

**13<sup>th</sup> May 2008**

**County Matter Mineral Application accompanied by an Environmental Statement**

**Temporary permission to construct a hydrocarbon exploration site. The mobilisation of a drilling rig, setting up and drilling of an exploration well including an extended well test. To include highway access, hedge removal, access track improvements and passing places.**

**Markwells Wood, South Holt Farm, Rowlands Castle, West Sussex, PO6 6EL**

**Report by Divisional Manager County Development**

**Application No: SO/3152/07**

**Local Member: Mr Mark Dunn**

**Chichester District Council**

**Executive Summary**

This report concerns a proposal by Northern Petroleum (GB) Limited for the construction of a temporary oil exploration site and associated access track at High Copse, Markswell Wood, South Holt Farm, Stoughton, PO6 6EL.

This report provides a generalised description of the site and the separate phases associated with the construction, operation and restoration of the exploration site. The report contains a description of the operational aspects of the development: hours of operation, traffic volumes, and environmental impacts/mitigation measures.

The views of the consultees are set out and include comment upon the full range of matters to be considered in such proposals. The proposals have received objections from Chichester District Council, South Downs Joint Committee, West Sussex County Council (WSCC) Landscape, WSCC Ecologist and the Woodland Trust on the grounds of unacceptable impact of noise and vehicular movements to the tranquillity of the Area of Outstanding Natural Beauty (AONB), visual impacts of access arrangements and drilling rig, and the loss of ancient woodland. The Environment Agency (EA) and Natural England raise no objection to the proposals subject to conditions.

Representations from members of the public are summarised at 5.1. Some of those objections can be overcome or met to some degree by controls imposed upon the development. Most representations received were in the form of objections to the volume of traffic, safety of HGV movements on the road network and noise pollution.

The policy framework from national to local level which governs Oil Exploration is set out in detail.

## Conclusions

In considering this application the key issues are:

- Need
- Traffic and access
- Impact on local amenity
- Loss of Ancient Woodland/Impact to Ecology
- Suitability of the temporary development in the proposed location

The licensing of drilling operations is controlled by the Department for Trade and Industry (DTI). Emissions/discharges to air/water and the disposal of site wastes are the remit of the Environment Agency which deals with them under established pollution control regimes. Health and Safety matters are the responsibility of the Health and Safety Executive (The Borehole Sites and Operations Regulations 1995). The application was initially advertised as a 'Departure' to the development plan, whereby the application would be referred to the Secretary of State post decision. However upon review of the planning policy framework it is considered that the proposed development is not contrary to any specific policy and provisions are made for developments of this kind.

## Need

There is a clear and overriding need for oil exploration. The development accords with National Minerals Policy as set out in Minerals Planning Statement 1 (MPS1) as well as the Development Plan Policies of the County Council which aim to;

- Promote competitive markets in the UK and beyond
- Maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner, and,
- Maintain the reliability of energy supplies

## Traffic/Access

The highways authority is satisfied that the proposed numbers and types of vehicles could be safely accommodated subject to measures and controls that can be secured through planning conditions and legal/highway agreements. Vehicle movements are clearly of significant volume, however the temporary nature of proposals is such that disturbance would be largely limited to a period of approximately 19 weeks. Vehicle movements are not considered unacceptable when balanced against the need for the minerals development.

## Impact on local amenity

Potential impacts on amenity can be summarised as; noise, vehicle movements, lighting, visual impact and affect on public rights of way (PROW)

- (1) **PROW:** The temporary nature of proposals and degree of noise/visual impact is such that there would not be unacceptable impact on the amenity value of footpaths

- (2) **Visual:** The proposed development would be well screened within woodland. The proposed access track would not physically have unacceptable visual impact being largely well screened. Vehicles entering/leaving the site will have some visual affect on the locality not being typical of the rural environs, however the temporary nature of proposals and limited duration of activities is such that there would not be an unacceptable visual impact. Furthermore it is considered that the proposed site represents the best option in visual terms.
- (3) **Noise:** Noise arising from the proposals would fall within recommended acceptable limits, be of a temporary nature and time limited during construction/restoration phases. Accordingly noise arising from the development, although having some impact upon amenity, is considered of an acceptable level.
- (4) **Vehicle Movements:** The intensive nature of vehicle movements coupled with size of vehicles during activities (ranging from 2 to 6 per hour during construction, drilling, testing and restoration) is out of character with the area. However, intensive operations are for a finite period of approximately 19 weeks with the site remaining static for long periods of the consent period sought (3 years). When considering the limited options for access to the site, need for the proposed development and temporary time controlled nature of vehicular activity, proposed vehicular movements are not considered unacceptable.
- (5) **Lighting:** The temporary nature of lighting, distance from neighbouring sensitive receptors and measures to direct lighting, are such that there would not be unacceptable impact on amenity.

### **Loss of Ancient Woodland/Impact on Ecology**

The development would result in the loss of approximately one hectare of ancient woodland. The loss of ancient woodland should not be permitted unless the need for, and benefits of the development in that location outweigh the loss of the woodland habitat also taking into account the habitat/amenity value of that woodland. The need for the development is clear. The benefits of the development in this location are two fold; achieving acceptable noise levels at sensitive receptors and excellent natural screening. Although there is a clear desire to retain ancient woodland it is considered that, given the visual/amenity benefits of siting the development therein, measures proposed to retain ancient features where possible, restoration to structured woodland, substantial compensatory woodland/hedgerow planting, and the relatively limited quality of the woodland, its loss is acceptable.

Natural England is satisfied that all surveys have been carried out and that appropriate mitigation measures are proposed. Subject to the implementation of recommendations of the ecological survey, Natural England do not raise objection to the proposals.

### **Suitability of the location**

The nature of oil exploration is such that in order to explore the extent/existence of hydrocarbons any exploration site will have to fall within a geographically constrained area, in this case, within the AONB and Proposed South Downs National Park.

The proposed location, although it would result in the loss of ancient woodland, represents the best viable option in terms of vehicle routing, impacts upon the visual character of the area and minimisation of potential impacts upon residential amenity.

## **Recommendations**

That planning permission is granted subject to:

- (1) the proposed conditions and informatives set out in **Appendix 1** of this report;
- (2) the completion of a Section 106 Town and Country Planning Act 1990 agreement to ensure the planting of a compensatory woodland planting scheme/additional hedgerows, improvements (if necessary) to the public highway at Stansted Road/Diddybones Nap and culvert BRI1552 on Stansted Road,
- (3) the completion of a HGV Routing agreement under Section 106 of the Town and Country Planning Act 1990 and,
- (4) the completion of a section 59 Highways Act 1980 agreement to secure the repair of any damage to the public highway

## **1. Introduction**

- 1.1 This report relates to an application at South Holt Farm, in woodland known as Markwells Wood, Forestside Stoughton, PO6 6EL. The application is for the clearance of an area of woodland, construction of a level impermeable site, construction of a temporary access road and drilling of an exploratory well to establish the presence of hydrocarbons. The application seeks temporary consent for a period of 3 years (from the start of operations) to allow for construction, drilling, testing, and dependant upon findings the pursuit of further consent for extraction/extended testing and subsequent restoration of the site to structured woodland.

