

CASE OFFICERS REPORT OF DELEGATED DECISION		Application number; BN/31/05	
		Local Council: Arun District Council	
Site Address:	Lidsey Well Site, Lidsey Road, Aldingbourne, West Sussex		
Description of Development:	Development and operation of a three wellhead and beam pump oil production facility plus ancillary works at the Lidsey Oil Exploration Site at Lidsey, Near Bognor Regis.		
Relevant planning history:	BN/10/85 & AL/65/85 - Oil exploratory boreholes BN/4/87 & AL/12/87 – Renewal of exploration BN/50/88 – Retention of well site BN/33/92 & AL/51/92 – Continued use of oil exploration site and works BN/9/97 & AL/38/97 – Erection of drilling rig, re-entry of existing oil well BN/25/99 & AL/48/99 – Variation of condition to extend period of development for two years BN/31/01 & AL/84/01 - Variation of condition to extend period of development for two years BN/41/03 & AL/91/03 - Variation of condition to extend period of development for two years		
Main planning policies:	West Sussex Structure Plan 2001 –2016 (2004) – LOC2, NE8, ERA1, ERA2, ERA5, ERA6, DEV1, CH7 West Sussex Minerals Local Plan (July 2003) – 26, 27, 28 Arun District Local Plan (2003) – GEN1, GEN3, GEN8, GEN16, GEN23, GEN24, GEN26, GEN31, GEN32, GEN34, DEV1, AREA12, AREA18		
Environmental Impact Assessment:	Is the development a Schedule 2 development (TCP EI etc Regs 1999 / Circ 2/99) ? YES / NO Relevant Selection Criteria for Screening Schedule 2 developments? N/A		

Consultations:	Aldingbourne Parish Council	No objection	02/11/05
	Barnham Parish Council	No objection, subject to conditions	08/12/05
	County Fire Officer	Concerns over access, water availability, turning areas, fittings to fire tanks	11/11/05
	Public Rights of Way	No objection, subject to maintenance of surface, adequate signage and visibility, clearance of vegetation.	02/11/05
	Ecology	No objection	31/10/05
	Environment Agency	No objection, subject to drainage condition	24/11/05
	Landscape	No objection, suggests the incorporation of more native oaks.	16/11/05
	Arun District Council, Environmental Health	No objection. Proposal unlikely to give rise to significant noise or air pollution.	01/11/05
	Arun District Council	No objection	08/12/05
	Health and Safety Executive	No reason to advise against granting planning permission	12/12/05
	Archaeology	No objection subject to safeguarding condition	19/12/05
	Highways and Transport	No objections, subject to conditions (including routing agreement and other safeguarding measures)	04/11/05
	Minerals Policy WSCC	No objection	07/11/05
Southern Water Services Ltd	No objection	Not dated	
Sussex Police	Suggests crime prevention measures	16/12/05	
Representations: (main points)	Mr. Glue: comments that the additional tanker (HGV) movements as a result of the proposals may give rise to additional damage to road surfaces and underlying services.		
Main material considerations:	<ul style="list-style-type: none"> • The suitability of the site for the establishment of the proposed process having regard to the potential for the development to produce noise, dust, odour. • Potential of the process to pollute surface and ground water resources • The suitability of access and lorry routeing arrangements to accommodate the likely traffic movements (involves the utilisation of a public footpath. 		

