

24 April 2018

County Matter Mineral Application

Retention of Lidsey oil site including two existing wells and production plant and equipment within the existing site to produce hydrocarbons for a further period of 10 years

Lidsey Oil Site, Lidsey Road, Lidsey, Nr Bognor Regis, West Sussex, PO22 9PH

Application No: WSCC/008/18/BN

Report by Head of Planning Services

Local Member: Derek Whittington

District: Arun

Executive Summary

Planning permission for the production of hydrocarbon (oil) production at Lidsey Oil Site, north of Bognor Regis, lapsed on the 17 February 2018. This report concerns a proposal for the continuation of production at the site for a further 10 years. The site benefits from being a historic site for oil production, with two boreholes already been drilled. No physical development or alterations to the site layout are proposed.

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

The main policies of relevance to this application are policies 1, 14, 16, 22, 26, 27, 47, 55, 56, 58, 60, 62 and 63 of the West Sussex Minerals Local Plan (2003); policies GEN1, GEN3, GEN4, GEN7, GEN9, GEN16, GEN18, GEN26, GEN32 and GEN33 of the Arun District Local Plan (2003); and policies M7a, M12, M15, M16, M17, M18, M19, M20 and M24 of the emerging West Sussex Joint Minerals Local Plan.

Nine representations have been received; one in support of the development and the remaining eight objecting to the application.

Consideration of Key Issues

The main material planning considerations are whether:

- there is a need for the development;
- the development is acceptable in terms of highway capacity and road safety;
- the development is acceptable in terms of impact on local residents; and
- the development is acceptable in terms of impact on the environment.

Need for the Development

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

Highway Safety

The continued use of the site to allow the remaining reserves to be extracted would result in a low number of traffic movements, all of them entering/leaving the site via the A29 which links directly to other A-roads. Planning conditions have been reviewed and updated as necessary to ensure the site operations would be controlled as necessary, but it was concluded that it was no longer necessary to control routing through the renewal of the Section 106 Agreement. The development would not result in significant impacts on the highway network or road safety. It is, therefore, considered that the impact on highway capacity and road safety is acceptable.

Impact on Local Residents

It is considered that the proposal would not result in unacceptable impacts on local residents. It is located on an A-road, next to a wastewater treatment works, and at least 400m from residential properties, and so the limited noise emissions anticipated would not harm residential amenity. Furthermore, working hours and lighting can be adequately controlled by condition. Overall, the development is considered acceptable with regards to its impact upon local residents.

Impact on the Environment

Although the proposed development would be of an industrial nature within a rural setting, it is small in scale and well-screened from public views, negating any visible impacts and, therefore, it is considered that the proposal is acceptable in landscape terms. The development would not pose a risk to the water environment, either at the surface or groundwater and the Minerals Planning Authority is content that other complementary regimes are sufficient to control impacts on the water environment. Overall, subject to the imposition of suitable conditions, the impact of the development on the environment and the surrounding landscape is considered to be minimal.

Conclusion

The applicant seeks an extension of time until 2028 to allow for continued production of oil at the Lidsey Oil Site. The production of oil to maximise the

remaining reserves would help to meet an identified need for hydrocarbon production with minimal impacts.

The number of vehicles movements associated with continued production activities (eight HGVs travelling to/from the site each week) is not significant enough to raise concerns regarding highway capacity or road safety, particularly given the site's location on the A29. The site is well-screened from view and would not have an adverse impact on the character of the area. Conditions would continue to be imposed to restrict the hours of operation, lighting and the scale of development, and the restoration of the site which would ensure the impact on the surrounding area is minimised. Furthermore, the site is monitored through the Environmental Permitting and Health and Safety regimes to ensure that water quality would not be compromised.

Overall, the development accords with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions to control the potential impacts.

Recommendation

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

1. Introduction

- 1.1 This report concerns an application to allow the continuation of hydrocarbon (oil) production at Lidsey Oil Site, Lidsey Road, Lidsey, Nr Bognor Regis for a further ten years. The site had planning permission for the operations but it expired on 17 February 2018.
- 1.2 The proposal is not seeking any physical extension to the site or intensification of activity, and no physical works are proposed.

2. Site and Description

- 2.1 The application site is located in Arun District, in the countryside (see [Appendix 2: Site Location](#)) and extends to some 1.6 hectares in area. The well pad forms a roughly rectangular area that is linked to the eastern side of the A29 by an access road. The eastern part of the access road is shared with a footpath (PROW 200_1) before it turns south via a small industrial estate to the rear of Lidsey Farm.
- 2.2 The well-pad sits within the parish of Barnham, whilst the access road falls in the main, within Aldingbourne Parish.
- 2.3 The site lies approximately 0.6 km east of Lidsey, 1 km south-west of Shripney and 1 km south of Woodgate. The land to the north, east and west of the site is predominantly in agricultural use, with a wastewater treatment works to the south of the site.