## **2. Site and Description**

- 2.1 The exploration site, an area of approximately 1 hectare, lies in woodland to the north of the village of Forestside, a small settlement located in the parish of Stoughton (**Appendix 2**). The wider locality is characterised by rolling hills, arable/wooded countryside and small village settlements, typical of the Sussex Downs. The village of Forestside is primarily centred around the junction of Stansted Park Road and Forestside Road (also known as Diddybones Nap) and is characterised by a small number of residential properties that front Forestside Road and Stansted Park Road. The proposed exploration site would be located approximately 500m to the north of the Forestside Road beyond residential properties and agricultural land within woodland known as Markwells Wood, in particular in the area of Markwells Wood known as High Copse.
- 2.2 The site falls in a countryside location that is the subject of a number of designations for its landscape/ecological value; the Sussex Downs Area of

Outstanding Natural Beauty (AONB), proposed South Downs National Park and an area of Ancient Woodland.

- 2.3 Access to the site would be gained from the northern side of the Forestside Road/Diddybones Nap, approximately 100m to the west of the junction of Stansted Park Road (north/south) and Forestside Road (east/west) via an existing private farm entrance. Thereafter the track would constitute a mixture of improved existing farm tracks and the construction of a new section of stone/aggregate track. The access track would cross 'Back Lane' a G class road (conventional highway rights apply, subject to limited highway maintenance) which is largely utilised for recreational uses such as walking/horse riding.
- 2.4 In addition to 'Back Lane' two public rights of way fall in relatively close proximity to the site, footpath 525 to the north (approximately 300m distant) and footpath 3074 which links 'Back Lane' to the Forestside Road, south east of the proposed access route.

### 3. **The Proposal**

- 3.1 It is proposed to create an oil exploration site and associated access track to establish the presence and viability of hydrocarbon reserves in underlying geology (**Appendix 3**). The application seeks temporary consent for a period of 3 years (from the start of operations) to allow for construction, drilling, testing, and dependant upon findings, the pursuit of further consent for extraction/extended testing and subsequent restoration of the site to structured woodland.

#### Construction

- 3.2 Construction is envisaged to take place over a period of 4-5 weeks involving earth moving machinery and deliveries of stone/construction materials. The applicant proposes working hours of 0700 – 1800 Monday to Friday, 0700 to 1300 on Saturdays and no operations on Sundays or Public Holidays.
- 3.3 In order to accommodate drilling machinery and associated ancillary structures/equipment, an area within the woodland copse approximately 1 hectare in size would be cleared, top soil stripped and stored, sub soils levelled, and an impermeable membrane put down. Thereafter the site would be laid with stone (approx 300mm in depth) to create a level platform for drilling/testing equipment. The 'cut and fill' nature of site levelling is such that the site will appear to be sunken when approaching from the south and east with soil storage bunds on the northern boundary. In order to access the site a temporary access road of approximately 1km in length would be constructed utilising a mix of improved existing farm tracks and the construction of new sections of stone/aggregate track. The proposed track would run from the northern side of the Forestside Road/Diddybones Nap, approximately 100m to the west of the junction of Stansted Road (north/south) and Forestside Road (east/west), accessed via an existing private farm entrance. The proposed access track would require the removal of a small section of hedgerow and realignment/removal of roadside hedgerow to create suitable visibility at the access point.

## Drilling

- 3.4 Drilling is expected to take place over a period of 4-5 weeks, 24 hours a day.

The drilling phase involves the erection of a drilling rig within the main site compound of approximately 36m in height (dependant on rig availability) in addition to a number of ancillary structures to accommodate staff and essential operational equipment such as mud tanks, generators, pumps and stores (see example photographs at **Appendix 4**). Drilling involves the creation of a borehole to a target depth including insertion of a steel casing to provide support and groundwater protection. During drilling there is a periodic need to add new lengths of pipe to the drill string and remove entire strings for drill bit replacement when worn. Upon reaching the target depth, fluids flowing from the well are collected into small tanks and transported away by road. Drilling operations result in the production of number of wastes such as drilling mud, sanitary waste and waste fluids from hydrocarbon stream, all of which are collected on site for disposal to authorised locations. There is limited potential for gas to be produced from the well during the drilling phase which would be either vented to atmosphere or burned by a flare, such however is expected to be minimal. On completion of the drilling phase the rig would be dismantled and transported off site and the well plugged with a well head valve.

## Testing

- 3.5 Testing is envisaged to take place over a period of 2-4 weeks, 24 hours a day.

Upon removal of the drilling rig and assuming a hydrocarbon reserve has been detected a jet pump assembly would be erected on site including storage tanks, separator, motor and flare stack (see example photographs at **Appendix 5**) to recover hydrocarbons for analysis. Recovered fluids would be transported off site by tanker. Upon completion of the testing period the applicant would analyse hydrocarbons recovered and determine whether to proceed in making a new application for further well appraisal, additional drilling or cap the well in accordance with Health and Safety (HSE) and Department of Trade and Industry (DTI) requirements (concrete slab).

## Restoration

- 3.6 Upon plugging and abandonment of the well the site would be cleared of all structures and equipment, stone and underlying membrane removed, soils and sub-soils replaced and new stretches of the access track removed. Thereafter the site would be re-planted with a range of woodland trees and shrubs including a glade area to encourage biodiversity.
- 3.7 Restoration would be largely a reversal of construction (4-5 weeks) towards the end of any consented period. The applicant proposes a 5 year scheme of aftercare whereby failing planting would be replaced where required.

## Vehicle movements

- 3.8 Traffic movements associated with the development have been documented by the applicant. Given the nature of the development traffic figures must be considered as an indicative best estimate. During construction (4-5 weeks) vehicle movements in the region of 3-4 per hour could be expected largely characterised by 20 tonne trailer and tipper HGV's in addition to a small number of personnel light vehicles (cars/vans).
- 3.9 During drilling operations (4-5 weeks) vehicle movements in the region of 5-6 per hour could be expected, characterised by both HGVs and light personnel vehicles, the later compromising the majority of movements, increasingly so as this phase progressed. However it should be noted that during this phase there is potential for a small number of vehicles that would be classified as abnormal loads. These vehicles may require supervision, police consultation and possible traffic management measures under the appropriate Traffic Acts which would be likely to include single lane operation along Emsworth Common Road and particularly Stansted Park Road.
- 3.10 During testing (2-4 weeks) vehicle movements in the region of 2 per hour could be expected with a relatively even balance of HGVs and cars/light vehicles.
- 3.11 During site clearance and restoration phases (4-5 weeks) vehicle movements approximately the reverse of site construction can be expected as vehicles transport materials off site.

#### Noise

- 3.12 The applicant has carried out a noise survey which concludes noise levels resulting from construction operations would be 44dB(A) at the nearest residential receptor. Noise levels resulting from drilling operations would be 26-30 dB(A) at residential receptors and would continue throughout the night.
- 3.13 Although the applicant seeks temporary consent for a period of 3 years, intensive activities associated with the development would only occur over a period of 19 weeks with the site remaining static for long periods. Granting of permission for exploration would not give any commitment for further appraisal, development or actual working of the reserve, therefore in the event of a viable hydrocarbon reserve being discovered the applicant may seek consent for extended well testing or an oil extraction facility. Such extended testing/extraction would require a new planning application and thus the impact thereof should not be considered in the context of this application.

#### 4. Consultations

- 4.1 **Chichester District Council (Planning):** The District Area Planning Manager raises objections to the application on the grounds that the development would be harmful to the character and appearance of the Sussex Downs Area of Outstanding Natural Beauty. The principle areas of concern are; the visual impact of the drilling rig and new/improved sections of access track, ecological and visual impact from removal of hedgerow to form visibility splays, impact of activities upon the tranquillity of the

AONB/amenity of neighbouring residents, and the ecological impact of loss of Ancient Woodland.

