

Item C2

Construct a temporary drilling site with temporary road access. Drill well bores to evaluate hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

A report by Head of Planning Applications Group to Planning Applications Committee on 13 April 2010.

Application by Midmar Energy UK Limited for the construction of a temporary drilling site with temporary road access. Drill well bores to establish hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough (TW/10/33).

Recommendation: Planning permission be granted, subject to the prior completion of a Section 106 Agreement to secure HGV routing/management arrangements and subject to conditions.

Local Member: Mr. J. Davies

Classification: Unrestricted

Site

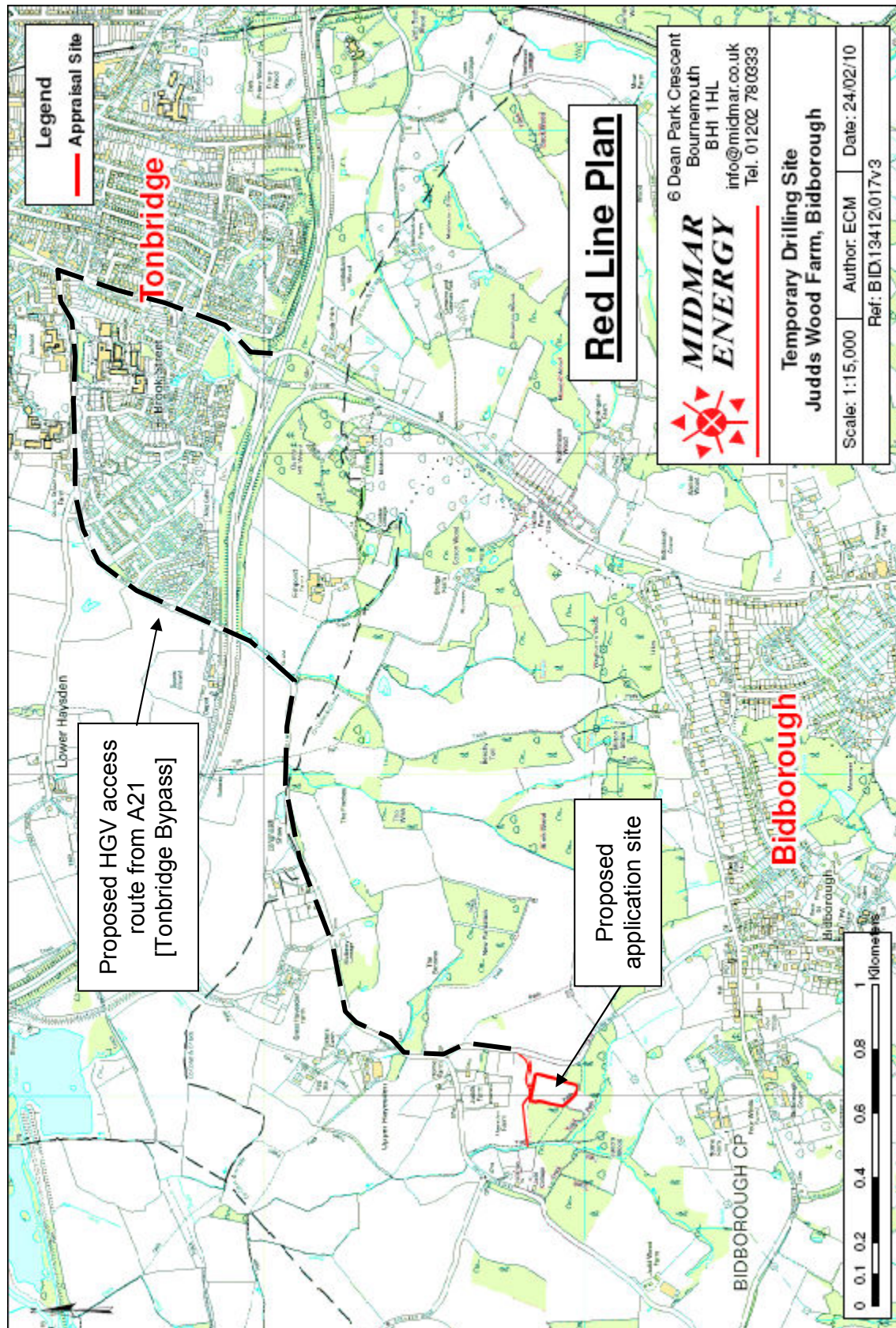
1. The application site is located approximately 700 metres to the north of the village of Bidborough. The nearest conurbations to the site are Tonbridge to the north east and Royal Tunbridge Wells to the south east. Access to the site is proposed to be gained via Gate Farm Road, which in turn leads from the A21 [Tonbridge Bypass] / Tonbridge town centre direction via Brook Street, Upper Haysden Lane and Haysden Lane. Gate Farm Road continues past the site and leads directly into Bidborough village centre onto the B2176 [Bidborough Ridge / Penshurst Road]. The application site consists of an existing agricultural field, used primarily for grazing, and is situated between two sections of Judd's Wood (a designated Ancient Woodland).
2. The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB), the Metropolitan Green Belt and a Special Landscape Area. A Public Right of Way (Ref: WT59) runs along the southern boundary of the application site. *A site location plan is attached on page C2.2.*
3. The nearest residential properties to the application site are those located to the north - Haysden Herb & Honey Farm (170m), Judd's Farm (245m), The Barn (255m) and Tally Ho (270m) and those located to the west – Judd Cottage (290m) and Hillrise (290m).