- 2.4 Footpath number 200_1 runs in a general east-west direction, separating the well-pad from the Wastewater Treatment Works (see [Appendix 3: General Location](#)).
- 2.5 The site is enclosed by a 2.4m security fence beyond which is a mature hedgerow and trees. A bund also screens the site on the eastern, northern and western boundary. The site is not visible from the road.
- 2.6 The site has been developed and used for oil production since 1985 and contains supporting oil tanks, processing plant, workshops, site generators and administration/welfare facilities. Although the most recent permission, BN/31/05, allowed for production from three boreholes, only two boreholes have been drilled at the site.
- 2.7 The closest residential properties are Lidsey Farm buildings just off Lidsey Road, approximately 400m to the south-west, and Woodgate caravan park, approximately 430m to the north.
- 2.8 The site is not located within any historical, environmental, or ecologically sensitive area, nor does it sit within an area at risk of flooding.

3. Relevant Planning History

- 3.1 Planning permission was originally granted in 1985 for the establishment of an exploratory borehole at the site. Subsequent planning permissions were granted to develop the site for the production of hydrocarbons.
- 3.2 The following list reflects the Council's records of the site (for information, the older planning applications have two reference numbers as the site crossed parish boundaries. More recent application used a single reference number):
- **BN/10/85 & AL/65/85:** The construction of an access road, the drilling of an exploratory borehole using a Kenting 34E rig; carrying out of a testing programme in the event of hydrocarbons being discovered and the site restoration of the site (Granted).
 - **BN/19/95 & AL/71/95:** Retention of an existing wellsite and access for 2 years (Granted).
 - **BN/9/97 & AL/38/97:** Erection of drilling rig, re-entry of existing oil well, drilling horizontal sidetrack, test production until 30/6/99 (Granted).
 - **BN/25/99 & AL/48/99:** Variation of condition 2 of planning permission BN/9/97 & AL/38/97 to extend the life of the planning permission by a further two years (Granted).
 - **BN/31/01 & AL/84/01:** Variation of condition 2 of planning permission BN/25/99 & AL/48/99 to extend the life of the planning permission by a further two years (Granted).
 - **BN/41/03 & AL/91/03:** Variation of condition 2 of planning permission BN/31/01 & AL/84/01 to extend the life of the planning permission by a further two years (Granted).
 - **BN/31/05:** Development and operation of a three wellhead and beam pump oil production facility plus ancillary works (Granted with an expiry date of 17 February 2018).

4. The Proposal

- 4.1 Planning permission is sought for the retention of the existing two wellheads and boreholes at the site to enable renewed production operations at the site. The operator is seeking use of the site for ten more years to allow for the remaining reserves to be extracted, after which restoration would be undertaken.
- 4.2 No physical development or alterations to the previously approved site layout are proposed. Permission is sought to retain the oil production facilities comprising four oil tanks, a water holding tank and a 3-phase separator for oil, water and gas, along with ancillary facilities including site administration units, storage containers, electrical generators, welfare units, lighting units and site security facilities (see [Appendix 4: Site Layout](#)).
- 4.3 Once the remaining oil reserves have been extracted, all plant, and equipment, site buildings, containers, fire tanks, oil tanks and any other infrastructure would be removed from the site. Thereafter, the site fencing would be dismantled and removed, all hardstanding and drainage channels removed, vegetation removed and the stored soils replaced. The site is then proposed to be cultivated with grass and thereafter subject to a five year aftercare scheme to ensure a return to its original agricultural status.
- 4.4 The abandonment and decommissioning of the wells would be regulated by the Health and Safety Executive and the Environment Agency.
- 4.5 The working/operational hours sought are between 07:30–18:00 on weekdays and Saturdays, with no working on Sundays or public holidays.
- 4.6 The proposed development would involve HGV movements from the site to deliver oil products and receive fuel and essential site equipment. No increase in vehicle movements is proposed over that set out in the 2006 permission, namely 20 HGV movements per week (10 HGVs travelling to/from the site).
- 4.7 During normal operations, two staff would be on site, and with occasional visitors (for example vehicles removing waste from the site), it is anticipated that there would be no more than eight car/light vehicle movements per day (four vehicles travelling to/from the site).

5. Environmental Impact Assessment (EIA)

- 5.1 The need for EIA was considered in relation to this application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').
- 5.2 The proposal does not fall within Schedule 1 of the EIA Regulations for which EIA is always required and which for petroleum extraction applies to development involving the extraction of more than 500 tonnes per day (Schedule 1, Part 14).
- 5.3 However, it would fall within Schedule 2, Part 2 (e) which relates to 'Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale' so there is a need to consider the whether there is the potential for 'significant environmental effects', in which case EIA

would be necessary. The screening threshold set out in column 2 to Schedule 2 for such development is where 'the area of the development exceeds 0.5 hectare' which it does. The site is not located within a 'sensitive area', within the definition of the EIA Regulations.

- 5.4 The development proposals are also considered to fall within Schedule 2 to the EIA Regulations, namely Part 13(b) as relating to a 'change to or extension' to Schedule 2 development.
- 5.5 The Annex to Planning Policy Guidance (PPG): Environmental Impact Assessment (6 March 2014) sets out indicative thresholds when considering whether EIA is necessary. For part 2(e) the indicative thresholds refer to EIA being more likely for development sites of 10 hectares or more, or where production is expected to be more than 100,000 tonnes of petroleum per year. Given the size of the site and its historically small output, the present proposal is not considered to fall within either of these criteria. No further drilling or other intensive operations are proposed. Further, based on the site's operations to date, it is not considered that the potential for adverse impacts on air or water, or the risk of accidents is significant.
- 5.6 Taking into account the EIA Regulations 2017, as expanded upon by the above considerations, it is considered that the proposals would not have the potential for significant effects on the environment within the meaning of the EIA Regulations. Therefore, EIA was not considered necessary.

6. Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')). For the purposes of the application, the following approved or adopted planning policy documents form the statutory development plan: the West Sussex Minerals Local Plan (2003) ('MLP') and the Arun District Local Plan (2003).
- 6.2 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance, emerging planning policies and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Minerals Local Plan (2003)

- 6.3 Given the age of the MLP, and the emergence of the replacement Plan, only the policies that are consistent with the NPPF should be given full weight. The main policies from the MLP which are in accordance with the NPPF and of relevance to the present application are:
- Policy 1 – Principles of Sustainable Development
 - Policy 14 – Seeks appropriate restoration, protecting the physical characteristics of the land

- Policy 16 – Safeguarding the Water Environment
- Policy 22 – Seeks to incorporate detailed reclamation for the site (restoration, aftercare and after-use)
- Policy 26 – Relates to oil/gas exploration and requires that the proposal is the best option in comparison with alternative sites and is acceptable in relation the surrounding area.
- Policy 27 – Notes that permission will normally be granted for hydrocarbon exploration subject to compliance with Policy 26, *“having regard to the limited duration and area of activity.”*
- Policy 47 – Consideration of numbers, type and routing of vehicles likely to be generated.
- Policy 55 – Seeks to safeguard public rights of way.
- Policy 56 – Seeks to protect surface and ground water supplies.
- Policy 58 – Requires appropriate stripping, handling and storage of soils.
- Policy 60 – Seeks appropriate protection from noise.
- Policy 62 – Seeks appropriate protection from lighting.
- Policy 63 – Seeks appropriate control of hours of working.

Arun District Local Plan (2003)

6.4 Given the age of the Arun District Local Plan, and the emergence of the replacement Plan, only the policies that are consistent with the NPPF should be given full weight. The main policies from the Arun District Local Plan which are in accordance with the NPPF and of relevance to the present application are:

- Policy GEN1 - Sustainable Development;
- Policy GEN3 – Protection of the Countryside;
- Policy GEN4 – Protection of the Countryside;
- Policy GEN7 – The Form of New Development;
- Policy GEN9 – Foul & Surface Water Drainage;
- Policy GEN16 – Public Rights of Way;
- Policy GEN18 – Crime Prevention;
- Policy GEN26 – Water Quality;
- Policy GEN32 – Noise Pollution; and
- Policy GEN33 – Light Pollution;

West Sussex Joint Minerals Local Plan (with Proposed Modifications) January 2018) ('JMLP')

6.5 Proposed Modifications to the JMLP were approved in December 2017. In accordance with paragraph 216 of the NPPF, it can be given significant weight given its advanced stage of preparation, although the relevant policies may be given less weight where there are unresolved objections. The following sets out the relevant considerations and the weight accorded to them in the determination of this application.

- 6.6 Policy M7a of the JMLP is of greatest relevance to the present application as it relates to 'hydrocarbon development not involving hydraulic fracturing'. This policy is subject to significant challenge and so should be afforded little weight at this stage.
- 6.7 Clause (a) of the policy notes that extensions to existing oil/gas sites, including extensions of time, will be permitted provided that, in summary:
- i. They are located outside South Downs National Park and Areas of Outstanding Natural Beauty;
 - ii. The site represents an acceptable environmental option, from which the target reservoir can be reached;
 - iii. Any unacceptable impacts can be minimised and/or mitigated;
 - iv. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances or contaminated fluids above or below ground; and
 - v. No unacceptable impacts would arise from the transport of oil/gas, water, consumables and waste to and from the site.
- 6.8 The more generic 'development management' policies of relevance to the proposal are as follows:
- Policy M12: Character – supports development which would not have an unacceptable impact on the separate identity of towns and villages and reinforce the main attributes of the wider character areas; [policy subject to minor objection and so can be given substantial weight]
 - Policy M15: Air and Soil – supports development which would not have unacceptable impacts on the intrinsic quality of air and soil or their management; [policy not subject to objection and so can be given significant weight]
 - Policy M16: Water Resources – supports development which would not cause unacceptable risk to water quality or quantity; [policy subject to some relatively minor challenge and so can be given significant weight]
 - Policy M17: Biodiversity and Geodiversity – supports development which avoids/mitigates/remedies significant harm to wildlife species and habitats; [policy subject to significant challenge and so little weight should be afforded]
 - Policy M18: Public Health and Amenity – supports development which would not result in an unacceptable impact on public health and amenity through on site operations or vehicle movements; and which safeguards public right of way routes; [policy subject to some challenge and so less weight afforded].
 - Policy M19: Flood Risk Management – supports development which would not result in increased flood risk on site or elsewhere; [not challenged and so should be afforded significant weight]
 - Policy M20: Transport – supports development with adequate transport links; maximises the use of the Lorry Route Network rather than local roads; does not have an unacceptable impact on highway capacity; provides safe access to the highway; provides vehicle turning on site; and minimises vehicle movements; [not challenged and so should be afforded significant weight]

- Policy M24: Restoration and Aftercare – supports development with restoration schemes which ensure that land is restored at its earliest opportunity to a high quality. [not challenged and so should be afforded significant weight].