- 4.2 Whilst, he recognises that development plan policies and central government planning guidance indicates that in compelling circumstances harmful development can be accommodated within AONBs, in order to safeguard its position the District Planning Authority objects to the proposals unless; the Minerals Planning Authority is satisfied that there is an identified need for the installation, Natural England raises no objection and restoration/mitigation measures can be secured, the Environment Agency is satisfied that groundwater resources will not be prejudiced and the need for hedgerow removal is reconsidered/alternative measures proposed.
- 4.3 **Chichester District Council (Environmental Health):** The Senior Environmental Health Officer believes that there will be very little disturbance caused by the running of equipment once operational. He also states that whilst there may be disturbance during the construction phase that this should be minimal.
- 4.4 The EHO recommends conditions that would maintain acceptable noise levels and require monitoring of noise produced upon commission of drilling and testing phases.
- 4.5 **Stoughton Parish Council:** The parish do not object to the application but are concerned to ensure that all necessary restrictions and regulations placed on the proposals are fully adhered to and restorative conditions fully complied with.
- 4.6 The parish notes local concerns regarding highway implications and iterates the point that site traffic would need to be carefully managed and appropriate restrictions properly policed/enforced.
- 4.7 **Compton Parish Council:** The council raises concerns that sound carried by wind could be a problem, especially with the rig running 24hrs a day and being located in an area with very low ambient noise levels at night. The council also notes that the Forestside Road is the quickest route to Portsmouth from the site and is narrow thus concerns are raised regarding the hazard of vehicles entering and exiting the access point.
- 4.8 **Environment Agency:** No objection in principle subject to condition to secure details of site construction methods in order to prevent groundwater pollution. Informatives to applicant requested setting out other relevant legislation and guidelines (outside of planning control) that will need to be complied with e.g Groundwater Regulations 1998, Discharge Consent, Water Resources Act 1991, EC Groundwater Directive (80/68/EC), Pollution Prevention Guidelines, Waste Management Licensing Regulations 1994.
- 4.9 In addition the EA share concerns regarding the proposed siting of the development within Ancient Woodland. Preference would be for the siting of the development outside Ancient Woodland and new tree screening. It is noted however, that if the Council is minded to grant permission that it is strongly advised that an extension to the woodland and creation of a new dew pond is sought as environmental mitigation.

#### 4.10 **West Sussex County Council (WSSC) Highways & Transport:**

No objection subject to;

- Access point arrangements (sight lines, signage and geometry) being finalised by condition,
- Provision and agreement of a Safety Audit of the junction at Stansted Road with Diddybones Nap and implementation of any works required. (Such works will require the applicant to enter into a Section 278 Highway Works Agreement),
- The applicant entering into a Section 59 Highways Agreement and provision of a bond to secure the repair of any damage to the highway resulting from proposals
- The applicant entering into a 106 legal agreement to control the routing of all vehicles.
- An assessment of required vehicle axle weights to ensure safe passage over Culvert BRI 1552 (on proposed route) in addition to the implementation of any remedial works being required by legal agreement.
- The details of route signage being submitted to and agreed by the County Planning Authority (in conjunction with the County Highway Officer)
- Conditions to secure wheel washing facilities
- Conditions to secure on site parking and turning and storage of materials clear of the highway
- Conditions to ensure weekend working to be limited to cars and light vans only.

4.11 **WSSC Landscape:** Recommend refusal on the grounds that; removal of valuable ancient woodland and hedges and realignment of highway boundary treatment would interrupt the visual continuity of roadside treatment. Furthermore the disruption of physical infrastructure (tracks etc) and vehicle movements, would adversely affect the rural area.

4.12 It is noted that Ancient Woodland is one of the most valuable landscapes in terms of biodiversity and its loss would be a 'high cost' relative to reducing visibility of the proposals. Concerns are also raised with regard to setting a precedent.

4.13 **WSSC Rights of Way:** No Rights of Way affected by this proposal.

4.14 **WSSC Ecology:** Strategic Ecological Objection to placement of drilling rig within Ancient Woodland. Whilst the ecological assessment concludes that the site retains very little ancient woodland character, it has values as the site has been continually wooded since the last ice age.

4.15 In addition it is noted that should the Mineral Planning Authority be minded to approve the application conditions will be required to control the method of soil storage (as set out in the revised Ecological Assessment), restoration to structured woodland, tree protection measures and correct practice to ensure the protection of nesting birds.

- 4.16 **WSCC Archaeology:** No objection subject to a condition to secure a written scheme of investigation for archaeological monitoring and recording.
- 4.17 **WSCC Fire and Rescue Service:** Comment that access appears acceptable. There will be a need for fire water tanks.
- 4.18 **Health and Safety Executive:** No reasons on major hazard grounds why the development should not be permitted.
- 4.19 **WSCC Aviation Strategist:** Outside the height interest of aerodromes. Required to advise the CAA (Directorate of Airspace Policy) in the event the development is permitted.
- 4.20 **Woodland Trust:** Strongly object to proposals on the basis of loss of ancient woodland
- 4.21 **Natural England:** No objection to the application. Satisfied that appropriate surveys have been carried out and ecological mitigation measures proposed. Raise concerns with regard to the loss of ancient woodland and note that mitigation has not been proposed.
- 4.22 **South Downs Joint Committee:** Objection. Would support the findings of Natural England with regard to impact on ecology. Drilling rig would be an alien feature in the landscape. Exploration activities, combined with the construction and use of an access track would have a negative impact on this quiet and rural area.
- 4.23 **Hampshire County Council:** No comments received

## 5. Representations

- 5.1 12 representations received objecting to the proposals. The material objection matters raised are;

- Damage to road verges
- Danger caused by vehicular traffic to pedestrians/horses/cyclists
- Roads unsuitable width for HGV traffic
- Unacceptable volume of traffic
- Noise
- Impacts on wildlife
- Impact on the tranquillity of the AONB
- Light pollution
- Visual Impact
- Air pollution
- Loss of hedges/ancient woodland

- 5.2 Copies of these will be available for inspection in the Members' Room.

## 6. Policy

- 6.1 There are a number of relevant National, Regional, County and Local Policy documents that are material to this application and from which a number of

conclusions have been drawn within the report. A brief summary of these policy documents are listed **Appendix 1, Informative A:**

6.2 A wide range of policies are applicable to this application. In particular, regard should be given to the following development plan documents;

6.3 West Sussex Structure Plan 2001 –2016 Feb 2005 (Saved Policies)

Adopted in February 2005 with saved policies from 24/10/07. All policies listed in the consideration of this application are saved policies and continue to form part of the statutory 'development plan' and framework for development control decisions.

Key Points:

Policy CH2 – Seeks to maintain or enhance the AONB. Development must demonstrate a need for being located in the AONB

Policy ERA6 –Proposals for minerals extraction/production/exploration should not be permitted unless required to meet identified needs and any impact on the environment is acceptable.

6.4 West Sussex Minerals Local Plan July 2003

Adopted in July 2003 with saved policies from 27/09/07. All policies listed in the consideration of this application are saved policies and continue to form part of the statutory 'development plan' and framework for development control decisions.

Key Points:

Policy 10 – Proposals for mineral workings that may damage statutorily designated sites of natural or scientific interest will only be permitted where damage can be prevented or the need for the mineral outweighs environmental impact.