Background

4. The applicant, Midmar Energy UK Limited, was awarded a licence by the Department of Energy and Climate Change (DECC) to explore for hydrocarbons in the area which covers Bidborough (British Grid Reference: TQ54). An oil exploration well was drilled in 1981 by Conoco which established hydrocarbons to the north of the village of Bidborough, but failed to properly test the reservoir.

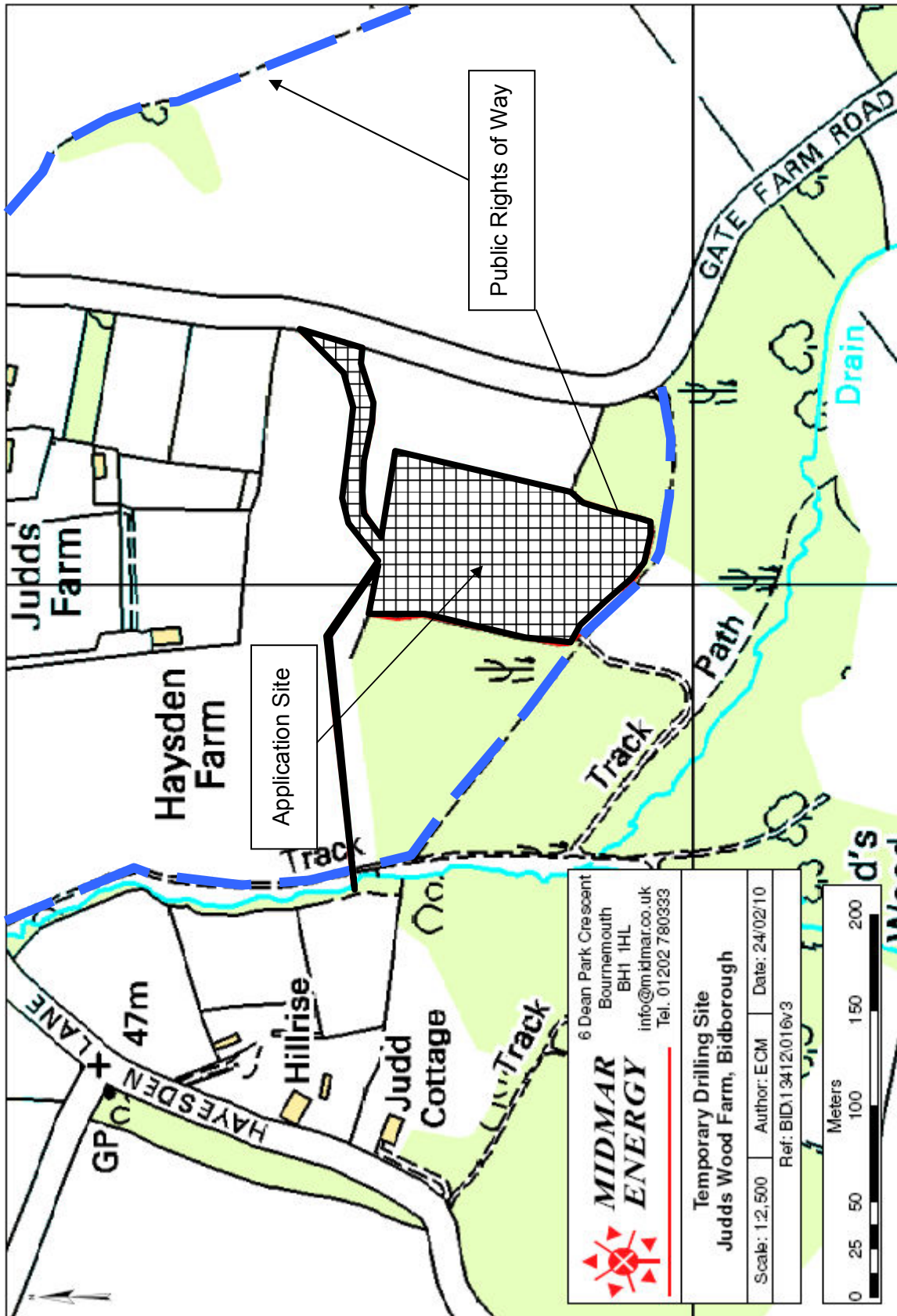
Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33


Site Location Plan



Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Proposed Temporary Drilling Site – Red Line Plan





