

29 May 2012

Mineral Planning Application (South Downs National Park Authority application)

Extend time to construct a hydrocarbon site (variation of condition 2 of consent SO/3152/07).

Markwells Wood Exploration Site, South Holt Farm, Rowlands Castle, PO9 6EL

Application No: WSCC/011/12/SO/SDNP

Report by Strategic Planning Manager

Local Member: Mark Dunn

District: Chichester

Executive Summary

This report relates to an application for planning permission to amend condition 2 attached to temporary planning permission WSCC/SO/3152/07 to extend the time allowed to carry out testing for hydrocarbons (oil/gas) at the Markwells Wood exploration site. It is proposed that the temporary permission is extended by 12 months, with testing continuing until summer/early autumn 2012, after which the permission would require the site to be restored by 31 March 2013. The application is to be determined on behalf of the South Downs National Park Authority under an agency arrangement.

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 policy C2 of the South East Plan (2009); policies 10, 12, 26 and 47 of the West Sussex Minerals Local Plan; and policies RE4 and TR6 of the Chichester District Council Local Plan (1999).

No consultee objections were received in response to the application. Two representations were received from members of the public, raising concerns about the impacts of continued HGV use on Broad Walk resulting in deteriorated road surfaces and verges, and reduced safety for users; and about continuing impacts from the site itself by way of noise, lighting and visual impact from the site entrance.

Consideration of Key Issues

The main material planning considerations are whether the proposed development:

- Is acceptable in terms of highway safety;
- Is acceptable in terms of impact on local residents; and
- Is acceptable in terms of impact on the environment, including on the South

Downs National Park.

Highway Safety

The use of the site for testing results in a very low number of HGV movements – at most four each week. The extension of this temporary period by 12 months is not considered to result in significant impacts on the highway network or road safety. It is therefore considered that the impact on highway safety is acceptable.

Impact on Local Residents

The extension in time for testing operations at Markwells Wood is not considered to result in unacceptable effects on local residents. Noise emissions have been shown to be within an acceptable range, and lighting would have negligible impact on local residents. HGV movements are low so the impact on amenity is considered to be acceptable.

Impact on the Environment

The extension of time for testing operations sought in this application is not considered to result in significant impacts on the environment, including in particular biodiversity and landscape. The ecological impact has been shown to be minimal, and planting required by the 2007 permission has been successful. The impact of the use on the surrounding landscape is considered to be minimal, though the impact of site lighting will be monitored by officers and altered if required. The continuing use is not considered to conflict with or compromise the purposes of the South Downs National Park.

Conclusion

The proposed continuation of testing operations at the site is not considered to result in any significant adverse impacts, or to conflict with the purposes of the South Downs National Park. It is considered, therefore, that the development is acceptable, taking into account the development plan and other material considerations, including the National Planning Policy Framework.

Recommendation

That planning permission be granted on behalf of the South Downs National Park Authority subject to:

- (1) the conditions and informatives set out in **Appendix 1** of this report;
- (2) The completion of a HGV Routing agreement under Section 106 of the Town and Country Planning Act 1990 and,
- (3) 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 for planning permission to amend condition 2 attached to planning permission WSCC/SO/3152/07 to extend the time allowed to carry out testing for hydrocarbons (oil/gas) at the Markwells Wood exploration site.

- 1.2 Condition 2 restricted hydrocarbon exploration at the site to a period of three years from the commencement of site construction. As construction began at the site on 31 March 2009, the permission would have expired on 31 March 2012 if the applicant had not submitted an application by that date.
- 1.3 The applicant is seeking to amend the time limit set in condition 2 to extend the time allowed for testing at the site by 12 months, to 31 March 2013. The applicant has noted that testing is likely to continue until late summer/early autumn 2012, after which the site will be restored.
- 1.4 It should be noted that while this proposal is referred to as an amendment, the outcome of a successful application will be the grant of a new permission.
- 1.5 The application is to be determined on behalf of the South Downs National Park Authority under an agency arrangement.

