance*, records that the exploration, testing and evaluation of hydrocarbons would have a “negligible” environmental effect overall<sup>25</sup>. Extending the window of time within which the outstanding phases of work can commence and be completed would not materially change the nature or duration of the effects assessed within the ES. Therefore, the proposal would not give rise to any new or additional material adverse effects beyond those previously considered acceptable. Accordingly, the proposal would not give rise to any unacceptable impacts across the range of environmental topics recorded within *criterion (a)(iii)*.

High-quality aftercare would be secured by the retention of consent *Condition 17: Restoration*, consistent with *criterion (a)(iv)* and appropriate ground and groundwater pollution prevention measures have been embedded within the developed site to ensure no unacceptable impacts arise from on-site storage/treatment of fluids consistent with *criterion (a)(v)*.

#### 4.3.3 Compliance with Other Policy Engaged

Having established compliance with *MLP Countryside Policy 14* and *MLP Soil Policy 58*, the proposal is consistent with the **JMLP Policy M15: Air and Soil** and **JMLP Policy M24: Restoration and Aftercare** and relevant criteria. The procedures described within *Phase 4a: Restoration* would ensure no unacceptable impacts on the intrinsic quality or quantity of the soil with appropriate mitigation delivered by consent *Condition 17: Restoration*.

Having established compliance with *MLP Oil and Gas Policy 26 criterion A* (relating to countryside resources) and *MLP Landscaping Policy 53*, the proposal is consistent with **JMLP Policy M23: Design and Operation of Mineral Developments** and relevant criteria. The remote and secluded location of the developed site minimises the potential for conflict with pre-existing land-uses and areas recognised for the natural heritage consistent with *JMLP Policy M23(a)* and **JMLP Policy M17 Biodiversity and Geodiversity**. *ES Chapter 8: Landscape and Visual Impacts* paid proper regard to the local context and landscape character of the site, which then informed the assessment of effects and the nature of the mitigation brought forward consistent with *JMLP Policy M23(b)* and **JMLP Policy M12: Character**. None of these benefits or concessions would be lost as a result of the proposal.

Having established compliance with *MLP Oil and Gas Policy 26 criterion B* (relating to access and the routing of transport vehicles) and *criterion C* (relating to residential amenity), *MLP Noise Policy 60* and *JMLP Policy M7a: Hydrocarbon development not involving hydraulic fracturing; criterion (a)(iii)*, the proposal is consistent with **JMLP Policy M18: Public Health and Amenity**. The proposal would not give rise to any unacceptable effects with regard to lighting, noise, dust, odours, vibration or emissions derived from traffic generation consistent with *criterion (a)*.

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<sup>25</sup> Broadford Bridge-1 Exploratory Well Site ES (July 2012) – Chapter 15: Statement of Significance, para 15.4.

Having established compliance with *MLP Oil and Gas Policy 26 criterion E* (relating to the water environment), the proposal is consistent with ***JMLP Policy M16 Water Resources***. Consistent with ***JMLP Policy M22 Cumulative Impact***, the proposal would not give rise to an unreasonable level of disturbance to the environment, residents, businesses and visitors resulting from adverse effects experience in isolation or cumulatively with other sites operating simultaneously and/or successively.

#### **4.3.4 Overall Assessment of Compliance**

The proposal would not give rise to any new material adverse environmental effects sufficient to generate a policy conflict. Accordingly, the proposal is in compliance with the emerging plans vision, strategic objective 12, the dominant policy and other policies engaged.

#### **4.4 Conclusion**

The proposal engages modern energy infrastructure to secure supplies of oil and gas from indigenous sources. In principle, the proposal demonstrates a high degree of consistency with national energy policy, which is a benefit attributed significant weight in favour of approving the proposal.

In facilitating the UK's transition to a low carbon future, the proposal is consistent with EN-1 and NPPF core planning principle. Consistent with *NPPF Chapter 13: Facilitating the sustainable use of minerals*, the benefits of proposal are attributed "*great weight*"<sup>26</sup>. Consistent with the NPPF decision-taking guidance, the "*presumption in favour of sustainable development*" is engaged with full force.