National Planning Policy Framework (2012)

- 6.9 The NPPF sets out the Government's planning policies for England and outlines how these are expected to be applied. The Framework is a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.10 Paragraph 142 sets out the importance of minerals to support sustainable economic growth, highlighting that minerals can only be worked where they are found, and the importance of making best use of them to secure their long-term conservation.
- 6.11 Paragraph 144 sets out matters to consider in determining applications for minerals development including (in summary): giving great weight to the benefits of mineral extraction including to the economy; ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and taking into account cumulative impacts; ensure that unavoidable noise, dust and vibrations are mitigated; and providing for restoration at the earliest opportunity to the highest standard.
- 6.12 The other paragraphs in the NPPF of relevance to the application are:
Paragraph 7 (three dimensions of sustainable development); paragraph 14 (presumption in favour of sustainable development, and approving development that accords with the development plan); 17 (core planning principles); 109 (protection and enhancement of the natural and local environment); 110 (minimising pollution and other adverse effects); 120 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment); 123 (impact of noise health and quality of life); 186 (positive decision making); 196 (determining applications in accordance with the development plan); 197 (presumption in favour of sustainable development); and 203-206 (use of planning conditions).

Planning Practice Guidance (PPG)

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

PPG: Minerals

- 6.14 PPG: Minerals (October 2014) sets out the Government's approach to planning for mineral extraction in both plan-making and the planning application process.
- 6.15 Paragraph 12 sets out the relationship between planning and other regulatory regimes noting that "*the planning system controls development and the use of land in the public interest*" including ensuring development is appropriate for its location and an acceptable use of land.

- 6.16 It notes that *“the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively.”*
- 6.17 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, traffic, risk of contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and in some cases ground water issues, and water abstraction.
- 6.18 Paragraph 14 sets out issues which are for other regulatory regimes to address. For hydrocarbon extraction this links to paragraphs 110 to 112 which sets out the key regulators in addition to the Mineral Planning Authority, namely:
- Department of Energy and Climate Change (DECC)[now the Oil and Gas Authority]: issues petroleum licences, gives consent to drill, responsibility for assessing risk of and monitoring seismic activity, grant consent for flaring or venting;
 - Environment Agency: protect water resources (including groundwater aquifers), ensure appropriate treatment of mining waste, emissions to air, and suitable treatment/management of naturally occurring radioactive materials (NORMs). Assess chemical content of fluids used in operations.
 - Health and Safety Executive: regulates safety aspects of all phases of extraction, particularly ensuring the appropriate design and construction of a well casing for any borehole.
- 6.19 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.
- 6.20 Paragraphs 91 to 128 relate specifically to hydrocarbon extraction.
- 6.21 Paragraph 93 notes that planning permission is required for each phase of hydrocarbon extraction, while paragraph 94 notes that applications can cover more than one phase and paragraph 118 notes that both vertical and horizontal drilling can be included in one application.
- 6.22 Paragraph 124 states that Mineral Planning Authorities should take account of Government energy policy which makes it clear that energy supplies should come from a variety of sources’ including onshore oil and gas. It also refers (and electronically links) to the Annual Energy Statement 2013 which notes, among other things, that the UK needs to make the transition to low carbon in order to meet legally-binding carbon emission reduction targets (paragraph 1.2) and that levels of production from the UK continental shelf are declining so the UK will become increasingly reliant on imported energy (paragraph 1.3). The three stated priorities in delivering the UK’s energy policies in the near term are:
- *“helping households and businesses take control of their energy bills and keep their costs down;*
 - *unlocking investment in the UK’s energy infrastructure that will support economic growth; and*

- *playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change.”* (paragraph 1.6).

6.23 Paragraph 3.69 of the Annual Energy Statement 2013 states:

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

Other PPGs

- 6.24 PPG: Air Quality notes that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would (in summary): significantly affect traffic (through congestion, volumes, speed, or traffic composition on local roads); introducing new point sources of air pollution; give rise to potentially unacceptable impact (such as dust) during construction; or affect biodiversity (paragraph 5).
- 6.25 PPG: Noise notes that noise can override other planning concerns (paragraph 2), and that the acoustic environment should be taken account of in making decisions, including consideration of (in summary) whether a significant adverse effect is likely to occur; whether an adverse effect is likely to occur; and whether a good standard of amenity can be achieved (paragraph 3).
- 6.26 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking.

Permitted Development Rights

- 6.27 The Town & Country Planning (General Permitted Development)(England) Order 2015 grants permission for a variety of mineral and mining operations to be carried out without the need for an application. Part 17 of Schedule 2 relates to mining and mineral exploration and permits the erection, extension, installation, rearrangement, replacement, repair or other alteration of any plant, machinery or buildings. Unlike other parts of the Order, there are no conditions attached limiting, for instance, the hours or types of operation that may be undertaken.

