

TO: PLANNING & REGULATORY COMMITTEE

DATE: 18 APRIL 2007

BY: PLANNING MANAGER

DISTRICT(S): GUILDFORD

ELECTORAL DIVISION (S):

SHERE

Mr David Davis

PURPOSE: FOR DECISION

GRID REF:

506173e 147196n

TITLE: MINERALS AND WASTE APPLICATION: GU06/02087

SUMMARY REPORT

Land at Albury Park, East of New Road, Albury.

Retention of an existing appraisal wellsite compound, and associated access and roadway of some 1.97 ha; the erection of new security fencing; the use of the appraisal site for the drilling of, and flow testing for, hydrocarbons from two appraisal boreholes; the retention of a transformer and switchroom and the retention of an existing appraisal well involving flow testing for hydrocarbons, the installation of appraisal facilities and provision of a container unit for use as offices and messroom, all for a temporary period of up to 3 ½ years, with restoration to forestry.

A Members' site visit took place on 24 January 2007.

The site lies in an Area of Outstanding Natural Beauty (AONB) where mineral workings are only allowed where there is no detrimental impact and there is a proven need for the mineral, taking into account national and local considerations. Therefore, the application falls to be considered as a Departure from the provisions of the Development Plan.

The development involves the drilling of two new boreholes on an existing wellsite and the continued appraisal of the Albury Gasfield. The site lies within the Metropolitan Green Belt within a heavily wooded area, which forms part of Albury Park Estate on land within the AONB, and an Area of Great Landscape Value (AGLV). The proposed temporary gas appraisal is not considered to require Environmental Impact Assessment (EIA) development under the Environmental Impact Assessment Regulations 1999.

It is necessary to assess the proposal against European, National, Regional and Development Plan policy, and assess the potential environmental and amenity impacts against those policies and the advice provided by statutory and non-statutory consultees and views expressed by other bodies, groups and individuals. Key issues in determining this application are the need for the development, whether it is of national interest and whether there are any alternatives, and the conservation and enhancement of the AONB. The Authority must also be satisfied that the potential impacts arising from the development are acceptable in terms of the closest residential properties and the local environment and amenities. The assessment in the report covers such environmental and amenity issues as noise, ecology, highways and traffic and rights of way, historic parkland and restoration.

The proposal has generated considerable local concern, which has focussed on the site's location within the AONB, noise and traffic issues. However, another important factor for the public has been the consideration of future proposals for the site. The applicant has been open about the potential options were the appraisal to be successful, but this application is for appraisal only and any further development would have to be the subject of a further development consent. Minerals Policy Statement 1 'Planning and Minerals' states that *'there should be no presumption in favour of consent for subsequent stages if an earlier stage be*

permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal or an earlier stage.'

Whilst there are no policy objections from consultees in relation to potential impacts on local amenity in relation to highways, visual impact, ecology and rights of way, currently the applicant has failed to adequately demonstrate that the proposed development will not exceed the noise levels set out in the Surrey Guidelines for Noise Control. Further information to demonstrate that mitigation could achieve an acceptable noise level was requested by Officers in November 2006 and since December 2006 the applicant has indicated an intention to carry out noise measurements on the new rig that would be used at Albury. Some further investigations and noise modelling was undertaken in December 2006 and a noise test on the actual rig conducted in March 2007. However, the test was inconclusive as the rig was unable to work at more than 10% capacity.

Noise is the only issue where Officers consider the proposal fails to meet policy requirements. The applicant has advised that the rig should be ready for noise measurements to take place in the week beginning 16 April. Although it seems unlikely, it is possible that the applicant could have the results of the testing prior to the April Committee meeting. The applicant has written to ask if the application could be deferred to give more time for the noise testing. In particular the applicant is pointing out that if the noise data is ready in time for the May Committee meeting (9 May 2007) this would only delay the decision by three weeks. Nevertheless, it is now four months since the tests were originally planned and the continued delay is unreasonably prolonging uncertainty for local residents who are already anxious about the development.

By the date the Committee meets the applicant could have carried out the noise tests, although this is unlikely. If the results are known prior to the Committee meeting, Members will be informed by an up-date. If the applicant can clearly show that noise control measures can reduce noise to meet the appropriate noise limit, this would alter the Officers recommendation.

The proposal involves 24 hour drilling over a period of up to 18 weeks and therefore it is essential that the applicant provide information to the Authority to demonstrate that the drilling and associated operations can achieve appropriate noise levels, particularly in terms of night-time noise. If the Committee decides that a further delay is unacceptable and does not agree to the applicant's request to defer the application, Officers recommend that in the absence of a clear demonstration that the prevailing noise standards can be met, that the planning application should be refused. Nevertheless, Officers recognise, that should the Committee refuse the planning application because insufficient information is available, this may not be the end of the process as the applicant could lodge an appeal. In reaching a decision the Committee has to consider which course of action would best serve the public interest and be satisfied that it is reasonable in all the circumstances.

The recommendation is to REFUSE.

APPLICATION DETAILS

Applicant

Star Energy UK Onshore Ltd

Date application valid

2 October 2006

Period for determination 13 weeks

1 January 2007

Amending documents

Letter 27 November 2006; letter 21 December 2006 enclosing details of flare and paper giving written responses to points raised a public exhibition dated 5 December 2006; letter dated 30 January 2007 from Bureau Veritas enclosing Figure 1 Predicted noise contours from appraisal drilling at Albury 1 wellsite with 5 m noise barrier, Figure 3 possible extent of 5 m noise barrier, Figure 5 predicted limit of 42 dB LAeq contour from flaring at Albury 1 wellsite with 5 m noise barrier; letter dated 1 February 2007 enclosing details of the CEB flare; letter 15 February 2007 enclosing schedule of lighting heights, lighting plan and report dated February 2007 entitled Impact of Flare on Lichen Communities; letter 16 February 2007; letter 21 February 2007 enclosing flare specification and lighting plan, letter dated 19 March 2007 enclosing Plan SE/MK/1 February 2007; letter dated 30 March 2007 enclosing Figure 4.4B, 4.5B and 4.6B.

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues raised in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in report where this issue is discussed
Need	Yes	57 - 93
Green Belt	Yes	94 - 99
AONB/AGLV & Visual Impact	No	100 - 123
Highways, Traffic & Access	Yes	124 - 138
Nature Conservation	Yes	150 - 168
Noise	No	169 - 177
Lighting	Yes	178 - 185
Pollution, Safety & Fear	Yes	186 - 197
Rights of Way/Recreation	Yes	198 - 203
Historic Parkland/Restoration	Yes	204 - 216

ILLUSTRATIVE MATERIAL

Site Plan

- Plan 1 Location
- Plan 2 The extent of the potential geological area of the gasfield overlain by the AONB, AGLV and Common Land
- Plan 3 Wellsite layout during the drilling stage
- Plan 4 Wellsite layout during the appraisal stage

Aerial Photographs

- Aerial 1 Site Location
- Aerial 2 Gas compound, access, access track and site surroundings
- Aerial 3 Compound containing existing wellsite and generators

Site Photographs

- Figure 1 The compound which secures the existing wellhead, two generators, switchroom and transformer and gas separator. (see Aerial 3 for full site layout). The

- photograph shows the compound entrance, the wellhead at the centre of the site and the two generators, transformer, switchroom and control room behind the wellhead.
- Figure 2 The photograph has been taken from New Road. The two telecommunications masts either side of the access road (30 and 35 m high respectively) can be viewed through the trees, particularly during wintertime when the leaves are off the trees. The existing gas compound is located behind the masts.
- Figure 3 The photograph has been taken from the site access off New Road. It shows New Road on the approach to the site access approaching from the A25 and A248.
- Figure 4 The site access off New Road which has a visibility splay 2.5 m by 160 m. The gated entrance to the access road is set well back from the road.
- Figure 5 The two telecommunications masts (circled in the photograph as the photograph was not taken with a zoom lens) are located close to the existing gas appraisal compound. The masts can be seen just above the treeline from an open area of Albury Heath to the south of the site.
- Figure 6 This photograph was taken from Footpath 213 to the west of Hound House Road approximately 1.5 km south of the site.

BACKGROUND

Site Description

- 1 The wellsite lies within the 104 ha of historic parkland at Albury Park, which also includes fields to the east, and the chalk hills above Sherbourne Farm. The 1.97 ha appraisal is located within an area of mixed woodland approximately 1.8 km south east of Albury and 1.2 km south west of Shere and approximately 1.5 km south of the A25. Vehicles leaving the A25 access the site via the A248 Sherbourne and the D194 New Road before turning left into a trackway that runs approximately 200 m eastwards from New Road. The site access is close to New Road's junctions with Park Road and Sandy Lane.
- 2 Public footpath No 239 passes through Albury Park some 200 m to the east of the site but views of the site are screened by intervening trees and shrubs. The closest residential property is Keepers Cottage, which is situated approximately 175 metres to the north west on the side of a valley some 15 m below the level of the site. Further northwest of the site is the Albury Park Mansion a Grade II* Listed Building set in substantial grounds. The Mansion has been converted into retirement suites with communal dining and sitting rooms, and accommodation for live-in staff and garaging. Further north is the Grade I listed church of St Peter & St Paul.
- 3 A property known as The Bungalow is located off Sandy Lane just south of its junction with New Road. The Bungalow is located almost opposite the site access that is shared with the access to a forestry track. The property itself, is some 212 metres from the well site. Further residential properties lie to the south of Park Road with the closest of these, approximately 260 metres south east of the site. The site is screened on all sides by trees, and is effectively blocked from neighbouring dwellings and from New Road and Park Road.
- 4 The wellsite falls within the Metropolitan Green Belt, the Surrey Hills Area of AONB and the AGLV. An area of high archaeological potential is located some 200 metres to the north and the site falls within an area of Historic Parkland. The site is also included in 38.9ha of land that has been designated as a Site of Nature Conservation Importance (SNCI) known as SNCI 1292 Park Wood, designated for its ancient semi natural woodland.
- 5 The stone surfaced access track is approximately 200 metres long and 4.5 m wide and is gated at both ends. The access itself is shared with a forestry track that bears left within about 50 metres. The entrance gates close to the wellsite form part of a perimeter fence around the compound. The rectangular site is approximately 60 metres x 100 metres and is surrounded by a plastic lined interceptor ditch. The fenced compound itself contains an

oil storage bund, a process separator, two gas engine generators and the well head. Just outside the fenced compound but within the bunded area is a firewater tank and the soil stockpiles. Either side of the stone access track approximately 185 m from the access and outside the wellsite boundary, are two telecommunications masts. The mast to the north of the access route extends to a height of 30 m and the larger mast to the south, to 35 m.

Planning History

- 6 Following seismic surveys carried out between 1979 and 1983, a geological structure capable of containing hydrocarbons was identified. The structure consisted of a tapering belt about 6 km long, from Lockner Holt in the west to Abinger Hammer in the east.
- 7 Planning permission was granted for the construction of the Albury drill site (including sealed cesspool drainage) and associated access road, drilling an exploratory borehole and the subsequent testing of the hydrocarbon reservoir on 1 July 1987 under consent Ref: GU87/422. The permission was for a temporary period of five years and at the end of the period the site was to be reinstated to a forestry use.
- 8 Approvals followed for detailed schemes pursuant to Condition 7 (Ref: GU87/422 dated 19 August 1987) relating to the disposal of drilling mud, Condition 11 (Ref: GU87/422 dated 11 March 1988) details of the aftercare scheme for the well site and site entrance. Condition 2 was varied under Ref: GU88/405 dated 17 May 1988 to retain of the hardstanding and well cellar until 31 October 1989.
- 9 The retention of the exploratory wellsite until 30 June 1992 was granted under Ref: GU91/1408 on 23 December 1991. Further extensions followed in 1993 and 1998 under Ref: GU93/0503 and GU98/1082, the latter expiring on 12 July 2000. A planning application was submitted in 2000 seeking a three-year extension. Further information was requested from the applicant. A series of meetings took place between officers and representatives of the applicant company to discuss requirements. However, the matter had not been resolved by the time the period requested had expired and the 2000 application was not determined. Whilst the planning application for an extension of time was pending, the site was monitored and did not cause any complaint. The matter was reported in the Minerals and Waste Annual Monitoring Reports annually and therefore was a matter of public record.
- 10 A planning application was submitted in 2005 to retain the exploratory well site at Albury Park for a temporary period of 5 years. The application was permitted in August 2005 under Ref: GU05/0637.
- 11 A planning application to construct an appraisal wellsite on land at Blackheath Forest was submitted in November 2005. The site and access route were located in a very sensitive area in terms of its designation as part of the AONB; proximity to the Blackheath Site of Special Scientific Interest (SSSI) and that the access to the wellsite was gained via two Sites of Nature Conservation Importance. The application was accompanied by an Environmental Statement (ES) and further information was requested by Officers under Regulation 19 of the Environmental Impact Assessment (EIA) Regulations to complete the statement. The application was withdrawn in July 2006.

THE PROPOSAL

- 12 Appraisal of the Albury Gasfield has been taking place in the Albury area for some years. However, a recent seismic survey over the Albury Gasfield has indicated the need for a new appraisal wellsite to the west of the geological formation to gain clearer information regarding the quality, quantity and pressure of the gasfield. This current proposal involves the drilling of two additional boreholes for the flow testing for hydrocarbons at the

existing Albury wellsite. These would be used alongside the existing well to appraise the Albury gasfield.

- 13 The development would have three distinct phases – site preparation, operation and restoration.

1 Site Preparation

It is anticipated that the site preparation works would take approximately 1.5 weeks and the mobilisation of the drilling rig would take 4 days. The site preparation would involve the:

Shutting down on the existing well appraisal operations and generation;
Provision of fencing;
Removal of equipment except the existing transformer and switchroom;
Excavation of two areas for the construction of the two well cellars involving the removal of spoil and provision of concrete lining;
Retention of the existing well head and concrete-lined well cellar;
Installation of drilling facilities, comprising of a number of enclosed container units between 2 and 7 metres in height;
Provision of a container unit to be used as a messroom and offices;
Installation of appraisal facilities: a shrouded ground flare stack of 3m x 2.5 m x 6.2 m (height), a gas/oil separator and gas testing unit

It would also involve the following:

Diesel fuel storage, 3 packaged generator sets and an electrical system, air compressors and a hydraulic power unit for the drilling rig;
2 mud tanks, 2 mud pumps, mud-mixing unit, shale shakers and silt separator;
pipe rack and pipe handler.

The mobilisation and installation of the trailer-mounted drilling rig would be supplied as a number of components for transportation to the site. This would involve 22 rig loads over a 4 day period.

2 Operation

The operational period of the proposed development would include drilling, demobilisation of the drilling rig and the testing and appraisal.

Drilling

The hydraulic drilling rig would use a directional technique to allow drilling to take place at a more acute angle over greater distances. The rig mast has a maximum height of 29 m during drilling. The drilling of the two boreholes involves 24 hour drilling for approximately 18 weeks (nine weeks each). To allow night-time drilling it is proposed that the rig be equipped with lights focussed downward. Muds, shales and rock cuttings removed from the geological strata as the borehole is drilled, would be stored in the mud tanks and then removed from the site by lorry for disposal at a suitably licensed site.

Demobilisation of Drilling Rig

Once drilling is complete, the rig would be demobilised and removed from the site. The applicant envisages that this would take about 4 days. This will involve approximately 22 rig loads over the 4 days mirroring the mobilisation phase. Much of the equipment and plant required for drilling is not required for the appraisal stage and would therefore be removed from site. Remaining on site would be the three well cellars with boreholes for appraisal, a contained separator/testing facility, one container unit for storage, messroom and office and the fully shrouded ground flare unit.

Testing and Appraisal

The evaluation of the boreholes would take up to three years. Initially there may be a period of up to three weeks for initial testing before appraisal commences. The applicant states that at any one time, only one of the three boreholes will be undergoing appraisal.

The appraisal process consists of flow-testing from the boreholes and analysis of the resulting data. During the flow testing gas would be extracted from the boreholes and then passed through the separator until any oil/water is removed. Appraisal is a continuous process but does not require 24 hour manned supervision. Access to the site would be during 0800-1900 hours Monday to Friday and 0800-1300 hours on Saturdays.

Gas produced during flow testing cannot be stored or used on the site. This leaves two disposal options, venting or flaring. The applicant considers flaring to be the best practicable option as disposal by combustion involves the release of less methane. The Clean Enclosed Burner (CEB) is a shrouded low level flare approximately 6.2 m high. The applicant claims that the flare has no visible flame, produces no odour or soot, has low noise emissions. Flaring would take place for approximately 3 weeks per well and then only intermittently during the appraisal period.

3 Decommissioning and Restoration

Following appraisal, a decision would be made as to the most appropriate course of action. This would either involve producing gas commercially, gas storage or the restoration of the site. Any proposal to produce or store gas would need to be the subject of a separate planning application. The reinstatement of the site to commercial forestry would involve the following:

- the boreholes being plugged and made safe to a specification agreed with the Department of Trade and Industry (DTI) in accordance with the Petroleum (Production) (Landward Areas) Regulation 1984;
- the removal of the plant, equipment and surfaces;
- the replacement of the stored soils and the regrading of the site to follow the original contours;
- mixed woodland planting in the first planting period following decommissioning;
- the undertaking of a restoration and a five year aftercare programme.

Access & Vehicle Movements

14 Access

It is proposed to retain and use the existing access route and access onto New Road. The type, number and frequency of vehicle movements involved in the development would vary according to the stage of the project.

Vehicle Movements

Site Preparation

During the site preparation and construction stage, there would be:

- approximately 10 light van or car movements per day involved in the transportation of personnel working at the site;
- 15 loads daily, a total of 30 HGV movements per day involved in removing spoil from the site;
- ready mixed concrete required in the construction of the well cellars would be delivered to the site over a 3 to 4 day period generating 6 to 10 loads some 20 movements over the 3 to 4 day period;
- approximately 20 HGV movements would be required to remove the existing plant and the delivery of construction materials;

- 22 loads ie 44 movements would be involved in the delivery and mobilisation of the trailer mounted drilling rig over a 3 to 4 day period. During this period extra site personnel would be required and the maximum hourly number of vehicle movements during this phase could rise to 12 per hour.

The applicant envisages that on an average there would be between 2 to 6 movements per hour, rising to a maximum of up to 12 to 14 movements per hour on peak occasions.

The operational phase

During the operational phase there would be:

- Deliveries during the 18 week drilling stage would involve 4 to 6 HGV movements per day and a maximum of 8 skip vehicle movements per day;
- 22 loads ie 44 movements would be involved in the de-mobilisation and removal of the trailer mounted drilling rig over a 3 to 4 day period. During this period extra site personnel would be required and the maximum hourly number of vehicle movements during this phase could rise to 12 per hour;
- the three year testing an appraisal would involve between 2 to 4 light vans or cars per day and at times of maintenance (approximately once or twice a year) an additional 4 to 6 movements per day.

Decommissioning and Restoration

The applicant has not supplied any figures for vehicle movement during this phase of the development.

Hours of Operation

- 15 With the exception of drilling, the site would operate the same as existing ie 0800 to 1900 hours Monday to Friday and 0800 to 1300 on Saturdays.
- 16 During the 18 week drilling phase, drilling would take place 24 hours per day. At that time there would be a maximum number of 10 personnel working 12 hour shifts and 2 involved in 24 hour shifts. All deliveries during this period would take place during the normal operational hours.