At the local level, the proposal is in compliance with the emerging West Sussex Joint Minerals Local Plan, which contains the most up-to-date spatial guidance and design policy bespoke to hydrocarbon development. In recognition of the emerging plans examination in public, the benefit of compliance is attributed limited weight, given that policy wording may change.

### **5. OVERALL CONCLUSION**

The Applicant has established the proposal to be "*sustainable development*" in principle and design, consistent with the Development Plan and the NPPF. The proposal, therefore, engages the "*presumption in favour of sustainable development*", requiring decision takers to approve compliant proposals without delay. There are relevant other material considerations in this case, namely:

- National Energy Policy: the proposal is consistent in principle with the Energy White Paper: Meeting the Energy Challenge (2007), the Overarching National Policy Statement for Energy (EN-1) (2011) and the Annual Energy Statements (2012, 2013 and 2014);
- National Planning Policy: the proposal is consistent with NPPF core planning principle and the bespoke policy within *NPPF Chapter 13: Facilitating the sustainable use of minerals*; and
- Emerging Local Planning Policy: the proposal is consistent with the most up-to-date spatial guidance and design policy bespoke to hydrocarbon development as contained within the West Sussex Joint Minerals Local Plan

In conclusion, the proposal is consistent with the Development Plan and no other material planning considerations indicate that planning permission should be withheld. Accordingly, the Applicant respectfully request that planning permission should be consented.

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<sup>26</sup> National Planning Policy Framework (2012), para 144, bullet point No.1, page 34.



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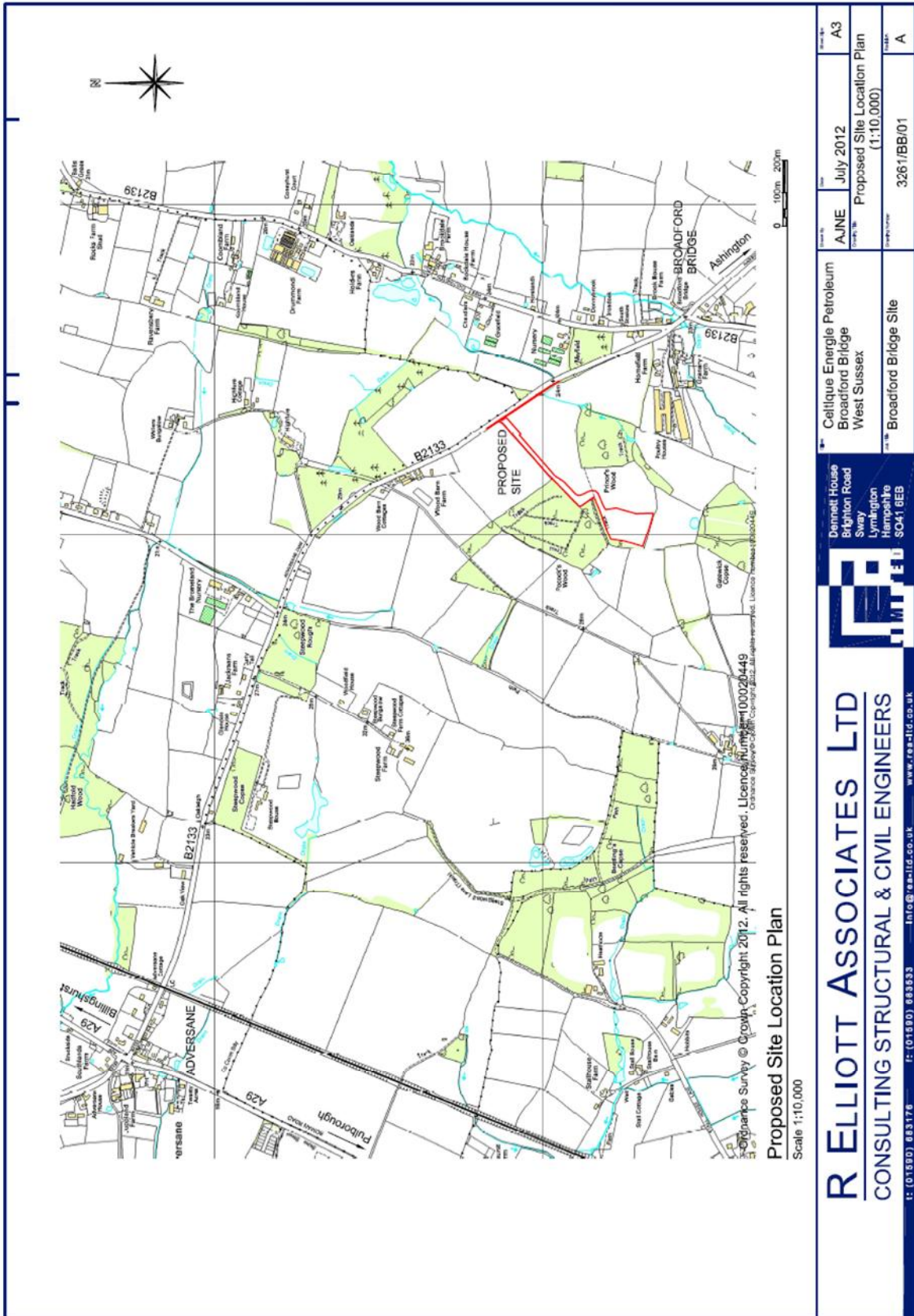