7. Consultations

- 7.1 ***Arun District Council (Planning & Environmental Health)***: No objection.
- 7.2 ***Barnham Parish Council***: No objection or comments to make
- 7.3 ***Aldingbourne Parish Council***: No objection or comments to make
- 7.4 ***Environment Agency***: No objection. Notes that they (the Environment Agency) are currently reviewing the Environmental Permit for the site.
- 7.5 ***Health & Safety Executive***: No comment on the application as it reflects the continuation of the activity on the site

- 7.6 ***Southern Water:*** Highlights the fact that there is an adjacent wastewater treatment works to the site. Advise on legislation relating to ownership of sewers and development near sewer infrastructure.
- 7.7 ***Sussex Police:*** No concerns with the site. Advises the security must be maintained in a secure condition.
- 7.8 ***WSCC Highways:*** No objection, subject to imposition of any necessary existing conditions.
- 7.9 ***WSCC Flooding:*** No objection. Notes that there are no flood risk or drainage implications for the proposed extension of time.
- 7.10 ***WSCC Public Rights of Way (PROW):*** No objections
- 7.11 ***WSCC Archaeology:*** No objection and no mitigation is required
- 7.12 ***WSCC Tree Officer:*** No response
- 7.13 ***WSCC Landscape Officer:*** No response
- 7.14 ***WSCC Ecology:*** No objection, subject to continued covering of the fire water tanks in order to protect known owls in the vicinity
- 7.15 ***WSCC Councillor Derek Whittington:*** No comments received.

8. Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (Development Management Procedure)(England) Order 2015. This involved the erection of three site notices located around the application site, and advertisement in the local newspaper, and three neighbour notification letters.
- 8.2 Nine representations have been received; one in support of the development and eight objecting to the application. The objections include those from the Bognor Regis & Chichester Green Party, Keith Taylor (Green MEP for the South East of England) and Keep Kirdford & Wisborough Green.
- 8.3 The main issues raised through objections were, in summary:
- HSE & EA funding concerns;
 - Well is over 30 years old and has degraded;
 - Concern at lack of monitoring of the site;
 - Pollution of water environment;
 - Reliance on fossil fuels rather than renewables will undermine climate change obligations;
 - Concerns regarding noise, light and air quality impacts;
 - Could lead to security issues;
 - Angus has poor record regarding adhering to planning agreements;
 - Unstable finances of Angus;

- Adverse impact upon ecology of local area;
- Inconsistent with the precautionary principle and EU water legislation;
- Activity at the site connected to fracking;
- Concerns about horizontal drilling and acidisation;
- The Sussex Weald Basin is prone to faults;
- Too close to residential properties with regards to noise, visual intrusion and disturbance.

9. Consideration of Key Issues

9.1 The main material planning considerations in relation to this application are whether:

- there is a need for the development;
- the development is acceptable in terms of highway capacity and road safety;
- the development is acceptable in terms of impact on local residents; and
- the development is acceptable in terms of impact on the environment.

Need for the Development

9.2 In considering the need for oil/gas exploration, the NPPF notes that "*Minerals are essential to support sustainable economic growth and our quality of life*" and that "*...minerals are a finite natural resource, and can only be worked where they are found...*" (NPPF paragraph 142). Paragraph 144 requires that in determining planning applications local planning authorities "*give great weight to the benefits of mineral extraction, including to the economy*", though this must be balanced against the weight given to environmental impacts of a development.

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

"Do mineral planning authorities need to assess demand for, or consider alternatives to oil and gas resources when determining planning applications?"

Mineral planning authorities should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the Government's Annual Energy Statement published in October 2013."

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

- 9.5 One of the three key priorities outlined in the Annual Energy Statement is '*unlocking investment in the UK's energy infrastructure that will support economic growth*' (paragraph 1.6). Paragraph 3.69 of the Statement notes the Government is committed to maximising indigenous resources, subject to safety and environmental considerations.
- 9.6 Taking this into account, the present proposal is considered to accord with the approach set in national guidance by maximising and exploiting existing known indigenous oil reserves at an established site.
- 9.7 At the local level, Policy 26 of the West Sussex Minerals Local Plan (2003) states that "*commercial development of oil and gas resources will be permitted where it is demonstrated to the satisfaction of the Minerals Planning Authority that the proposal presents the best option in comparison with other alternative sites within the area of search ...*". This feeds into consideration of whether there is a need for this development on this site in particular.
- 9.8 As noted in paragraph 6.7, emerging Policy M7a supports proposals for oil production not involving hydraulic fracturing subject to certain criteria, including that the site is outside the national park and areas of outstanding natural beauty; and that the site is the least sensitive, deliverable location from which the target reservoir can be reached. The remainder of the criteria are considered in the following sections.
- 9.9 The site is not within the National Park or an Area of Outstanding Natural Beauty and so meets this requirement.
- 9.10 In terms of consideration of whether the site is the 'least sensitive, deliverable location from which the target reservoir can be reached', paragraph 147 of the NPPF states that minerals planning authorities should "*when planning for on-shore oil and gas development...address constraints on production and processing within areas that are licensed for oil and gas exploration or production*". This makes it clear that any consideration of constraints should be limited to sites that are covered by a Petroleum Exploration and Development Licence (PEDL). As hydrocarbons can only be exploited within a given PEDL area, it is considered reasonable to limit consideration of alternative sites to a single PEDL area.
- 9.11 The application site is within PEDL 241, a rectangular shape of some 5.3 square kilometres, which itself sits within PEDL 326, some 94.72 square kilometres in area. The area covered by PEDL 241 is generally rural and the site itself sits within the West Sussex countryside. PEDL 241 is therefore the 'search area' for the purposes of this application.
- 9.12 By using the existing site, the operator can make use of existing geological data, and utilise the existing boreholes and the associated infrastructure on site including the well pad, oil and water storage tanks, site office, fire water tank and access road. Taking into account the work required to bring a site into production such as site clearance/soil stripping, drilling of a borehole, appraisal/testing of oil flow and the associated HGV movements, it is considered that making use of the existing site, data and plant and equipment is the best option for extracting the remaining reserves.