CONSULTATIONS AND PUBLICITY

District Council

- 17 Guildford Borough Council objects to this application as it remains unconvinced that there is an established national need for this operation in the AONB and does not consider that exceptional circumstances have been justified to allow this inappropriate development in the Green Belt. Further, Guildford Borough Council is concerned about the impact of this proposed development and particularly any future development that may arise from it in this environmentally sensitive area, and requests that the impact on the environment of the proposed works and associated traffic generation be taken fully into consideration in the determination of this application. In a subsequent letter the Borough Council reiterated its objection to the application. In this letter the Borough states that it remains unconvinced that exceptional circumstances have been established for this operation in the AONB and does not consider that special circumstances have been justified to allow this inappropriate development in the Green Belt. The Borough requests that the impact on the environment of the proposed works and associated traffic generation be taken fully into consideration in the determination of this application. The application would involve new installations on the site and additional traffic and other activities in the short term. In the longer term it could lead to substantial new development, which would be inappropriate in this environmentally sensitive area.

- 18 Should the County Council be minded to grant permission, Guildford Borough Council request that the following matters are considered in order that noise guidelines are achieved:
- That the attenuation of drilling plant and associated activities can achieve the 10 dB reduction as claimed in the Noise Assessment.
 - That the mitigation measures with regard to drilling, as indicated in 7.77, 7.78 and 7.79 of the Noise Assessment are achieved.
 - That the rates and times of flaring are controlled and/or limited as indicated in 7.83 and 7.90 of the Noise Assessment.

Consultees (Statutory and Non Statutory)

- 19 **Environment Agency**
No objection. The Agency's initial concerns regarding the maintenance of the integrity of the membrane during the drilling of the boreholes has now been satisfied by the information contained in the applicants letter dated 27 November 2006.
- 20 **Health & Safety Executive**
No comments.
- 21 **Department of Trade & Industry**
Fully supports the application to drill up to 2 further appraisal wells, providing it is fully compliant with relevant planning regulations and all local and national environmental controls.
- 22 **Natural England**
No objection.
- 23 **English Heritage**
No objection.
- 24 **Forestry Commission**
Do not object but wish to see the site restored to forestry as soon as possible.
- 25 **Surrey Wildlife Trust**
No objection to this proposal.
- 26 **EDF Energy**
No objection but draw attention to the need to maintain access for EDF Energy to maintain their cables at all times. (Comment: EDFs letters dated 28 October 2006 and 27 October 2006 and accompanying plans showing the routes of EDF cables in the area would be attached to any consent as an Informative).
- 27 **Thames Water Utilities**
No objection.
- 28 **Surrey Fire and Rescue Service**
No views received.
- 29 **Consultant Geologist**
No objection.
- 30 **Environmental Noise Consultant**
There are outstanding issues in terms of noise. The applicant has provided noise data based on assumptions and has therefore been requested to provide actual operational

noise measurements of the rig to be used at Albury. At the time the Agenda was due to be published, the applicant has been unable to supply the required information.

31 **Highway Authority**

No objection but recommends the imposition of a condition relating to access and an informative. (Comment: see para 124 – 138)

32 **Rights of Way**

No observations.

33 **Surrey Hills AONB Officer**

No objection to the current proposal.

34 **County Landscape Officer**

No objection.

35 **County Ecologist and Biodiversity Manager**

No objection but recommends the imposition of conditions relating the discovery of great crested newts or bats and the removal of hedgerows. (Comment: see paras 163 - 167)

36 **Heritage**

- **Archaeology**

No objection, as the development proposed is within the existing compound.

- **Historic Parks & Gardens**

No views received.

Parish/Town Council & Amenity Groups

37 **Albury Parish Council**

Object. The Parish Council believes the application conflicts with Policies L04, SE5, SE7 and SE8 of the Surrey Structure Plan 2004 and Policies RE2, RE5, RE6, HE12 and NE13 of the Guildford Borough Local Plan 2003. It does not believe that there is any justification for arguing that the degree of harm caused by the development will be outweighed by national economic interest.

The Parish Council states that it is unacceptable for the Surrey Guideline limit for noise being exceeded for 24 hours a day, 7 days a week during the 18 week drilling period. The access along New Road is in a poor condition and of limited width and is unsuitable for the size of vehicles proposed. New Road has no footpath and the proposed vehicles would be hazardous to groups of walkers, children and horse riders who use the road.

The drilling rig would be clearly visible from a number of vantage points throughout the area including St Martha's, Newlands Corner, Pitch Hill and Holmbury Hill. The Parish Council considers this an unacceptable visual impact in an AONB and unnecessary scar on the landscape in this highly sensitive area.

The Parish Council is concerned that an EIA was not carried out and believe this to be essential. It also refers to its objection to any future plans for the site.

38 **Shere Parish Council**

The development could cause noise and light pollution. It is also feared that there could be an unacceptable increase in traffic to the site.

39 **St Martha Parish Council**

Object. The proposal runs contrary to a number of local and national plans and policies and would have an adverse effect on part of the Surrey Hills AONB, AGLV, Green Belt, Historical Park and Garden of Albury Park and an SNCI. The Council has further

concerns relating to air, noise, light pollution, traffic growth, health and safety and the visual impact of the rig from high ground such as St Martha's.

40 **Wonersh Parish Council**

No Objection. The site already exists and the proposal does not increase its size. It is well hidden, the mobile phone mast appears to be higher than the proposed temporary drilling rig and there are few access issues. Commissioning and dismantling of the rig would involve periods of increased traffic movements, but the A25 is approximately 1 mile away and on a direct route. On this basis it is difficult to identify a sound reason for objection.

41 **Brook Residents Group**

Object. The residents group believes that the application is both misleading and factually incorrect. They object to the application on the grounds that the site is located within the AONB, AGLV, Green Belt and Historic Parkland and Ancient Woodland and that the applicant has not considered alternative sites. In terms of potential future developments the applicant has given no details of what would be required for gas production or storage. A formal EIA should have been carried out in view of the sensitivity of the site. Had a true and full landscape and visual assessment been carried out there would have been shown to be a very large adverse (negative) effect. The development would be noisy and disturb the tranquillity of the area. The applicant has incorrectly recorded the quantity of properties within 500 m and 1km of the site and failed to consider the 35 residents of Albury Mansion. The claim that the flare is not visible nor produces any soot, odour or air pollution has not been substantiated. The development could affect the lichens in the SNCI and the assessment of the potential impact on bats is weak.

42 **Burrows Cross Area Residents Association**

Object. Albury Heath is well used by children not only in terms of the cricket club but also the surrounding woods. The car park at Albury Heath Cricket Club is a major point of access for all forms of rural recreation and this regional resource in terms of amenity would be severely damaged. The road system is not adequate to meet the needs of the proposed traffic flow. New Road is in a poor condition and is potentially hazardous when used by HGVs. Noise levels would exceed the SCC guidelines and would affect the tranquillity of the area. The proposal has the potential to have an enormous ecological impact in terms of the Lichens within Albury Park and the impact of the flare on bats and owls. A full EIA should have been undertaken. The development would cause permanent adverse alteration to the landscape in the AONB and AGLV. Albury Park is also a Historic Parkland and Ancient Woodland and is therefore subject to additional safeguards. The mansion at Albury Park is a Grade 1 listed building and therefore a listed building application should have been submitted. There is concern regarding the potential for explosion or uncontrolled fire. The applicant should demonstrate that the site can be safely operated and the safety and well being of all local inhabitants should be considered. There are no details in the application to what further development may in due course be required. The site is not suitable for long term development or for gas storage.

43 **Campaign to Protect Rural England (CPRE) Surrey**

Object. CPRE Surrey states that it objects to the application on the grounds set out below.

- The development would have an adverse effect on the Surrey Hills AONB/AGLV, on the openness of the Green Belt and on the SNCI. It would do further harm to countryside of national importance and infringe planning policies at national, regional, county and district levels. Part of the attraction of this sensitive rural environment is its peace and quiet, its fresh air, its dark skies at night, and its lack of industrial development.
- The case for 'exceptional circumstance' to apply has not been made. It has not been clearly shown that the need for the proposal outweighs the requirements to safeguard nature conservation in this protected area of countryside. CPRE Surrey has

reservations about the completeness of any environmental survey work done and believe that an Environmental Impact Assessment (EIA) is required.

- It is the view of CPRE Surrey that the applicant has not provided the information required to determine whether the need for the development is of national importance, that there is no alternative site, that the appraisal wells are indeed part of a major development. The applicant should publish the results of the most recent seismic survey, with technical assessment of what this reveals in terms of reserves in, and the extent of, the Albury gas field.
- The development of this site would be damaging to the distinctive heritage character of Albury Park.
- The proposed site development would be obtrusive and unsightly in a particularly beautiful stretch of countryside. The rig and the flare stack will be visible from important beauty spots such as Newlands Corner. 24 hour working would require lighting at night and air, noise and light pollution for the flare seems likely to have an impact whatever mitigation measures are introduced.
- HGV traffic would increase, causing additional disturbance in a tranquil area of countryside. Issues relating to traffic growth, health and safety, and the future have not been adequately addressed.
- It is not clear whether it is correct to consider the application, as temporary or long term since its very purpose is to establish whether it will be long term. The development would have a serious impact on the amenity of local residents, recreational visitors, and the CPRE Surrey suspects the biodiversity and nature conservation in the area.
- The applicant has not given a full account of their possible long term intentions with regard to the development of this site for gas storage, which have been reported openly elsewhere in the media. The present proposal fails to indicate the overall plan for development of the gas field if successful results are obtained from the appraisal wells and the full implications to the community and environment of such a development.
- Mitigation measures cannot be put in place to prevent the damaging impact of this development to the Green Belt within an AONB and AGLV. Much of the damage in terms of the rural environment and biodiversity would be ultimately irretrievable if this application is approved as the first stage in a cumulative development of the site.
- Albury is a small rural community and the present application cannot be divorced from the sand quarry and landfill at Albury. It represents a further industrial development with an accumulative effect on a particularly valuable section of the Surrey Hills. CPRE Surrey considers that the setting of Albury has already suffered enough damage and disturbance, and that narrow rural public rights of way in its vicinity should not again be damaged by HGV intrusion for new development.

44 **Surrey Countryside Access Forum**

Object. The Forum states that the applicant should have shown why a long range directional drill could not reach the exploration area from outside the AONB. The Forum further objects in terms of the noise of the drilling and flaring and its effects on local residents and those using the area; on the visual impact of the drilling rig and flare and the number of HGVs on the steep narrow roads in the locality. The Forum believes that in this instance there was a case for a full EIA. Reference is also made in the representation to the inappropriateness of future gas storage in this location.

45 **Guildford Environmental Forum**

Object. The Forum proposed directional drilling from the existing drill site as a way to avoid the major impacts to Blackheath Common that would have resulted from the last proposal. It now has strong reservations about the environmental impacts at the existing Albury site and states that proportion consideration must be made of the impact and then ways found to mitigate them. The Forum states that it is imperative that an EIA be carried out. The area concerned is of great ecological and conservation value. The Forum believe that one source of gas should not be looked at in isolation.

46 **British Horse Society**

Object. Whilst there would not be a direct affect access to the bridleways and common land used by riders, it would affect the amenity value of the bridleways in the vicinity of the site in terms of noise levels. The Society also objects regarding the potential danger to horseriders from the increased traffic flow associated with the preparation of the site and the drilling.

47 **Woodland Trust**

Object. Within the surrounding parkland there are several veteran and possibly ancient trees. These support a wide range of organisms, which include lichens and bats. Lichens are extremely sensitive to air pollution as they are able to absorb over their entire surface area. Flaring of gas is known to produce high quantities of greenhouse gasses and the application fails to provide an indication of contaminants that may be produced. The noise and lighting associated with drilling and flaring would have a significant negative effect on the surrounding woodland, which may discourage wildlife from their usual habitats. These effects are likely to extend into the surrounding woodland, contributing to microclimate changes. With the impacts of climate change becoming more apparent it is of overriding importance that sustainable sources of energy are developed and utilised.

48 **SaveBlackheathCommon Campaign**

Object. The action group have submitted eight objection documents. These are letters dated 23 November 2006, 5 January 2007, 7 January 2007, 30 January 2007 including photographs and plans, 31 March 2007, and technical comments dated April 2007, a letter has also been received from Stevens & Bolton Solicitors on behalf of the group and a Noise Review document.

SaveBlackheathCommon fully endorses the objection submitted by the CPRE Surrey. The action group states that the site is located within the AONB and has other designations, the applicant has totally failed to demonstrate that other locations for the appraisal well have been considered in less environmentally sensitive positions. Long range directional drilling should make it possible to drill a well from outside the boundary of the AONB. The reserve at Albury is not 'nationally significant'. Further information should be provided on the shrouded gas flare addressing noise, emissions and safety issues and the volume of gas to be flared.

Visual Impacts. A 29 m drilling rig and 24 hour floodlighting would be visible from highpoints around the site and represent an alien intrusion into an extremely unspoilt landscape. It is not clear how far the flare would be visible at night and there is no mention of the views from St Martha's, the Greensand Ridge, Blackheath Common or from the south side of Albury Park where it is possible to clearly see the telephone masts close to the appraisal site.

Traffic. The proposal would involve a large number of HGV movements on the steep narrow road leading to Albury Heath, giving rise to noise, fumes and risk to other users. The access is opposite the entrance to Sandy Lane and the opening to a network of rights of way.

Gas Flaring. There are concerns about the flaring of gas, which the action group state produces significant toxins and greenhouse gases. Incomplete combustion or leaks from

well heads can release pollutants or methane into the atmosphere. The heat and particulate fall-out generated from flaring may also have local adverse effects on surrounding vegetation.

Ecological Impacts. The action group believe the ecological survey to be inadequate for a proper assessment and that the argument that the existing compound would be used is wrong as effects such as flaring and noise could well affect the surrounding environment. Further information should be provided regarding the flaring arrangements and its effect on the lichen interest on adjacent land. Consideration should have been given to wintering or migratory species of birds and the impact on bird breeding success and feeding areas. There is little information on bats whose ability to feed may be adversely affected by the combination of vibration, noise and light. There is no consideration of the affect of works on the water quality in the ditch, and the ditch, which is a critical habitat for amphibians, will be removed as part of the restoration.

Noise. SaveBlackheathCommon asked a noise consultant to review the noise report submitted in the planning statement. The concerns in relation to noise are that the noise report makes no reference to current World Health Organisation Guidelines or the EU Directive 2002/49/EC which make recommendations on noise in 'quiet areas'. The assessment during the construction phase makes no allowance for low background noise levels in rural areas. During the drilling phase the Surrey Guideline noise limits are exceeded. No engineering details are given as to how lower noise levels will be achieved from the generator sets or how the reduction of 10 dB in noise from the hydraulic units and mud pumps will be guaranteed. Sleep disturbance during the drilling phase is underestimated. Given the low background noise levels even if the noise level met Surrey Guidelines, noise levels would be at least 15 dB above the background level. The predicted noise levels from gas flaring exceed the guideline limit, especially at night during the appraisal phase. Predictions of the attenuating effects of vegetation on noise levels should not be relied on to estimate that noise levels during drilling would be closer to the SCC Guideline limits.

Safety. This is believed to be the shallowest producing field in Britain. There are 25 properties within 500 metres and 53 properties within 1000 m. There is a need to protect the public from accidental or deliberate harm from hazards associated with industrial activity.

In January SaveBlackheathCommon submitted three further documents with additional comments on the proposal.

The group are of the opinion that the facilities at the site such as the office/mess unit, security fence, gas flare and appraisal facilities would harm the Green Belt's openness and establish a harmful precedent for this sort of inappropriate development on the basis of a general national need. As inappropriate development the applicant should have shown that very special circumstances exist which clearly outweigh the harm to the Green belt and any other harm

In terms of need and alternative sites the applicant has failed to demonstrate a link between the need and the site on either a local or national level. There is no particular reason why a site needs to be developed in a Surrey AONB. The applicant should consider all possible alternative sites within the country. The applicant has not suggested that there is any local economic or functional need for this development. In addition the applicant has failed to demonstrate that other less sensitive locations for the appraisal well have been considered. The field extends beyond the AONB to Shalford.

SaveBlackheathCommon argue that permission cannot be granted for this application without considerations of a formal EIA. It is the group's view that the proposal should have been considered as a Schedule 1 development because the proposal includes a flare to burn off waste gas.

The application could result in incremental damage to the AONB through a succession of temporary planning consents. An industrial development is being granted by stealth in an area, which has some of the most protective environmental policies. If planning permission is granted Surrey County Council will have failed in its duty to conserve and enhance the AONB as required by Section 85 of the Countryside and Rights of Way Act 2000.

There is major concern regarding the increased traffic that the site would generate and the impact on the narrow lanes of the Surrey Hills and potentially Albury Village. Any consent should restrict vehicle movements to major highways and exclude traffic from Albury village. There is no turning facility within the site, which would lead vehicles to reverse onto the highway when leaving.

There is no mention in the application of the impact on the environment and the proposed offset in respect of carbon emissions for the construction of the site, the gas extracted and decontamination and restoration of the land.

SaveBlackheathCommon has stated that they believe there are a large number of errors, omissions and inaccuracies in the application documents which raises concern as to the competence of the applicant. To illustrate this, SaveBlackheathCommon has submitted a number of photographs, annotated plans and sections of the application documents to support its latest letter of objection. The photographs have been taken from various locations around the site and show the existing telecommunications masts. The action group states that the photographs clearly show a significant visual impact on the landscape. *(Comment: The photographs rely on the telecommunications masts being 25 and 30 metres respectively. The masts are in fact 30 and 35 metres in height. The proposed mast is marked by a red line. However, it is not clear if the bottom of the red line represents the height of the proposed mast or whether the line itself represents the mast. In either case, the mast is shown to a height in excess of its 29 m, which should be some 6 m below the taller of the two telecommunication masts. The Campaign has indicated that photo 1 was not taken with a telephoto lens but the other photos were. To ensure that photographs accurately represent what can be seen by the human eye, photographs should be taken with a 35 mm camera with a lens of 50 - 65 mm with 50 mm being favoured, as this replicates the function of the human eye.)*

Further comments dated 31 March 2007 focus on noise, national need, alternative sites and AONB, light pollution, ecology, flaring, water pollution and plans for gas storage. These issues are covered in the planning considerations of the report. The group has also questioned the technical feasibility of the drilling and the commercial viability of the applicant. The action group has raised an issue relating to the protection of the water supplies in the area. *(Comment: The Environment Agency has been consulted on this application and has no objection. However, the Agency does require planning conditions to be imposed on any consent. The commercial viability of an applicant is not a material planning consideration.)* The action group followed up this objection with a number of technical comments on 2 April 2007. This objection also covers the point of technical feasibility raised in the 31 March objection. *(Comment: The technical objection focuses on the drilling process and the fluids used within the drilling process. The drilling process and the risk assessments associated with it, are not planning matters, these are overseen by the HSE. Officers have been assured that any fluids and oils used in the drilling process are contained within a sealed unit and exported from the site for disposal at an appropriately licensed disposal site. The applicant has a brand new HH220 drill rig, which is proposed to be used for drilling at the Albury wellsite.)*

Summary of publicity undertaken and key issues raised by the public

49 The application was advertised as a Departure from the Development Plan in the Surrey Advertiser on 3 November 2006. The application was also publicised by means of 1 site notice and 2 nearby local residents were notified direct by letter. In addition, 889 people

were notified direct by letter and 94 by e:mail. These were individuals who made representations on the Blackheath appraisal well application that was withdrawn in July 2006, and those who had provided comments on the Blackheath screening request in May 2005.