## **APPENDIX 1A: APPROVED SITE LOCATION PLAN**



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		Dematt House Brighton Road Sway Lymington Hampshire SO41 9EB	
<b>R ELLIOTT ASSOCIATES LTD</b> CONSULTING STRUCTURAL & CIVIL ENGINEERS T: (01509) 883176 F: (01509) 883833 INFO@RE-LLIOTT.CO.UK WWW.RE-LLIOTT.CO.UK		Cellique Energie Petroleum Broadford Bridge West Sussex Broadford Bridge Site	
Date: A/JUNE	Date: July 2012	Title: Proposed Site Location Plan (1:10,000)	Ref: A3
		Project No: 3261/BB/01	Sheet: A

Indicative Only – Not to Scale.



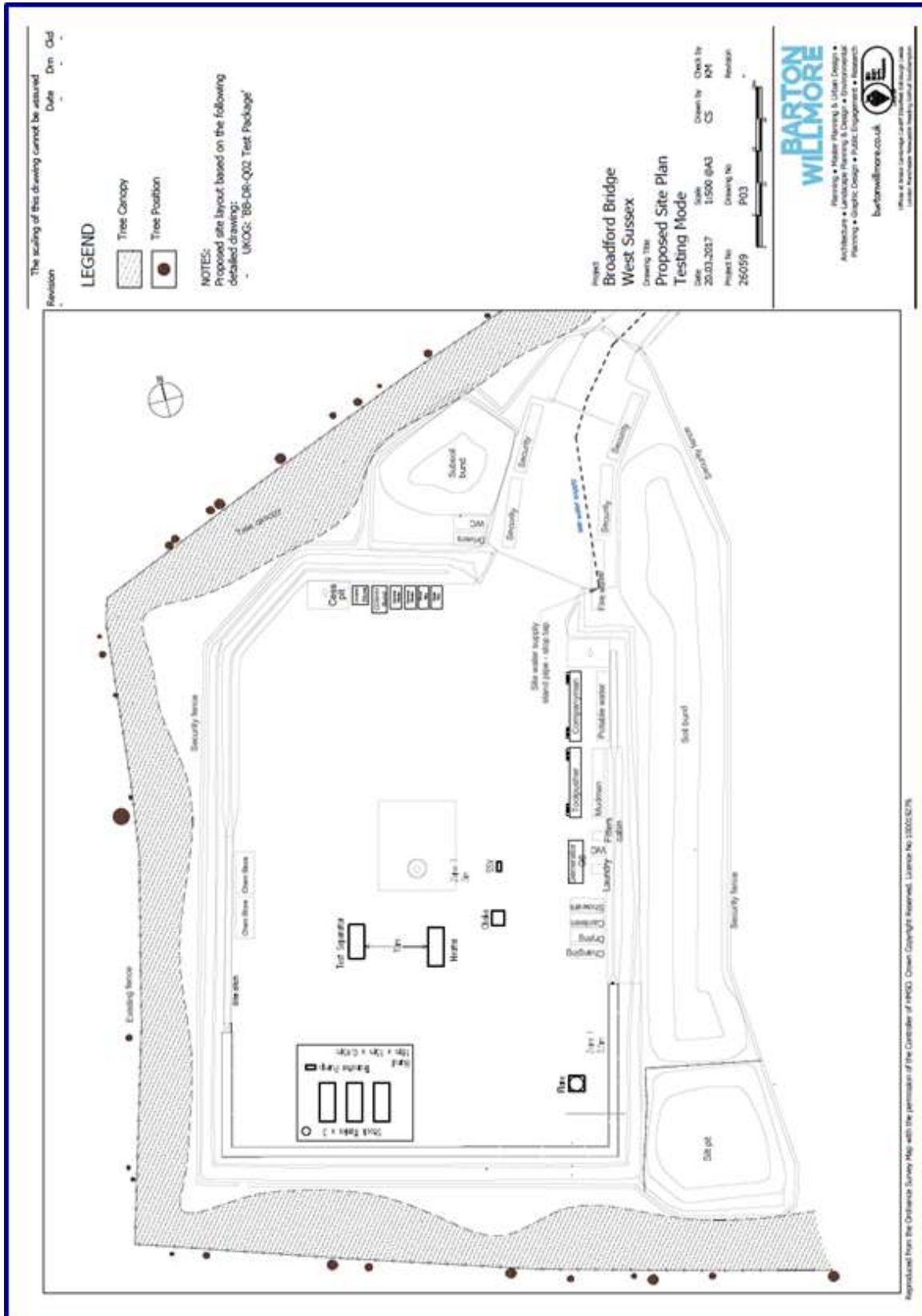
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## **APPENDIX 1B: APPROVED SITE LAYOUT PLAN (TESTING MODE)**