Policy 12 - Some mineral working may be permitted within the AONB provided it would not irreversibly damage the intrinsic qualities of these areas. Mitigation measures should be of a high standard, rapid reclamation should be promoted. Assessment must be made of need, alternatives, and effect on landscape/environment

Policy 26 - Proposals for oil and gas will be permitted where it is demonstrated to the satisfaction of the Planning Authority that it demonstrates the best option. Particular attention will be given to, impact on countryside, site access and vehicle routeing, residential amenity, Public Rights of Way, and the water environment

Policy 47 - Consideration will be given numbers, type and routeing of vehicles. Permission will be refused where the highway network could not support such movements.

#### 6.5 Chichester District Council Local Plan 1999

Adopted in April 1999 with saved policies from the 27/09/07. All policies listed in the consideration of this application are saved policies and continue to form part of the statutory 'development plan' and framework for development control decisions.

Key Points:

Policy RE4 - Seeks to maintain or enhance the AONB

Policy TR6 – Seeks to protect highway safety

#### 6.6 Regional Planning Guidance for the South East (RPG9) Waste and Minerals

Published March 2001 with revisions in June 2006. Forms part of the statutory 'development plan' and framework for development control decisions. There is no specific regional policy regarding hydrocarbons. Accordingly weight must be given to WSCC Minerals Local Plan and Minerals Policy Statement 1.

#### 6.7 Minerals Policy Statement 1 (MPS1)– Planning and Minerals

Published November 2006. This document contains national policy regarding Minerals Planning. Significant weight should be given to MPS1 which sets out planning considerations associated with minerals developments, including need, and is the most recent publication regarding minerals.

Key Points:

'minerals can only be worked where they naturally occur'

'In the short to medium term, the aim is to; maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'.

'do not permit major mineral developments in National Parks, the broads, Areas of Outstanding Natural Beauty and World Heritage sites except in exceptional circumstances.' 'Major minerals developments should be demonstrated to be in the public interest before being allowed to proceed.' Considerations include assessment of need, scope of alternative supply, any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that can be moderated.

#### 6.8 Minerals Policy Statement 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England

Published March 2005. This document contains national policy with regard to controlling and mitigating the environmental effects of minerals extraction. This document broadly sets out the need to assess and limit the potential impacts of minerals development i.e. social, community, economic and environmental impacts. Annex 2, Noise, sets out specific guidelines with regard to acceptable noise limits.

## 6.9 Planning Policy Statement 9 - Biodiversity and geological conservation

Published August 2005. This document contains national guidance to compliment other national policy regarding conservation, enhancement and restoration of England's wildlife and geology.

Key Points:

'The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If significant harm cannot be prevented, adequately mitigated against, or compensated for then planning permission should be refused.'

'local authorities should not grant planning permission for any development that would result in the loss or deterioration of ancient woodland unless the need for and benefits of the development in that location outweigh the loss of the woodland habitat.'

## 6.10 WSCC Emerging Minerals and Waste Development Framework

The Minerals and Waste Development Framework (MWDF) documents are at an early stage in the preparation process and can be afforded little weight at this time.

The County Council's Preferred Option Core Strategy (January 2007) contains Policy CSM4: Other Minerals includes a reference 'Proposals for the working of minerals other than sand or gravel will be permitted provided that the proposal is for (c) The exploration, appraisal or small scale exploitation of oil or gas reserves.'

## 7. **Considerations**

7.1 In considering this application the key issues are:

- Need
- Traffic and access
- Impact on local amenity
- Loss of Ancient Woodland/Impact on Ecology
- Suitability of the temporary development in the proposed location

## 8. **Need**

8.1 The proposal for oil exploration accords with National Minerals Policy as well as the Development Plan Policies of the County Council which aim to;

- Promote competitive markets in the UK and beyond
- Maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner, and,
- Maintain the reliability of energy supplies

8.2 Department for Communities and Local Government (DCLG) Mineral Planning Factsheet 2006 (onshore oil and gas) provides an overview of Onshore Oil and Gas supply in the UK (**Appendix 8**). It is stressed that UK conventional oil and gas production off-shore is commonly agreed to decline significantly over the coming years and the UK is becoming a net importer of oil. The UK economy is highly dependant on oil/gas with a large proportion of the UK's energy needs met by fossil fuels. Whilst onshore oil extraction represents a small proportion of the UK oil production;

- capital expenditure to develop them is much smaller and they continue to be economically attractive,
- they have and continue to make a modest contribution to the UK's oil requirements,
- there is a ready and continuing need for oil,
- they are advantageous in terms of proximity of supply

8.3 Exploration wells are an invaluable source of data on the sub-surface geological structure of Britain and greatly extend our knowledge of the nation's resources. There is a clear and overriding need for oil exploration in accordance with national and regional policy.

## 9. **Traffic and access**

9.1 The proposed development will generate a considerable increase to existing traffic (HGV's, vans, cars) movements in this rural area albeit over a relatively short period. Accordingly, vehicle movements should be considered intensive but ultimately temporary in nature.

9.2 The applicant proposes a designated route for vehicles to and from the site which would be directly from the site access point to Stansted Road, then south to the western arm of 'the triangle', where joining the Emsworth Common Road C25 (**Appendix 6**).

9.3 Access to the site would be gained from the northern side of the Forestside Road/Diddybones Nap, approximately 100m to the west of the junction of Stansted Park Road (North/South) and Forestside Road (east/west) via an existing private farm entrance. Thereafter an access track approximately 1km in length, of which approximately 600m would utilise improved existing farm tracks, is proposed. All existing tracks would require upgrading (overlain with stone) and widening to 4m (7m for the first 40m) including a number of passing places. The new section of track adjacent to 'Back Lane' would require soils being stripped and stored alongside in a 1m seeded bund, laying of a membrane and surfacing in stone/aggregate. In addition there would be a need for the removal of a small section of hedgerow. The access track at one point crosses 'Back Lane' a G class road (conventional highway rights apply, subject to limited highway maintenance) which is largely utilised for recreational uses such as walking/horse riding. Signage

would be required at this point to ensure the safe confluence of site traffic and users of the lane.

9.4 The applicant has carried out a stage 1 Safety Audit on the proposed access point at Forestside Road/Diddybones Nap. In order to achieve the required visibility and safe entry/exit the applicant proposes that the access point would need to be widened and resurfaced including the removal or reduction in height of approximately 80m of hedgerow to the east and 40 m of hedgerow to the west and re-planting of equal lengths of new sections of hedge behind site lines. In addition speed restriction signage may require relocating.

9.5 As noted a number of representations have been received in relation to the proposed vehicle route and its ability to safely take HGVs without compromising users of the road. The Highways Authority recognises that traffic is for a finite period and indicates that the proposed route for traffic does not have weight or width restrictions, traffic flows are light to moderate and the recorded personal injury accident rate is low. Provided that the recommended safeguards and remedial works set out below can be met the Highways authority raises no objection;

- Access point arrangements (sight lines, signage and geometry) being finalised by condition,
- Provision and agreement of a Safety Audit of the junction at Stansted Park Road with Diddybones Nap and implementation of any works required. (Such works will require the applicant to enter into a Section 278 Highway Works Agreement),
- The applicant entering into a Section 59 Highways Agreement and provision of a bond to secure the repair of any damage to the highway resulting from proposals
- The applicant entering into a 106 legal agreement to ensure the routing of all vehicles.
- An assessment of required vehicle axle weights to control safe passage over Culvert BRI 1552 (on proposed route) in addition to the implementation of any remedial works under a legal agreement.
- The details of route signage being submitted to and agreed by the County Planning Authority (in conjunction with the County Highway Officer)
- Conditions to secure wheel washing facilities
- Conditions to secure on site parking and turning and storage of materials clear of the highway
- Conditions to ensure weekend working to be limited to cars and light vans only.