 6 Dean Park Crescent
 Bournemouth
 BH1 1HL
 info@midmar.co.uk
 Tel. 01202 780333

Temporary Drilling Site
Judds Wood Farm, Bidborough

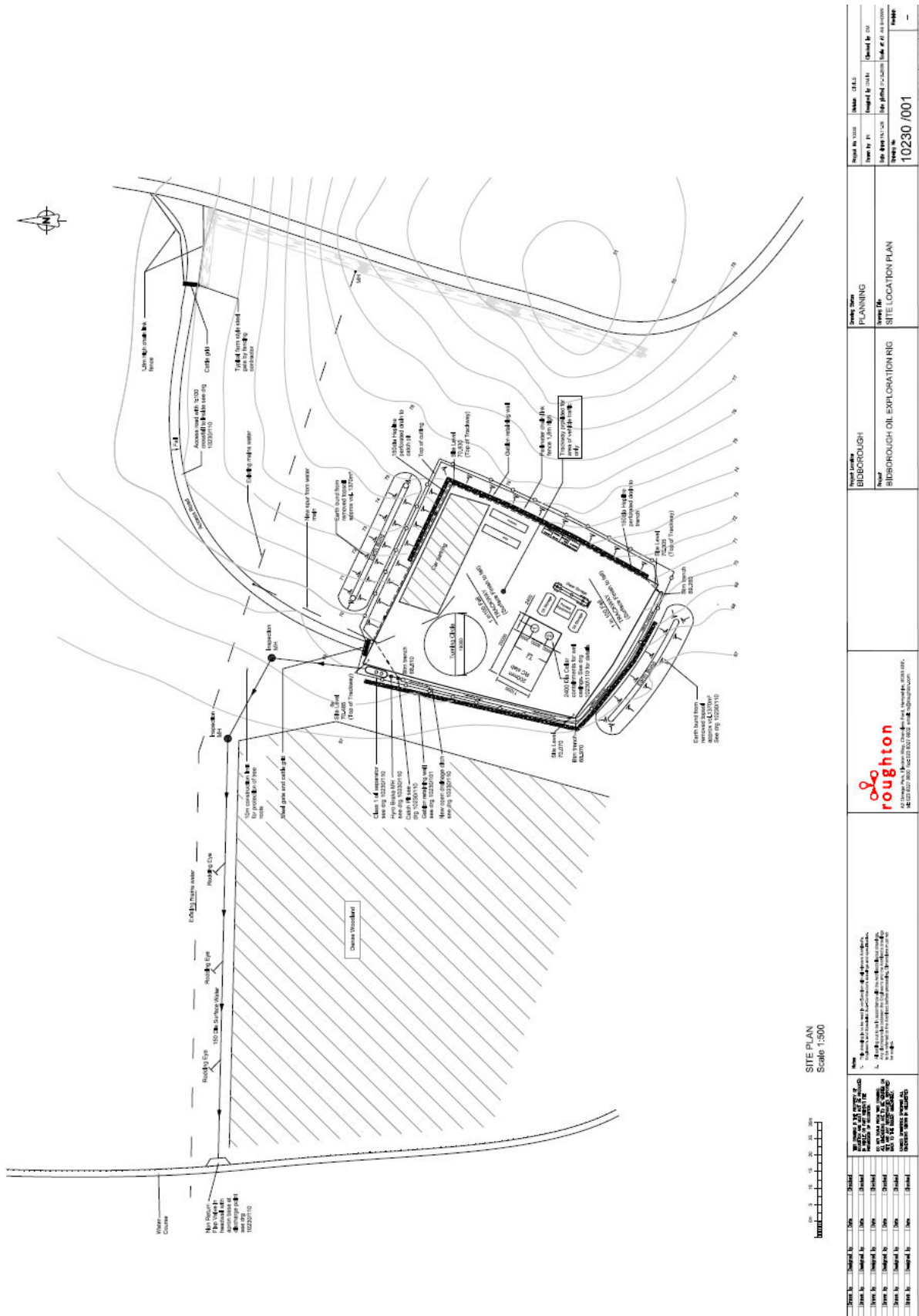
Scale: 1:2,500	Author: ECM	Date: 24/02/10
Ref: BID13412:016v3		

0 25 50 100 150 200
 Meters

Item C2

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Proposed Vehicle Entrance and Track Way