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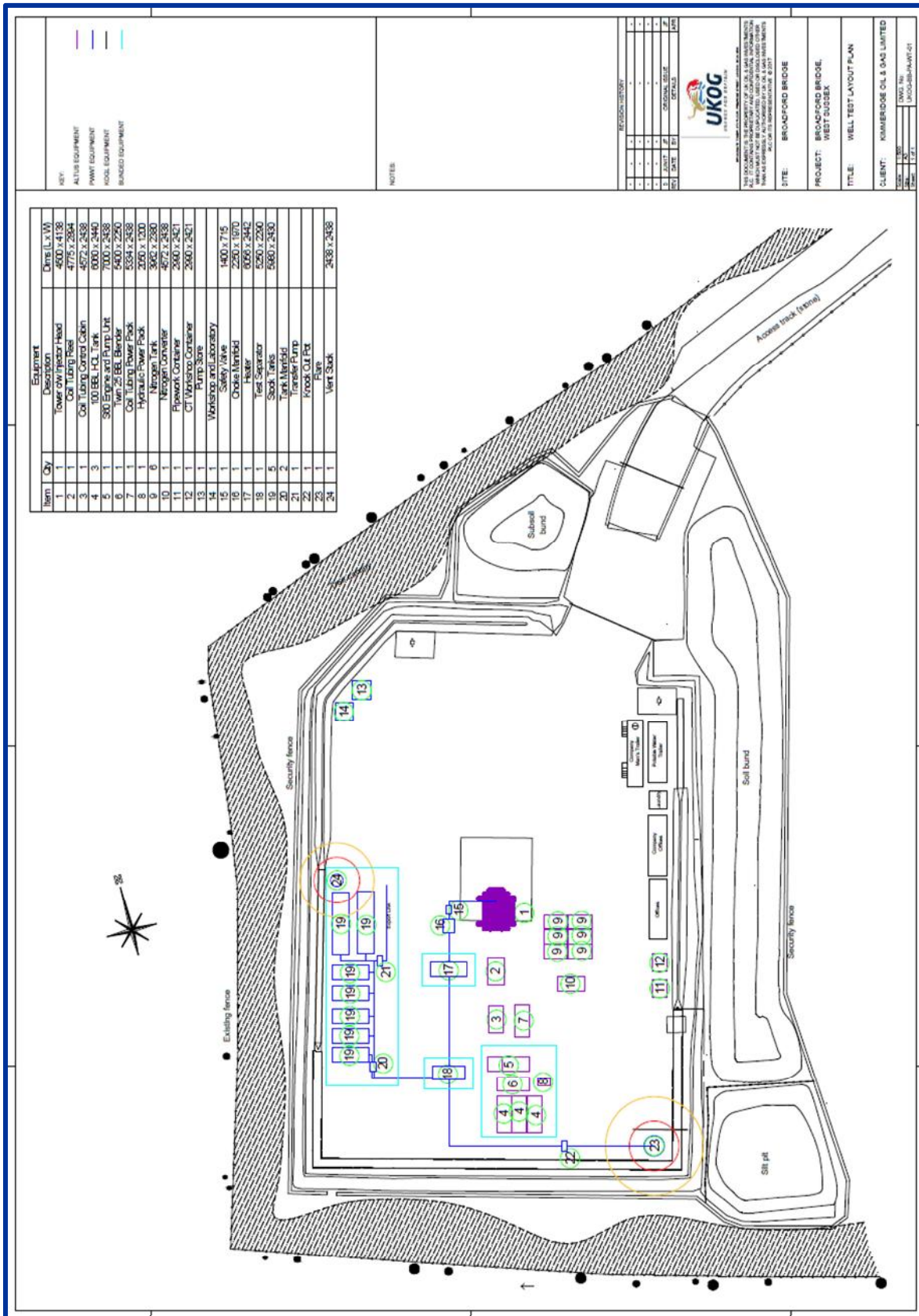