- 50 Copies of the application documents were made available for public inspection at the offices of Guildford Borough Council, at Millmead Guildford, and at Surrey County Council offices, at County Hall, Kingston upon Thames. The application form and plans have also been available for viewing on the Guildford Borough Council website. A total of 1,928 representations have been received on this proposal. These include 417 individual objections, some 1,507 proforma letters objecting to the proposal, three letters of no objection and one representation that does not object but asks for HGV routing.
- 51 The main points of public objection are set out below:-
- The proposal is not in accordance with Government planning policies. (Comment: *policy issues are covered within individual sections of the report*).
 - The site is within the Green Belt. The application has not demonstrated exceptional circumstances. (Comment: *See paras 94 - 99*)
 - The development would cause an adverse alteration to the landscape in an AONB and AGLV. MPS1 states that major minerals developments in AONB should not be permitted except in exceptional circumstances and that applications should be subject to the most rigorous examination including national need for the development and alternative supply outside the AONB. Industrial development of this type should not be permitted in this AONB which is particularly fragile and beautiful. (Comment: *Issues relating to the AONB and AGLV are covered in paras 100 - 123*)
 - The visual impact in an area of landscape quality. Viewpoints such as St Martha's Hill and the high ground to the south of the site have been omitted from the assessment. The assessment does not include an impression of the site in winter, including views from nearby houses, the road and the bridleway. The site is on a prominent ridge where the 29 m rig together with the gas flare will be a blot on the landscape. Once the landscape has changed there will be no going back. (Comment: *visual impact is covered in paras 109 - 115*)
 - The site is in a Historic Park and Garden. The parkland setting of the listed properties should be preserved. A listed building application should be submitted in respect of Albury Mansion. (Comment: *See paras 209 - 210*)
 - The proposal could impact on nearby bridleways and recreational areas. The bridleways are well used and the noise levels will affect the peace of the area. The area attracts visiting walkers, riders and lovers of woodland countryside. (Comment: *The potential for impact on Rights of Way is set out in paras 198 -203*)
 - Amenity. The main amenity of St Martha's is the view and the drilling rig and industrial site will be visible from there. The sports ground is a venue for sporting events, which include visiting teams, their supporters, including many children. Visitors access via New Road which is already dangerous as it is narrow. (Comment: *See paras 109 – 115, 124 – 138 and paras 201 – 203 later in the report*).
 - The development would have an impact on the rural nature of the locality. The South East has precious few escapes and this area is a rare haven of beauty, peace and fresh air in our overcrowded county. The proposal would impact on the local villages and have an adverse effect on this conservation area. (Comment: *See paras 100 - 216*).
 - The applicant has not demonstrated that the development is nationally required. The merits of the proposal are questionable. The company's main objective is to store gas in the area which is quite unnecessary given that there is ample gas storage space elsewhere. (Comment: *Need is discussed in paras 57 – 93 later in the report*)
 - The application should have been accompanied by an Environmental Impact Assessment. In view of the sensitive location of the site the potential impacts are sufficient to trigger a formal EIA. There should have been EIA of industrialising the area.

The increased traffic within the neighbourhood alone would have an impact. (Comment: *The requirements in terms of EIA are covered in paras 142 – 149*).

- The area is ecologically significant. The applicant has failed to provide evidence to substantiate the claims that the flare has no visible flame, produces no odour or soot, has low noise emission and performs a total incineration of sour gases. Albury Park is the most important site for lichens in Surrey and as a result has been designated an SNCI. Lichens are very sensitive to air pollution. There is no information on levels of contaminants such as hydrogen sulphide that may be in flared gas. There is a very weak assessment of the potential impact on bats given their status as a protected species. The size and condition of some of the surrounding trees and the pasture woodland in Albury Park provide ideal conditions for bats. (Comment: *These issues are covered in the Ecology section of the report at paras 158 - 162*).
- There is the potential for contamination of air and water. (Comment: *See Paras 186 - 193*)
- Air Quality. If sour gas is completely combusted in the flare stack, this could mean that it turns into sulphur dioxide and then sulphuric acid. (Comment: *See paras 186 – 191 and in terms of lichens paras 158 - 162*)
- Noise nuisance and vibration. There are approximately 17 residential properties within 0.5 km of the site; there are also an additional 36 properties within 1km. The applicant has not proved its assumption that a 10dB reduction can actually be achieved. The noise during the drilling operation would be clearly audible and the tranquillity of the area will be partially disturbed. The flare noise levels are considerably in excess of SCC guideline night-time noise limits. Noise levels at the bridleway would be high and this would affect the tranquillity of the Park. There will be 24 hour vibration during the drilling period which is unacceptable. (Comment: *The issue of noise is covered in paras 169 - 177 later in the report*).
- Light nuisance. The landscape will change at night. Albury Heath is one of the few truly dark sites left in the Surrey area. By its very nature, this operation will lead to considerable light pollution into this, last, dark area. The 24 hour lighting and the flaring will be an eyesore from Newlands Corner both day and night. (Comment: *See paras 178 - 185*)
- Reduction in energy/green approach. A renewable energy project would be a better proposition in these troubled times not an environmentally questionable money making exercise. At a time when global warming is of utmost concern and the need to reduce fossil fuel usage is a key governmental priority, this application seems completely inconsistent. (Comment: *See paras 70 – 73*).
- HGV movements. The increased HGV use would pose a serious increased risk of accidents. It is not necessary to have more lorries driving through a beauty spot where pedestrians, cyclists and horse riders already have problems crossing the road. New Road is not normally frequented by contractors' lorries, the main traffic is not of the commercial type but cars gaining local access. (Comment: *Issues relating to access, traffic and highway capacity and safety are set out in paras 124 - 138*).
- Impact on local traffic. There could be access restriction to the cricket pitch given the anticipated volume of traffic. The main street in Albury already has an inordinate amount of domestic traffic and HGVs including skip transporters and waste transporters travelling at speed. (Comment: *Highway capacity and safety is discussed in paras 124 - 138*)
- Current road conditions unsuitable. New Road is in a poor condition and is already too narrow for comfort when existing buses and HGVs are using it. The road is a hazard.
- The development is 'un-neighbourly' and the construction and operation of the wellsite will have a profound adverse impact for residents of properties immediately adjacent to the site. The proposal will cause a drop in property values. (Comment: *Noise, Safety, Lighting issues are covered in paras 169 – 197 of the report. The planning system does not exist to protect the private interest of individuals but to consider whether proposals would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Fear about the potential adverse effect on the value of property is not a material consideration for determination of planning applications*).

- Gas storage. There are no details in the application as to what developments would be required for production, which may include increasing the size of the site. Further investigation also needs to take place to assess whether the Government should be challenged to produce an SEA for on-shore gas storage. What a disaster it would be if there were to be a permanent gas plant at the Albury site. There has been no thought to routing gas to the UK gas pipeline network, the gas would contain water and other hydrocarbon liquids which would need to be processed and the wells require workover maintenance which requires a redrilling of the well on a predetermined cycle. Gas extraction is one thing, but underground storage and retention is another. There are many potential sites under the southern sector of the North Sea where this could be done with much less human and environmental risk. The County Council should consider the future plans the applicant has for the site as it is difficult to ignore their plans to turn Albury into a gas storage facility involving large industrial buildings, noise and danger of explosions. *(Comment: The current application is not for gas storage but appraisal of the resource. MPS1 clearly states that each phase of gas development requires a separate planning permission and that the possible effects of a later stage not yet applied for, do not constitute grounds for refusal of an earlier stage. Para 3.2 MPS1)*
- Safety. There is a risk of gas leaks, leaks of substances such as hydrogen sulphide. Gas is a highly flammable substances and there is the risk of explosion. Given the recent history of Buncefield the fact that there is no consideration to Health and Safety is of great concern. There have been explosions in gas storage facilities in the US so why not use the vast storage capacity which exists in the North Sea. The applicant should demonstrate that in the event of a major fire or explosion that the emergency services could reach the boreholes and members of the public. The development should be subject to the Control of Major Accident Hazards (COMAH). *(Comment: Safety is covered in paras 190 – 197 later in the report. The COMAH Regulations 1999 do not apply to ‘the activities of the extractive industries concerned with exploration for, and the exploitation of, minerals in mines and quarries or by means of boreholes’ Reg. 3 (3) (c))*

In total 1,507 proforma letters have been received, whilst the majority of these are from the Guildford area some have been received from as far distant as Stockport, Reading, Bristol, Shrewsbury, Gloucestershire, Cambridgeshire, Northamptonshire, Suffolk, Wiltshire, Wolverhampton and even from Germany. There have been several proforma objection letters circulating, and there are two available on the SaveBlackheathCommon website. Set out below are the points made on the proforma, which has been used by the vast majority of the objectors:

‘AONB - industrial development of this type should not be permitted in an AONB.

ENVIRONMENTAL PROTECTION - the site should be protected as it is also within the Green Belt, an area of Great Landscape Value, within a Site of Nature Conservation Importance, Historic Parkland and Ancient Woodland.

ALTERNATIVE OPTIONS NOT DEMONSTRATED -there has been no consideration of alternative sites for directional drilling, a requirement of Minerals Planning Statement 1.

FUTURE INDUSTRIALISATION -there are no details in the application as to what developments would be required for production, which may include increasing the size of the site.

NOISE - Surrey County Council guidelines limit for noise is predicted to be exceeded at several locations. Flare noise will considerably exceed night-time noise limits.

VISUAL IMPACT – the floodlit drillrig will have significant visual impact day and night.

TRAFFIC - the level of anticipated traffic will have considerable impact, particularly when combined with the traffic to/from the Albury Landfill site.

ECOLOGY - *The ecological survey carried out by the consultants was inadequate for a proper assessment given that national interest is being invoked.'*

A proforma signed by young members of the Albury Cricket and Football Club which states that the objector plays '*at the ground most weekends and am worried that the damage will be caused to my club and the area if they start drilling and building.*

The things that really worry me are:

- 1. Noise of drilling.*
- 2. Future building near to our sports ground.*
- 3. Danger to the animals and birds.*
- 4. A possible explosion that may kill and hurt people.*
- 5. Big lorries and traffic that may hurt and injure people.*
- 6. Damage to the trees and woods that may be forever.*
- 7. Smell of the drilling and burning.'*

In the individual letters, 12 of the writers cite no reasons for their objection. The impact on the AONB is by far the issue that has attracted the most objection with some 271 objectors concerned with regard to the proposed development within the AONB. Following on from this, was the noise impact of the development with some 230 objectors raising concerns about the noise levels, 24 hour drilling and the effect on the tranquillity of the area. The other main areas of concern were in order of number of objections, traffic, ecology, visual impact, impact on the green belt, the consideration of further intensification of use on site and long term intentions, the impact on recreational opportunities and bridleways.

PLANNING CONSIDERATIONS

Introduction

- 52 The activity associated with mining hydrocarbons is considered in three stages: exploration, appraisal and production. This current proposal involves the appraisal stage as the presence of hydrocarbons has already been established. Appraisal involves a testing process to determine the scale of the resource.
- 53 The licensing of exploration and the regulation of the development of the UK's oil and gas resources is governed by a separate licensing system operated by the Department of Trade and Industry (DTI). The Petroleum Exploration and Development Licence (PEDL) issued by the DTI covers all the three phases – exploration, appraisal and development. Once a licence has been granted, planning permission must be obtained before the DTI will give consent to either drill a well, or develop an oil or gas field. The existence of an initial licence does not absolve Mineral Planning Authorities (MPAs) from applying proper development control in accordance with the appropriate legislation and guidance.
- 54 Oil and gas developments fall within the definition of 'mineral development' and as such, the County Council as Minerals Planning Authority (MPA) has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the development plan unless material considerations indicate otherwise. It is also necessary to assess the application against relevant policies and guidance set at the European, National and Regional levels. In this case the statutory development plan consists of the Regional Spatial Strategy (RSS) formerly Regional Planning Guidance 9 (RPG9) March 2001 as amended, the Surrey Structure Plan 2004, the Surrey Minerals Plan 1993 and the Guildford Borough Local Plan 2003. The emerging South East Plan includes improvements that need to be made to ensure that the South East remains economically successful and an attractive place to live. The South East Regional Assembly (SEERA) formally submitted the draft Plan to Government on 31 March 2006.

Consultation on the draft plan ended in June and the Examination in Public (EIP) is currently taking place. It is anticipated that the Plan is likely to be approved by Government in early 2008.

- 55 Consideration will need to be given to the potential impacts arising from the drilling of two further boreholes at the wellsite, both in terms of the closest residential properties and the local environment and amenities. The use of the wellsite, its access and the appraisal of the existing borehole is already permitted until August 2010. The site lies within the Metropolitan Green Belt within a heavily wooded area, which forms part of Albury Park Estate on land within the AONB, and AGLV. As the proposal involves development inconsistent with the primary aim of conserving or enhancing the AONB, the application falls to be considered as a Departure from the Development Plan.
- 56 The site is also located within an area of Historic Parkland, which covers much of the land between Park Road and Guildford Road and New Road and Chantry Lane, and within Park Wood SNCI, which was designated for its ancient semi natural woodland.

Need, National Interest and Alternatives

Surrey Structure Plan 2004

Policy DN7 Mineral Workings and Restoration

Policy SE2 Renewable Energy and Energy Conservation

Surrey Minerals Local Plan 1993

Policy 15 Exploratory Drilling for Hydrocarbons

Policy 16 Hydrocarbons Appraisal Drilling

- 57 Given the wellsite's location within the Surrey Hills AONB, a key issue in determining this application is the need for the development, whether it is of national and/or local interest and whether there are any alternatives. The applicant has sought to demonstrate the national need position by identifying the decline in the production of gas, the increasing demand for gas, the seasonal demand variation and the security of gas supplies. In respect of the Albury gasfield, the applicant states that the existing appraisal has provided insufficient information and it is anticipated that two new boreholes drilled into a target area further west in the field would provide the necessary information on the extent, quality and quantity of the gas flow at Albury. The applicant asserts that there are no alternatives and that it is not possible to drill from outside the AONB. Consideration has been given to other sites closer to the target area.
- 58 There are no specific regional policies regarding hydrocarbons. Both the Regional Spatial Strategy and the emerging South East Plan recognise that *'hydrocarbons are exploited in modest quantities in West Sussex, Surrey and Hampshire'* but expects Mineral Planning Authorities with such resources within their area, to consider these as part of their plan making function.
- 59 Policy DN17 of the Surrey Structure Plan 2004 'Mineral Workings and Restoration' states that mineral working will be allowed where the need for the mineral outweighs the adverse impact of the development. In AONBs mineral working will only be allowed *'where it is clearly shown that the need for the mineral is essential and of national interest and there is no suitable alternative site.'* These three points, are therefore the key issues in terms of the consideration of the need for the development.
- 60 The Surrey Minerals Local Plan 1993 includes a chapter on hydrocarbons. Para 5.17 recognises that oil and gas are different in planning terms from other minerals and that there is some limited flexibility in the location of wellhead sites that are small in relation to the extent of the deposit. Policy 15 'Exploratory Drilling for Hydrocarbons' states that drilling operations for hydrocarbons will *'be permitted only where the County Council are satisfied that in the context of the geological structure being investigated the proposed site has been selected so as to minimise the environmental and ecological impact of the*

development'. In terms of appraisal, Policy 16 'Hydrocarbons Appraisal Drilling' states that appraisal drilling and subsequent testing will only be permitted where the County Council is satisfied that the three criteria are met. These include that the *'development is necessary to confirm the nature and extent of hydrocarbon resources or to assess the feasibility of their recovery'*. It is underlined in the Minerals Plan that acceptance of an appraisal scheme does not imply that planning permission would necessarily be granted for any subsequent proposals. Any further proposals would have to be treated strictly on their merits.

- 61 National Planning Policy on onshore oil and gas and underground storage of natural gas is set out in Annex 4 of Minerals Policy Statement 1 (MPS1) 'Planning and Minerals' which was issued in November 2006 along with its accompanying Practice Guide. Annex 4 of MPS1 replaces the DOE Circular 2/85 'Planning control over Oil and Gas' and cancels the Mineral Planning Guidance: On-Shore Oil, Gas and Coalbed Methane Development Draft Consultation Document (1999).
- 62 Annex 4 of MPS1 sets out Government planning policy on planning control of land-based exploration, appraisal, development and production of oil and gas. MPS1 distinguishes between the three stages of exploration, appraisal and development. Each of the stages requires a separate planning permission. MPS1 goes on to make a clear statement that *'There should be no presumption in favour of consent for subsequent stages if an earlier stage be permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal of an earlier stage.* (para 3.2)
- 63 This proposal is for the appraisal stage, which involves the longer-term testing of the drilled well. MPS1 recognises that until the extent of a find is clear it is difficult to evaluate the options available and to clarify this it may be necessary to drill further wells at other sites in the area. Under the heading of Appraisal, Para 3.13 of the Annex states that *'as with all other forms of development, an application for an appraisal well must be considered on its merits. This consideration should take into account the long-term suitability of the site since such wells may subsequently be required for production purposes'*.
- 64 The Government set out its energy policy in the UK Energy White Paper 'Our Energy Future – Creating a Low Carbon Economy' DTI 2003. The four main points are to
- cut carbon dioxide emissions by 60% by 2050, with real progress by 2020;
 - maintain the reliability of energy supplies;
 - promote competitive markets in the UK and beyond; and
 - ensure that every home is adequately and affordably heated.

In the short to medium term the Government's stated aim is to

- Maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner;
 - Encourage the development of clean coal technologies; and
 - Encourage the capture of methane from coal mines where environmentally acceptable.
- 65 Para 6.37 of the Energy White Paper states that the nation's oil and gas sector *'is and will remain important to the wider UK economy in terms of jobs, investment and its contribution to national income. We are keen to continue to encourage investment in both existing and new fields'*.
- 66 A review of progress on the Energy White Paper's goals, and consideration of further options to achieve the goals, are set out in the Government's report The Energy Challenge released on 11 July 2006 (Energy Review). The decline in production from mature natural gasfields has meant that the UK has gone from being self sufficient to a net importer of gas within a very short timescale. The Energy Challenge states that by 2010, imports

could be meeting up to 40% of the UK's total gas demand, rising to 80 – 90% by 2020 and therefore making efficient use of the UK's own energy reserves would bring benefits. The Government believes that the rate of decline could be slowed by investment but accepts that geology and price levels will be key determinants of future investment. The Government's stated aim is to ensure that the right conditions are in place to attract investment in exploration, development and production. The Energy Challenge confirmed the importance of gas supply infrastructure and highlighted the difficulties facing companies gaining consent to build energy installations.

Is the mineral essential and of national interest?