9.6 All of the above recommendations can be secured through planning conditions and legal/highways agreements. Safety Audit findings for the junction of Stansted Park Road and Diddybones Nap may require remedial works which could have an limited temporary impact upon the character of the area. Remedial works, if required, would compromise improvements to the radius on the left turn from Stansted Road by the provision of temporary surfacing of sufficient width and construction to accommodate the swept path of the longer vehicles visiting the site. These works would be secured

by Section 106 Agreement requiring reinstatement upon completion of the development.

- 9.7 In conclusion the highways authority is satisfied that the proposed numbers and types of vehicles could be safely accommodated subject to measures and controls that can be secured through planning conditions and legal/highway agreements. Vehicle movements are clearly of significant volume (see para 3.8-3.11), however, given the temporary nature of proposals, disturbance would be largely limited to a period of approximately 19 weeks. Vehicle movements are not considered unacceptable when balanced against the need for minerals development.

## 10. **Impact on local amenity**

- 10.1 The proposed development will give rise to some impact on amenity especially when considering the 'quiet' rural nature and outstanding natural beauty of the locality. The potential impacts on amenity can be summarised as; noise, vehicle movements, lighting, visual impact and affect on public rights of way. It is important to consider that the proposals although seeking consent for a period of three years will be largely static for long periods with any disturbance limited to approximately 19 weeks.

### Public rights of way

- 10.2 There are two public rights of way in the immediate proximity of the proposals, footpath 525 to the north (approximately 300m distant) and footpath 3074 which links 'Back Lane' to the Forestside Road, south east of the proposed access route. Furthermore it should be considered that 'Back Lane' is also used for recreational purposes such as walking/horse riding.
- 10.3 The proposed access road is such that it would cross and run adjacent to 'Back Lane'. Site traffic will inevitably have some noise impact upon the lane. Remaining footpaths are more distant and any noise is considered unlikely to affect their enjoyment, however, such noise would be largely transitory and is not considered to cause unacceptable impact. The temporary nature of proposals and degree of noise and visual impact is such that there would not be unacceptable impact on the amenity value of footpaths.

### Visual

- 10.4 The main site will be well screened within existing woodland with the exception of the drilling rig (approx 36m) which will protrude above the tree line. Given that the rig is only on site for a period of 4-5 weeks its visual impact is not considered unacceptable. The applicant has entered into an agreement with the landowner to ensure that a belt of woodland planting on the western boundary of the site remains throughout the period of the development.
- 10.5 The proposed access road is such that it would run adjacent to 'back lane' which is well screened on both sides by existing hedgerows. The applicant proposes a new section of hedgerow to continue this screening, limiting views from the south. The proposed track, in part, incorporates a bund on its northern side (approx 1m in height for soil storage) which will afford some

screening of the roadway from footpath 525 further to the north. It is however inevitable that there will be distant views of site traffic from footpath 525, and along the stretch of track into the woodland from both 'Back Lane' and residential properties to the east and south. The applicant is willing to plant additional hedgerow along exposed areas of the access track to provide some form of screening/compensation for other loss, which will be secured by means of condition/legal agreement.

- 10.6 The proposals require the removal or height reduction of hedgerows to either side of the site access point to achieve required sight lines. Chichester District Council and WSCC Landscape object to the removal of hedgerow because the visual continuity of roadside treatment would be lost, potential ecological implications/overall impacts are disproportionate to the temporary nature of operations, and replacement hedgerow is unlikely to afford screening in the near future.
- 10.7 Given that exploration proposals are only for a temporary period and the existing hedgerow would appear well established it is considered that although access widening would be essential, the existing hedgerow could be topped to a height of approximately 60cm for roughly 10m either side of the junction and 90cm over the remainder of hedgerow within sight lines (approx 60m to east and 20m to the west). Such would allow for both adequate visibility and the re-establishment of the hedgerow in its original location, post completion of the development. A hedgerow of this height would clearly expose views into open fields beyond and may require additional fencing to secure horses, however such views are relatively pleasant and typical of the locality. The final details of the above access measures are to be secured by condition.
- 10.8 The proposed development would be well screened within woodland. The proposed access track would not physically have unacceptable visual impact being largely well screened. Vehicles entering/leaving the site will have some visual affect on the locality not typical of the rural environs, however the transitory nature of vehicles, temporary nature of proposals and limited duration of activity is such that there would not be unacceptable visual impact. Furthermore it is considered that the proposed site represents the best site in terms of potential visual impact.

#### Noise

- 10.9 The area is very rural and therefore has very low background noise levels especially at night (at nearest receptors ranging from 30-32 dB(A) during daytime and 20-21 dB(A) during night time) The construction and operation of the main site will result in an increase in noise levels. Furthermore it must be considered that drilling/testing phases of the development are 24hr operations. Minerals Policy Statement 2, *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England, Annex 2: Noise*, recommends that minerals planning authorities should aim to set limits at noise sensitive properties that do not exceed background levels by more than 10dB(A) or as near to that level as practicable. Furthermore it goes on to state that daytime levels (0700-1900) should not exceed 55dB(A)LAeq,1h (free field) and night time levels (2200-0700) should not exceed 42 dB(A)LAeq,1h (free field).

- 10.10 Noise is a key factor in determining the siting of an oil exploration site in order to achieve acceptable standards at noise sensitive receptors. The design of the site is such that earth embankments will aid in attenuating low level noise. However, the nature and layout of a drilling rig is such that noise sources are above ground level, accordingly distance is the overriding factor in achieving suitable noise levels at sensitive receptors.
- 10.11 The applicant has carried out a noise survey which concludes noise levels resulting from construction operations would be 44dB(A) at the nearest residential receptor which, although constituting an increase in noise levels over 10dB(A), would remain well within acceptable upper limits. These operations would be restricted by condition to daytime hours and are of a temporary nature.
- 10.12 Noise levels resulting from drilling operations would be 26-30 dB(A) at residential receptors and would continue throughout the night. Noise levels at the nearest residential receptor would therefore remain within all recommended acceptable limits. Noise levels resulting from testing are generally inaudible more than 50m from the site.
- 10.13 Although background noise levels are particularly low given the rural locality of the proposals, noise arising from the proposals would fall within recommended acceptable limits, be of a temporary nature and time limited during construction/restoration phases and thus is considered acceptable. Noise limits will be set by condition including a scheme of monitoring and implementation of mitigatory measures if necessary (straw bale barrier).

#### Vehicle Movements

- 10.14 Vehicular activities are likely to be most noticeable from residential properties in Forestside adjacent to the proposed vehicular route, particularly at residential properties opposite the 'T' Junction where vehicles turning and accelerating will give rise to increased noise levels. In addition land to the rear of residential properties (used for a mix of equine, agricultural and residential purposes) falls in relatively close proximity to the east/west section of the proposed access track.
- 10.15 Vehicle movements associated with the development will inevitably give rise to some noise disturbance and transient visual impact on the locality. Impacts arising from vehicular activity are likely to be largely associated with larger HGV traffic. Although there is potential for some light cars/van movements at night (only during 24hr drilling/testing phases) the applicant advises that these are very few, with the majority occurring with shift changes at 0700 and 1900 hours. Light cars/van movements are not considered likely to give rise to unacceptable impact on amenity.
- 10.16 In order to minimise any impact associated with HGV activity, conditions would be attached to any consent, prohibiting HGV movements during the night and at weekends and limiting all vehicular activity to daytime hours during construction/restoration phases of the development, other than in the event of an emergency or with the prior approval of the County Planning Authority for essential purposes.