## **APPENDIX 2A: REVISED LAYOUT PLAN (TESTING MODE)**



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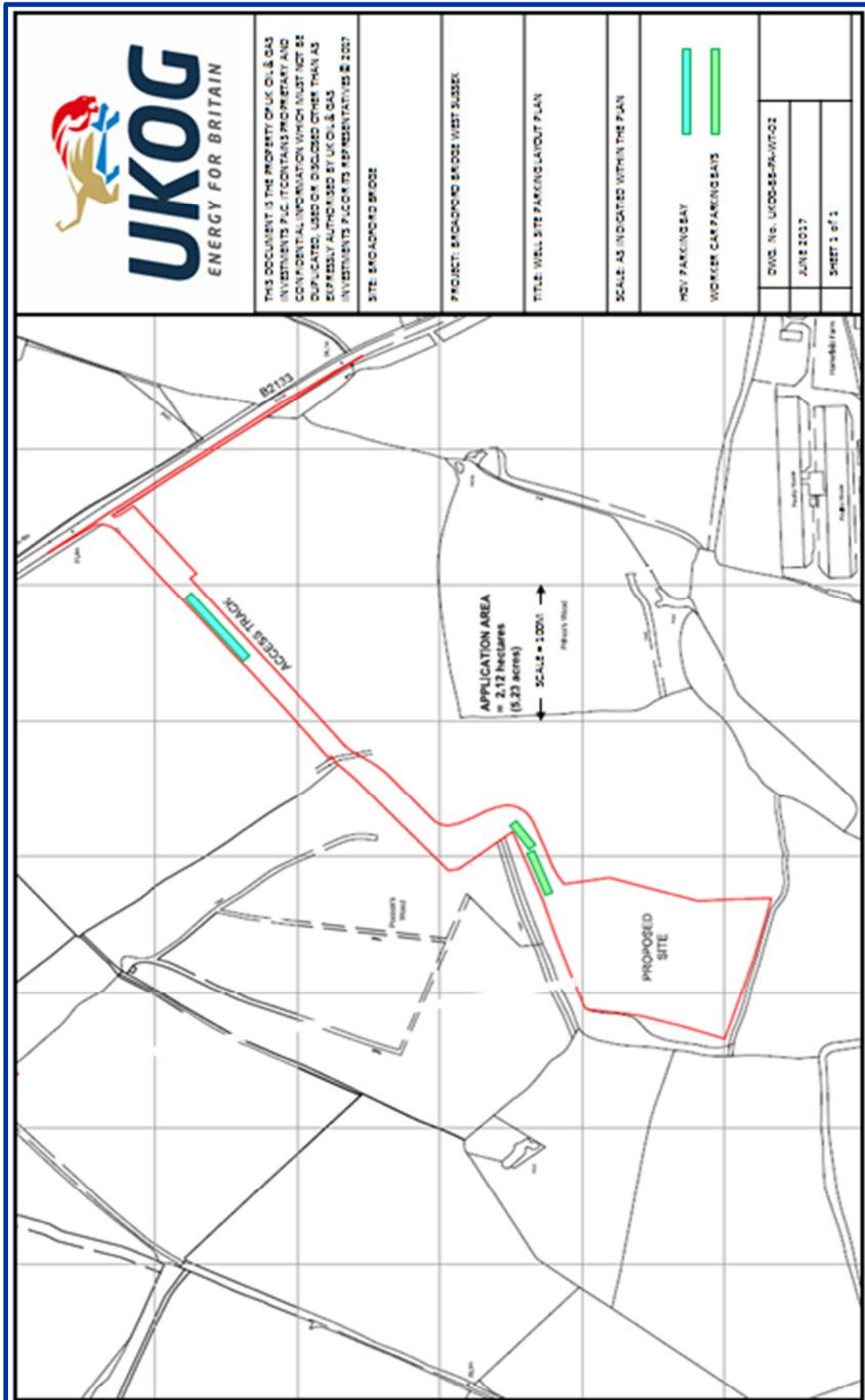
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## **APPENDIX 2B: WELL SITE PARKING LAYOUT PLAN**