- 67 Gas exploration began in Albury in the late 1980s but the appraisal of the gasfield has proved difficult and taken longer than was originally anticipated. As referred to in paras 6 – 11 above, appraisal is already taking place using one borehole at the Albury well site and will continue until 2010. The current knowledge of the field is that it is east west orientated and covers approximately 10 km by 3km. The reservoir is in a thin, high quality porous sand within the Purbeck Beds. The existing wellsite is located on the eastern edge of the known structure and therefore the existing borehole only allows testing within a limited part of the likely extent of the gasfield. Currently, the measurement of the difference in pressure drawdown of the gas reservoir is carried out annually and is achieved by lowering pressure gauges down the well and leaving them in situ for a period of time before retrieving them and downloading the information. Rather than flaring, the gas fuels two generators, which makes it difficult to assess the pressure difference. Seismic data has been used to define the size and shape of the field but there remains uncertainty about the distribution of the sand.
- 68 The potential geological area of the gasfield is shown on plan Figure 6 submitted with the application. This is reproduced as **Plan 2** attached to this report. In the short to medium term the Government's energy policy aim is to '*maximise the potential of the UK's conventional oil and gas reserves in an environmental acceptable manner*'. This is set against the background of declining UK reserves. Given the previous and current exploration activities, there is clearly gas-bearing strata in the Albury field. To maximise the potential of a reserve, it is important to fully investigate the potential resource. A 3-D seismic survey undertaken in the area during February 2005 indicated the need for a new appraisal wellsite further westward in the geological formation to provide clearer information regarding the extent, quality, quantity and pressure of the gasfield. Such information is a prerequisite to any decision to either plug and restore the wellsite or seek further development of the reserve, should this prove viable. A geological model of the Albury gasfield is shown as **Plan 3** which provides details of the geophysical interpretation of the most recent seismic survey. This gives some indication of the current knowledge of the highest point of the geological structure, which would thereby offer the best prospect.
- 69 Whilst some objectors to the proposal have suggested that such development should take place on brownfield sites, quite clearly, the locations available for oil and gas development are limited primarily by geological factors and environmental and landownership issues are also relevant. The applicant has considered vertical drilling from sites that were most likely to produce the best information on the geological formation to be appraised. The preferred option particularly on geological grounds, was the site identified on Blackheath. This option would have involved the creation of a new site in an environmentally sensitive area compounded by access difficulties. Directional drilling can now be used to gain access to areas where environmental or other conditions might preclude vertical drilling. The applicant has now secured the use of a new hydraulic drilling rig that could directionally drill from the existing well site at Albury to gain access to the field below Blackheath.
- 70 Several objectors to the proposal have raised the issue that at a time when there is concern regarding global warming a renewable energy project would have been more appropriate. SaveBlackheathCommon has also suggested that the application should

contain information on the offset of carbon emissions in relation to the construction of the site, the gas extracted and the restoration of the land. The flaring of gas has also been criticised in representations. In this respect, other than the 3 week period of testing, the flaring of gas would be intermittent. The DTI controls the amount of gas that can be flared under a consent to flare. The main purpose of this is to avoid unnecessary loss of a resource.

- 71 In December 2006 the Department of Communities and Local Government issued a consultation on a draft PPS entitled 'Planning and Climate Change' which when finalised, will be a supplement to PPS1. Planning is seen as having a pivotal and significant role in helping to deliver the Government's ambition of zero carbon development. Spatial strategies should ensure that climate change considerations are being integrated into all spatial planning concerns. The consultation document goes on to say that *'information sought from applicants should be consistent with that needed to demonstrate conformity with the development plan and this PPS, and be proportionate to the scale of the proposed development and its likely impact'* Para 7
- 72 In this case, there must be some consideration of the nature, scale and circumstances of the development. This application involves the carrying out of gas appraisal at an existing gas appraisal site and does not include the construction of permanent buildings. The proposed temporary period covers the same period of operation as is already permitted under the current consent. In addition, if the gas field were found to be unviable, the site would be restored to forestry, a sustainable use. At the same time, whilst the Government has policies on the challenge of climate change and the encouragement for renewable energy projects, it also recognises the role of oil, gas and coal in the UK energy mix. In 'The Energy Challenge' July 2006 the Government set out its view that *'Developments in low carbon technologies and improvements in energy efficiency will act to reduce demand for and thus decrease our reliance on imported fossil fuels. Nevertheless, fossil fuels will constitute the majority of our energy mix for the foreseeable future, particularly oil and gas.'* Page 77.
- 73 Clearly there is a move towards renewable energy but such a fundamental change will not happen overnight as currently around 90% of the United Kingdom's (UK) energy needs are met by fossil fuels. In the meantime, the need for gas will remain to maintain the demand for homes, schools and places of work to be heated. Therefore proposals to investigate potential gas development at existing or new fields are still required.
- 74 There is strong public objection to the proposal in terms of need and alternatives. A resident of Guildford states in Representation 65 that *'MPS1 has not been satisfied primarily by proof of a national need for the development and consideration of alternative sites.'* Both Guildford Borough Council and the SaveBlackheathCommon Campaign make it clear that they do not consider the reserve at Albury to be 'nationally significant'. Nevertheless, one of the energy challenges for the UK is that indigenous supplies of gas have declined to the point where the UK is now a net importer and it is necessary to secure the reliability of energy supplies. On 16 May 2006 the Secretary of State for Trade and Industry made a statement in the House of Commons setting out why additional gas supply infrastructure will be so important to the future security of the UK gas supplies. Whilst the statement was aimed primarily at large gas infrastructure projects, it highlighted the difficulty that there are limited locations for the exploitation or storage of gas.
- 75 Oil and gas play a central role in the UK economy and the Government's energy policy is to ensure secure, diverse and sustainable supplies. Onshore oil and gas production makes a small, but important contribution and is beneficial in terms of proximity to demand. To assist the Government's policy to maintain the reliability of supplies and ensure that every home is adequately and affordably heated, the investigation of a known field to confirm its extent and potential should continue. In terms of whether the development is essential and for an indication of its importance nationally, the views of the Department of Trade and Industry (DTI) are very relevant. The DTI has considered the

planning application and has advised that it fully supports the proposal subject to it being environmentally acceptable and goes on to confirm that it is the UK Government's stated objective to maximise the exploitation of national oil and gas resources with due regard to the environment.

Alternatives

- 76 If it is accepted that there is a need for further appraisal of the gasfield, given the Albury well site's location within the AONB it is necessary to consider whether investigation of the geological structure could take place at a site outside the AONB or AGLV. The applicant states that prior to the submission of the Blackheath proposal, three potential sites were subject to preliminary studies but the Blackheath site was preferred on geological, visual, and noise grounds. Having chosen that site a number of access routes were considered. Following submission of the planning application, the Blackheath site was considered to be unacceptable, particularly in terms of access difficulties, which Officers did not consider were capable of being practicably overcome. Objectors to the Blackheath application, suggested that as an alternative, the applicant investigate the option of directional drilling from the existing site at Albury. Responding to this suggestion, the applicant investigated and secured, new drilling technology, which would allow directional drilling from the existing Albury wellsite and the current planning application is the result of that process.
- 77 There has been a great deal of concern expressed that the Albury wellsite is located within the AONB. Quite clearly it would be advantageous if investigation of the geological structure could take place at a site outside the AONB and AGLV. The applicant has stated that prior to the submission of the application an analysis of alternative sites both within and outside the AONB was carried out. However taking into account all the issues in terms of planning designations, proximity to residential properties, access, traffic generation and ownership it was concluded that the utilisation of the existing site was justified on grounds of sustainability and land use criteria. Several objectors to the current application are suggesting that directional drilling should allow the applicant to drill from outside the AONB.
- 78 The AONB covers an extensive area and much of the potential geological area of the gasfield falls within this landscape and other designations. **(See Plan 2)** There is an area to the far west of the field outside the AONB, which extends from the AONB boundary to the built up area of Shalford. However, other than the settlements of Chilworth and Wonersh, this remaining area falls within the AGLV and also has an arc of Commonland taking in Shalford and Wonersh Commons. The AGLV acts in part as a buffer to the AONB but is also conserved for its own inherent landscape quality. Surrey Structure Plan policy expects development within *'the AGLV to maintain the existing character of the area particularly in locations which are visible from the AONB or contribute to the setting of urban areas.'*
- 79 The applicant has stated that it is not technically possible to appraise the reservoir from outside the AONB and that the Albury site is almost at the technical limit of the ability to drill a sufficiently long horizontal section to reach the drilling target. SaveBlackheathCommon has pointed out that it would not be possible to reach the western limit of the field from Albury. However, the target area has been identified as Blackheath to the west of the Albury wellsite, which lies within the applicant's drilling range.
- 80 Nonetheless, even assuming that there were no geological or other technical reasons that drilling could not take place from the west, beyond the AONB, Officers consider the potential area for an alternative wellsite is restricted. The options under consideration cover an area between Chilworth and Shamley Green with Shalford to the west, taking in the village of Wonersh. Any potential sites are confined not only by the settlement areas, but also by the AGLV designation and the poor access. To serve a site in this area, HGV access would have to be via the B2128 Wonersh Common Road, the D208 Chinthurst

Lane, which run from Shalford to Wonersh with the B2128 continuing on to Shamley Green, or the B2129 from Bramley to Wonersh, or Blackheath Lane, which has a junction with B2128 before going eastward into the AONB to reach Blackheath Village. Any potential drill site, would require the creation of a new access onto one of these roads and any vehicular traffic reaching the site would have to be routed either via Guildford and Shalford or through Albury and Chilworth and possibly through Wonersh. Any of these options would take vehicles through residential areas. Opening up a new drill site in this area would also involve a greater level of traffic than is currently proposed, as a result of having to construct and lay down a base for a new site and access.

- 81 An important aspect in the consideration of this application is that the proposal would take place within the confines of an existing operational site, which has an existing access and infrastructure. The site at Albury Park will be operational until 2010 whether or not this current proposal goes ahead. Concerns have not been raised regarding the operation of the site and therefore it could be argued that it would be more appropriate to continue appraisal at the existing site, rather than seek to develop a second site with all the impacts associated with the establishment of a new greenfield site and access. The wellsite at Albury Park is close to the A25 and vehicles do not have to pass through villages to gain access, instead the route between the A25 and the site passes only three residential properties that front onto the road and three others, which are set well back from the roadway.
- 82 SaveBlackheathCommon argues that the applicant should consider all possible alternative sites within the UK and that the company has other sites that should develop those before Albury. It would not be appropriate for such a strategic assessment to be undertaken for an appraisal application. Minerals can only be worked where they are found. The Albury reservoir is found within the Purbeck Beds and is the only location in the Weald Basin where sandstone of substantial thickness is found. It is clear from the DTI's comments that the Government wish to maximise gas resources and therefore there is a need to investigate potential gas fields. It is also important to be mindful that this application is about on-going appraisal of the field at Albury. The applicant has 7 gas production sites, one of those, Humbly Grove, is also used to gas storage. There are plans to appraise the Kings Farm site in Bletchingley, which is the subject of a separate planning application. However, the resource at Albury cannot be appraised from any of these other sites.

Minerals Policy Statement 1 : 'Planning and Minerals'

- 83 MPS1 makes a clear statement in para 3.2 that in terms of conventional oil and gas development each phase is dealt with separately and there is no presumption in favour of consent for later stages if permission is granted. MPS1 also advises that the possible effect of a later phase of development, which has not yet been applied for, does not constitute grounds for refusal of an earlier stage. Under the heading of appraisal, MPS1 refers to the fact that an application for an appraisal well must be considered on its merits but goes on to say this consideration should take into account the long-term suitability of the site as the wells may subsequently be required for production purposes. However, MPS1 also tells us that applicants should not be expected to provide a firm development programme before full appraisal has taken place.
- 84 The above advice requires interpretation. From a practical viewpoint, a detailed assessment of environmental information relating to future development, which may not come to fruition, would add little value to the process. Officers consider that the advice seeks to establish in very general terms the suitability of the site for some form of future use or possible operation in conjunction with other sites. Any future development will require planning permission and it is recognised in MPS1 that most applications for significant gas storage facilities would require EIA. The applicant has set out four potential options in relation to the future of the site in para 3.23 of the planning statement. Officers have considered the suitability of the site on the basis of these options (in no particular order).

- 85 The first option is the potential for gas production to supply the national gas distribution system. The Onshore Oil and Gas Factsheet produced by the British Geological Survey for the Department for Communities and Local Government in November 2006 states that the planning impacts associated with oil and gas developments are significantly different from most other mineral development. The Factsheet states that *'the production phase may require the development of various infrastructure works including storage tanks and associated structures, water injection sites and pipelines connecting the various wellheads.'* The applicant has confirmed that such a proposal would potentially involve an additional site area of 2.5 ha over and above the existing 1.97 ha site to accommodate the necessary infrastructure. Some idea of the general dimensions of the plant and equipment that might be required can be gleaned from the part of the Humbly Grove site in Hampshire, which produces and stores gas. Such a facility would involve the construction of a building to house the compressor equipment and other equipment. The absorption towers would be the tallest structure at the site which would stand at a maximum of 16.5 metres.
- 86 The second option was the potential for gas storage. The applicant has confirmed that a gas processing facility would occupy an area of approximately 2.5 ha and require a pipeline connection to the Ripley above ground installation. The Onshore Oil and Gas Factsheet accepts that the development of underground gas storage requires an intensive short construction stage of up to three years, which can raise issues of noise, dust, traffic, vibration, industrialisation of the countryside and impacts on designated areas.
- 87 Locating either a production or storage facility at the Albury site is likely to raise concerns. Any extension of the landtake could have impact on the ancient woodland. However it would depend on how, and in which direction, the existing site was extended. Potentially there could be a greater impact on residents in terms of noise if the site were to go closer to residential properties, or there could be an impact on recreational users of the nearby bridleway. Veteran trees are particularly important for biodiversity and the landscape and by definition are not possible to replace and potentially a larger site and pipeline would involve a greater visual impact, which would be particularly important in the AONB.
- 88 The third option raised in para 3.23 of the planning statement is the evaluation of the most suitable site for production or gas storage. The point that the extraction site (wellhead) and associated works such as gathering stations can, within limits, sometimes be moved to a less sensitive location is highlighted in the Onshore Oil and Gas Factsheet. The applicant has stated that the preferred location for any processing plant would be adjacent to the existing wellsite. Nevertheless the applicant has confirmed that a detailed planning analysis to identify other sites suitable for a production process plant between the wellsite and the Ripley AGI is being carried out, and this remains an option.
- 89 Clearly the site's location in the AONB is a critical issue in assessing its suitability for further development. Appraisal and some small scale production have been taking place at the site for several years. Therefore if the field were to prove viable, it could not be ruled out at this stage, that the site could be suitable for the continued use of the site for appraisal with limited production infrastructure. This would of course, be subject to the development meeting the necessary environmental and amenity requirements.
- 90 Gas storage or full scale production may be more difficult to accommodate and a lot would depend on the exact location of any additional landtake and what that may mean in terms of the noise impact, visual impact and the impact on individual veteran trees in Albury Park, which are particularly important for biodiversity and the landscape. If appraisal was successful and the applicant intended to develop further, a new grant of planning permission would be required. At that stage the full details of the development would be assessed very carefully to decide whether or not the very stringent noise levels for permanent installation of plant could be met, whether the applicant could meet the requirements of the legislation regarding protected species and other environmental and

amenity requirements and whether or not the scale and character of the development would be acceptable in the AONB and Green Belt. A location remote from the appraisal site remains an option.

- 91 The fourth option to restore the site if it proves not to be viable, forms part of this planning application. This would involve the removal of the hard surface, plant and machinery and the site returned to a condition suitable for forestry use, which is appropriate to its location within the Green Belt and AONB. Further consideration of the restoration proposals are given in paras 212 – 215 later in the report.
- 92 Officers are giving weight to the views of the DTI in relation to the essential nature of the development and its importance nationally. Taking into account the advice from the DTI, the need to confirm the extent of the gas field, and the considerations regarding the lack of alternative sites, Officers consider that there is a need for the development and that the need can be met at the existing site and the choice of the existing site is appropriate for the proposal. Even if there was potential to develop a new site to the west of the gasfield, it would be likely to give rise to much greater impacts than utilising the existing site. Nevertheless, notwithstanding the need and the national energy position, it is necessary to consider the proposal against other national policies and the policies of the Development Plan.
- 93 Of relevance to this proposal, Policy 15 of the Surrey Minerals Local Plan 1993 'Exploratory Drilling for Hydrocarbons', requires that the County Council be satisfied in the context of the relevant geological structure the site selected minimises the environmental and ecological impact of the development. The development must also meet the relevant criteria of Surrey Minerals Local Plan 1993 Policy 16 'Hydrocarbons Appraisal Drilling'. Criteria (iii) is that the proposal is in accordance with the relevant Structure Plan and Minerals Local Plan policies. This is considered further below.

Metropolitan Green Belt

The Regional Spatial Strategy 2001 (RPG 9) (as amended)

Policy E3 Green Belts

Surrey Structure Plan 2004

Policy L04 The Countryside and Green Belt

Guildford Borough Local Plan 2003

Policy RE2 Development Within the Green Belt

- 94 Albury Gas Site is located within the Metropolitan Green Belt where policies of restraint apply. The Regional Spatial Strategy states that the Government believes that Green Belts continue to be important in preventing urban sprawl, in preventing coalescence of settlements and in protecting the countryside. Policy E3 states that there is no regional case for reviewing the Green Belt boundaries. This stance is being taken forward in the emerging South East Plan and a commitment in Policy CC10 that the existing Green Belts will be retained and supported.
- 95 Protection of the openness and intrinsic qualities of the countryside both within and outside the Green Belt is sought by Surrey Structure Plan 2004, Policy LO4 'The Countryside and Green Belt'. Nevertheless there is recognition that some operational development may be acceptable in the countryside, where need is justified and adverse impacts can be satisfactorily managed. Policy RE2 of the Guildford Borough Local Plan 2003 states that new building within the Green Belt will be inappropriate unless it is for the six purposes identified. Within the supporting text it is recognised that certain forms of development may be appropriately located in the Green Belt, although these will be strictly controlled to minimise their impact.
- 96 Within the individual representations, some 170 members of the public have given the site's location in the Green Belt as one of their grounds for objection. Most have said that

they believe 'very special circumstances' have not been shown. Guildford Borough Council has also referred to the need for very special circumstances in its letters of objection. However, minerals development is treated slightly differently to other development in terms of Green Belt policy. The advice contained in Planning Policy Guidance Note 2 (PPG2) is that minerals can only be worked where they are found and *'that minerals extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and the site is well restored'*. As a consequence, the test of 'very special circumstances' does not apply for a temporary mineral activity.