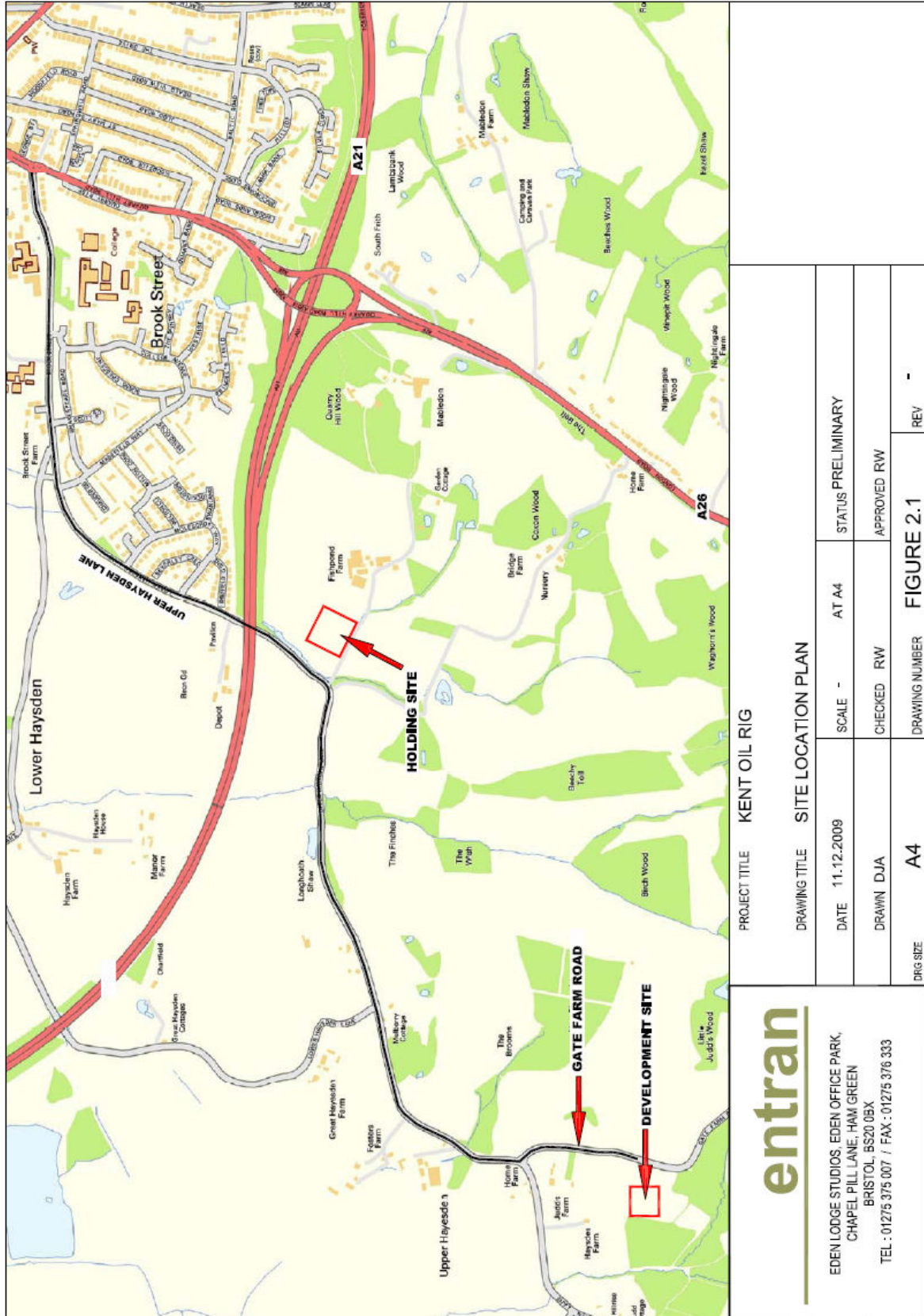


<p>Scale: 1:300</p> <p>Sheet: 10230/10</p> <p>Date: 10/10/10</p> <p>Drawn by: [Name]</p> <p>Checked by: [Name]</p> <p>Project: Bidborough Well Site</p>	<p>Site Location Plan</p> <p>Site: Bidborough Well Site</p> <p>Scale: 1:300</p> <p>Date: 10/10/10</p>	<p>Project Name: Bidborough</p> <p>Planning: Bidborough Oil Exploration</p> <p>Site Location Plan</p>	<p>Project No: 10230/001</p> <p>Revision: 1</p>
---	---	---	---

Item C2

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Location plan showing proposed HGV holding area in relation to development site



Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

5. In terms of geology, Bidborough lies within the Weald Basin which extends across southwest Kent, East and West Sussex, the southern half of Surrey and most of Hampshire. It contains a number of proven hydrocarbon deposits and potential reservoirs, including large production fields of Stockbridge, Singleton, Humbly Grove and Storrington. A number of companies are already producing from the Weald Basin, with the closest site to Bidborough being Palmer's Wood in Surrey – located approximately 13 miles to the north west of the application site.
6. The applicant sought a screening opinion from the County Planning Authority under Schedule 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to determine whether an Environmental Statement was required. After a period of consultation the County Planning Authority concluded that the application was not likely to have significant effects on the environment and therefore the application for planning permission did not need to be accompanied by an Environmental Statement. A decision to this effect was issued to the applicant on 22 May 2009, under reference: PAG/DC29/09/TW/0001.
7. Further discussions took place between the applicant and officers of the County Planning Authority prior to this planning application being formally submitted.

Proposal

8. This application is made by Midmar Energy UK Limited and seeks planning permission for the construction of a temporary drilling site with temporary road access. The application sets out a number of phases which the applicant would undertake in order to establish whether there are commercial quantities of hydrocarbons in the prospect near Bidborough. These phases include: (a) site construction; (b) drilling operations; (c) extended well testing; and (d) site restoration. These are industry standard phases for onshore oil exploration facilities. The scope of the works involved for each of the four phases, (a) – (d), are discussed in detail below.