- 9.13 Taking the above into account, it is concluded that there is a need for continued production at the site to maximise the known oil reserves. It is also concluded that the site represents the best option within the search area (i.e. the PEDL boundary).
- 9.14 For the avoidance of doubt, hydraulic fracturing ('fracking') is not proposed under the current application (indeed, no further drilling operations are proposed at all). Furthermore, hydraulic fracturing cannot be carried out at the site without further permissions and authorisations being secured.
- 9.15 *The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. Planning Policy Guidance on Minerals notes that oil and gas will continue to form part of the national energy supply, and gives a clear steer from Government that there is a continuing need for indigenous oil and gas. The West Sussex Minerals Local Plan (2003) notes that planning permission for commercial oil development will normally be granted, subject to being the 'best option' in the area of search and other environmental considerations. The present proposal would make use of an existing well on a site with established infrastructure to continue extracting known and exploitable oil reserves and so is considered to represent the 'best option'. It is, therefore, concluded that there is an identified need for local oil and gas production, and that there is an identified need for development on this site to maximise oil reserves.*

Highway Capacity and Road Safety

- 9.16 The proposed development would result in a maximum of 20 HGV movements each week (10 HGVs travelling to/from the site). It is also anticipated that there would be no more than eight return journeys of light vehicles/cars for staff and occasional visitors (four vehicles travelling to/from the site).
- 9.17 This level of vehicles is not significant, particularly as the site is located on an A-road that also connects with other A-roads to the north and south.
- 9.18 Following discussion with WSCC's Highways Officers, they have not raised any concerns in relation to the continued use of the site.
- 9.19 The conditions attached to the previous permission have been reviewed and only the ones deemed to meet the 'six tests' of a planning condition (i.e. *necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; and reasonable in all other respects*) have been recommended. For example, the original condition requiring visibility splays to be retained has been removed due to the fact that these lie outside of the red-line site boundary and therefore are unenforceable. However, the junction is existing and has been in use for a number of years without issue. Furthermore, the splays lie within WSCC land and if necessary, the Highway Authority could remove any excess vegetation should they deem the junction is becoming hazardous.
- 9.20 WSCC Highways Officers also reviewed the need for a Section 106 Agreement securing routing of traffic to the north, as was previously the case. In 2005, when application BN/31/05 was determined, the Bognor Regis Relief Road had not been constructed, meaning that traffic travelling southwards from the site would go through urban/residential areas.

- 9.21 However, the Relief Road is now in place, negating any need for HGVs from the site to travel through residential areas. The Relief Road is classed as an A-road (the A259) and directly connects to other A-roads. In this regard, the requirement to direct traffic northwards is no longer necessary. Therefore, a Section 106 Agreement to route HGVs towards the A27 has not been required or requested. In addition, the numbers of HGVs travelling to and from the site is very small and travelling south would have insignificant impacts upon the A259 road network with regards to highway capacity or road safety.
- 9.22 The eventual restoration of the site would result in movements for the period of restoration, but given the site's location on the A29 and the short length of time associated with restoration, typically six weeks; it is not considered this would compromise highway capacity or road safety.
- 9.23 In conclusion, it is not considered that allowing the site to operate for a further ten years would result in adverse impacts on highway capacity or road safety, particularly given its location on the A29 and the low number of vehicle movements associated with the use.
- 9.24 *The continued use of the site to allow the remaining reserves to be extracted would result in a low number of traffic movements, all of them entering/leaving the site via the A29 which links directly to other A-roads. Planning conditions have been reviewed and updated as necessary to ensure the site operations would be controlled as necessary, but it was concluded that it was no longer necessary to control routing through the renewal of the Section 106 Agreement. The development would not result in significant impacts on the highway network or road safety. It is, therefore, considered that the impact on highway capacity and road safety is acceptable.*

Impact on Local Residents

- 9.25 The use of the application site for oil production results in few off-site impacts. It is well-screened from views from the road and does not result in a level of emissions that would affect local amenity, particularly in the context of its location on a busy A-road and location next to a wastewater treatment works. It is distant from 'sensitive receptors', including residential properties that are, at closest, 400m away from the red-line boundary surrounding the well-pad, further still to the well-pad itself and, therefore, any noise generating equipment. Although it is next to a public right of way, any noise impacts would be short-lived as users pass the site. The wellsite is enclosed with bunds that help to minimise any noise impacts and no complaints have been received in the past five years.
- 9.26 A condition attached to the BN/31/05 permission set a maximum noise level of 35dB(A) LAeq to be achieved at residential properties. However, the BN/31/05 permission included drilling, which the current application does not. Taking this into account, and the fact that the Arun District Council Environmental Health Officer raised no objection to the proposed development, it is considered that such a condition is no longer unnecessary.
- 9.27 Further to this, the site would be restricted regarding working hours (also restricting HGVs travelling to and from the site) to between 07:30 and 18:00 Monday to Saturday, with no operations on Sundays or Public/Bank holidays. A

recommended condition would also ensure lighting is not visible from residential properties.