2. Site and Description

- 2.1 The application site is located in woodland to the north of Forestside, a small hamlet within the South Downs National Park in the west of the County, close to the Hampshire border (see Appendix 2: Site Location Plan). The wider locality is characterised by rolling hills, arable/wooded countryside and small village settlements.
- 2.2 The site extends to approximately 1 hectare in area, including an exploration pad of some 0.5 hectares in area, and a compacted gravel access road measuring some 1 kilometre in length (see Appendix 3, Site Layout Plan). The access road crosses Back Lane, a G-class road (i.e. conventional highway rights apply) although signage indicates it is used as a public right of way for recreational purposes. There are two public rights of way in the vicinity of the site, namely footpath 525 some 300m to the north, and footpath 3074 which links south from Back Lane.
- 2.3 The access road adjoins the public highway immediately east of Northwood Farm, on the northern side of Forestside Road (also known as Diddybones Nap), some 100m west of its junction with Stansted Park Road.
- 2.4 There are residential properties fronting Forestside Road some 100m east of the site access, and fronting Stansted Park Road some 140m south of the site access. There is also a single property some 200m west of Northwood Farm, and a further group some 230m west of that property.
- 2.5 The exploration site sits beyond residential properties, some 500m north of Forestside Road, separated by woodland and agricultural land. It is set within High Copse, within Ancient Woodland known as Markwells Wood, part of which was cleared under the original permission to enable the development.
- 2.6 There is a Site of Nature Conservation Importance some 520m south of the access road (840m south of the exploration pad), and an Stansted Park Historic Parkscape adjoining its Registered Park and Garden some 250m south of the access road.

3. Relevant Planning History

- 3.1 On 13 May 2008, West Sussex County Council's Planning Committee resolved that temporary planning permission should be granted to
"construct a hydrocarbon exploration site. The mobilization of a drilling rig, setting up and drilling of an exploration well including an extending well test. Permission to include highway access, hedge removal, access track improvements and passing places" at Markwells Wood (ref. SO/3152/07).
- 3.2 The decision, with 33 conditions and 8 informatives, was issued on 12 January 2009 following the completion of a S106 agreement (to secure lorry routing, highway works and compensatory planting), and a s59 agreement (to secure the repair of damage to the public highway).
- 3.3 Condition 2 attached to that permission restricted the permission to a period of three years from the date of the commencement of site construction. The present application seeks to amend that condition and extend the life of the temporary permission by 12 months.
- 3.4 There is no other planning history relevant to this application.

4. **The Proposal**

- 4.1 The applicant is seeking to continue the current testing programme until late summer/early autumn 2012 in order to determine whether extraction/production from the site would be viable. After this period the site would have to be decommissioned and restored by 31 March 2013, in accordance with the amended condition 2. The final site restoration would be a return to woodland trees and shrubs, the details of which have been agreed in an approved Site Restoration Plan (see Appendix 4).
- 4.2 There is a possibility that testing may indicate that it is viable to go into full hydrocarbon production from the site. However this would need to be the subject of a new permission so any issues surrounding that possibility are not relevant to the present application.
- 4.3 The only issues relevant to this application are, therefore, whether it is acceptable for the testing operations and any associated impacts to be extended by 12 months, and whether the delay in closing and decommissioning the site is acceptable.
- 4.4 The exploration site and access have already been constructed and brought into use, with the well drilled to a depth of some 1397 metres 'true vertical depth' (i.e. depth below ordnance datum - or 1825 metres when measured along the path of the borehole). Core samples and probes indicated the presence of 'live' oil (i.e. oil containing gas) so the well was closed pending further testing in December 2010. Testing equipment was installed at the site between September and October 2011, after which testing began using a linear rod pump which now operates 24 hours/day (see photographs Appendix 5).
- 4.5 The operations result in four tankers leaving the site each week (eight HGV movements): two carrying water (for disposal at a waste water plant) and two carrying oil (for processing at a refinery). Three cars/vans also enter the site each day.