	<ul style="list-style-type: none"> • The potential of an impact to the amenity of residents in the locality and any other neighbouring landuse/property. • The effects the development may have on ecology and biodiversity of the site and the visual amenities of the locality. • The proposals potential to have an impact to underlying archaeology, raised beach deposits and siting of historic features (Portsmouth – Arundel Canal) to the south of the site. • On completion of mineral extraction operation, the requirement for a suitable landscaping, restoration scheme. • The acceptability of the proposals in terms of Health and Safety considerations and fire fighting requirements • The acceptability of the site in terms of crime prevention considerations.
<p>Conclusions:</p>	<p>The proposed development is for the establishment of a three wellhead and pump beam oil production facility following numerous past applications for oil exploration and the subsequent extension of testing and evaluations.</p> <p>The site is situated in a remote area of Lidsey and is not readily visible other than from the public right of way that runs west to east, directly south of the proposed site. The surrounding area predominantly consists of agricultural land and is of no significant landscape importance, in addition the immediate surroundings consist of a sewage works and maggot farming facility. In light of the minimal odours that may potentially be detectable as a result of the proposals such facilities have a far greater potential to cause odour emissions that may cause a nuisance. The sewage facility (directly south of the proposed site) consists of a number of substantial structures. Due to past permissions being granted for the exploration of oil at the site, landscaping / bunding has been carried out around the perimeter of the site, which is now well established, providing a good screen of vegetation and mature planting.</p> <p>The buildings required for this facility consist of semi- permanent structures. Such buildings shall be agreed as to their size finish prior to their installation to a standard acceptable to the County Planning Authority, however as a result of the location and scale of the proposals it is unlikely that any significant visual impediment would be caused to the locality.</p> <p>In light of past experience of similar oil production facilities, the applicant (Midmar Energy) has been able to address the potential for noise generation of the production facility. Consequently, it is suggested that the closest residential dwellings, 500m north west of the site, and other nearby receptors, will not suffer disturbance during drilling or production operations. Super silenced generators will produce the generation of electricity and heat at the site, furthermore past experience of pump and beam mechanisms (Nodding donkey's) have resulted in the production of minimal noise disturbance. As a result of the applicant's investigations and supporting information, Arun District Council Environmental Health offer no objection to the proposals. Furthermore the permission shall include a condition to ensure that an unacceptable level of noise is not produced by the proposals.</p>

The nature of the production facility is such that recovery of oil occurs 24 hours a day, however as previously addressed noise from operations are unlikely to cause disturbance. The site is likely only to be manned during usual working hours, with staff contactable 24 hours a day in the event of an emergency. Maintenance work shall only be carried out during normal working hours except in the event of an emergency. The only likely noise impact as a result of the proposals would be vehicle movements. As a result vehicle movements will be restricted to normal working hours, controlled by means of a planning condition.

The proposed development will result in additional vehicle movements, approximately 8 return journey's by HGV's a week (equates to 16 HGV movements a week), as well as associated staff vehicle movements. In addition the proposed site is located such that it is to utilise a public footpath. The access is shared with Southern Water (the owner) who already uses the access for HGV movements to and from the sewage works facility. The road has passing bays and pedestrians are able to use verges. However it is the opinion of the County Planning Authority (in consultation with Public Rights of Way) that signage should be erected indicating that pedestrians have precedence over any vehicle, and slow, safe and considerate driving should be exercised at all times. It will be necessary for the access to be maintained to a standard that would be sufficient for use by pedestrians, and that vegetation is regularly cut back to ensure good inter-visibility between drivers and pedestrian. Such maintenance has been ensured by an agreement between southern water (the owner) and Midmar to maintain the access throughout operations and this will also be covered by a planning condition.

In addition the access must be obtained to the south of Lidsey farm as detailed in the supporting plans, to ensure that HGV vehicles joining the A29 can do so in a safe manner. This will be controlled by means of a planning condition. Through consultation with the WSCC Highways department it is a requirement that all HGV traffic will be routed to the site directly onto the A29 and subsequently directed northward to the A27 at Fontwell, this will be controlled by means of a routeing agreement. The levels of lorry movements will not materially impact on traffic flows on the A29.

The proposals include a number of measures to ensure that no pollution of the water environment would occur, eg: bunding of contaminants to 110% of the capacity of it's contents, site lined with an impermeable membrane. In addition the Environment Agency have no objection to the proposals subject to a condition to agree the drainage measures for the site, such a condition shall be imposed.

The route of the Portsmouth-Arundel canal runs through the south side of the site, however previous operations at the site result in the likelihood of only the floor and lower part of the canal remaining below ground. It is considered that the proposed development would have little impact on these buried remains. However new boreholes could potentiality cause damage to raised beach deposits at the site including preserved microfossils, consequently a condition to secure a scheme of implementation of archaeological work shall be imposed to ensure archaeological remains are protected/recorded.