- 97 SaveBlackheathCommon has stated that whilst the drilling could be argued to be appropriate mineral working, the assessment facilities are 'other development' and are not appropriate. The action group argues that the office/messroom facility is unnecessary to carry out the mineral working and therefore very special circumstances need to be demonstrated. The office/messroom facility is not a freestanding development in its own right. It is being constructed within the wellsite compound with the purpose of serving the staff involved in the 'mineral extraction' at the site. Officers therefore consider that it is ancillary development necessary to the primary purpose of the site, which is mineral working. During the 18 week drilling period the site would be manned 24 hours a day by 10 staff working 12 hour shifts and 2 staff working 24 hour shifts and therefore staff facilities would be necessary. The facility would be retained during the appraisal period when it is anticipated that 2 staff would be working at the site during the normal working day. The facility would be removed when the site was restored. As temporary ancillary development the proposal is not inappropriate and there is no requirement to demonstrate very special circumstances.
- 98 The existing site is well-screened and has operated satisfactorily and unobtrusively for some years. The current appraisal generates little activity and the appraisal phase of the development the subject of this planning application, is likely to generate a similar level of activity. The construction and drilling phases of the proposal would involve a greater degree of activity.
- 99 The national policy test requires that high environmental standards are maintained and the site is well restored. Technical consultees have considered the proposal and their views are set out in detail in later sections of the report. The applicant has submitted details of the restoration and planting. The applicant proposes that the site is reinstated to forestry. The planting would blend with the surrounding forestry plantations and ground vegetation would be allowed to regenerate naturally from the re-spread topsoil and adjoining woodland. There is no reason to believe that the site could not be well restored to a forestry after-use, which is consistent with Green Belt objectives. Therefore if it is found that high environmental standards can be maintained during operation, Officers consider that the proposal is acceptable in terms of Surrey Structure Plan 2004 Policy LO4 'The Countryside and Green Belt' and Guildford Borough Local Plan 2003 Policy RE2 'Development Within the Green Belt'.

AONB/AGLV and Visual Impact

The Regional Spatial Strategy 2001 (RPG 9) (as amended)

Policy E1 Areas of International and National Importance for Nature Conservation, Landscape and Cultural Value

Surrey Structure Plan 2004

Policy SE8 Landscape

Policy SE9 Trees and Woodland

Surrey Minerals Local Plan 1993

Policy 1 Environmental and Amenity Protection

Guildford Borough Local Plan 2003

Policy RE5 Areas of Outstanding Natural Beauty

Policy RE6 Areas of Great Landscape Value

- 100 The prime purpose of the AONB designation is to protect and enhance the natural beauty of nationally important landscape. The Surrey Hills AONB was one of the first AONBs to be designated back in 1958. Within an AONB, mineral working is only allowed where the mineral is essential and of national interest and therefore the application falls to be considered as a Departure from the provisions of the Development Plan. There are a number of issues that reoccurred in the representations received from the public, but by far the main reason cited as a reason for objection was the impact on the AONB.
- 101 Policy E1 of the Regional Spatial Strategy 2001 (as amended) states the priority should be given to protecting areas nationally designated for their landscape quality and that development plans should accord with guidance in protecting and enhancing new and existing AONBs. The emerging South East Plan has a policy covering AONBs alone. Policy C2 states that proposals for development should be considered in the context of priority being given to the conservation and enhancement of natural beauty and regard should be had to their setting. The emphasis should be on small-scale proposal that are sustainably located and designed.
- 102 The conservation of the natural beauty of the landscape and the consideration of landscape quality is dealt within Surrey Structure Plan 2004, Policy SE8 'Landscape'. The policy not only seeks to conserve and enhance the landscape quality of the AONB and AGLV, but also is also concerned with the retention of the distinctiveness of the County Landscape Character Areas. Policy SE8 states that *'major development will only be permitted where it has been clearly demonstrated that the need for development is of national importance, and that there is no alternative site.'* It is however, recognised within the supporting text at para 3.35 that *'Mineral resources may need to be worked in the AONB or nearby and in either case mitigation of the impact of any development will be required to a high standard'*. Policy SE9 'Trees and Woodland' seeks to protect trees, woodlands and to safeguard hedgerows where their landscape, biodiversity or historical interest is significant.
- 103 Para 5.16 of the Surrey Minerals Local Plan 1993 refers to exploratory drilling having been undertaken in the Green Belt, the AONB and AGLV *'without any marked detriment to the environment'* and it could be argued that this is the case with the existing wellsite at Albury.
- 104 Government has confirmed that AONBs have *'the highest status of protection in relation to landscape and scenic beauty'* para 21 of Planning Policy Statement 7 (PPS 7). PPS7 also states that within nationally designated areas major development proposals should not take place except in exceptional circumstances it goes on to state that such proposals should be demonstrated to be in the public interest before being allowed to proceed. 'Major Development' is defined in The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 SI 1062 as meaning development involving certain types of development including *'the winning and working of minerals or the use of land for mineral-working deposits,'* and also, *'development carried out on a site having an area of 1 hectare or more'*. As minerals development on a site of 1.97 ha, this proposal falls into the category of major development. Para 22 of PPS7 says that consideration of major development proposal in nationally designated areas should include an assessment of:
- (i) *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;*
 - (ii) *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - (iii) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

- 105 Minerals Policy Statement1 (MPS1) para 14 repeats the criteria for assessment in terms of major minerals development proposals in AONBs.
- 106 The application site lies within the Regional Countryside Character Area known as the Wealden Greensand, which cuts across Surrey from Kent to Hampshire. The Wealden Greensand lies between the North Downs and the Low Weald and is heavily wooded, predominantly with coniferous forestry and some ancient woodland on valley floors and steep valley sides. 'The Future of Surrey's Landscape and Woodlands' published by Surrey County Council in 1997 has developed this process and identifies County Landscape Character Areas. The site falls within the Greensand Valley – Pippbrook and Tillingbourne. The description of the area refers to the parks at Wotton and Albury as being of particular historic importance the valley is described as being moderately wooded.
- 107 The Surrey Hills AONB Management Plan 2004 –2009 prepared by the Surrey Hills Partnership sets out the vision and management policies and an action plan for the Surrey Hills AONB. Within Appendix 1 of the AONB Management Plan the Landscape Character Areas are set out. The landscape within the Greensand Valley: Pippbrook and Tillingbourne, is described as having *'a rich mosaic of fields, woods, country estates, streams, ponds, villages, parkland, hills, churches and scenic roads. It also has a wealth of cultural and historic interest and is a popular visitor destination.'* Some of the key AONB features identified for the landscape character areas which relate to the application site and its locality are:
- Landmark buildings in the landscape (eg Wotton Church, St Martha's Church, Shalford Mill, Albury's chimneys and Apostolic Church, Abinger Hammer clock);
 - Picturesque, secluded hamlets and villages, and linear settlement (eg Friday Street, Abinger Hammer, Gomshall, Shere, Albury, Chilworth);
 - Spectacular viewpoints (eg St Martha's Hill) and framed views from road corridors and valleys;
 - Small wooded hills with blocks of ancient woodland and coppice;
 - Scenic road corridors (eg A25 and A248) and a network of enclosed, winding lanes, including the distinctive sunken lanes bounded by high banks.
- 108 The site is situated within the 60 ha of Albury Park a privately managed estate. The AONB Management Plan states that *'Parkland contributes significantly to the landscape character of the Surrey Hills, as with the Wotton and Albury Estates, and as much as 6% of the AONB is classified as parkland'*. The existing 1.97 ha well site has been in existence for some years and is well screened by a 3 m high bund and the surrounding mature woodland, which has trees of varying heights but generally between 15 and 20 metres in height and a dense understorey. At less than 5 metres in height, the plant and equipment currently at the site is well below the surrounding tree line and cannot be seen from public vantage points. The only way to pinpoint the general location of the gas compound from outside the site is by reference to the two telecommunications masts located south west of the site, either side of the access route. These masts are not associated with the gas appraisal activities. They are however, taller than the surrounding trees and are visible from New Road and with varying degrees of visibility from other locations in the area. It has been confirmed by Guildford Borough Council that the westerly telecommunications mast reaches 30 metres in height and the mast further eastwards was permitted as a 35 metres high mast. It is noted that although the CPRE objects to this application it does recognise that the gas site at Albury Park has been used for many years and that very little public objection has been made previously. One of the reasons they cite for this is that the site is relatively screened by woodland from long distance views.
- 109 As the site is already in existence there is limited set up works, and any adverse visual impact would involve the installation of equipment including the drilling rig and the associated site activity. The main visual impact would be the operation of the drilling rig. The proposed rig mast is 29 metres in height, which is one metre and six metres

respectively, lower than the telecommunications masts situated just outside the site boundary. Unlike the permanent telecommunications masts, the drilling rig would only remain at the site for a temporary period, approximately 18 weeks. The drilling would take place continuously and therefore lighting would be required during night time operations for health and safety reasons. The impact of artificial lighting on the night sky is identified in the Surrey Hills Management Plan as a significant issue. The lighting would be confined to the wellsite only and would only be required during the 18 week drilling period. The applicant has provided information on the types of lighting to be used and this issue is covered in more detail later in the report, see paras 178 - 185.

- 110 The appraisal testing phase would have a similar visual impact to current activities at the site. The difference would be the inclusion of a flare. The applicant has examined the flaring requirement again and concluded that only one flare unit would be required. The applicant states that new technology in the form of a completely shrouded flare would be used at the site. The Clean Enclosed Burner (CEB) would stand 6.2 m high, well below the surrounding tree and shrub cover. The burner deck is enclosed by an insulated heat radiation shield and the manufacturer of the flare states that the CEB achieves 99.99% complete smokeless combustion and no infra red or luminous flames. The flare produces a blue flame within the enclosed burner but no visible flame.
- 111 As part of the planning application the applicant has submitted a landscape and visual impact assessment. The assessment has considered local views from the nearby public footpath and longer views from the North Downs scarp. Views from six locations have been photographed and considered in terms of visual impact in relation to the phases of the development. The landscape and visual assessment found that there would not be views of the various options from the footpath within Albury Park due to the dense nature of the mixed woodland. Other than the traffic generated by the site the assessment reports that the drilling rig would be visible for the duration that it is on site from the A25 and Sherbourne Farm, the footpath at Juniper Hill and from Newlands Corner.
- 112 When considering the visual impact of a proposal it is important to be clear that critical locations have been covered. The submitted landscape and visual assessment can be criticised as it has not considered views from St Martha's Hill to the west of the site or locations to the south of the site. Nevertheless, the landscape and visual assessment report does not form part of an Environmental Impact Assessment and, as such, it is not governed by the same stringent Regulations that applied to the previous Blackheath application. In that case, the deficiencies of the assessment meant that the Environmental Statement was incomplete and the application could only be recommended for refusal. The important point here is that although certain viewpoints have been missed from the assessment, the application has been very carefully considered by the County's Landscape Officer and the Surrey Hills AONB Officer. Officers have also walked the bridleway closest to the site and viewed the site from St Martha's, Newlands Corner and viewpoints to the south of the site.
- 113 **Figure 5** was taken from Albury Heath west of Little London. Members visited this viewpoint on the day of the site visit. Members will recall that the two masts can be seen from this point on Albury Heath and the higher of the two is particularly noticeable. Whilst the smaller mast is visible, only the very top section can be seen above the tree line. From this viewpoint the site would be located just to the east of the masts. The telecommunications masts, particularly the taller 35 m mast, can be seen further southwards. **Figure 6** was taken from footpath 213 some 1.5 km south of the site, which has intermittent and distant views. In respect of views from St Martha's or Newlands Corner, Officers found that it was not possible to clearly distinguish the telephone masts close to the site with the naked eye, and the telephone masts are both taller than rig the applicant proposes to use. At this time of year it is possible to glimpse the telecommunications masts intermittently from the stretch of the A25 descending the hill from Newlands Corner. Whilst turning into the A248 Sherbourne the top of the masts can be seen in the distance to the east of the church. Despite these intermittent views, it is not

considered that the rig would have an undue visual impact. The top of the rig would be one metre below the smaller of the two masts, and it must be borne in mind that the two telephone masts are permanent features in the landscape whereas the rig would be visible for a temporary period of 18 weeks.

- 114 Residents have stated that *'the gas site would marr an internationally important landscape'* - Rep 206. This differs from the County's Landscape Officer view that the site screening, woodland cover and topography locally provides significant visual enclosure with resulting limited visibility. The development would take place within the confines of the existing site and therefore would not require any additional vegetation clearance. He does not have concerns about the drilling rig, as any visibility would be of a temporary nature only and once the rig is decommissioned there would be no visual evidence of the site, even during the winter period. The Surrey Hills AONB Officer agrees with the applicant's overall assessment that the proposal to drill up to two wells at this existing well screened site, is only likely to have a slight adverse impact on the AONB. He does however, refer to the need for the MPA to satisfy itself that the visual and noise impact from the flaring operation would be minimal. These issues are covered later in the report.
- 115 The character of the AONB does not only centre on the visual qualities of the landscape but also reflects its relative quiet and peace. Many of the representations have referred to harm the proposal would have in terms of the peace and tranquillity of the area, and the CPRE has also raised this issue in its representation. Tranquillity is the subject of one of the CPRE campaigns and in its campaign documentation the CPRE states that it values not only the most tranquil areas but also seeks to protect and enhance those of medium tranquillity that are often close to built up areas. 'Tranquillity and Inspiration' is a key landscape feature identified as the basis of the Surrey Hills being designated as an AONB in the Surrey Hills Area of Outstanding Natural Beauty Management Plan 2004 to 2009 and one of the management issues is that *'the peace and tranquillity of the Surrey Hills is constantly being eroded by air traffic and motor vehicles passing through the area leading to congestion, light pollution and damage to country lanes.'* The noise impact of the proposal is covered in more detail later in the report. Nevertheless, the construction and drilling phases of the development have the most potential to affect peace and tranquillity. This aspect of the proposal is limited and consequently any reduction in the tranquillity of the area would be temporary and would not permanently adversely affect the enjoyment and general amenity value of this part of the AONB.

PPS7 and MPS1 Required Assessment for Proposals in the AONB

- 116 PPS7 and MPS1 set out criteria for assessment for major minerals development proposal in the AONB.
- 117 Point (i) covers the need for the development and national considerations. These issues were discussed in paras 57 – 93 above and the conclusion drawn that there is a need for the development, and that the development would be in the public interest nationally. Point (i) also refers to the impact of permitting or refusing the application on the local economy.
- 118 The application site is situated within a rural area, some 5 km south east of Guildford. At present the existing appraisal well is often unmanned but taken overall, does provide employment for two fitters approximately two days a week. During the period of construction and drilling, additional workers would be at the site and this could provide additional support to local services, such as petrol stations, local shops and other services. During the testing an appraisal period the number of workers is likely to revert to 2 but the demobilisation of the rig and restoration would again involve more site workers. The numbers involved are not large and therefore any change would be relatively small. However, it could be described potentially positive in terms of the local economy. No shift in population would result from the proposal and therefore it should not lead to any impacts on the housing structure or an increased burden on local public services. The

socio-economic effects of permitting the development are therefore potentially positive in terms of further economic support for local services and the effect of refusing the application would result in a 'do-nothing' scenario as the existing site would remain operational until 2010.

- 119 Point (ii) The Albury wellsite is situated within the AONB and AGLV in an area that has few urbanising influences. As a consequence, the overall inherent landscape and visual sensitivity is high. Ideally, the well site would not be located in such a visually sensitive area. Nevertheless there are other issues which have to be balanced alongside the landscape sensitivity. The issue of the cost of, and scope for, developing outside the AONB or meeting the need in some other way was covered in paras 70 – 93 above. The majority of the Albury field is located within designated areas and that part of the field that does fall outside the AONB is subject to other designations and constraints in terms of proximity to residential properties and access. The current proposal would take place within the confines of an existing operational site, which has planning permission until 2010. The site will remain operational until that time whether this application is permitted or not. Therefore any alternative site would operate in addition to the existing site. It also has to be recognised that the establishment of a new site also has costs. The greatest impact involves the disturbance and activity necessary to construct the site and infrastructure, this is in addition to the drilling and operational phases.
- 120 Minerals can only be worked where they are found and as referred to in para 82 above, the Albury field cannot be investigated from a site elsewhere within the UK. A number of the main onshore hydrocarbon facilities, and in particular the Wessex-Channel province of which the Albury field is part of, coincide with major environmental designations. The Wytch Farm oil field in Dorset is situated in a particularly environmentally sensitive area, which includes not only AONB, but also other national and European designations. Thereby the scope to meet the need in some alternative way is limited. The possibility of drilling from outside the AONB was set out in para 76 – 82 above where it was concluded that this option was not feasible.
- 121 Point (iii) the effect on the environment and recreational opportunities are discussed later in this report and the impact on the landscape has been covered above.
- 122 Although the site lies within a particularly attractive part of the AONB, it is well screened and the existing access to the site and the compound itself are not obvious or intrusive in the landscape even during the winter period. Officers are satisfied that need for the development has been demonstrated (see paras 57 – 99 above), the development is of national importance and that there is no alternative site. It is accepted that from some viewpoints it would be possible to see the top of the drilling rig during the 18 week period it would be located at Albury Park, and this would have some effect on the landscape. However, whilst the development may not enhance the natural beauty of the AONB during this period, given its temporary nature and degree of impact, Officers do not consider that either the rig or the development as a whole would have a significant adverse impact on the conservation of the natural beauty of the landscape or that the harm is so great as to justify refusing the proposal on the grounds of visual impact.
- 123 The application was advertised as a Departure from the provisions of the Development Plan. Circular 07/99 The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 sets out Departure procedures. Not all Departure applications require referral to the Secretary of State and Annex 2 para 7 provides some guidance on the consideration regarding referral. The Circular advise that matters that should be taken into account are the scale or nature, and the location of the development. Detailed consideration of this proposal has shown that whilst the proposal remains a Departure, the scale of the development and its temporary nature is such, that it would not prejudice the implementation of the Development Plan. It is therefore not development that would need to be drawn to the attention of the Secretary of State if the application was to be permitted.

HIGHWAYS, TRAFFIC & ACCESS

Surrey Structure Plan 2004

Policy DN2 Movement Implications of Development

Surrey Minerals Local Plan 1993

Policy 1 Environmental and Amenity Protection

- 124 The traffic generation and use of the local road network has been cited as a ground of opposition by a total of 196 objectors. The site and its existing access onto New Road is located within a rural area albeit only some 1.5 km from the A25 a county distributor road. The main traffic generating aspect of the proposed development would be the site preparation stage, which also involves the mobilization of the rig. Following on from this, the longer testing and appraisal stage would generate a similar level of traffic to the existing site activities.
- 125 The Surrey Structure Plan 2004 emphasises the environmental implications of movement. Policy DN2 'Movement Implications of Development' seeks to ensure that the movement implications of a development are compatible with the local transport infrastructure and covers the safety, capacity and environmental consequences of development on the surrounding transport network. The Surrey Minerals Local Plan 1993 recognises that the issue of traffic gives rise to a great deal of concern. The supporting text states that the Authority will wish to be satisfied that the volume and characteristics of the traffic generated will not have an unduly adverse impact on the locality and on the highway network. Policy 1 'Environmental and Amenity Protection' requires that the traffic generation, its impact and the suitability of the public highway have been taken into account.
- 126 Government advice with regard to transport matters is given in Planning Policy Guidance Note 13 (PPG 13): 'Transport'.
- 127 The applicant has provided a section on Highways and Traffic in the planning application that focuses on the baseline conditions, potential impacts and mitigation measures. Traffic survey information is provided in the form of desk-based and traffic counts.