Phase (a) – Site Construction

9. This would involve the construction of a site and access from the public highway that is suitable for the drilling and testing of hydrocarbons. This phase is likely to take approximately 5 weeks to complete. Access is proposed to be made from Gate Farm Road via a specially constructed roadway. The applicant considered four potential access points: Haysden Lane; Gate Farm Road; the existing right of way from Gate Farm Road through Judd's Wood; and access adjacent to Judd's Wood. The applicant states that access from Haysden Lane was discounted on the basis that the gradient through the field would be too steep to allow HGV access to the working area, whilst access from the existing right of way from Gate Farm Road through Judd's Wood and access adjacent to Judd's Wood were both discounted due to a steep gradient and the potential for significant adverse impacts on both the public right of way and Judd's Wood (a designated Ancient Woodland). The application is accompanied by a Transport Statement which concludes that access gained from Gate Farm Road (as detailed on Page C2.4) is deemed to be the most suitable in highway safety terms.
10. An 8 metre section of hedgerow along Gate Farm Road would be removed to gain access to the site. The hedgerow is ancient hedgerow, comprises priority Biodiversity Action Plan habitat and qualifies as "ecologically important" under the Hedgerow Regulations. The application is accompanied by an Ecology Report which notes the presence of Dormice within the hedgerow and proposes suitable mitigation measures

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

to ensure the protection of these protected species during the removal of the section of hedgerow until it is replaced on restoration. These mitigation measures include persuading dormice to leave the affected area of hedgerow through the clearance of small areas of hedgerow on successive days; the construction of a dormouse bridge across the new vehicular site entrance; and the planting of new hedgerow immediately within the site boundary.

11. The initial 15 metre section of access road from the highway would be laid with a material adoptable for industrial estate roads before a gated site entrance. This would allow a HGV to pull off the main roadway entirely before stopping should the main site entrance gate be closed. The roadway to the site would be formed by moving topsoil to the lower side and placing a temporary trackway onto the prepared surface. Prefabricated sections of trackway are proposed for the access road as this would allow for rapid construction and minimise road vehicle movements to the site to bring materials for a permanent track surface.
12. Construction of the main site would be undertaken by removing topsoil and subsoil to form earth bunds on two sides of the site. Soil handling would be carried out in accordance with best practice guidelines to ensure good quality and effective restoration. Topsoil would be used to create earth bunds around the perimeter of the site, whilst subsoil would be used for fill elements during site levelling. On the eastern side of the site, where excavations would be deepest, a retaining wall would be constructed using gabions.
13. To manage any water falling onto the working area, a drainage system has been designed following discussions with the Environment Agency (EA). Any rainwater would be directed into the perimeter ditch where it would drain into a catchment pit. A Class 1 interceptor would be installed in accordance with EA guidelines, together with a sensor to detect the presence of oil. Once water quality is assured it would be routed via an underground pipe to the nearest stream where it can be released (as shown on Page C2.4).
14. An impermeable membrane would be laid over the entire site to seal the surface. This would be covered by various layers of aggregate and finished with a temporary trackway surface. A central area would be concreted to provide a stable platform for the drilling rig itself and cellars and conductors sunk into the ground to drill the wells from.
15. Finally, a green 1.8 metre high chain link security fence would be installed around the working area together with an entrance gate to the site and a cattle grid to prevent livestock using the field from escaping. A parking area within the earth bund would be created for the use of employees or contractors working on the site. A fire water tank would be installed close to the site entrance, together with an effluent tank to provide waste collection for the facilities on site. Other minor services would also be installed around the working area, namely site offices and storage facilities.
16. During construction operations, the applicant proposes that operations would be limited to the following hours:

Monday to Friday	07:00 – 18:00 hours
Saturdays	07:00 – 13:00 hours
Sundays and Bank Holidays	No operations

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Phase (b) – Drilling Operations

17. Drilling operations would be begun with the mobilisation of the drilling unit. The drilling rig would be brought to the site using standard HGV's in approximately 15 loads. Although the applicant is not able to specify precisely the nature of the intended drilling rig, they indicate that the height of the derrick (i.e. the tallest part of the structure) is likely to be 18 metres above ground level.
18. It is proposed that two wells at latitude 51°10'29"N and longitude 0°13'49"E (TQ560441) be drilled as there are two distinct reservoirs to be evaluated. The applicant states that it is not possible to test both reservoirs from the same well bore for technical reasons and considers this to be the main reason why the well drilled by Conoco in 1981 failed to achieve a successful test. The first of the two wells would be relatively shallow and could be drilled within approximately 4 days. The second well is proposed to be deeper and would require approximately 14 days to complete. As with any drilling operations, the applicant indicates that there could be unforeseen circumstances that could extend the time taken to achieve the objectives as the rate of drilling is very much dependant on the progress made through the different geology structures.
19. Once drilling commences, the operation would continue 24 hours a day for technical and health & safety reasons (as is normal industry practice). If drilling was not continuous, there would be a strong possibility of the well bores collapsing. During drilling operations there would be very few HGV movements, and the majority of vehicle movements would be those by personnel carrying out the operation. Over any 24 hour period there could be up to 20 staff working on site, dependant on the stage of the drilling operations. On the basis that operations would continue 24 hours a day during the drilling operations, site lighting would be required for safety reasons. Site lighting would consist of ten 400W floodlights supported on 6 metre high poles, angled downwards to minimise light spill. The application proposes that once the wells have been drilled the drilling equipment would be removed from the site.
20. Once drilling operations are complete, various tests would be conducted to establish reservoir parameters to help understand the reservoir and further test programmes. These include several test measures such as 'electric logging', 'repeat formation test log' and 'drill stem test'. The basis of each set of results from these various tests would assist in determining the possibility of a valid hydrocarbon reservoir and lead to further tests prior to a decision on whether to undertake an Extended Well Test (EWT).