- 9.28 Therefore, the development is acceptable in terms of its impact on residential amenity, subject to the imposition of appropriate conditions.
- 9.29 *It is considered that the proposal would not result in unacceptable impacts on local residents. It is located on an A-road, next to a wastewater treatment works, and at least 400m from residential properties, and so the limited noise emissions anticipated would not harm residential amenity. Furthermore, working hours and lighting can be adequately controlled by condition. Overall, the development is considered acceptable with regards to its impact upon local residents.*

Impact on the Environment

Landscape/character

- 9.30 The application site is located adjacent to agricultural land to the west, north and east, with a public footpath separating the site from a wastewater treatment works. Although the development is industrial in nature, the site is enclosed on all sides by thick, mature trees and vegetation. In addition, the west, north and east is screened by a bund created from the topsoil on site, now heavily vegetated with trees and scrub.
- 9.31 The distance from residential properties and screening by mature trees and hedgerows is significant meaning that there are limited public views into the site. Any significant views into the site are from the public footpath; however it is considered that such views would be transient in nature as people walk past the site.
- 9.32 All plant, buildings and equipment would be removed from the site by 24 April 2028 or within six months of completion of oil production, whichever comes earlier, and the site would then be restored to agricultural land using the material in the surrounding soil bunds. Therefore, there would be no long-term impact on the landscape as a result of the proposal.

Water Environment

- 9.33 PPG: Minerals notes that *"surface, and in some cases ground water issues"* should be addressed by minerals planning authorities as well as flood risk and water (paragraph 13). The impact on the water environment is, therefore, a material planning consideration.
- 9.34 In considering the potential impacts on the water environment, it is important to note that the County Council must assume that other, non-planning regimes operate effectively (PPG: Minerals, paragraph 112). In relation to water, this means assuming that the construction, design and operation of the borehole have been undertaken appropriately, in accordance with Health and Safety Executive (HSE) requirements. It also means assuming that the Environment Agency will ensure that surface equipment operates satisfactorily, and that mining waste and naturally occurring radioactive materials (NORMs) are appropriately managed.

- 9.35 Nonetheless, as already noted, paragraph 112 of PPG: Minerals notes that before granting permission the County Council will need to be satisfied that the issues dealt with under other regimes can be adequately addressed 'by taking advice from the relevant regulatory body'.
- 9.36 With reference to the present proposal, the site is not within an area considered to be at increased risk of flooding, nor is it within a groundwater source protection zone.
- 9.37 Impacts on water quality would be mitigated by ensuring potentially-polluting activities are undertaken on an impermeable surface with sealed drainage system. Such matters were considered when the site was established. A drainage scheme was approved and appropriate measures put in place. The site's water management system is contained, with the wellsite covered with an impermeable membrane that drains to a lined drainage ditch around the perimeter.
- 9.38 The site contains groundwater monitoring boreholes that are checked by the Environment Agency under the Environmental Permitting regime. Through these measures, the impact on the water environment is minimised and any impacts during the site's operations will have been, and will continue to be, identified. The Environment Agency has not raised an objection to the application.
- 9.39 The main risks to groundwater are through failure of the well casing, leaking of chemicals and hydrocarbons, and through migration of liquid from the borehole. All of these matters are addressed through regulation by the Environment Agency and Health and Safety Executive.
- 9.40 Taking the above into account, it is considered that the development does not pose a risk to the water environment.

Other environmental matters

- 9.41 Southern Water's response to the proposed development advises that certain 'sensitive land use' should be located away from sewerage treatment works, although no definition of 'sensitive land use' is provided. However, the Lidsey Oil Site has been operational since the mid-1980s without any conflict with the adjacent Wastewater Treatment Works and Southern Water raised no objection to the 2005 planning application. Further, it is not considered that the oil development would represent a 'sensitive land use'.
- 9.42 Taking the above into account, it is considered that the impacts of the proposed development can be controlled through appropriate conditions and by other complementary regulatory bodies to ensure that the development, and its subsequent restoration, would not result in significant impacts on the environment.
- 9.43 *Although the proposed development would be of an industrial nature within a rural setting, it is small in scale and well-screened from public views, negating any visible impacts and, therefore, it is considered that the proposal is acceptable in landscape terms. The development would not pose a risk to the water environment, either at the surface or groundwater and the Minerals Planning Authority is content that other complementary regimes are sufficient*

to control impacts on the water environment. Overall, subject to the imposition of suitable conditions, the impact of the development on the environment and the surrounding landscape is considered to be minimal.