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### **APPENDIX 3 PLANNING HISTORY & APPROVED PLAN LIST**



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<b>Proposal:</b>	<b>Amendment of Condition No.2 of Planning Permission Ref: 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.</b>	
<b>Location:</b>	<b>Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED.</b>	
<b>Doc Ref:</b>	<b>KOGL-BB-PA-S73-01</b>	
<b>Date:</b>	<b>6th July 2017</b>	
<b>ID</b>	<b>Application Detail</b>	<b>Proposal</b>
1	Full Planning Permissions consented MPA ref: WSCC/052/12/WC	The siting and development of a temporary borehole, well site compound and access road including all ancillary infrastructure and equipment, on land at Wood Barn Farm, Broadford Bridge, for the exploration, testing and evaluation of hydrocarbons.
2	Non-Material Amendment (NMA) consented.	<p>An NMA to authorise the following amendments:</p> <ul style="list-style-type: none"> <li>• Reduction in height of the drilling rig from 41 metres to 30 metres;</li> <li>• Reposition well pad 1.5m north and east (to offer greater protection to the existing boundary trees);</li> <li>• Reconfiguration of the well pad at the northern end where the car parking was previously proposed;</li> <li>• Re-positioning of cabins and associated facilities within the well pad in line with the requirements of the HH220 drilling rig; and,</li> <li>• Reduction in car parking spaces from 12 to 6.</li> </ul> <p>Development to proceed in accordance with the permission WSCC/052/12/WC except in relation to condition 3, which shall now also require compliance with alternative plans, namely:</p> <ul style="list-style-type: none"> <li>• 3261/BB/09 Rev E;</li> <li>• 3261/BB/10 Rev D;</li> <li>• 3261/BB/11 Rev E;</li> <li>• 3261/BB/12 Rev D;</li> <li>• 3261/BB/13 Rev C; and</li> <li>• 3261/BB/17 Rev C.</li> </ul>
3	Discharge of Conditions Application consented.	Discharge of Conditions 8,12,13,14,15,16, 20, 21,22, 23 of application WSCC/52/12/WC Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, RH149ED.
4	Non-Material Amendment (NMA) consented.	<p>Replacement of the approved application site plan (as per Condition No.3 of WSCC/052/12/WC showing a single linear lateral borehole) with a plan showing a zone of deviation.</p> <p>Approved Drawings (to be replaced):</p> <ul style="list-style-type: none"> <li>• 3261/BB/02 Rev A Site of Application</li> </ul> <p>Amended Drawings:</p> <ul style="list-style-type: none"> <li>• 26059 P1 – Site Location Plan (Well Trajectory)</li> </ul>