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) (England and Wales) Regulations 2011 (the 'EIA Regulations').
- 5.2 The application falls within Part 2(d) of Schedule 2 to the EIA Regulations in that it relates to 'extractive industry – deep drillings'. As the site is of more than 1 hectare in area, and it is located within the South Downs National Park, identified as a 'sensitive area', it was necessary to consider the need for EIA.
- 5.3 A Screening Opinion was issued by WSCC in relation to the development and concluded that the development would not have the potential for significant effects on the environment. This was in part because the application site has already been cleared, the access road created and the equipment installed on site as part of the original development (ref. SO/3152/07). It is not considered that the present development has the potential to result in significant effects on the environment.
- 5.4 For this reason an EIA was not requested in relation to this application. However updated ecological and noise assessments were submitted to accompany the submission.

6. **Policy**

- 6.1 Planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 6.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and has immediate effect. It sets out the way in which development plan and other planning documents should be considered in determining planning applications. Most Planning Policy Statements and Planning Policy Guidance are replaced by this new framework.

Statutory Development Plan

- 6.3 In this instance, the development plan comprises:
- The South East Plan (2009);
 - The West Sussex Minerals Local Plan (2003); and
 - The Chichester District Local Plan (1999).
- 6.4 Given the age of the Minerals Local Plan and Chichester District Local Plan, only the policies which are consistent with the NPPF should be given full weight.
- 6.5 WSCC has yet to progress its updated West Sussex Minerals Plan, and Chichester District Council has yet to progress any documents in its Local Development Framework. There are therefore no emerging plans to be considered in relation to this application.

South East Plan (SEP) (2009)

- 6.6 Although the government has indicated its intent to revoke the South East Plan it remains part of the statutory development plan until that time.
- 6.7 Policy C2 of the Plan notes in relation to the South Downs National Park that the purposes of its designation should be a material consideration in the making of any planning decision that may significantly affect it.
- 6.8 The purposes of the Park, as set out in Section 61 of the Environment Act 1995, are (in order of priority):
- *“To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*
 - *To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.”*
- 6.9 There is also a duty on the South Downs National Park Authority to foster the economic and social well being of the local community in pursuit of these purposes.
- 6.10 There are no policies relating to oil or hydrocarbon extraction, though paragraph 10.98 notes that where such resources occur, local planning authorities should make provision for them in their mineral development documents.

West Sussex Minerals Local Plan (2003)

- 6.11 The main policies from the West Sussex Minerals Local Plan of relevance to the present application are:
- Policy 10 – Proposals for mineral workings that may damage statutorily designated sites of natural or scientific interest [such as the National Park] 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 [now South Downs National Park] 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 to numbers, type and routeing of vehicles. Permission will be refused where the highway network could not support such movements.

Chichester District Council Local Plan 1999

- 6.12 The main ‘saved’ policies of the Chichester District Council Local Plan of relevance to this application are policies RE4 which seeks to maintain or enhance the AONB (now National Park), and policy TR6 which seeks to protect highway safety.

Other Policies

National Planning Policy Framework

- 6.13 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and has immediate effect. Most Planning Policy Statements and Planning Policy Guidance have been replaced by this new Framework, with the notable exception of Planning Policy Statement (PPS) 10: Sustainable Waste Management which will eventually be replaced by a National Waste Management Plan.
- 6.14 The NPPF is a material consideration in determining this planning application. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.15 The specific paragraphs within the NPPF that are relevant to this application are as follows:
- Paragraph 11 Core Planning Principles: *“planning should...
 - proactively drive and support sustainable economic development to deliver the...infrastructure and thriving local places that the country needs.”;*
 - *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
 - *contribute to conserving and enhancing the natural environment and reducing pollution;...”*
- Paragraph 115: *“Great weight should be given to conserving landscape and scenic beauty in National Parks...which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks...”.*
- Paragraph 116: *“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
 - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*
- Paragraph 144 - Facilitating the Sustainable Use of Minerals: *“In determining planning applications, local planning authorities should:
 - give great weight to the benefits of the mineral extraction, including to the economy;*

- *as far as is practical, provide for the maintenance of landbanks of nonenergy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*
- *ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary."*
- Paragraph 147: *"Minerals planning authorities should also:*
 - *when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;*

6.16 The government has also produced 'Technical Guidance to the National Planning Policy Framework' (March 2012) which relates to minerals, along with flood risk. It primarily relates to quarry workings, with little of relevance to the present application other than reiterating the general guidance given in the main document.