Highway Capacity and Safety

- 128 The existing wellsite has an access direct onto the D149 New Road. Vehicles accessing the site would leave the A25 Shere Road at the junction with the A248 Sherbourne and then turn onto New Road. The A25 Shere Road is a County Distributor road, which to the west connects with the A246 Epsom Road some 4.5km north east of Guildford and to the east, goes through to Dorking. The A248's junction with A25 is located on a small section of dual carriageway opposite Sherbourne Farm which is adjacent to the Silent Pool and some 350 m east of the Albury Sandpit/Landfill access. This junction has recently been undergoing some improvement works. The A248 Sherbourne runs from the A25 through to Albury Village and on to Chilworth. However, some 520 m from the A25 junction the Sherbourne crosses the Tilling Bourne and the junction with New Road is on the left on the outside of a bend approximately 50 m after the bridge. New Road has a single carriageway of between 5.5 and 6.5 metres width. The road is unlit, and has no kerb or pavements.
- 129 The 12 hour traffic flow for the A25/A248 junction is shown within the traffic report as 15,008, with 11645 vehicles recorded as using the A25 and 6619 vehicles for the A248. HGV data for the peak periods indicate that at those times the proportion of HGV movements are approximately 1%. The total 12 hour daily flow on New Road recorded was 2525 vehicles including approximately 80 HGVs, forming some 3% of the total traffic. During the peak hours traffic flows for New Road were approximately 150 per hour including up to 11 HGVs.

130 The Highway Authority has no personal injury accidents recorded for New Road in the vicinity of the site access over the past 5 years. The only recorded accident occurred on the A248 between its junction with New Road and the A25.

Access and Traffic

- 131 Access to the site would be gained via a 200 m access track that runs between woodland, from the wellsite to its junction with the D194 New Road. The access arrangements would remain as existing, direct onto the New Road. The access is marked on **Aerial Photograph 2** and **Figure 4** shows the access where it meets New Road. The Highway Authority considers the bellmouth radii and visibility splay to be acceptable and has no further requirements in terms of the access.
- 132 The applicant has provided information relating to type and number of vehicle movements according to the phase of the development. Essentially the traffic generation varies between the differing phases of the development. Details of the potential traffic generation is set out in The Proposal section of the report in para 13. The heaviest traffic generator would be the site preparation stage, which also involves the mobilization of the rig. The applicant has based the estimates for the duration of particular phases of the development based on previous experience of drilling gas exploration wells, however, factors such as particular site details and weather conditions can all influence the timescale. By the very nature of construction work, the number of hourly vehicle movements would fluctuate during the day and over the course of the project. This makes it difficult to aggregate these activities into a consistent average of daily or hourly movements. The applicant states that at most times of the working day construction movements will be around 2- 6 movements per hour or less, but there could be peaks of up to 12 to 14 movements in one hour. All site deliveries and removals would take place during the normal working hours.
- The just over two week period of preparation and site mobilisation would involve:
 - 10 light van or car movements per day,
 - 30 HGV movements per day,
 - 20 ready mixed concrete movements over a 3 to 4 day period,
 - 20 HGV movements to remove plant and deliver construction materials, and 44 movements involved in the delivery and mobilisation of the rig over a 3 to 4 day period.
- 133 The applicant has not supplied information on the decommissioning and restoration of the site. Nevertheless, the removal of the plant, equipment and site infrastructure is likely to be the greatest traffic generator at the time of restoration, and the level of activity can be estimated by reference to the site preparation. In terms of the restoration, the soils remain on site and therefore the main traffic generator would be the delivery of plants and planting materials. Officers do not consider that the estimated additional vehicle movements would significantly alter the potential impact of the site traffic.
- 134 Residents are extremely concerned about the HGV movements in the area. Some have stated that New Road is in poor condition and is already too narrow when existing buses and HGVs are using it. The area is well used for recreational purposes and several objectors raise the issue of safety, particularly in relation to horse riders, cyclists and walkers who use the area. A point raised on one of the many proforma letters is that the level of traffic would have a considerable impact, particularly when combined with the traffic to and from the Albury landfill site.
- 135 Vehicles accessing and exiting Albury Landfill, do so direct from its dedicated junction with the southern carriageway of the A25 some 380m west of the A25/A248 Albury junction. There is no restriction on the number or routing of vehicles visiting Albury Landfill and there have been instances when vehicles from the site have gone through Albury Village. However, the vast majority of the traffic accessing or exiting from the Albury landfill would use the A25. Whilst it is unlikely, there could be some combination of traffic on the 590 m

section of the A248 Sherbourne between the A25 and the junction with New Road. However, it is highly unlikely that HGV traffic from Albury landfill would travel along the D14 New Road, as beyond the junction with Park Road it reduces in width. Traffic from the two sites could combine on the A25 a County Distributor road connecting Guildford and Dorking.

- 136 The Highway Authority has looked carefully at the proposal and has come to the view that there is sufficient highway capacity to accommodate the proposed level of vehicles. The highest levels of vehicle movements would be generated over a period of two weeks and even within that short period the potentially maximum level of movements would take place over a three to four day period. Officers therefore do not consider that the proposal would have a significant detrimental effect on the recreational opportunities in this part of the AONB.
- 137 One objector has questioned whether there is sufficient room within the site for vehicle manoeuvring. The Highway Authority has commented that the site is sufficiently removed from the public highway to not cause a problem, as the access route is long enough to accommodate queuing vehicles if such a situation was to arise. Nevertheless, it would be undesirable for HGVs to reverse onto the public highway. The Highway Authority has therefore suggested that if planning permission is granted, that a condition is imposed requiring all HGVs to enter and exit the site in forward gear only. The applicant advises that a Traffic Management Plan would be prepared which would include such measures as the switching off of vehicle engines when the vehicle is not in use and to try to control the level of site movements to reduce the impact on the local area.
- 138 The Highway Authority has assessed the application and considers there to be no objection to make on safety, capacity or policy grounds. Given the level of traffic to be generated and the phased and temporary nature of the development, the Highway Authority has no objections and no further requirements in terms of the access. Taking into account all the highway and traffic issues, Officers conclude that the development is in accordance with Policy DN2 of the Surrey Structure Plan 2004 and Policy 1 of the Surrey Minerals Local Plan 1993.

ENVIRONMENT & AMENITY

The Regional Spatial Strategy 2001 (RPG9) (as amended)

Policy E2 Biodiversity

Policy E5 Woodland Habitats

Policy E7 Air and Water Quality

Surrey Structure Plan 2004

Policy SE1 Natural Resources and Pollution Control

Policy SE5 Protecting the Heritage

Policy SE7 Nature Conservation

Policy SE9 Trees and Woodland

Policy DN17 Mineral Workings and Restoration

Surrey Minerals Local Plan 1993

Policy 1 Environmental and Amenity Protection

Policy 5 Restoration

Guildford Borough Local Plan 2003

Policy NE3 Local and Non-Statutory Sites

Policy NE4 Species Protection

Policy NE5 Development Affecting Trees, Hedges and Woodlands

Policy HE12 Historic Parks and Gardens

- 139 Residents have given several environmental and amenity issues as grounds for their objection to the proposal. These relate to the closest residential properties and the local environment and amenities. The site is located in rural area with approximately 26 individual residential properties and Albury Park Mansion within just over 500 m of the site.

The site is not only located within the green belt and AONB, but is also an SNCI and Historic Park and Garden. The area surrounding Albury Park is a popular recreational area particularly for walkers, horseriders and bikers and there is a cricket green and clubhouse close to the entrance to the site.

- 140 The Regional Spatial Strategy 2001 (as amended) recognises that a high quality environment is essential to the future prosperity of the South East. One of its identified key development principles is that '*there should be continued protection and enhancement of the Region's biodiversity, internationally and nationally important nature conservation areas, and enhancement of its landscape and built and historic heritage.*' The encouragement of conservation and where appropriate the enhancement of the character, distinctiveness and sense of place of settlements and landscapes throughout the region is sought by Policy CC12 of the emerging South East Plan.
- 141 The care of the environment in its broadest sense is an important strategic objective in the Surrey Structure Plan 2004. Policy SE1 'Natural Resources and Pollution Control' seeks to ensure that designated areas and features of acknowledged importance within the natural environment are conserved and enhanced. The policy also promotes the prudent use of natural resources. There is a requirement within the policy for prevailing standards to be applied to emissions to air, water and land, and that forms of pollution such as noise, odour and light pollution are minimised.

Environmental Impact Assessment (EIA)

- 142 The Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997.
- 143 The EIA Regulations include Schedule 1, which identifies the types of projects for which EIA is mandatory, such as large scale thermal and nuclear power stations and Schedule 2 identifies the types of development for which EIA may be required. The EIA Regulations provide information about the issues that the planning authority needs to consider when determining whether a project needs EIA including thresholds and criteria that indicate whether a given project is more or less likely to give rise to significant environmental impacts. In addition to the thresholds and criteria, there are other circumstances that may trigger EIA, such as location within or very close to a 'sensitive area'. The EIA Regulations define 'sensitive areas' as including, nature conservation sites with national or higher level designations (e.g. Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, and Ramsar Sites), Areas of Outstanding Natural Beauty, National Parks, World Heritage Sites, and Schedule Monuments. Nevertheless it does not automatically follow that a project located in, or affecting, a sensitive area would require EIA. In each case the key question is whether or not the project would be likely to give rise to significant effects on the environment of the location concerned.
- 144 Prior to submitting this current application, the applicant sought a Screening Opinion under Regulation 7 of the EIA Regulations 1999 to ascertain whether the proposal fell within the requirements of EIA. The site is located within the Surrey Hills AONB and under Regulation 2, AONBs are defined as 'sensitive'. The site is not covered by any national or higher level nature conservation designations, nor does it lie within an area that is at risk of flooding, or that has been designated as a groundwater source protection zone.
- 145 The proposal fits into one of the categories of development listed in Schedule 2 of the EIA Regulation (para 2(d)). Whilst the site area exceeds the 1 ha area of works set out in Schedule 2, it does not exceed the relevant thresholds set for deep drilling in the Government's Guidance (Circular 02/99), which advises that '*EIA is more likely to be required where the scale of the drilling operations involves development of a surface site of more than 5 ha.*' In this case the proposal involves a temporary activity within an

existing site and using the existing access arrangements. While the site area is 1.97 ha no new land take is proposed. The Circular goes on to state that *'Regard should be had to the wider impacts on surrounding hydrology and ecology. On its own exploratory deep drilling is unlikely to require EIA. It would not be appropriate to require EIA for exploratory activity simply because it might eventually lead to some form of permanent activity'* (Para A9).

- 146 The Screening Opinion recorded that the site is located within a 'sensitive area' as defined by the Regulations but that it was unlikely to give rise to a significant visual impact given the temporary nature of the proposal and the site screening. It also referred to the site's location within a Site of Nature Conservation Importance and Historic Park and Garden and stated that a planning application would need to be supported by a study of the implications of the scheme for the areas of nature conservation interest and for the historic character of the area. Noise during the construction phases scored medium significance of risk and the applicant was advised that a planning application must be supported by a detailed noise assessment. Taking all of the relevant issues into account, the development proposed, was considered unlikely to give rise to significant risks of environmental effects as defined by the EIA Regulations and did not require a formal EIA. To that effect, a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 was adopted by the Authority on 29 June 2006. Consequently, this application is not accompanied by an Environmental Impact Assessment.
- 147 It is clear from the representations received that objectors feel that an EIA should have been undertaken. The public's concern is that EIA should have been carried out to show the potential impacts that could arise should the appraisal be successful and future development be proposed. However, as shown in [para 145](#) above, the Circular is quite clear on the appropriateness of requiring EIA in terms of exploratory drilling. If in the future the applicant proposes further development in terms of storage or production, the requirement for EIA would be considered afresh.
- 148 SaveBlackheathCommon has questioned whether as a consequence of the proposal to include a flare, that the development should have been considered as Schedule 1 development 'a waste disposal installation for the incineration of hazardous waste'. Schedule 1 (1) sub-paragraph 9. The Environment Agency has confirmed that the gas appraisal site is not considered to be a waste management installation because the flaring of the gas is incidental to the main activity, which is gas exploration. Since it is not a waste management installation the gaseous emissions are excluded from waste regulation law by Article 2(a) of the Waste Framework Directive (WFD) 75/442/EEC as amended by Council Directives 91/156/EEC and 91/692/EEC, Commission Decision 96/350/EC and Regulation (EC No 1882/2003). There is some explanation on the exclusion of "gaseous effluents", in DOE Circular 11/94 Environmental Protection Act 1990: Part 1. Waste Management Licensing. The Framework Directive on Waste.
- 149 As gaseous effluents are excluded from the scope of the waste directive, they are also outside the scope of the Hazardous Waste Directive 91/689/EEC and Hazardous Waste Regulations. They therefore cannot be considered as hazardous waste and the proposal does not fall within the description in Schedule 1 of 'a waste disposal installation for the incineration of hazardous waste'. In any event, the flaring of gas would take place over a very limited period. The impact of this activity on the feature of interest within the SNCI is considered below.

Nature Conservation

- 150 The site is not covered by, or in close proximity to, any national or higher level nature conservation designations. It does however, fall within an SNCI and within Albury Park itself there are three areas of woodland included within the Surrey Inventory of Ancient Woodland. Albury Park has an important lichen interest that largely relates to the 25 to 30

veteran oak trees and ancient sweet chestnut trees. Many of these trees are of historical, landscape and ecological value in addition to the lichens they support. The applicant has carried out an ecological appraisal and has also submitted a report assessing the impact of flaring on the lichen community at Albury Park. The ecological report identifies the important ecological receptors as amphibians, bats, breeding birds, lichens, mixed plantation woodland and the veteran trees.

- 151 The Region has a wide range of habitats and Policy E2 of the Regional Spatial Strategy 2001 (as amended) seeks to maintain and enhance the Region's biodiversity. This is being taken forward in the emerging South East Plan in Policy NRM4. Policy E5 states that woodland habitats should be increased whilst protecting the biodiversity and character of existing woodland resources and other areas of established or potential nature conservation value. The emerging South East Plan recognises that woodland provides many social and environmental benefits for the inhabitants of the south east but that effective management of this resource would be beneficial. Policy NRMS5 requires local authorities to ensure the value and character of the regions woodland is protected and enhanced. One of the measures to achieve this is by protecting ancient woodland from damaging development and land uses.
- 152 The Regional Spatial Strategy 2001 (as amended) states that through land use planning and other functions, local authorities have the opportunity to improve air quality and Policy E7 requires that when determining planning applications, '*air quality is taken into account where appropriate, along with other material considerations*'. The emerging South East Plan refers to the primary driver for national, regional and local air quality management being the protection of human health but recognises that there can be concerns regarding the impact of certain pollutants on wildlife habitats and vegetation. Policy NRM5 which reflects the policies outlined in 'Seeing the Wood for the Trees' – the Regional Forestry and Woodlands Framework for South East England 2004. Policy NRM7 addresses issues related to transport and air quality.
- 153 The protection and enhancement of ecological interests including Sites of Nature Conservation Importance (SNCI) is sought by Policy SE7 of the Surrey Structure Plan 2004. The policy requires that mitigating measures are put in place if development could directly or indirectly harm designated sites. In addition, the applicant must demonstrate that the need for the proposal outweighs the need to safeguard the nature conservation importance, and that no alternative site is available. Policy SE9 of the Surrey Structure Plan seeks the protection of trees and woodland and the maintenance of the extent of tree cover in the county. The policy particularly highlights that ancient woodlands should be protected. Guildford Borough Local Plan 2003 has policies, which seek to protect the natural environment. Policy NE3 requires justification for development which is likely to materially harm an SNCI either directly or indirectly. Policy NE4 seeks to protect species or animal and plant or its habitat that are protected under British law.
- 154 Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation sets out the policies that apply to the integration of the protection of biodiversity and geological conservation and planning. The Government's objectives for planning are to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance. Para 10 of PPS9 covers the value of ancient woodland as a biodiversity resource both for its diversity of species and longevity as woodland.

Site of Nature Conservation Importance (SNCI)

- 155 The application site falls within, and is close to a Site of Nature Conservation Importance (SNCI). The wellsite compound and its access route are wholly within the Albury Park SNCI which extends as far as New Road and Park Road. The nearby SNCI known as Albury Warren, Albury Heath and Kiln Rough, bounds the opposite side of New and Park Roads. The proposed appraisal at the existing wellsite would not involve any use of land

or transport across the Albury Warren, Albury Heath and Kiln Rough SNCI and therefore should give rise to no greater impact on this nearby SNCI than at present.

- 156 Albury Park is a private woodland managed by the Albury Estate for amenity, sporting and commercial purposes. The Park Wood SNCI covers 38.9 ha of the Estate and is also shown as ancient semi-natural woodland on English Nature's Ancient Woodland Inventory. The Albury Park SNCI was designated for its ancient semi-natural woodland, epiphytic species of lichen and diversity of vascular plants. The SNCI includes three separate ancient woods and there are ancient trees scattered throughout the SNCI. The ancient trees support a number of rare lichen species some of which are county and regionally rare, there are also some nationally rare species present. It is therefore important to be able to fully assess the impact of the development on the features of interest.
- 157 The wellsite compound is surrounded by woodland plantation of mainly mature trees including silver birch, chestnut and conifers. Within the plantation were a number of veteran trees, which are a feature of the SNCI. It is not intended to extend the site beyond its current boundary and therefore the proposal should not give rise to any loss or deterioration of the ancient woodland or its value in terms of amenity and woodland habitat. Nevertheless, the veteran trees are the most likely to sustain the lichen species of interest, and the issue of whether the new activity at the site, flaring, would have a significant impact on the lichens is addressed below.

Lichens

- 158 Lichens will grow on trees and rocks and dependant on the age and structure, woodlands can provide a diverse range of fungi and lichens. Albury Park contains a number of veteran trees, which are the most likely to sustain the lichen species of interest. Lichens are known to be very sensitive to air pollution, in particular sulphur dioxide or ammonia and as such are used as environmental indicators. The one entirely new activity that would take place at the site if permission were granted would be the flaring of gas. This would take place over two three week periods and intermittently during the appraisal phase. It is therefore important that the applicant can demonstrate that any emissions from the flare would not have a detrimental impact on the lichen interest in Albury Park.
- 159 A report has been submitted in support of the application, which documents a lichen survey and provides information on the flare emissions. The survey covers an area surrounding the wellsite and its access and extends eastward as far as footpath 239 and to a crossing track to the north. A total of 18 species were identified in the area, mainly on deciduous trees. No protected lichen species or Species of Principal Importance for the Conservation of Biodiversity were recorded in the survey area. The report concludes that the area containing the high value lichen communities lies some 500 m to the northeast where an area of veteran oak pollards is found just to the south of the Tilling Bourne, and the area between Silver Wood and the Albury Park Mansion including St Peter and St Paul's Churchyard.
- 160 The dispersion model ADMS has been used to quantify the ground level concentration of the emissions released based on a worst-case scenario of a 24 hour average in a typical year. It is understood that the gas burnt is methane which converts to carbon dioxide and water vapour. The pollutant of concern is Nitrogen Oxide created during combustion, as this can affect lichens resulting from changes in nutrient availability. No sulphur dioxide, the pollutant that lichens are particularly sensitive to, would be emitted. The World Health Organisation short term (24 hour) guideline for the protection of vegetation is $75\mu\text{g m}^{-3}$ for Nitrogen Oxide. The ADMS model which takes into account variables including the flare height, exit velocity, temperature, nitrogen oxide emission rate, the wind speed and direction, predicts that the guideline limit would be met at approximately 270 metres from the flare.