- 10.17 Concerns have been raised with regard to exhaust fumes resulting from site traffic (in particular when pulling out of the 'T' junction). The volume of traffic and temporary nature of proposals is such that it is not considered that there would be an unacceptable impact on air quality.
- 10.18 The intensive nature of vehicle movements coupled with size of vehicles during activities (ranging from 2 to 6 per hour during construction, drilling, testing and restoration) is largely out of character of the area, however, intensive operations are for a finite period of approximately 19 weeks with the site remaining static for long periods of the consent period sought (3 years). When considering the limited options for access to the site, need for the proposed development and temporary time controlled nature of vehicular activity, proposed vehicular movements are not considered unacceptable.

#### Lighting

- 10.19 The site will require lighting during 24hr drilling operations (4-5 weeks) which will be directed downwards on the site and largely situated below tree level. The height of the rig is such that there will be a red strobe light attached at its highest point (approx 36m) for aviation safeguarding purposes. During the 24hr testing phase of the development lighting will remain low level and sensor activated. The temporary nature of lighting and distance from neighbouring sensitive receptors is such that it is not considered that there would be unacceptable impact on amenity. Conditions will be attached to ensure light fixtures are suitably cowled/directed to minimise any light spillage.

### 11. **Loss of Ancient Woodland/Impact on Ecology**

- 11.1 Ancient woodland is defined as an area of woodland that has had continuous woodland cover since at least 1600AD and is an important resource both in terms of ecological diversity and amenity. National Planning Policy recommends that the loss of ancient woodland should not be permitted unless the need for, and benefits of the development in that location outweigh the loss of the woodland habitat also taking into account of the habitat/amenity value of that woodland. Planning Policy Statement 9 *Biodiversity and geological conservation* advises Planning Authorities that where a development would result in harm to biodiversity they should be satisfied that proposals could not reasonably be sited in an alternative location and in the event that harm cannot be adequately mitigated against, appropriate compensation measures sought.
- 11.2 There are two types of ancient woodland; Ancient semi-natural woodland (ASNW) the highest quality natural woodland, and Plantation Ancient Woodland Site (PAWS) where original planting has been felled and replanted. The proposed woodland site has been assessed as part of the applicant's ecological survey. The proposed site is PAWS woodland largely comprising beech and conifer and retains very little evidence of ancient woodland characteristics. Current management is such that ancient woodland regeneration is not facilitated, however it must be considered that ancient woodland characteristics could potentially reside in dormant seeds and underlying soil structure.

- 11.3 The proposals would result in the complete clearance of woodland. Stripping/storage of soils would inevitably cause irreversible impact on the ancient woodland. However, in order to mitigate/compensate impacts on ancient woodland, the applicant proposes restoration of the site to locally occurring native structured woodland and vegetation well suited to encouraging biodiversity. The ecological survey recommends a detailed methodology for the excavation of soils and storage such that sub soil profiles and seeds would be retained as far as reasonably practicable and impacts to any ancient features minimised.
- 11.4 In order to ensure compensation for the loss of ancient woodland (in accordance with the recommendations of the EA and Natural England comments) the applicant, upon the recent request of the County Planning Authority, has indicated that to compensate for the loss of ancient woodland habitat, he would be willing to enter a legal agreement to provide a substantial belt of woodland planting/additional hedgerows (final details to be agreed – see indicative draft plan **Appendix 7**) to the western periphery of the copse.
- 11.5 As discussed the need for the development is clear and the benefits of this location are two fold; achieving acceptable noise levels at sensitive receptors and representing the best option in terms of visual impact. Although there is a clear desire to retain ancient woodland wherever possible, given the measures proposed to retain ancient features are far as practicable, restoration to structured woodland and substantial compensatory woodland/hedgerow planting, when considered against the quality of woodland, its loss is acceptable.
- 11.6 The applicant has carried out a full ecological survey in accordance with Natural England's recommendations. Natural England is satisfied that all surveys have been carried out and that appropriate mitigation measures are proposed including badger protection, reptile relocation and bat boxes. Subject to the implementation of recommendations of the ecological survey, Natural England does not raise objection to the proposals.
- 11.7 Mitigation and enhancement recommendations of the ecological survey will be ensured by means of condition. Accordingly the proposed development is not considered to cause unacceptable impact on ecology.

## 12. **Suitability of Location**

- 12.1 MPS1 recognises the importance of protecting the AONB and recommends minerals extraction only be permitted in these areas after assessment of need, availability of alternative supply, detrimental effect on the landscape and the extent to which this can be moderated. Ancient woodland should not be lost unless the need for, and benefits of the development in that location outweigh the loss of the woodland habitat, taking into account of the habitat/amenity value of that woodland.
- 12.2 This is reinforced by Policy 12 of the WSCC Minerals Local Plan which provides for minerals development within the AONB provided it would not irreversibly damage the intrinsic qualities of these areas, take into account

assessments made of need, alternatives, and effect on landscape/environment. Policy 26 suggests proposals for oil and gas will be permitted where the Planning Authority is satisfied that they demonstrate the best option. Particular attention should be given to, impact upon the countryside, site access and vehicle routeing, residential amenity, Public Rights of Way, and the water environment.

- 12.3 In order to explore the extent/existence of this mineral reserve any exploration site will have to fall within a limited geographical area and thus within the AONB and Proposed South Downs National Park. MPS1 recognises that '*minerals can only be exploited where they occur*' and '*the only way to confirm the content of strata is to drill wells*'. There is clear need for the development in the AONB and availability of alternative supply is not particularly relevant given policy guidance to support exploration and obtain both knowledge of the nations resources and meet needs.
- 12.4 The visual affect of the development on the landscape is not considered to be unacceptable nor would it be irreversible considering the temporary nature of the proposals. Exploration is accepted by the Environment Agency. There would not be unacceptable impact on the water environment.
- 12.5 The applicant has considered a range of options available for placement of the site. Due to the location of a fault, drilling can not be technically supported from areas to the south of the fault line (which broadly runs east to west approximately 600m south of the proposed site). As a result the applicant has considered and documented a number of locations that would be technically feasible, have landowner consent and that would be likely to be acceptable in terms of visual/noise implications. The topography of the land and presence of dense foliage (particularly in summer months) is such that the applicant considers the proposed location within woodland the only viable location to keep noise levels below recommended limits at residential receptors and reduce visual impacts.
- 12.6 Should the site be located outside woodland the applicant suggests that noise impact on residential property is unlikely to be acceptable. The site would have to be 50% larger to accommodate the level of cut and fill required by steeper sloping land, increasing visual impact on the AONB and the potential for drainage difficulties and interruption to farming.
- 12.7 Given the rural locality of the target area and constraints affecting drilling, the proposed location, although inevitably impacting on residential amenity, represents the only realistic option safely accessible by the surrounding road network and the best option in terms of minimising potential noise/visual impacts. The temporary nature of exploration and requirement for total clearance of a site to achieve safe working practices is such that any site outside of the woodland is unlikely to be able to be suitably screened by landscaping proposals that would need time to establish. In addition potential sites closer to residential properties are thought either unlikely to achieve acceptable noise levels or to require sound attenuation measures of a height that would be of significant visual impact.
- 12.8 Although the proposal would result in the loss of ancient woodland it is concluded that such loss is acceptable when considering the benefits of siting

the development in woodland and range of mitigation/compensation measures proposed.