7. Consultations

7.1 **Chichester District Council Environmental Health Officer:** agrees with submitted report that there is no adverse noise impact on residential community. Seeks carrying forward of existing conditions.

7.2 **WSCC Ecology:** No objection.

7.3 **WSCC Archaeology:** no objection. No archaeological impacts which have not already been considered in works carried out in accordance with condition 17 of SO/3152/07.

7.4 **Natural England:** Generic comments provided in relation to ecological features which may or may not affect the site.

7.5 **WSCC Highways:** No objection subject to conditions restricting daily vehicle movements and hours of operation, and carrying forward of conditions from previous permission.

7.6 **WSCC Public Rights of Way:** No issues with any public rights of way as a result of application.

- 7.7 **Environment Agency:** No additional comments to those made in response to original application.
- 7.8 **WSCC Landscape:** No objection.
- 7.9 **Stoughton Parish Council:** No objection
- 7.10 **Compton Parish Council:** No objection.
- 7.11 **Hampshire County Council:** No comments.

8. **Representations**

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. In response to the erection of five site notices located around the application site and an advertisement in the local newspaper, two representations were received in objection to the proposal.
- 8.2 The objections raised concerns relating to the impact of continued HGV use along Broad Walk the road which extends in a north-south direction almost directly opposite the site entrance, namely:
- Deterioration in road surface and verges;
 - Safety of turning circle into/out of this road;
 - Speed of tankers on this road;
- 8.3 Concerns were also raised relating to the following issues:
- Rhythmic noise emanating from site;
 - Impact of lighting on site; and
 - Visual impact of large, wide entrance and markings.

9. **Consideration of Key Issues**

- 9.1 The main planning matters to consider in relation to this application are whether the proposed extension of time for testing to be undertaken:
- Is acceptable in terms of highway safety;
 - Is acceptable in terms of impact on local residents; and
 - Is acceptable in terms of impact on the environment, including on the South Downs National Park.
- 9.2 The following will consider each of these matters in turn.

Impact on Highway Safety

- 9.3 The testing results in four tankers travelling to and from the application site each week, along with 2 – 3 cars or vans visiting the site each day. Although these numbers are low, concern has been expressed by local people over the impact on the highway network, particularly Broad Walk.

- 9.4 Officers from the County Highways team are satisfied that, subject to a limit to the HGV movements associated with the use, the continuing impact on the highway network would not be significant.
- 9.5 The decommissioning of the site will result in additional HGV movements over a four week period, but these were considered in granting the previous application, although the timing of these movements would be delayed by 12 months.
- 9.6 In relation to concerns about deterioration of the highway surface, repairs to the public highway have been carried out on behalf of the operator in accordance with the S59 agreement (under which the applicant either repairs or pays for repairs to the highway resulting from excessive weight or extraordinary traffic). If necessary, highways officers can appraise the need for further works under this agreement.
- 9.7 *The use of the site for testing results in a very low number of HGV movements – at most four each week. The extension of this temporary period by 12 months is not considered to result in significant impacts on the highway network or road safety. It is therefore considered that the impact on highway safety is acceptable.*

Impact on Local Residents

- 9.8 The main impacts of the use of the site for exploration result from noise, lighting and HGV movements.
- 9.9 The main noise emanating from the site during the testing phase is a low, rhythmic sound from a linear rod pump which operates 24 hours/day. The nearest residential properties to the exploration site are some 600 metres south and southeast, fronting Forestside Road. A Noise Survey submitted with the application concluded that even during the night, with still conditions, noise levels would be low at between 25 and 30 dB(A) (where the World Health Organisation notes that 'measurable effects on sleep' start at background noise levels of 30dB(A)¹). It is therefore not considered that continuing exploration operations at the site would result in unacceptable impacts on local residents.
- 9.10 The drilling rig on the site must be illuminated at night for safety reasons, albeit that the lighting is predominantly below the tree line. The site will therefore continue to be visible at night for an extended period should this application be granted. The lighting has been installed to minimise off-site impacts, being installed at a low level and facing into the site. The impact on neighbouring residents is therefore minimised, and given separation distances, is likely to be minimal. Further consideration of the impact on the wider environment is given below.
- 9.11 Given the low level of HGV movements associated with the use (i.e. four per week) it is not considered that the extension of these impacts by twelve months would result in unacceptable impacts on the amenity of local residents.
- 9.12 *The extension in time for testing operations at Markwells Wood is not considered to result in unacceptable effects on local residents. Noise emissions*

¹ <http://www.who.int/docstore/peh/noise/Comnoise-4.pdf>

have been shown to be within an acceptable range, and lighting would have negligible impact on local residents. HGV movements are low so the impact on amenity is considered to be acceptable.