- 161 It is noted that 270 metres from the flare would not extend as far as the area known to contain high value lichens. However, there is an area between the survey area and the main area of lichen interest, where the emission would not meet the $75 \mu\text{g m}^{-3}$ guideline and yet within the report, it is unclear as to whether this part of the Park contains protected lichen species. A very brief SNCI survey carried out in 1995 largely aimed at determining the broad distribution of veteran trees does not identify any veterans within this area.
- 162 The national lichen specialist for Natural England reviewed the report and identified a number of deficiencies. These include the survey boundary being small and arbitrary; the SNCI quote being selective; irrelevant arguments about the pollution tolerance of common species and the conclusions of distance from the potential pollution source being contradicted by Figure 2.2 showing important communities 300 m away, not 500 m as stated. Nevertheless, Natural England's lichen specialist has confirmed that these deficiencies do not affect the current understanding that Nitrogen Oxide (NOX) emissions have relatively little effect on lichens and that the year round background levels of NOX in the south east would generally be more important than the short term emission proposed in this application. He therefore concludes that it is unlikely that the proposed Albury appraisal activities would have a significant effect on the lichen communities in the Albury Park SNCI.

Amphibians

- 163 Surface water drains from the wellsite into the surrounding PVC-lined ditch, which is located between the perimeter fence and the 3 m high soil storage bund. A newt was observed in the ditch during the phase I habitat survey carried out on 17 May 2006. It was noted that the ditch could be a potential breeding site when it contains water and that there was good terrestrial habitat in the surrounding woodland. The ditch falls outside the fence line and is therefore separated from the operational area of the site. As such, it is removed from the day-to-day site activities or disturbance. Under the current consent, and proposed in this application, the restoration of the site to forestry would involve the removal of the ditch. Certain amphibian species and habitats are protected and as there is potential for newts to be present, the applicant proposes to undertake an amphibian survey prior to the commencement of the restoration phase. If the survey showed that a protected species such as the Great Crested Newt was present, specific mitigation measures would need to be put in place. Great Crested Newts are a European Protected Species under The Conservation (Natural Habitats & c.) Regulations 1994 (Habitat Regulations) and in English law by Section 9 of the Wildlife and Countryside Act 1981 (as amended). Newts are protected from harm, injury or deliberate disturbance and their habitat from deliberate or reckless damage or disturbance. Both Surrey Wildlife Trust and Natural England have been consulted on this application and have no objections to this approach, and the survey and necessary mitigation can be secured by the imposition of a planning condition.

Bats

- 164 Bats are a European Protected Species under the Habitat Regulations and are protected in English law by Schedule 5 of the Wildlife and Countryside Act 1981. English Nature has produced guidelines on what would be expected on a development site where bats are known to be present. No roosts were found during the Phase I Habitat Survey but several large deciduous trees along the access track could potentially support bats. The appraisal would take place within the confines of the existing site and use the existing access track. It is not proposed to clear any vegetation or remove trees and branches and therefore even if trees along the route supported bats, there would be no necessity to close a roost, an activity which would require a licence from DEFRA.
- 165 One representation (Rep 234) has particularly commented on the ecological survey carried out on behalf of the applicant, which the objector to the proposal believes, is inadequate. In terms of bats the representation states that *'their food and their ability to feed may be adversely affected by the combination of vibration, noise and light. Insect prey may be attracted to the lighting and possibly the flaring...'*. It is accepted in the

ecological report that if bats are using the area in the vicinity of the site during the 18 week period of 24 hour drilling there could be some disturbance in terms of noise and lighting. Nevertheless, whilst foraging bats may avoid the wellsite during drill operations, given that the site covers a small area of land within a large area of woodland and the activity is short lived, it is unlikely to have a significant adverse impact on bat populations in the area.

- 166 Noise issues are dealt with in a later section of the report but given that the night time limits are stringent and the drilling is for a temporary period only, noise is unlikely to cause a significant impact. Lighting is also covered in a later section of the report, but it is not anticipated that there would be light spillage beyond the boundary of the area to be lit and again the lighting is for a temporary period only. The applicant has supplied more information regarding the flare and this confirms that the proposed flare would be shrouded and would not have any visible flame. These measures should prevent any significant disturbance to potential bat populations and in the long term, the restoration of the site would be beneficial in returning the site to woodland. Surrey Wildlife Trust, Natural England and the County's Ecologist and Biodiversity Manager have all considered the application and accompanying reports, and have no objection to the proposed development. However, the County's Ecologist and Biodiversity Manager has requested that a condition be imposed on any planning permission relating to protected species.

Breeding Birds

- 167 Under The Wildlife and Countryside Act 1981, the law protects all wild birds, their nests and eggs, with some rare species afforded special protection. Although originally protection was developed to prevent egg stealing and cruelty to wild birds, its modern interpretation also relates to the activities of land managers and developers. The woodland surrounding the site and access track has the potential to offer nesting sites for birds. However, no removal of vegetation or trees forms part of this proposal. Whilst the temporary activity associated with the construction and drilling of the site could potentially cause some disturbance in terms of movement, noise and light, it is not considered that this would give rise to any permanent detrimental impact as the development would take place within the existing site and access track footprint, it is also for a limited period and does not involve the disturbance of the surrounding vegetation. The County's Ecologist and Biodiversity Manager has requested that a condition be imposed on any permission, which prohibits the carrying out of any removal of hedgerows between the 1 March and 31 July inclusive.
- 168 Both Surrey Wildlife Trust and Natural England were asked to comment on the impact of the proposal on the nature conservation interests at the site and neither organisation has any objections to the appraisal wellsite. Surrey Wildlife Trust has commented that although they do not object to the current proposal should further development in the form of gas storage or production be proposed in the future, further ecological appraisal would be required and the effect on the SNCI fully considered. Taking account of the views of third parties and Surrey Wildlife Trust, Natural England and the County's Ecologist and Biodiversity Manager, it is concluded that subject to the imposition of conditions, the ecological impact aspect of this application complies with the relevant development plan policies.

Noise

- 169 Background noise levels in rural areas like Albury Park are normally low. Consequently concern about the potential noise impact of the proposed development has been widely expressed. The EIA Screening Opinion adopted on 29 June 2006, highlighted the need for any forthcoming planning application to be accompanied by a detailed noise assessment particularly covering the construction and operating phases. Nevertheless, the initial noise report submitted with the application was based on assumptions rather than on actual noise measurements. Noise measurements had been taken, but in a location where there was little need to mitigate noise levels. Consequently, the hydraulic unit was noisy and tonal in character and the generators were also noisy. Noise

assumptions were made regarding the ability to achieve a 10 LAeq reduction by silencing measures. Officers made it clear to the applicant that it was necessary to demonstrate that mitigation can assist all the identified individual components to achieve an acceptable noise level in practice. This required additional detailed noise measurements being taken with the rig operating in the manner it would in Surrey. The rig was erected at a site in Hampshire and measurements taken by the applicant and the County's Environmental Noise consultant.

- 170 The Regional Spatial Strategy 2001 (as amended) does not have a specific policy on Noise. However, within the emerging South East Plan it is recognised that '*noise can have a serious effect on the quiet enjoyment of property and places, reducing quality of life.*'
- 171 Policy SE1 'Natural Resources and Pollution Control' Surrey Structure Plan 2004 requires prevailing standards to be applied to minimise forms of pollution such as noise and the Surrey Minerals Local Plan 1993 Policy 1 'Environmental and Amenity Protection' requires that County Council be satisfied that steps have been taken to minimise the impact on amenity in terms of noise. Surrey has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994', based on the approach in Mineral Planning Guidance Note 11 (MPG11). MPG11 has now been superseded by Mineral Planning Statement 2 (MPS2) but the advice in terms of noise remains consistent with MPG11 and the Surrey Guidelines. The Guidelines specifically address oil and gas related development and recognise that noise control is of the utmost importance, as plant would work continuously. The normal requirement is that the noise level of any temporary plant that is in operation at night should not exceed 42 LAeq at the nearest noise sensitive location.
- 172 The main sources of noise would initially be associated with the preparation of the wellsite and mobilisation of the rig; the drilling phase and the demobilisation of the rig which would all take place over a period of 21 weeks. The initial assessment carried out by the applicant suggested that the construction and traffic noise would be within the noise guideline limit but acknowledged that drilling and flaring would exceed the noise criteria set out in the Surrey Noise Guidelines. Noise is one of the greatest concerns of the objectors with 230 individual members of the public citing noise as one of their grounds of objection. Most state that they object to 24 hour drilling and that the 17 residential properties within 0.5 km of the site would be badly affected particularly as flare noise levels given in the application are considerably in excess of the night-time limit. Many refer to the tranquillity of the area and how this will be disturbed.
- 173 Representation 172 refers to the potential for residents to have to 24-hour vibration whilst drilling takes place. Our Environmental Noise Consultant has advised that the distance between the drilling activities and local residents is too great to cause a vibration problem. It would not be impossible for airborne low frequency noise to cause vibration if the frequency causes resonance with a part of a building, but our Environmental Noise consultant has commented that such a situation would be very unlikely and has not happened with previous gas and oil borehole drilling.
- 174 The applicant has provide further details of the Clean Enclosed Burner that it proposes to use at the site. The flare is reported to be quieter than a traditional flare. The applicant has also revised the proposal relating to the number of flares required at the site. The initial intention was to operate with three flares but this has now been reduced to one. The Authority's Environmental Noise Consultant has commented that the noise from the flare is a broad band noise similar to the rustling of the trees but continuous. Taking account of the additional attenuation provided by the trees, the flare would possibly just meet the 42 LAeq night limit at the closest residential property. The Environmental Noise Consultant has suggested that flaring is limited to between 0700 to 2100 hours and this could be achieved by planning condition.

- 175 Following criticism of the applicant's original proposal to construct a new appraisal wellsite at Blackheath Common, the applicant has secured a directional drilling rig to access the target area from the existing site. The noise measurement supplied with the application, were taken in Iceland in a location where it was not particularly necessary for the rig to be well silenced. As a result, noise assessment submitted with the application relied on assumptions that noise control measures could reduce noise levels. The applicant was informed in November 2006 that it would be necessary to supply information to demonstrate that the noise levels could be reduced to meet the night-time limit during the drilling phase. In January 2007 the applicant supplied some information following an investigation of further noise reduction measures for specific pieces of equipment forming part of the drilling rig, at the same time more detailed noise modelling took place. The outcome of this was that the applicant's noise consultant recommended that a noise barrier be proposed around the site up to 4.5 m in height. The applicant has now submitted details of a defender acoustic barrier system which would be erected inside the boundary ditch.
- 176 Officers in consultation with the Authority's noise consultant, took the view that as the proposal involves 24 hour drilling over a period of up to 18 weeks, it is essential that the applicant provides information to the Authority to clearly demonstrate that the drilling and associated operations can achieve appropriate noise levels, particularly in terms of night-time noise. An initial noise test on the working rig attended by the County's Environmental Noise Officer in March proved inconclusive. The weather was not conducive to noise measurements and in any event only part of the rig was in use and the generators were at about 10% load. As a result no meaningful measurements could be taken. Further noise measurements are planned, and although this may take place prior to the April Committee meeting it is unlikely. As a result, the applicant has requested that a decision on the application be deferred until a later Committee meeting.
- 177 It is now four months since the tests were originally planned and the continued delay is unreasonably prolonging uncertainty for local residents who are already anxious about the development. If the noise tests are carried out and the results known prior to the Committee meeting, Members will be informed by an up-date. However, until such time as the applicant can clearly show that noise control measures can reduce noise to meet the noise limits set out in the Noise Guidelines, Officers consider that the noise impact of the proposed development cannot be fully determined and therefore the application currently does not accord with Surrey Structure Plan 2004 Policy SE1 'Natural Resources and Pollution Control' and Surrey Minerals Local Plan 1993 Policy 1 'Environmental and Amenity Protection'.

Lighting

- 178 The site is located within a predominantly rural area within the AONB, which is intrinsically a dark landscape. During the 18 week drilling period the site would be operational 24 hours a day and therefore to meet health and safety regulations lighting would be necessary during the hours of darkness. Lighting would be confined to the wellsite only and would only be required during the drilling stage. Outside lights would be fitted with controllers, either photo cell or timeclocks, to ensure that the lights only operated during the hours of darkness.
- 179 Representations have been received from members of the Guildford and Farnham Astronomical Societies. One such representation is Rep 358, which sets out an objection to the development on the grounds that *'it will introduce an intolerable amount of light pollution and destroy the night sky in that area'*. Rep 359 states that Albury Heath has become established as an observing site for astronomers in the local area as it has an unusual combination of low light pollution, clear views and easy flat access. Astronomy requires the ability to observe both faint and transient objects visible in the night sky. Apparently the human eye adapts very quickly to increased lighting but needs to be 'dark adapted' to see faint objects. Nearby bright lights ruin this process. There have been

several objectors concerned about this issue and many refer to the members of the Guildford Astronomical Society being at the very forefront of British observational astronomy. They go on to state that to lose their ability to observe the night sky within a reasonable distance of their homes would effectively put an end to years of hard work and make many tens of thousands of pounds worth of equipment essentially unusable

- 180 The Campaign for Dark Skies has objected to the application and the CPRE quote light pollution as one of the reasons for objecting. The Campaign for Dark Skies states on its website that it is not anti-lighting, but anti-bad-lighting. It suggests that efficient lighting that only shines light where it is needed is a solution. Light which shines onto neighbouring properties or into the sky is unacceptable and can in some instances be treated as a Statutory Nuisance under the Environmental Protection Act 1990. Several representations have referred to light being a statutory nuisance.
- 181 The Department of Communities and Local Government (DCLG) has produced a Good Practice Guide entitled 'Lighting in the Countryside' and The Institution of Lighting Engineers (ILE) produces Guidance Notes for the Reduction of Obtrusive Light. The ILE recommends that planning authorities follow the environmental zones set out in its guidance note. The relevant zone for this site would be E1: Intrinsically dark landscapes.
- 182 The site is well concealed by the surrounding trees and vegetation and therefore the spilling of light beyond the boundary of the site and light trespass (into windows) could not be an issue. In the case of this proposal it is important to have regard to whether the lighting of the site could cause sky glow, which could be particularly intrusive in this type of area. The ILE Guidance gives the upward light ratio of the installation ie the sky glow or brightening of the night sky in zone E1 as 0.
- 183 The applicant has submitted a lighting plan and height schedule which shows the proposed location, heights and direction of beam of the 8 strip lights and 15 directional lights that would be required to safely operate the site during the drilling period. The lights on the rig and surrounding equipment would be directed inward and downward towards the base of the rig and would be fitted with a reflector skirt to direct the light and stop sideways light. The applicant's lighting engineer has confirmed that the proposed lighting meets the relevant light emission standards except for one of the lights located on the dog house, and the red civil aviation warning light at the top of the mast. These lights are required for safety reasons. There are two lights situated at a height of 10 metres on top of the doghouse, one illuminates the rig floor and the second is likely to be of most concern, as it shines up onto the drilling mast. The ILE Guidance recognises that some lighting schemes will require the deliberate and careful use of upward light and in these cases the sky glow limit cannot apply. Advice is given on the lighting of vertical structures in the situation where there is no alternative to up-lighting. The guidance states that care should always be taken to minimise any upward waste light by the proper application of the use of shields, baffles and louvers to help reduce spill light around and over the structure.
- 184 The lighting is only necessary for the period of drilling which could be for a period of 9 to 18 weeks dependant on whether or not two boreholes are necessary. None of the lights are situated higher than the surrounding tree canopy. The site lighting can comply with the requirements in term of light trespass, it is the upward light ratio of the civil aviation light and more particularly, the upward light on the drilling mast which cannot. Wasted upward light can be minimised by mitigation measures and given the height of the surrounding vegetation the light should not cause a significant adverse impact. Taking both this and the temporary nature of the development into account, it is recommended that if Members are minded to grant planning permission, planning conditions be imposed requiring the applicant to ensure that suitable directional luminaires and light controlling attachments are applied and that the main site lighting remains at all times within the limitations for Zone E1 as set out in the ILE Guidelines.

185 Many objectors have referred to the light that could be produced by the flare. A flare is not used for site existing operations and in the past it had not been considered appropriate to use a flare in this location. However, with improvements in technology it is now possible to install a fully shrouded flare. The applicant has provided the manufacturers specification that states that the flare has no luminous flame. It is understood that the flare burns with a blue flame which is completely shrouded.

Pollution, Safety and Fear

186 Residents have raised several concerns relating to safety at the site and have expressed fears about the risk of accidents. The site has been operational for some years and the applicant advises that there have been no emergencies during the existing appraisal of the Albury gasfield.

187 Surrey Structure Plan 2004 Policy SE1 'Natural Resources and Pollution Control' seeks to conserve and enhance designated areas and features of acknowledged importance. The policy also requires development to comply with prevailing standards for the control of emissions to air, water and land. The Surrey Minerals Local Plan Policy 1 'Environmental and Amenity Protection' requires that the implications for the health and safety of the public are taken into account and that steps have been taken to minimise any potential impacts.

Pollution

188 The applicant has advised that a Pollution Prevention Plan would be drawn up prior to the commencement of site preparation. This would identify any hazardous materials and the risk of any contamination. SaveBlackheathCommon has raised several technical questions relating to the release of fluids during the drilling process. Prior to drilling taking place, the applicant would have to provide details to the HSE, of how they are going to drill the well in a safe manner, this includes demonstrating that the risk of release of fluids are as low as reasonably practicable. The action group are particularly concerned about the environmental impact of the use of drilling fluid. An impermeable membrane already seals the existing wellsite. The Environment Agency requested that further information be provided on the ability to maintain the integrity of the existing impermeable seal given the increased activity at the site and the drilling of the new boreholes. The applicant has satisfied the Agency on this point. The Agency has requested that a standard condition is imposed regarding the storage of oils, fuels or chemicals to ensure that any spillages are contained thereby preventing pollution of the water environment. Whilst drilling, a sealed system would be used which contains any oily cuttings, these would then be exported from the wellsite for disposal at a suitably licensed site. The details of how the site would be drilled safely and how site operations would be managed are overseen by the HSE.

189 The Environment Agency also raised the issue of adequate sewerage infrastructure to receive foul water discharges. The applicant supplied details of the sewage infrastructure, which includes a buried and sealed septic tank which would be connected via drainage pipes to receive all foul water discharges. The septic tank would be emptied and the foul water transported to an appropriate sewage disposal point. The Environment Agency has confirmed that the sewerage infrastructure is considered to be appropriate and sufficient.

Flare

190 The wellsite has been operational for some years without safety concerns. The difference in terms of the proposed development, is that for a temporary period gas would be flared. The applicant intends to use a Clean Enclosed Burner, which has even flames spread over the burner deck within an insulated heat radiation shield. The shrouded burner compares favourably to traditional flares and it is claimed by the manufacturer that it provides 99.99% smokeless combustion, provides for lower levels of methane and NOx emissions, is quieter and has no luminous flame. It is understood that the flare was initially tested in the UK in 2006, under the guidance of the Environment Agency with the UK Health and Safety Laboratory acting as the independent testing body.