Phase (c) – Extended Well Testing (EWT)

21. If the testing of the well during the drilling phase is successful, the application proposes an Extended Well Test. An EWT would involve converting the site to safely handle, control and store hydrocarbons appropriately.
22. Reservoir fluid would be pumped to the surface by a pump installed at the well bore. Once pumped to the surface, fluid would pass to a treatment and processing unit on-site that injects chemicals and heats the mixture to ensure simple separation of oil, water, solids and gas which may or may not be present in varying quantities. Once sufficient fluids are produced, road tankers would be used to transport fluids off site. All storage tankers and process plant would be self banded and road tankers would utilise a tanker loading bund.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

23. The application identifies that it would take approximately two weeks to convert the drilling site into a site suitable for producing and temporarily storing hydrocarbons. The initial site set-up and design reflects the strong possibility of a requirement to conduct a longer-term test.
24. The objective of the EWT is to establish likely production rates and obtain an estimate of reservoir size through pressure and temperature changes. DECC and the EA have set out guidelines for EWT's which detail a standard testing period of 90 days, which is standard industry practice for onshore oil exploration.
25. The nature of the EWT requires 24 hour operations to take place. Three storage tanks would be required for the storage of produced fluid, export quality oil and produced water. Each oil tank would meet the requirements of the Control of Pollution (Oil Storage) (England) Regulations 2001, which requires any tank holding more than 200 litres of oil to be bunded, amongst other requirements. In addition to these tanks, there would be a tank filled with water on stand-by as a fire safety measure. Other on-site equipment would include a Progressive Capacity Pump (to pump fluids from the reservoir to the surface), a compressor (to run pneumatics within the hazardous area), a boiler (used to provide warm fluid to aid separation of produced fluids) and a generator (for power). All equipment would be run 24 hours per day during the EWT phase.
26. Essentially the EWT is required to establish the commerciality of any hydrocarbons. Upon completion of the EWT a decision would be made by the applicant as to whether the prospect is economically recoverable. The applicant states that the application site would be considered for its ability as a development site, but information gathered during the EWT may identify a more suitable site location. If either were found to be the case (i.e. an economically recoverable prospect and/or a more suitable site location) a further planning application would be required for a production site as well as other necessary permitting requirements. In the event of commercially recoverable quantities of hydrocarbons being discovered the applicant would seek to postpone restoration of the application site pending the final outcome of a further planning application for a temporary production site.

Phase (d) – Restoration

27. Restoration of the application site to its prior condition is proposed when operations are complete. Restoration would be commenced with the plugging of the wells in accordance with DECC and Health and Safety Executive (HSE) guidelines to ensure that they are permanently safe, after which all equipment would be removed from the site. The placement of subsoil and top soils would then follow in accordance with best practice guidelines, together with soil seeding as appropriate. The section of hedgerow removed to gain access into the site would be replanted to an agreed specification. An aftercare programme would follow to ensure that the application site is restored to its previous condition and managed over a period of 5 years post-restoration.
28. The applicant draws attention to the successful restoration of the well drilled in 1981 by Conoco – it was returned to agriculture and is successfully farmed for crops with no trace of the well location of any operations carried out there.
29. The application proposes that restoration of the site would begin when one of the following circumstances occur: if hydrocarbons are not economically recoverable; if an alternative development location is identified; or at the cessation of operations.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Applicant's Justification

30. The application site covers an area of approximately 1 hectare, with the access track covering approximately 510 sq. metres and 170 metres in length from Gate Farm Road. The applicant states that when selecting the proposed site location, a number of key considerations were investigated to ensure the most suitable location was selected for the proposal. The applicant states that consistent with the Government's mineral planning advice, minerals and hydrocarbons can only be extracted from where they are found and therefore geology is one of the key limitations when identifying a site. In addition to geological considerations, the applicant considered environmental conditions of the local area. The site selection process undertaken identified that any location over the reservoir and south of a nearby geological fault line would be within the High Weald AONB and the Metropolitan Green Belt. Whilst the applicant recognises that special measures would need to be taken to ensure the protection of the environment (in terms of the character and quality of the AONB and the openness of the Green Belt) they consider that the proposals are acceptable within the locality based on the following "very special circumstances": - (i) the temporary nature of the proposal; (ii) the fact that mineral deposits can only be worked where they are found; (iii) that the site would be fully restored to its former condition; and (iv) that high environmental standards would be maintained throughout on-site operations.
31. A Transport Statement submitted with the application offers a vehicle access management plan to control all HGV movement to/from the site during Phases (a) – (d). The management plan proposes routing controls starting from the junction of the A26 and Haysden Lane requiring all HGV vehicles travelling to the site to use Haysden Lane and turn left into Gate Farm Road. After passing under the A21 HGV's would turn left into a temporary holding area (known as "Fishpond Farm") until an operator at site requests that waiting HGV's proceed to the site. Further traffic management measures proposed by the applicant include temporary traffic signal control along Gate Farm Road during the site construction phase and HGV traffic being prevented from passing along Upper Haysden Road and the A26 between the hours of 08:00 – 09:30 and 14:45 – 16:00 during school term time, except in exceptional circumstances. *The site, holding areas and routing arrangements are shown on Page C2.5.* The applicant has offered that the proposed traffic management measures be secured by way of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act in the event that planning permission is granted.
32. A Landscape and Visual Assessment Report accompanies the application. The Report concludes that the proposals could be carried out with minimal effects on the visual landscape due to the proposals' temporary nature and good natural screening surrounding the application site.
33. A Noise Assessment Report which accompanies the application establishes background noise levels (measured in June 2009) within the locality as well as assessing the noise levels which would be generated by the proposed activities. The Report identifies that the nearest noise sensitive residential properties are located approximately 250 metres from the proposed drilling site, with properties in the village of Bidborough some 600 metres away. The background noise level assessment indicates that typical background noise levels are in the region of 35 dB L_{A90} during the day and 30 dB L_{A90} at night.
34. Worst case predicted daytime noise levels have been calculated (based on predicted site operations and associated plant/equipment) at 250m, 450m and 600m distances from the site, as outlined in Table 1 below. The Report concludes that during daytime