Impact on the Environment

- 9.13 Extending the use of the site for a further 12 months may result in impacts on ecology and the wider environment, including on the South Downs National Park.
- 9.14 The main impact this development had on the ecology and biodiversity of its surroundings was when the land was cleared prior to construction. The ongoing impact, and the impact of the present proposal is considered to be minimal, particularly given the low level activity at the site, and the relatively low noise emissions. The applicant has submitted the results of an ecological site inspection undertaken in February 2012 which concluded that new hedgerow planting and woodland screening has been successful; that badger activity near the site continues, and that there appears to have been no adverse impact on existing woodland or trees.
- 9.15 The impact of the activity on landscape and visual amenity is considered to be minimal, particularly given the location of the site within an area of woodland. There may be some impact during the night resulting from site lighting but this is considered to be negligible and temporary. The site will be restored following use to blend with its surroundings so any visual impacts will be temporary. Details of the access restoration will be agreed prior to restoration taking place.
- 9.16 The continuing use of the site is not considered to conflict with the purposes of the National Park (see paragraph 6.10 of this report). It would not affect the ability of the National Park to conserve/enhance its natural beauty, its wildlife or cultural heritage. The site is well screened within the Park, and is distant from any cultural heritage features. Further, the ability of the public to enjoy the Park would not be compromised as there is no indication that the crossing of Back Lane by the access road has caused any conflict or issues with users.
- 9.17 *The extension of testing operations sought in this application is not considered to result in significant impacts on the environment, including in particular biodiversity and landscape. The ecological impact has been shown to be minimal, and planting required by the 2007 permission has been successful. The impact of the use on the surrounding landscape is considered to be minimal, though the impact of site lighting will be monitored by officers and altered if required. The continuing use is not considered to conflict with or compromise the purposes of the South Downs National Park.*

10. Overall Conclusion and Recommendation

- 10.1 The use of the application site for oil/gas exploration is considered to have minimal impacts, so extending the use by 12 months is considered to be acceptable, taking into account the development plan and other material considerations.
- 10.2 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1 and completion of

appropriate legal agreements to secure HGV routing and repair of any damage to the public highway.

11. Equality - Customer Focus Appraisal

11.1 As part of the decision-making process, under the Equality Act, public bodies must have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

11.2 With very limited exceptions a Customer Focus Appraisal (CFA) must be provided to show how consideration of equality issues has influenced the decision-making process. The CFA will enable the decision-maker to consider the possible impact on customers and actions to mitigate or avoid any detrimental impact(s).

11.3 In the absence of a requirement for the applicant to prepare a CFA WSCC has carried out the appraisal in relation to this development (see Appendix 6). This concluded that the development would not adversely affect those with 'protected characteristics'.

12. Resource Implications and Value for Money

12.1 The proposal will have no resource implications for West Sussex County Council.

13. Risk Management Implications

13.1 The risks associated with determining this application are primarily political, where individuals and organisations may disagree with the decision.

13.2 If the decision is made to refuse the application, as with any decision regarding planning applications, there is a risk that this may be appealed, and that if the Planning Inspectorate decide in the appellant's favour, costs may be awarded.

14. Crime and Disorder Act Implications

14.1 The use of the site for oil/gas extraction has come to the attention of the Sussex Police who had identified it as a site for potential 'domestic extremism' from those opposing austerity measures. It is not considered that there is any action which can be taken within the County Council's powers to overcome these concerns.

15. Human Rights Act Implications

15.1 None identified.

Michael Elkington
Strategic Planning Manager

Background Papers : As set out in Section 6.