The proposals have the necessary regard for health and safety requirements, consequently no objection was received from the Health and Safety Executive. Initially the County Fire Officer had concerns with the provision of water, site access width, and fixings to fire water tanks at the

	<p>site. However following a site visit with representatives of the Fire Service it was considered that the restoration of the second water tank and correct fixings would make the site acceptable in terms of fire safety, the width of the track appearing sufficient from a drivers operational point of view. Such requirements shall be ensured by means of a planning condition. In addition Sussex Police Crime Prevention Design Advisor has made a number of suggestions with regard to security measures at the site, these shall be made clear to the applicant by means of an informative. As a result of such comments it is likely that fencing and security lighting shall be erected, consequently a planning condition shall be used to control the type angle and intensity of any lighting, and height / style of fencing used.</p> <p>On completion of the proposed works it is essential that the land on which the proposals are to take place, be restored to a condition acceptable in terms of visual amenity and providing a suitable landuse for future generations. As a result the applicant shall be required to restore the land to a condition, as agreed by former permissions at the site, or a condition to be agreed in writing by the County Planning Authority.</p>
Decision:	Grant Planning Permission
Conditions:	<ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended). 2. All buildings, machinery both fixed and otherwise and any engineering works connected therewith on the application site (including any hard surface construction for any purpose) shall be removed from the application site within twelve years from the date of this decision notice, or the cessation of mineral operations, whichever is the sooner. All land where such buildings, plant machinery or works stood shall be restored to at least its original condition, prior to oil exploration, for farming purposes. Notwithstanding this, any plant or equipment required to make the site safe to a specification agreed with the Department of Energy in accordance with the petroleum (production) Regulations 1976 (as amended) may remain in position. Reason: To ensure the restoration of the site to a safe and satisfactory condition on completion of the development which is a temporary activity. 3. Notwithstanding the diagrammatic layouts of plant and equipment shown on the plans attached to planning application BN/31/05 (supporting information, dated 13/09/05), no items of plant, equipment or buildings to be erected or placed on the site pursuant to this permission shall be commissioned or used unless and until the written agreement of the County Planning Authority has been given to the positioning, layout, design, colour and dimensions of the plant, equipment and buildings. Reason: In the interests of the visual amenities of the locality. 4. Except during the course of the assembly, use and removal of the drilling rig hereby permitted on the site, no work, including the movement of vehicles, maintenance, servicing, testing or construction works (other than in an emergency situation) shall take place other than between the hours of 07.30 and 18.00 on weekdays and Saturdays and at no other time on Sundays or public holidays. Reason: In the interests of the amenities of the locality. 5. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a foul and surface

water drainage system has been submitted to and approved in advance and in writing by the County Planning Authority.

Reason: To prevent the increased risk of flooding and pollution of the water environment.

6. 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.

7. Any oil, fuel, lubricant and other potential pollutants (other than tankage incorporated in vehicles, rig components and auxiliaries for fuel storage) shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution to watercourses.

8. No work of well drilling, work-over or completion of wells shall be undertaken on site unless and until the details of the rig and equipment to be used and the period of such use has been notified and approved in advance, and in writing by the County Planning Authority. Thereafter, all works shall be carried out in complete accordance with the approved details. All drilling and well servicing equipment shall be acoustically screened to limit noise emissions within the limitations set by condition 9 of this permission.

Reason: In the interests of the amenities of the locality.

9. All equipment used at any stage of the development of the site or for the production of oil and gas or the generation of electricity shall at all times be silenced to a standard such that the maximum noise levels from the on-site operations measured at the facades of any residential property liable to receive increased noise levels due to on site operations do not exceed 35dB(A) LAeq/1hr at all times. The noise levels shall be measured in accordance with MPG 11 (April 1993) and British Standard 7445 (as amended). If so required by the County Planning Authority tests shall be carried out by the operator in order to demonstrate that the equipment conforms to the above mentioned standards and, in the event that it does not, all use of that equipment shall cease until measures have been undertaken to silence it to an acceptable standard.

Reason: In the interests of the amenities of the locality.