5	Non-Material Amendment (NMA) consented.	<p>A NMA to authorise a reconfiguration of the drilling and testing layouts.</p> <p>Approved Drawings (to be replaced):</p> <ul style="list-style-type: none"> <li>• Drawing 3261/BB/10 Rev D Site Layout – Drilling Mode;</li> <li>• Drawing 3261/BB/11 Rev E Site Layout – Testing Mode;</li> <li>• Drawing 3261/BB/12 Rev D Site Layout – Lighting; and</li> <li>• Drawing 3261/BB/13 Rev C Site Sections – Drilling Mode.</li> </ul> <p>Amended Drawings:</p> <ul style="list-style-type: none"> <li>• Drawing 26059 P01 Drilling Mode;</li> <li>• Drawing 26059 P02 Drilling Mode Lighting;</li> <li>• Drawing 26059 P03 Testing Mode; and</li> <li>• Drawing 26059 P04 Drilling Mode Sections.</li> </ul>

Taking the above planning history in account, the following table sets out the approved plan list for the Broadford Bridge development WSCC/052/12/WC.

<b>Planning Application Plans</b>				
<b>National &amp; Local Validation Requirement</b>				
Item	Plan Ref	Plan Description	Scale	
1	3261/BB/01A	PROPOSED SITE LOCATION	1:10,000	
<b>Updated Approved Plans List (Consent WSCC/052/12/WC - Condition No 3)</b>				
Item	Plan/Doc Ref	Plan Description	Scale	None Material Amendments (NMA – see Planning History)
2	26059 P1	SITE LOCATION PLAN – WELL TRAJECTORY	1:2,500	NMA 4 replaced 3261/BB/02/A with 26059 P1.
3	3261/BB/03	ORIENTATION PLAN OF SITE AND ACCESS	1:2,000	
4	3261/BB/07B	ACCESS TRACK 1 PROPOSED LAYOUT	1:500	
5	3261/BB/08B	ACCESS TRACK 2 PROPOSED LAYOUT	1:500	
6	3261/BB/09E	SITE LAYOUT CONSTRUCTION MODE	1:500	NMA 2 replaced 3261/BB/09/A with 3261/BB/09E.
7	26509 PO1	SITE LAYOUT DRILLING MODE	1:500	NMA 2 replaced 3261/BB/10/A with 3261/BB/10/D. NMA 5 replaced 3261/BB/10/D with 26509 PO1.
8	26509 PO3	SITE LAYOUT TESTING MODE	1:500	NMA 2 replaced 3261/BB/11/A with 3261/BB/11/E. NMA 5 replaced 3261/BB/11/E with 26509 PO3.
9	26509 PO2	SITE LAYOUT LIGHTING MODE	1:500	NMA 2 replaced 3261/BB/12/A with 3261/BB/12/D. NMA 5 replaced 3261/BB/12/D 26509 PO2.
10	26509 PO4	SITE SECTIONS DRILLING MODE	1:500	NMA 2 replaced 3261/BB/13 with 3261/BB/13/C. NMA 5 replaced 3261/BB/13/C with 26509 PO4.
11	3261/BB/15/A	PROPOSED SITE ENTRANCE	1:500	
12	3261/BB/17/C	SITE SECTIONS - RETENTION	1:500	NMA 2 replaced 3261/BB/17 with 3261/BB/17/C.
13	3261/BB/18	SITE RESTORATION PLAN	1:500	
14	46404803	GRASSLAND MANAGEMENT PLAN	N/A	

The amendments to be authorised and to be included within the Approved Plan List.