List of Appendices

Appendix 1 – Conditions

[Appendix 2 – Area Location and Access Route Plan](#)

[Appendix 3 – Site Layout Plan](#)

[Appendix 4 – Approved Site Restoration Plan](#)

[Appendix 5 - Photographs of Site](#)

[Appendix 6 – Customer Focus Appraisal](#)

Contact: Jane Moseley, ext. 56867

Appendix 1: Conditions and Informatives

CONDITIONS

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 on 31 March 2013, 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 and plans and attached to planning application SO/3152/07 (Environmental Statement dated May 2007, Supplementary Information June 2007, Ecological Assessment 05/11/07, Well Testing 28/01/08, Vehicle Movements 17/03/08, Supporting Statement March 2012) 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. 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

7. 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

8. 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

9. Unless otherwise agreed in advance and in writing by the County Planning Authority the rating of noise emitted from the site during operational phases (drilling and testing) shall not exceed the existing background noise level (where 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

10. The company shall use its best endeavours not to withdraw and replace during well drilling operations the drilling string or set casing or place cement in the borehole between the hours of 22.00 and 08.00 other than in the case of an emergency.

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

LIGHTING

11. No external lighting shall be installed at the site except in accordance with schemes 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

12. 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.

13. The mitigation and enhancement recommendations set out in the submitted Ecological Survey 05/11/07 shall be carried out in full.

Reason: To protect ecology in accordance with the Wildlife and Countryside Act 1981.

LANDSCAPING

14. No development shall take place other than in accordance with the approved landscaping scheme shown on plan NPL/012 RevB and the 'Additional Hedge Planting' plan submitted on 26 March 2010. The approved landscaping scheme/protection measures shall be implemented in full and 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.

RESTORATION

15. 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 landscape and ecology of the area is protected after the development has been completed.

16. 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 to protect the landscape and ecology of the area.

ACCESS / HIGHWAYS

17. The approved access shown on drawing NPL/026 Rev B, as updated by the 'Additional Hedge Planting Plan' submitted in accordance with condition 23 of planning permission SO/3152/07, shall be maintained throughout the period of development.

Reason: In the interests of highway safety

18. The measures set out in the letter dated 23 January 2009, submitted in relation to condition 25 of planning permission SO/3152/07 shall be maintained in full throughout the course of the development 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. In addition, a road sweeper shall be available for use in relation to the site within 4 hours of notification by the County Planning Authority that removal of mud requires removal from the road surface.

Reason: In the interests of highway safety.

19. The signage set out in the letter dated 23 January 2009, submitted in relation to condition 26 of planning permission SO/3152/07, shall be maintained in full throughout the course of the development.

Reason: In the interests of highway safety

20. 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 and bank or public holidays, except in the event of an emergency.

Reason: In the interests of highway safety

21. The parking and turning arrangements set out in information contained in a letter dated 4/2/2009, submitted in relation to condition 28 of planning permission SO/3152/07 shall be retained throughout the period of the development.

Reason: To ensure the safe manouvering of site traffic

22. With the exception of during the site decommissioning and restoration, no more than 8 HGVs shall access the site each week (i.e. 16 movements of vehicles exceeding 7.5 tonnes in weight).

Reason: To protect the road network and amenity of local people.

FIRE FIGHTING

23. 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 of/injury to Barn Owls.

FENCING

24. The fencing details set out in letters/emails dated 04/02/09, 12/02/09 and 24/02/09, approved in relation to condition 30 of permission SO/3152/07, shall be retained throughout the period of the development.

Reason: To secure a satisfactory development.

GROUNDWATER PROTECTION/DRAINAGE

25. The scheme for site operation to prevent pollution of groundwater and surface water shall be implemented in full in accordance with the details provided in letters dated 04/02/09 and 06/03/09, approved under condition 31 of planning permission SO/3152/07.

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

26. 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

27. 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. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development is acceptable in terms of:
- Impact on highway safety;
 - Impact on local residents; and
 - Impact on the environment.

In determining the application and in applying the planning conditions, the following planning policies have been considered:

South East Plan (2009)

C2

West Sussex Minerals Local Plan (2003)

Policies 10, 12, 26, 47

Chichester District Council Local Plan (1999)

RE4, TR6

National Policy

National Planning Policy Framework (2012)

- B. 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.
- C. 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.