13. **Conclusions**

13.1 See executive summary

14. **Crime and Disorder Act Implications**

14.1 There are no implications.

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

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 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.

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.

**Mike Elkington**

Divisional Manager (County Development)

**Background Papers**

Minerals Policy Statement 1, *Planning and Minerals*

Planning and Minerals, *Practice guide*

Minerals Policy Statement 2, *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England, Annex 2: Noise*

Planning Policy Statement 9, *Biodiversity and Geology*

Communities and Local Government, Minerals Planning Factsheet, *Onshore Oil and Gas* 2006  
West Sussex Structure Plan, 2001 to 2016 (2005) (Saved Policies)  
West Sussex Minerals Local Plan (July 2003)  
Chichester District Local Plan 1999

Contact: James Neave, ext. 56864.

**List of Appendices**

Appendix 1 – Conditions

Appendix 2 – Location Plan

Appendix 3 – Site Plan

Appendix 4 – Photograph examples of typical exploration sites

Appendix 5 – Photograph example of typical testing equipment

Appendix 6 – Proposed vehicle routing

Appendix 7 – Indicative compensatory planting plan (please note any woodland planting scheme/additional hedgerows would require prior approval and be the subject of a 106 legal agreement)

Appendix 8 – Department for Communities and Local Government (DCLG) Mineral Planning Factsheet 2006.

### Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.
2. This permission shall be for a limited period only expiring 3 years from the date of commencement of site construction, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hard standings shall have been removed from the site, and the site shall be restored in accordance with the approved restoration scheme.  
Reason: To secure the proper restoration of the site following the approved period for this temporary development.

### Approved Operations Programme

3. The development hereby approved shall be carried out strictly in accordance with the particulars of the development contained in the application, plans and Environmental Statement [Ref: Environmental Statement dated May 2007 and later submissions/revisions thereto (Supplementary Information June 2007, Ecological Assessment 05/11/07, Well Testing 28/01/08, Vehicle Movements 17/03/08) Overall Red Line Layout Plan NPL/015 dated 13/06/07, Existing Wooded Area NPL/011 dated 13/06/07, Existing Ground Level Survey Plans NPL/001, NPL/002, NPL/003 dated 10/05/07, Hedge Replacement & Access Track Upgrade Plans NPL/012, NPL/013, NPL/014 dated 13/06/07, Proposed Site Layout titled Cross Section Key Soil Bund & Preserved Tree Screen NPL/010 dated 13/06/07, Cross Sections including soil bund NPL/009 dated 13/06/07] except as modified by condition hereafter or any variation thereto that may be agreed in advance and in writing by the County Planning Authority.  
Reason: To ensure the development is carried out as proposed
4. Notwithstanding the diagrammatic layouts of plant and equipment shown on the plans attached to planning application SO/3152/07 (Photo (1) and Site Layout A3-3419-A8 contained within Supplementary Information June 2007), no items of plant, equipment or buildings to be erected or placed on the site pursuant to this permission shall be commissioned or used 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
5. Prior written notification of the date of commencement for each phase of development works (construction, drilling, testing and restoration) hereby approved shall be sent to the County Planning Authority not less than seven days before such commencement.  
Reason: To inform the County Planning Authority of potential disruptive periods in the interests of amenity.

6. No work of well drilling shall be undertaken on site until the details of the rig and equipment to be used have been notified and approved in advance and in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
Reason: In the interests of the amenities of the locality.
7. 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

8. Unless otherwise agreed in advance and in writing by the County Planning Authority during construction, drilling rig mobilisation and restoration phases of the development work at the site shall only be undertaken between the hours of 0800 and 1800 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

9. 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.
10. Unless otherwise agreed in advance and in writing by the County Planning Authority the rating of noise emitted from the site shall not exceed the existing background noise level (Background noise is the level expressed as LA90,T where T=60 mins) by more than 10dBA. The noise levels shall be measured at the facades of any residential property liable to receive increased noise levels due to on site operations.  
Reason: In the interests of the amenities of occupiers of nearby residential properties.
11. Within 5 days of the first commencement of drilling, or on the first occurrence of suitable meteorological conditions, a suitable noise survey shall be carried out. This survey is to be conducted when there is a positive wind vector. Should the site fail to comply with condition 10 of this permission, the applicant shall erect a straw bale barrier to attenuate noise levels to the required level.  
Reason: In the interests of the amenities of occupiers of nearby residential properties.

12. 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.

### Lighting

13. No external lighting shall be installed at the site except in accordance with a scheme approved by the County Planning Authority which shall include details of location, height, design sensors and luminance of lighting which shall be designed to minimise the potential nuisance of light spillage out of the site.  
Reason: To minimise the nuisance and disturbance to neighbours and the surrounding area.

### Ecology

14. The applicant is to ensure that large woody plants programmed for removal are cleared during the Autumn or Winter period. The plants can be removed at any time if a qualified ecologist confirms that there are no breeding birds using them.  
Reason: To protect nesting/breeding birds in accordance with the Wildlife and Countryside Act 1981.
15. With regard to protected species all mitigation and enhancement recommendations of the submitted Ecological Survey 05/11/07 (In particular; Badgers Section 4.6, Reptiles Section 5.7 & 5.8, Bats Section 7.5 & 7.6, Japanese Knotweed Section 11) shall be carried out in full.  
Reason: To protect ecology in accordance with the Wildlife and Countryside Act 1981.

### Landscaping

16. No development shall take place unless and until there has been submitted to and approved by the County Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of the development (see trees in relation to construction BS5837:2005). Thereafter the approved landscaping scheme/protection measures shall be implemented in full. Any trees, shrubs or plants which within a period of 5 years from planting are removed or become seriously damaged, diseased or die shall be replaced in the next planting season with others of such size and species as may be agreed in writing with the County Planning Authority.  
Reason: In the interests of the amenity and of the environment of the development.

### Archaeology

17. 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.

### Soils Storage/Stripping

18. All topsoil and subsoil shall be permanently retained on site and used in restoration. Prior to the commencement of the development hereby approved a scheme of soil storage incorporating the recommendations of Section 12 of Ecological Assessment 05/11/07 shall be submitted to and agreed with the County Planning Authority including location, height, weed prevention and planting (including timeframes). Thereafter soil storage schemes shall be implemented in full.

Reason: In the interests of amenity and to ensure a good standard of restoration.

19. Prior to the commencement of the development hereby approved a scheme of soil assessment and stripping incorporating the recommendations of Section 12 of Ecological Assessment 05/11/07 shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason: In the interests of amenity and to ensure a good standard of restoration.

20. Topsoil, subsoil and soil making material shall only be stripped when they are, as far as practicable, in a dry and friable condition.

Reason: To prevent damage to soils

Reason: In the interests of amenity and to ensure a good standard of restoration.

### Restoration

21. Restoration of the main site compound shall be completed strictly in accordance with the recommended restoration scheme, Option 3 (structured Woodland) of Ecological Survey 05/11/07, Section 12. In addition prior to the commencement of restoration the applicant shall submit a scheme of restoration for the access track for approval in writing by the County Planning Authority. Thereafter access track restoration shall form part of the overall restoration of the site which shall be completed in full.