10. Overall Conclusion and Recommendation

- 10.1 The applicant seeks an extension of time until 2028 to allow for continued production of oil at the Lidsey Oil Site. The production of oil to maximise the remaining reserves would help to meet an identified need for hydrocarbon production with minimal impacts.
- 10.2 The number of vehicles movements associated with continued production activities (eight HGVs travelling to/from the site each week) is not significant enough to raise concerns regarding highway capacity or road safety, particularly given the site's location on the A29. The site is well-screened from view and would not have an adverse impact on the character of the area. Conditions would continue to be imposed to restrict the hours of operation, lighting and the scale of development, and the restoration of the site, which would ensure the impact on the surrounding area is minimised. Furthermore, the site is monitored through the Environmental Permitting and Health and Safety regimes to ensure that water quality would not be compromised.
- 10.3 Overall, the development accords with the development plan and other material considerations, including the National Planning Policy Framework. Therefore, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions to control the potential impacts.
- 10.4 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1.

11. Resource Implications and Value for Money

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

12. Equality Duty

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

13. Risk Management Implications

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

14. **Crime and Disorder Act Implications**

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

15. **Human Rights Act Implications**

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

15.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law 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.

Michael Elkington

Head of Planning Services

Contact: Chris Bartlett (phone 0330 222 6946).

Background Papers

As set out in Section 6

List of Appendices

Appendix 1 – Conditions and Informatives

[Appendix 2 – Site Location](#)

[Appendix 3 – General Location](#)

[Appendix 4 – Site Layout](#)

Appendix 1: Conditions and Informatives

CONDITIONS

PLANS

1. The proposed development shall not take place other than in accordance with the following approved plans and documents:
 - General Location Plan (drawing 1215/2237/1D);
 - Site Layout (drawing 1215/2237/21H);
 - Lidsey PROW Signage Plan; and
 - Lidsey Hydrogeological Risk Assessment (HRA 2),

save as varied by the conditions hereafter.

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

TIME LIMITS

2. All operations hereby approved under this permission, including the restoration of the site (but not its aftercare), shall cease by 24 April 2028 or within six (6) months of the completion of production of oil and gas from the site, whichever is the sooner.

Reason: *The development is of a temporary nature, so the site should be restored as soon as possible after completion of the oil production activities.*

3. All structures, plant and machinery, both fixed or otherwise and any other engineering works approved by this application (including any hard surface constructed for any purpose) shall be removed from the application site by 24 April 2028 or within six (6) months of the completion of production of oil from the site whichever is the sooner and the site shall be restored in accordance with the scheme to be approved under condition 12. Notwithstanding this condition, any plant or equipment required to make the site safe to a specification as may be required by Borehole Sites and Operations Regulations 1995 and Offshore Installations and Wells (Design and Construction) Regulations 1996 (as amended) may remain in position for that purpose only.

Reason: *The development is of a temporary nature; accordingly the site should be restored as soon as possible after completion of the oil production activities.*

WORKING HOURS

4. Except in an emergency situation, work at the site, including HGVs entering and leaving the site, shall only be undertaken between the hours of 07:30 and 18:00 Mondays to Saturdays. No work shall occur on Sundays, Bank Holidays and Public Holidays. Such hours shall also relate to any site restoration works.

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

FIRE FIGHTING

5. Throughout the course of the development hereby approved, the two fire water tanks (as shown on approved drawing 1215/2237/21H) shall remain filled and maintained to a standard adequate for fire-fighting purposes. In addition the aforementioned tanks shall remain covered to minimise the potential death/harm to Barn Owls.

Reason: *In the interests of fire safety and to minimise the potential for death/injury to Barn Owls, a species protected by the Wildlife and Countryside Act 1981.*

LIGHTING

6. No lighting on the site shall be operated on the site, 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 the amenity of this countryside location.*

POLLUTION PROTECTION

7. Any proposals for the storage of fuel or oil must be stored in accordance with the Control of Pollution (Oil Storage)(England) Regulations 2001. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved in writing by the County Planning Authority.

Reason: *To minimise the risk of pollution of watercourses.*

VEHICLE ACCESS

8. Access and egress from the site shall only be via the red-line boundary where it connects to the A29. No access or egress shall be obtained over the length of the Southern Water Wastewater Treatment 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.*

HIGHWAY SAFETY

9. 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 highways safety.*

SITE OBSTRUCTION

10. 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 well-pad site access in such a manner that access by pedestrians or vehicles is impeded.

Reason: *In the interests of highway safety*

PROW SIGNAGE

11. The signage hereby approved (Lidsey PROW Signage document) shall be retained and maintained in a good and easily legible condition throughout the works hereby permitted and removed on the completion of restoration works.

Reason: *In the interests of highway safety to indicate that walkers exercising a public highway access right have precedence over any private user*

SITE RESTORATION

12. Within three months of the date of this permission, a scheme of restoration and aftercare shall be submitted for approval in writing by the County Planning Authority. Thereafter, the approved restoration and aftercare scheme shall be completed in full.

Reason: *To ensure the site is restored to a satisfactory standard of appearance and use.*

INFORMATIVES

- A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the County Council has approached the determination of this application in a positive way, and has worked proactively with the applicant by discussing issues of concern as early as possible and giving them the opportunity to provide further information/changes to overcome material impacts.

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

- B. The applicant should note the requirement to provide for emergency access arrangements to the site and ensure that current measures provided at the site meet site specific fire safety requirements as well as any other requirements for the general location, which may be sought by the Fire and Rescue Service.

C. The applicant's attention is drawn to the comments of the Designing Out Crime Officer of the Sussex Police Constabulary concerning the ongoing maintenance of security arrangements to provide for a safe and secure environment for the users of the site.