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

activities, none of the predicted noise levels would be particularly high, or unusual for a relatively small scale ground works operation of the type involved.

Stage	Duration	Hours	L _{Aeq,T} 250m	L _{Aeq,T} 450m	L _{Aeq,T} 600m
Pre-operational setup	5 weeks	Daytime	54 dB	48 dB	44 dB
Site conversion for EWT	2 weeks	Daytime	43 dB	37 dB	34 dB
Restoration	10 weeks	Daytime	54 dB	48 dB	44 dB

Table 1 – ‘Worst case’ daytime noise levels

35. The Noise Report provides further detailed calculations for the proposed 24-hour operations (i.e. during drilling operations and the Extended Well Test). Predicted noise emissions from 24-hour operations are shown in Table 2.

Distance from site	Drilling - L _{Aeq, T}	EWT - L _{Aeq, T}
250 – 450 metres	37 – 42 dB	24 – 29 dB
450 – 600 metres	31 – 40 dB	18 – 28 dB

Table 2 – ‘Worst case’ 24-hour noise emissions

36. The Report indicates that noise emissions emanating from both daytime and 24-hour operations would not exceed those levels set out in Minerals Policy Statement 2 (MPS2).
37. The application includes a need assessment in support of the proposals. This refers to the following factors as important considerations in support of the application: the fact that the UK produces less oil than it consumes as a result of North Sea decline and a general increase in demand; increased energy security by reducing reliance on oil imports; to meet the Government targets to maximise the potential of UK oil and gas; to reduce the carbon footprint through producing oil locally as opposed to importing oil from great distances; and that any additional production would contribute to lowering commodity costs.
38. Given the various complexities of the project, and to ensure that the best possible care is applied by the applicant, the application seeks a period of 5 years in which to implement any planning consent.

Amended Proposals

39. Following on from the consultations undertaken, together with the views received from a local resident, the applicant has provided further information in support of its proposals and proposed a number of amendments. The further information and amendments were sent to all consultees previously notified of the original planning application on 3 March 2010. The further and amended information, together with the description of the proposals (*as outlined in paragraphs 8 – 38*) form the basis of the discussions contained within this report. The most recent consultee views are outlined in paragraphs (41) – (57), and any additional consultee views received regarding the amended proposals received prior to the Committee Meeting will be reported to members verbally. Details of the further information and the various amendments submitted by the applicant relate to the following matters:

- not possible to reinstate hedgerow as suggested by the Borough Council as the applicant has no control over the land outside of the application site and that the

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

- physical planting of hedgerow would result in an unacceptable disruption of farming activities;
- offers further landscape planting along the application boundary adjoining the Public Right of Way, together with the seeding of earth bunds;
 - there is no intention to translocate dormice off-site, but instead mitigation is proposed through the installation of a dormouse bridge across the site entrance;
 - translocation of existing hedgerow is not proposed given the low rate of potential success – instead new whips would be planted upon completion of works / site restoration;
 - the ecology survey work undertaken indicates that the proposed development would not impact on breeding birds, reptiles, badgers or bats in the locality;
 - the application be amended to include a 10 metre stand-off between the proposed underground drainage channel and Judd's Wood to safeguard the area of ancient woodland;
 - gapping up of an existing access into the field to compensate for the proposed new site access would impede the agricultural use of the land, therefore causing unacceptable changes to existing farming activities;
 - the temporary nature of the proposals means that long term aftercare and woodland management is unnecessary and unreasonable; and
 - lighting and site access arrangements (*clarification / justification only*).

Planning Policy

40. The most relevant Government Guidance and adopted and proposed Development Plan Policies summarised below are relevant to the consideration of this application:

(i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England), MPG7 (Reclamation of Mineral Workings), PPS1 (Delivering Sustainable Development), PPS7 (Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Archaeology) and PPS23 (Planning and Pollution Control).