191 Some representations have referred to the site being a fire hazard because of the proposal to flare. Each borehole would initially be flared for three weeks and then only intermittently during the main appraisal period if required. The applicant states that the drilling and gas appraisal testing, including the shrouded ground flaring, would be carried out in accordance with accepted international standards and will be approved by the HSE and the DTI. The planning system does not seek to duplicate controls available in other legislation. Both the Health and Safety Executive and the Surrey Fire Brigade were consulted on the application. There has been no response from the Surrey Fire Brigade, however, the views of the HSE have been received and they do not have any comments or objections.

Buried Munitions

192 Local residents have stated that Albury Heath was used as a training ground for Canadian soldiers during the 2nd World War and there is concern that there are munitions buried in the Albury/Blackheath area. The actual drilling process would be well below the surface level before directional drilling towards the target area below Blackheath. Given the depth of drilling the only potential for buried munitions to be disturbed would be in at the existing appraisal site. Notwithstanding this, any munitions in existence at this location would have been disturbed in the initial construction of the site as this involved the excavation of the cellars for the well site and septic tank. The Albury Estate who own the land, have confirmed to the applicant that Albury Park was not used for training purposes and there is no record of buried munitions within the compound area.

Leaks or Explosions

193 Another concern voiced by local residents, is regarding the safety procedures and the risk of explosion or leaks. Appraisal facilities have to meet the strict safety code of The Borehole Site and Operation Regulations 1995 vetted by the Health and Safety Executive (HSE). Once a detailed drilling work programme has been prepared a risk assessment is carried out covering the standard of containment in all operating modes. Details of the casing, tubing and blow-out prevention are included. An independent examiner reviews the programme and risk assessment prior to it being submitted to the HSE for comment. The HSE has confirmed that this process has already taken place. During flow testing, when the gas is burnt in the flare, the well can be isolated by two barriers. The only gas held at the surface is a small quantity contained within a pipe of six inches in diameter and 40 metres in length. The applicant advises that an automatic shutdown system would close incoming gas flow at the well head in the event of an emergency. An Emergency Contingency Plan would be put in place and emergency equipment would be held on site, in addition to the existing fire water tank located to the west of the compound. This would all be a matter for the Health & Safety Executive.

Gas Storage

194 The issue of gas storage and the company's long term plans for the site has been raised by members of the public in their representations. Apart from the concerns relating to any further development at the site, several residents were concerned about the safety of gas storage and mentioned explosions that have taken place in both this country and elsewhere. Gas storage does not form part of this planning application, which is purely for appraisal. Any future development at the site would require the benefit of planning permission and any gas storage would also require a Hazardous Substances Consent.

Perceived Fear

195 There is the question of proportionality in terms of risk. Public opinion and views are very relevant in the decision making process, but they must be set in the context of all other material considerations such as government policy and the informed opinion of other agencies and independent advisors. Technical experts may conclude that the degree of risk is insignificant because there is no measurable impact, and also some consideration must be given to the risks involved in the failure to provide for secure energy supplies for the nation as a whole. In this case, Officers consider that weight should be given to the

Health and Safety Executive's expert view that there are no health and safety objections to the proposal.

- 196 It is clear that some members of the public are fearful or apprehensive about future gas development at the site, particularly in terms of gas storage. Nevertheless, any future development would have to be subject to a new development consent and gas storage would require a Hazardous Substances Consent. This application is for continued appraisal and it would therefore be unreasonable to refuse permission for this current application to appraise the resource on the basis of the fear of a future development that would be considered afresh, or which may never come forward.
- 197 Taking the pollution, safety and perceived fear considerations into account, Officers conclude that the proposal would not conflict with the aims and objectives of Surrey Structure Plan 2004 Policy SE1 and Surrey Minerals Local Plan 1993 Policy 1.

Rights of Way/Recreation

- 198 The access and changes to rights of way was one of the most controversial aspects of the withdrawn Blackheath application. Unfortunately some objectors are under the impression that the current proposal is the same application and have commented on the damage and permanent changes to rights of way. Rep 33 refers to a 'youth gather' event walking though Blackheath and riding in Blackheath and goes on to states *'it would be such a pity to destroy such a natural place by building gas tanks in the middle of Blackheath...'*.
- 199 Albury Park is private land and therefore there is limited public access to the Park, and no public access to the area surrounding the site and its access. The closest right of way, Footpath 239, runs some 200 m to the east of the site. Having walked this right of way, Officers can advise that the site is not visible from the footpath. Another nearby right of way is Bridleway 240 that runs from Sandy Lane to Albury Village and is accessed just south of the residential property, 'The Bungalow', which is located almost opposite the site entrance.
- 200 Concern has been expressed in representations about the level of noise quoted in the supporting statement in relation to the closest right of way and the comment that *'the drilling operations will be clearly audible in the part of Albury Park'* and that *'tranquillity of the area will be partially disturbed during the drilling phase'*. As discussed in para 169 – 177 above, the applicant has supplied insufficient noise data for the noise impact of the proposal to be fully and adequately assessed. However, the Surrey Noise Guidelines do not refer specifically to noise impact on rights of way nor does MPS2. The emphasis is on the protection of noise-sensitive properties as users of rights of way are only affected for a very short duration in time before moving on. The current proposal does not involve any stopping up, crossing of, or diversions to, any rights of way. Consequently, Rights of Way have stated they have no observations to make on the development, as it involves no direct impact on a public right of way.
- 201 There is public access to Albury Heath, which is Common Land. The Common Land includes the area of Albury Heath to the south of Park Road and much of the area to the west of New Road (opposite side to the site) stretching from approximately 200 m north of the site access to the Guildford to Dorking railway line. The Cricket Club is included within the Common Land. The existing telecommunications masts located just outside the wellsite, can be seen from the part of Albury Heath accessed by Heath Lane an unmade up track which links New Road with a group of properties between Albury Heath and Shere Heath. See **Figure 5**. They can also be seen further south of the site see **Figure 6**. The top of the masts can also be glimpsed from New Road and the access to Sandy Lane. It is therefore likely that during the 18 week period of drilling the rig would be visible from these points. Objectors have also referred to other more distant viewpoints such as Newlands Corner and St Martha's but as discussed in the section on AONB above, it is

unlikely that the proposal would give rise to any significant impact over the temporary period the rig is on site.

- 202 During the period of construction and drilling, there is potential for some temporary impact on the recreational users of the area in terms of traffic, noise and visual impact. The debate as to whether the impacts are significant has been covered in more detail under the individual headings within the report, but the scale and very temporary nature of activities and the ability to mitigate potential impacts, has shown these impacts to be acceptable. The fact that no restrictions would be placed on publicly accessible land and that any traffic or visual impacts would be temporary and to an acceptable level, the proposal should bring about a reduction in recreational opportunities available in the area.
- 203 It is concluded that subject to noise levels within the Surrey Noise Guidelines being achieved, any impacts in relation to the rights of way network and recreational opportunities in the locality would be to an acceptable level and therefore this proposal should not have a significant adverse impact on the enjoyment and general amenity value of this part of the AONB.

Historic Parkland/ Restoration

- 204 The existing wellsite lies within the 99 ha of Albury Park Historic Park and Garden, which includes the largely intact terraced gardens and the wooded pleasure grounds and park. The Albury Park Historic Park and Garden is designated as Grade 1 on the English Heritage Register. Para 6.38 of PPG15 advises that sites of exceptional historic interest are assessed as grade I. The Historic Park and Garden is associated with Albury Park Mansion a Grade II* listed building and the Old Parish Church of St Peter and St Paul a Grade I listed building.
- 205 The emerging South East Local Plan refers to the historic environment as part of the wider environment of the region. Policy BE7 seeks the sustainable management of the historic environment.
- 206 The conservation and enhancement of Surrey's valuable cultural heritage is sought by policy SE5 of the Surrey Structure Plan. The gas wellsite is located within a large area of Historic Parkland. The site also falls within land that has been designated as SSCI 1292 Park Wood, for its ancient semi-natural woodland. As such Policy SE7 of the Surrey Structure Plan 2004 is relevant. Policy SE7 seeks to ensure that designated sites are conserved and enhanced and that mitigating measures are put in place to prevent damaging impacts.
- 207 Planning Policy Guidance Note 15 (PPG15) sets out the Government policy for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. Para 2.24 refers to the effect of a proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application.
- 208 Policy DN17 of the Surrey Structure Plan 2004 seeks to ensure that mineral working does not result in permanent damage to the environment. Delay in restoration has environmental costs and the priority is to secure the restoration of this site to a condition capable of sustaining an acceptable afteruse at the earliest practicable date. This view accords with the guidance given in Minerals Planning Guidance Note 7 (MPG7), that mineral workings are to be reinstated to an appropriate afteruse at the earliest opportunity. MPS1 states that 'sustainable minerals development aims to preserve the land's long term potential to support the widest range of afteruses in the future by achieving high standards of working and restoration.'
- 209 In their representations, some members of the public have queried whether the current application should have been a listed building application as the parkland setting of the

house is integral to its character. Listed building consent is required for a listed building's *'demolition, in whole or in part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest'*. Para 3.1 PPG15 Planning authorities should have regard to the desirability of preserving the setting of a listed building as this can be an essential part of the building's character, *'especially if a garden or grounds have been laid out to complement its design or function.'* PPG15 sets out the publicity arrangements for development, which affects the setting of a Listed Building.

- 210 Officers believe that this proposal does not fall within the category given in PPG15, as a result of its nature, scale and the current use of the site and surrounding land. The fact that the site lies within a registered Park and Garden is a material planning consideration in determining the planning application, but there is no requirement for Listed Building Consent. The proposed development is not significantly different to the activities that have taken place, and are taking place at the site over the past few years. Flaring for two three weeks periods and intermittently afterwards, is a new activity as currently gas generation rather than flaring takes place. The existing and proposed site is some 500 m away from the Mansion and currently does not cause damage to, or have a significant effect on the listed building and its setting. The flare is totally shrouded and would be well below the surrounding treeline. It is therefore not considered that this new activity will significantly change the current situation.
- 211 Residents have expressed concern that the rig would be visible from other parts of the garden, estate and Albury Valley. Rep 206 also states that *'the impact on Albury Mansion and the gardens around the house must be considered'*. The 1.97 ha site lies in the south western corner of Albury Park in an area which has already been disturbed by development. The part of the garden, which is occasionally open to the public, focuses around the Church and Albury Park Mansion. As no additional landtake is proposed, and the site is well screened from the public area, the continuation of appraisal is unlikely to affect or give rise to any additional visual impacts on the historic park and the garden. English Heritage has confirmed in writing that it has no comments on the proposal and that the application should be determined in accordance with national and local policy guidance and on the basis of SCC specialist conservation advice. The County's Ecologist's and Biodiversity Manager main concern regarding the historic park was the potential impact on the lichens, but given the comments of Natural England's Lichen Specialist, which has been covered elsewhere in the report, the County Ecologist and Biodiversity Manager is satisfied that he has had sufficient information to assess the proposal and raises no objection.
- 212 The use of the wellsite, its access and the appraisal of the existing borehole are already permitted until August 2010. If the well were to prove unviable, this application could potentially bring the development to a close some months earlier than currently envisaged.
- 213 The proposals for the restoration of the site submitted with this current application, provide for the reinstatement of the site within a period of six months of completion of appraisal or by the end of the 3 ½ year period whichever is the sooner. The applicant proposes that the site is reinstated to forestry by removing all the existing plant equipment and hard surfaces and replacing the soils. The site would then be planted with forestry transplants comprising of 60% hybrid or Japanese larch and 40% mixed broadleaves to include oak, cherry, alder and field maple. The planting will reinstate continuity with the enclosed forestry plantation and ground vegetation will be allowed to regenerate naturally from the re-spread topsoil and adjoining woodland.
- 214 Surrey Wildlife Trust has requested that the restoration planting is sympathetic to the surrounding woodland with a significant native element. The Trust has also requested that the restoration proposals take account of the amphibian population within the ditch and that further surveys will be necessary. This issue was covered in para 163 above.

- 215 The Forestry Commission does not object to the proposal but draws attention to the fact that the site is part of a large area of woodland known as Park Wood, designated as Ancient Woodland. Park Wood is within a Forestry Commission Woodland Grant Scheme for the continued management of the woodland habitat. The Forestry Commission would therefore like to see the wellsite compound returned to woodland as soon as possible, to benefit the wider woodland habitat and continuity of woodland cover. The continuation of appraisal would not delay the restoration of the site, as restoration under the current appraisal consent does not take place until 2010.
- 216 The current proposal has been carefully considered and Officers take the view that the development would not harm the listed building and its setting. There is no reason to believe that the site cannot be well restored and integrate back into the Historic Parkland and SNCI. Accordingly, Officers consider that from a historic park and garden and restoration point of view, the proposal would not conflict with the relevant guidance and Surrey Structure Plan 2004 Policies SE5, SE7 and DN17.

HUMAN RIGHTS IMPLICATIONS

- 217 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 218 In the case of this application the applicant was requested to provide further noise data in November 2006. As set out within the report, Officers consider that it is unnecessary to prolong the uncertainty arising from this application. It is the view of Officers that if Members decide to allow an extension of the period of determination or refuse the application, neither course of action gives rise to a breach of the Convention.

CONCLUSION

- 219 The proposed development is for the drilling of two new boreholes and the appraisal of the gas resource for a temporary period at an existing site. The proposal has generated considerable public concern but consultees, other than the Authority's Environmental Noise Consultant, have not objected to the development. The County Planning Authority must be satisfied that the proposed development will not give rise to harm to features of importance and local environmental and amenity interest and accord with relevant Structure Plan and Minerals Local Plan policies.
- 220 Minerals working is only allowed in the AONB where there is a proven need of national importance and there is no alternative site. Accordingly this application has been treated as a Departure from the provisions of the Development Plan. In terms of need, national energy policy encourages the security of the supply of natural gas. The DTI has been consulted on the application and has advised that it fully supports the proposal. The DTI has gone on to confirm that it is the UK Government's stated objective to maximise the exploitation of national oil and gas resources with due regard to the environment.
- 221 Importantly, the proposed development would take place within the confines of an active site, which has an existing access and infrastructure. The wellsite at Albury Park can be operational until 2010 whether or not this current proposal is permitted. Concerns have not been raised regarding the operation of the existing site and in fact, it is clear that some members of the public were not aware of its existence. As the proposal is for a temporary period Officers consider it to represent the least damaging option to meet the proven need for energy resources, as the establishment of a new site and access would give rise to much greater impacts than utilising the existing site. Taking into account the advice from the DTI, the need to confirm the extent of the gas field, and the considerations regarding the lack of alternative sites, Officers are satisfied that there is a need for the development

and that there is no appropriate alternative site, and that the proven need can be met at the existing site.

- 222 One of the significant issues in relation to this proposal was its acceptability within the AONB. The site lies within a particularly attractive part of the AONB, nevertheless the site compound is well screened and the existing access to the site and the compound itself are not obvious or intrusive in the landscape even during the winter period. It would be possible to see the very top of the drilling rig during the 18 week period of drilling operations at Albury Park, and this would have some effect on the landscape. However, whilst the development may not enhance the natural beauty of the AONB during this period, given its temporary nature and degree of impact, Officers do not consider that either the rig or the development as a whole would have a significant adverse impact on the conservation of the natural beauty of the landscape or that the harm is so great as to justify refusing the proposal on the grounds of visual impact.
- 223 The noise impact of the development has been of concern since the application was submitted. Clearly the proposal cannot be deemed acceptable on the basis of assumptions, and further noise data requested from the applicant is essential to enable an assessment of the likely noise impacts of the proposed development. An adverse noise impact would also have a detrimental effect on the AONB.
- 224 There is a small chance that the applicant will be in a position to provide noise information to satisfy the relevant policy tests between the time that this Agenda is published and the date of the Committee meeting. If this is the case, and the applicant can provide data that clearly demonstrates that the noise impact would be within the appropriate guideline limits and that the proposal does not conflict with the relevant development plan policies, Officers consider the application could be permitted.
- 225 The applicant has asked for the application to be deferred. The next meeting of the Planning and Regulatory Committee is three weeks away on 9 May 2007.
- 226 If the application is not deferred, in the absence of adequate noise information it is not possible to ensure that the Development Plan and other relevant policy tests are satisfied and therefore the planning application should be refused.
- 227 On the basis of the information available at the time of writing the report, Officers consider that for the reason set out below, the application cannot be supported.

RECOMMENDATION

That the application be REFUSED for the following reason:-

- 1 The applicant has failed to provide sufficient noise data to support the application to enable a full assessment of the effects of the proposal and the identification of appropriate mitigation measures so as to minimise or avoid any significant adverse impact on the amenity of local residents in terms of noise and also to demonstrate that the development would have no detrimental effect on the environment of the Area of Outstanding Natural Beauty. The application is therefore contrary to the requirements of the Surrey Minerals Local Plan 1993 Policy 1 'Environmental and Amenity protection' and Surrey Structure Plan 2004 Policy SE1 'Natural Resources and Pollution Control', Policy SE8 'Landscape', Guildford Borough Local Plan 2003 Policy RE5 'Areas of Outstanding Natural Beauty' and contrary to the Surrey County Council Guidelines for Noise Control Minerals and Waste Disposal September 1994 and Minerals Policy Statement 2 Annex 2 Noise March 2005.

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BACKGROUND PAPERS

The deposited planning application documents and plans, responses to consultations, notifications and representations received, as referred to in the report and included in the planning application file.

Government Guidance

Our Energy Future – Creating a Low Carbon Economy – DTI 2003

Energy Review – DTI July 2006

Planning Policy Guidance Note 2 (PPG2) 'Green Belts' - January 1995

Planning Policy Guidance Note 13 (PPG13) 'Transport' – March 1994

Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' - 2005

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' – August 2004

Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation' – August 2005

Planning Policy Statement 23 (MPS23) 'Planning and Pollution Control' - November 2004

Minerals Policy Statement 1 'Planning and Minerals' and associated Practice Guide November 2006

Minerals Policy Statement 2 (MPS2) 'Controlling and Mitigating the Environmental Effects of Mineral Extraction in England' - March 2005

Consultation – Planning Policy Statement: Planning and Climate Change (Supplement to Planning Policy Statement 1 December 2006

The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 SI 2006 No. 1062

Statutory Instruments 1999 No 743 The Control of Major Accident Hazard Regulations

Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999

The Development Plan

The Regional Spatial Strategy 2001 (as amended)

Surrey Structure Plan 2004

Surrey Minerals Local Plan 1993

Guildford Borough Local Plan 2003

Other Documents

Guidelines for Noise Control Minerals and Waste Disposal – Surrey County Council
September 1994

The Future of Surrey's Landscape and Woodlands' – 1997

The Surrey Hills AONB Management Plan – 2004

Onshore Oil and Gas Factsheet DCLG November 2006

Guidance Notes for the Reduction of Obtrusive Light – The Institution of Lighting Engineers
2005

Lighting in the Countryside: Towards Good Practice – Department of Communities and Local Government – July 1997