10. The company shall use its best endeavours not to withdraw and replace during well drilling operations the drilling string or set casing or place cement in the borehole between the hours of 22.00 and 07.00 other than in the case of an emergency.

Reason: In the interests of the amenities of the residents of the locality.

11. No gas flaring or venting shall be carried out at the site unless the details of procedures and methods to be used have been submitted to and approved in writing in advance by the County Planning Authority. Such approval and the conditions attached thereto shall be deemed to be incorporated into this permission as though set out in this notice.

Reason: In the interests of the amenities of the locality.

12. No floodlighting or fitment shall be operated on the site (other than essential drilling rig safety lighting), such that the light source is directly visible from any residential property in the vicinity of the site.

Reason: In the interests of occupiers of nearby residential properties and of the amenity of this countryside location.

13. Before the commencement of the development hereby permitted, details of additional planting shall be submitted to and agreed in advance and in writing by the County Planning Authority. Any scheme approved shall be carried out in the first available planting season. Any additional or existing trees at the site from the date of this permission shall be maintained throughout the course of the development and any such plants or trees that die or become damaged or diseased during the course of the development shall be replaced by similar trees or plants in the first available planting season following their loss.

Reason: In the interest of the visual amenities of the area.

14. The restoration and aftercare of the site shall be conducted in accordance with the restoration and aftercare scheme for the site approved by the County Planning Authority on the 19th February 1986, pursuant to planning permissions BN/10/85 and AL/65/85, and no variations shall take place without prior agreement in writing from the County Planning Authority.

Reason: To secure the restoration of the site to a satisfactory standard

15. No obstruction above a height of 0.6 metres above the carriageway of the A29 road shall be permitted to remain within the area of the 4.5 metre by 90 metre visibility splays at the junction of the site access road and the A29 road throughout the course of the development hereby approved.

Reason: In the interests of highway safety

16. At no time shall any site construction material or any other obstruction be stacked, stored or placed on any road, footpath, the site access and its lay-bys or on the turning area adjacent to the drilling site entrance in such a manner that access by pedestrians or vehicles is impeded.

Reason: In the interests of highway safety.

17. No access or egress shall be obtained over the length of the Southern Water Sewage Works access road extending from the A29 road to a point 160 metres eastward of that junction for the purposes of site and access road construction or restoration, or the servicing of the drilling site, other than in an emergency situation. Signs shall be erected to indicate this prohibition and shall be retained in a good and easily legible condition in clearly visible positions throughout the works hereby permitted and removed on the completion of restoration works.

Reason: In the interests of highway safety.

18. No vehicle shall leave the site in such a condition that earth and mud adhere to the wheels in a quantity which may introduce hazard or nuisance on the road system in the area.

Reason: In the interests of highway safety.

19. Prior to the commencement of the development works hereby approved details of signage (including text, size, fixings and location) to be displayed, indicating to drivers that walkers exercising a public highway

access right have precedence over any private user shall be submitted to and approved in advance and in writing by the County Planning Authority. Such approved signs shall be displayed at the points where the site access route joins with the Public Right Of Way to ensure the safety of pedestrians. The aforementioned signage as approved shall be installed prior to the commencement of any works for the development hereby approved.

Reason: In the interests of highway safety

20. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in advance and in writing by the County Planning Authority.

Reason: The site is potentially of archaeological interest.

21. Throughout the course of the development hereby approved, two fire water tanks (as detailed in submitted facsimile letter and plan, dated 15th December 2005) shall remain filled and maintained to a standard adequate for fire fighting purposes. In addition the aforementioned tanks shall be fitted with 45mm instantaneous couplings for Fire Service access.

Reason: In the interests of fire safety.

22. No work or development shall take place at the site until the two fire water tanks (as detailed in submitted facsimile letter and plan, dated 15th December 2005) have been covered, the details and methods of which shall be submitted to and agreed in advance and in writing by the County Planning Authority.

Reason: To minimise the potential for death/injury to Barn Owls, a species protected by the Wildlife and Countryside Act 1981.