<b>Plans Proposed to be Added to the Approved Plan List</b>			
Item	Plan/Doc Ref	Plan Description	Scale
15	UKOG-BB-PA-WT-01	WELL TEST LAYOUT	1:500
16	UKOG-BB-PA-WT-02	WELL SITE PARKING LAYOUT PLAN	NTS

The plans to be revoked from the Approved Plan List.

<b>Plans Proposed to be Revoked from the Approved Plan List</b>			
Item	Plan/Doc Ref	Plan Description	Scale
8	26509 PO3	SITE LAYOUT TESTING MODE	1:500

The proposed development would continue to operate in complete compliance with the details/plans/programmes submitted to discharge the following conditions of WSCC/052/12/WC.

<b>Consent WSCC/052/12/WC Conditions Discharged</b>			
<b>Condition</b>		<b>Approved Condition Discharge Documentation</b>	<b>Doc Ref &amp;/or Date</b>
<b>No.8</b>	<b>Noise</b>	Noise Management Plan	Doc Ref: 9Y0893 R00006 304299 Newc dated 21/08/14
<b>No.11</b>	<b>Tree Protection Plan Details</b>	Tree Protection Plan, associated Explanatory Text and Access Track Construction in the Vicinity of the Trees at the Entrance	Tree Protection Plan and Text dated July 2014 and Plan 3261/BB/21/B dated June 2014
<b>No.12</b>	<b>Construction Materials &amp; Methods</b>	Access Track Construction in the Vicinity of the Trees at the Entrance	Doc Ref: Plan 3261/BB/21/B dated June 2014
<b>No.13</b>	<b>Landscaping Scheme</b>	Landscape Proposal	Doc Ref: Plan 1377-3001/01 dated 26/09/13
<b>No.14</b>	<b>Reinstatement of Landscape</b>	Methodology for the Removal and Reinstatement of Access Track and No Dig Surfacing at the Access of Adversane Lane	Doc dated 14/11/2013 and Plan Ref: 1377-3001/01 dated 26/09/13
<b>No.15</b>	<b>Archaeological</b>	A Written Scheme of Investigation for a Watching Brief at Broadford Bridge, West Sussex.	Doc Ref: Project No. CBAS0430 dated Oct 2013
<b>No.16</b>	<b>Access Track Restoration</b>	Methodology for the Removal and Reinstatement of Access Track and No Dig Surfacing at the Access of Adversane Lane	Doc dated 14/11/13 and Plan Ref: 1377-3001/01 dated 26/09/13
<b>No.20</b>	<b>Construction Traffic Management Plan</b>	Broadford Bridge Construction Traffic Management Plan	Doc Ref: Project number 9Y0895 (Final Rev 2) dated 14/08/14
<b>No.21</b>	<b>Fire Fighting</b>	Site Layout – Fire Fighting Plan	Doc Ref: Plan 3261/BB/19F dated July 2014
<b>No.22</b>	<b>Foul &amp; Surface Water</b>	Site Ditch Construction Details, associated Supplementary Information for Condition 22 and Plan of Surface Water Distribution at the Site Entrance	Doc Ref: Supplementary Information for Condition 22, Plan 3261/BB/C/10/A dated June 2014 and Plan 3261/BB/20 dated Nov 2013
<b>No.23:</b>	<b>Construction Method Statement</b>	Cellar Detail, Site Ditch Construction Details and associated Supplementary Information for Condition	Doc Ref: Supplementary Information for Condition 23, Plan 3261/BB/C/10/A dated June 2014 and Plan 3261/BB/C/09/C dated May 2014