Reason: To ensure the site is well restored

22. A 5 year scheme of aftercare specifying the steps to be taken to manage restored land shall be submitted for the written approval of the County

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

### Access

23. Prior to the commencement of the development hereby approved a scheme detailing the exact provisions for site access works including details/plans illustrating geometry, sight lines and signage shall be submitted to and approved in writing by the County planning Authority. The works shall include all recommendations made in Stage 1 Road Safety Audit (and any subsequent review). Thereafter access works shall be carried out in full and maintained throughout the period of development.  
Reason: In the interests of highway safety
24. No construction work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the County Planning Authority, provision for all plant and stacks of materials, the temporary parking of vehicles and the loading and unloading of vehicles associated with operations, clear of the highway. Such provisions as agreed shall be retained throughout the period of the development.  
Reason: In the interests of highway safety.
25. Prior to the commencement of the development hereby approved the applicant shall submit a scheme detailing the measures to ensure that 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 highway and actions to be taken in the event of mud or debris arising from the development being present on the highway. Thereafter the approved scheme shall be implemented in full.  
Reason: In the interests of highway safety.
26. Prior to the commencement of the development hereby approved details of signage (including text, size, fixings and location) to be displayed highlighting the potential conflict between vehicles and pedestrians/cyclists/horses shall be submitted to and approved in writing by the County Planning Authority. The aforementioned signage as approved shall be installed prior to the commencement of any works and retained throughout the period of the development hereby approved.  
Reason: In the interests of highway safety
27. Unless otherwise agreed in advance and in writing by the County Planning Authority no heavy goods vehicles (HGVs) associated with the development hereby permitted shall travel to, from or along the access track at any time between the hours of 1800 and 0730 and at no time during weekends, except in the event of an emergency.  
Reason: In the interests of highway safety
28. No work for the development hereby approved will commence until details of on-site parking and turning arrangements have been submitted to and

agreed in advance in writing by the County Planning Authority. Thereafter the approved scheme shall be implemented in full and retained throughout the period of the development.

Reason: To ensure the safe manouvering of site traffic

### Fire Fighting

29. Throughout the period of drilling and testing hereby approved, fire water tanks shall remain on site filled and maintained to a standard adequate for fire fighting purposes in accordance with details to be submitted to and agreed in advance in writing by the County Planning Authority. Such tanks shall be fitted with 45mm instantaneous couplings for Fire Service access and covered to minimise the potential for death/injury to Barn Owls.

Reason: In the interests of fire safety and to minimise the potential for death/injury to Barn Owls.

### Fencing

30. No work or development shall take place at the site until details of all fencing and gates to be erected around the site have been submitted to and agreed in advance and in writing by the County Planning Authority. Thereafter approved fencing shall be implemented in full and retained throughout the period of the development

Reason: To secure a satisfactory development.

### Groundwater Protection/Drainage

31. No development approved by this permission shall commence until a scheme detailing the methods of site construction and operation in order to prevent pollution of underlying groundwater and measures to be provided for foul and surface water drainage, have been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter the approved scheme shall be implemented in full.

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

32. 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.

### Flaring

33. 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.

## **INFORMATIVES**

- A. Reason for the granting of planning permission:

The proposed development will allow for oil exploration. The development complies with the relevant development plan policies.

In making this decision account was taken of the following planning policies:

### **West Sussex Structure Plan 2001 –2016 Feb 2005**

LOC2 – Development in the countryside will not be permitted unless it can demonstrate a justified need for that location.

NE8 - Development in the countryside must protect the character and environment of the area. Provision is made for mineral extraction.

CH1 – Development should maintain and where possible enhance the character/distinctiveness of the County.

CH2 – Seeks to maintain or enhance the AONB. Development must demonstrate a need for being located in the AONB.

CH6 – Seeks to protect historic parks and gardens, including views into and out of.

CH7 – Seeks to protect the archaeological heritage of the County.

ERA2 – Seeks to protect the wide range of habitats, species and geological features of the County.

ERA5 – Development should not be permitted unless the quality of air, soil, and water resources of the county are protected.

ERA6 – Provision should be made for the extraction of minerals sufficient to meet identified needs.

DEV1 – Seeks to ensure high quality developments, landscaping.

DEV4 – Development will not be permitted unless the travel needs it generates are met, safety of the road network is protected.

### **West Sussex Minerals Local Plan July 2003**

Policy 1 – Seeks to ensure working practices that cause the least environmental harm are followed, opportunities to conserve and enhance the environment and appropriate after use is incorporated.

Policy 10 – Proposals for mineral workings that may damage statutorily designated sites of natural or scientific interest will only be permitted where damage can be prevented or the need for the mineral outweighs environmental impact.

Policy 11 – Seeks to protect archaeology within minerals development

Policy 12 – Some mineral working may be permitted within the AONB provided it would not irreversibly damage the intrinsic qualities of these

areas. Mitigation measures should be of a high standard, rapid reclamation should be promoted. Assessment must be made of need, alternatives, and effect on landscape/environment.

Policy 13 – Minerals proposals in areas of local environmental significance will be given careful consideration. Benefits must outweigh the detrimental effects on the values of these areas.

Policy 16 – Seeks to ensure safeguarding of the water environment

Policy 19 – Seeks to protect residential amenity

Policy 22 – Seeks to ensure appropriate restoration

Policy 26 – Proposals for oil and gas will be permitted where it is demonstrated to the satisfaction of the Planning Authority that it demonstrates the best option. Particular attention will be given to, impact on countryside, site access and vehicle routing, residential amenity, Public Rights of Way, and the water environment.

Policy 47 – Consideration will be given numbers, type and routing of vehicles. Permission will be refused where the highway network could not support such movements.

Policy 48 – Seeks to ensure vehicle safety within sites e.g turning.

Policy 52 – Details of siting and appearance of buildings, machinery and plant will be required. Such shall be removed upon cessation of works.

Policy 53 – Applications for mineral workings will be required to incorporate satisfactory measures for the provision, retention and protection of landscaping.

Policy 56 – The quality of surface and ground water supplies will be protected.

Policy 58 – Details of soil stripping and storage for restoration will be required.

Policy 59 – Conditions shall be attached to ensure controlled and effective discharge of water from sites.

Policy 60 – Seeks to ensure noise levels are acceptable and conditions are attached accordingly.

Policy 61 – Seeks to ensure dust is suppressed

Policy 62 – Seeks to control lighting in the interests of amenity

Policy 63 – Where appropriate hours of work will be controlled

Policy 64 – Buffer will be considered to reduce impact of the development upon residential amenity.

### **Chichester District Council Local Plan 1999**

RE1 – Seeks to protect the rural area

RE4 - Seeks to maintain or enhance the AONB

RE28 – Seeks to protect historic parks and gardens

TR6 – Seeks to protect highway safety

### National Policy

### **Planning and Minerals: Practice Guide**

### **Minerals Policy Statement 1 – Planning and Minerals**

### **Minerals Policy Statement 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England**

## **Planning Policy Statement 9 - Biodiversity and geological conservation**

- B. 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.
- C. The applicant's attention is drawn to the contents of the attached letter from the Environment Agency dated 18/07/07 regarding other environmental consents and guidelines that may be necessary.
- D. 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 1km of the site, detailing the duration and nature of drilling operations.
- E. The applicant is advised that should protected species be present work must stop and Natural England informed. A license may be required from Natural England before works can re-commence, Natural England will advise.
- F. Any works within the Highway may require a Section 278 Highway Works Agreement that must be agreed in advance with the Highways Authority.