23. Throughout the course of the development hereby approved, an area sufficient for the manoeuvring of fire fighting vehicles (as detailed in submitted facsimile letter and plan, dated 15th December 2005) shall be provided on site.

Reason: In the interests of fire safety.

24. No work or development shall take place at the site until security fencing has been erected around the site, the details of which shall be submitted to and agreed in advance and in writing by the County Planning Authority.

Reason: To secure a satisfactory development.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any amendment or re-enactment thereof), the written permission of the County Planning Authority shall be obtained for the use of materials imported to the land for use in connection with the development hereby approved, including the restoration of the site.

Reason: To secure the restoration of the site to a satisfactory standard.

26. 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 conservant with the terms of the planning permission.

27. Written notification of the date of commencement for works relating to the development hereby approved shall be sent to the County Planning

	<p>Authority within seven days of such commencement. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.</p> <p>28. No development approved by this permission shall commence until a scheme of maintenance for the access track (as detailed in plans attached to planning application BN/31/05, Supplementary Information dated 13/09/05) has been submitted to and agreed in advance and in writing by the County Planning Authority. The approved scheme shall be implemented throughout the operation of the development hereby approved. Reason: To ensure the maintenance of the access track (that in part also forms a Public Right of Way) to a satisfactory standard.</p> <p>29. Should the County Council require to view a copy of a Site Report, Operating Procedures Manual, Emergency Procedures and Health and Safety Executive Manual, Chemical Safety Data Sheets, Maps and Site Plans, the applicant shall provide such information within 7 days of such a request. Reason: To enable the County Planning Authority to adequately monitor the development and to minimise the impacts to the amenities of the local area.</p>
<p><i>Informatives:</i></p>	<p>A. Reason for the granting of planning permission:</p> <p>The proposed development will allow for viable oil extraction for a period of up to twelve years. The rural location of the site (situated alongside a waste water treatment works and maggot farm) is such that it is a considerable distance from neighbouring residential dwellings, and well concealed within a bunded and tree/plant lined boundary. As a result the development complies with the relevant development plan policies.</p> <p>In making this decision account was taken of the following planning policies:</p> <p>West Sussex Structure Plan 2001 –2016 (2004) – LOC2, NE8, ERA1, ERA2, ERA5, ERA6, DEV1, CH7</p> <p>West Sussex Minerals Local Plan (July 2003)– 26, 27, 28</p> <p>Arun District Local Plan (2003) – GEN1, GEN3, GEN8, GEN16, GEN23, GEN24, GEN26, GEN31, GEN32, GEN34, DEV1, AREA12, AREA18</p> <p>B. The applicant’s attention is drawn to the comments of the Crime Prevention Design Advisor of the Sussex Police Constabulary concerning physical security specification and emergency communication arrangements to provide for a safe and secure environment for the users of the site.</p> <p>C. The applicant’s attention is drawn to the contents of the attached email from Esmond Turner (WSCC Landscape Architect) dated 16/11/05.</p> <p>D. The applicant’s attention is drawn to the requirement to provide for emergency access arrangements to the site and should ensure for themselves that the current and proposed measures at the site meet site specific fire safety requirements for this particular site and location that are normally sought by the County Fire Officer.</p> <p>E. The applicant’s attention is drawn to the contents of the attached letter from the Environment Agency dated 24/11/05.</p>

	<p>F. In order to ensure that neighbouring properties are forewarned, prior to the commencement of drilling operations it is advisable that the applicant contacts neighbouring properties within 650m of the site, detailing the duration and nature of drilling operations.</p>		
<p>Crime & Disorder Act '98</p>	<p>No implications arise from this time limited temporary application.</p>		
<p>Human Rights Act 1998</p>	<p>The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights.</p> <p>Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.</p> <p>For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.</p> <p>The professional officers are 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.</p>		
<p>Date of Report Submission:</p>	<p>24/01/06</p>	<p>Case Officer's Name:</p>	<p>James Neave</p>
<p>Report Status:</p>	<p>Draft / Interim / Final</p>	<p>Case Officer's Signature:</p>	
<p>Date of Report Consideration:</p>		<p>Group Manager's Signature:</p>	