(ii) The adopted 2009 **South East Plan**:

Policy SP5 Existing Green Belts in the region will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural-urban fringe.

Policy C3 High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context.

Policy NRM1 Water supply and ground water will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Policy NRM5 Local planning authorities shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

Policy NRM7 Ancient woodlands will be protected from damaging development and land uses.

(iii) The adopted 1997 **Kent Minerals Local Plan: Oil and Gas (Saved Policies)**:

Policy OG2 Proposals for exploratory drilling will normally be permitted where, having regard to geological structure, the planning authority is satisfied that the proposed site has been selected to minimise its environmental and natural resource impact.

Policy OG5 Before granting planning permission the planning authority will require to be satisfied as to the means of control of noise, vibration, dust and gas, and waste materials particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy OG7 Proposals will not be approved by the planning authority except in accordance with schemes which provide for the safeguarding of land drainage and flood control and land stability.

Policy OG8 Before granting planning permission the planning authority will be required to be satisfied that the earth science and geological interests of the site and its surroundings have been established, and provisions are made for the safeguarding of irreplaceable or other important geological and geomorphologic features, habitats or species of wildlife importance.

Policy OG9 The planning authority will require details of siting, design and external appearance of plant, hard surfacing, buildings, lighting and any perimeter security fencing.

Policy OG10 With the exception of drilling operations, the planning authority will by condition permit operations between the hours of 07:00 to 18:00 Monday – Friday and 07:00 to 13:00 on Saturday, excluding Sundays and Bank Holidays.

Policy OG15 Planning permission will be refused for proposals which would materially affect the safety of the highway network, the character of historic/rural lanes and adversely affect the local environment.

Policy OG16 Requires measures to prevent mud and debris being tracked onto the existing highway network.

Policy OG17 Requires an appropriate landscaping scheme as an integral part of the development.

Policy OG18 Requires an appropriate restoration and aftercare scheme.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

(iv) The adopted 2006 **Tunbridge Wells Borough Local Plan (Saved Policies)**:

- Policy MGB1** The openness of the Metropolitan Green Belt will be preserved and no development which would conflict with the purposes of including land within it will be permitted.
- Policy EN1** All proposals for development must, amongst others: be compatible with neighbouring uses; not cause significant harm to residential/adjoining amenity; the scale of the development be compatible with the context of the site; and not result in any significant impacts on nature conservation issues.
- Policy EN8** Proposals for outdoor lighting must, amongst others: ensure minimum lighting levels required to undertake the purpose specified; be unobtrusive in their location(s); and minimise glare and light spillage into the wider context.
- Policy EN13** Development will not be permitted if it would destroy Ancient Woodlands.
- Policy EN16** Require development proposals to have no unacceptable impact on groundwater resources.
- Policy EN26** Development proposals will only be permitted within the AONB if they protect or enhance the natural beauty and special character of the landscape.
- Policy TP4** Development proposals must be acceptable in highway safety terms.

(v) The draft (August 2009) **Tunbridge Wells Borough Local Development Framework Core Strategy**:

- Policy CP2** There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt.
- Policy CP4** The High Weald AONB will be conserved and enhanced. Net loss of biodiversity will be prevented, and enhancement measures encouraged.
- Policy CP5** Requires sustainable design and construction measures to be applied to all development proposals.
- Policy CP15** The natural environment in rural areas will be protected for its own sake.

Consultations

41. **Tunbridge Wells Borough Council**: Initially objected to the proposals due to the “*significant impact*” on the character and visual amenities of the landscape (albeit for a temporary period), “*significant concerns*” about the proposed lighting (which would

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

adversely affect the countryside that is designated as Kent High Weald AONB) and ecological concerns. It suggested that mitigation and enhancement measures should be incorporated into the scheme to help screen the site and ensure protection of the landscape:-

- an ancient field boundary should be reinstated to help mitigate the visual impact of the development and secure longer term enhancement;
- additional tree / hedgerow planting should be required around the entrance area of the site and between the site and the PROW (to mitigate against visual impact on users of the footpath);
- site restoration should be secured for a period of 10-20 years;
- an existing access into the field should be closed off and the hedgerow gapped up to compensate for the proposed new opening in the hedgerow;
- schemes of mitigation to offset harm to dormice and impacts on bats (*due to lighting*);
- a legal agreement should be required to provide for any off-site translocation;
- a buffer zone should be provided between the site and the woodland for bat mitigation (e.g. bat boxes);
- a Woodland Management Plan should be required for the woodland area adjacent to the site (as compensation / mitigation);

It also suggested that if permission is granted, conditions should be imposed requiring: (i) noise level verification of both the construction and drilling phases to ensure that the required noise levels are achieved; (ii) the submission of a noise reduction plan to mitigate as much noise as possible and demonstrate best practical means for noise control; and (iii) the submission of a lighting plan. It further suggested that details be agreed about remedial targets of any soils treated as a result of land contamination to ensure that soil quality is maintained. It also supported Kent Wildlife Trust's preference for the proposed surface water drain to be laid at least 10 metres from the northern edge of Judd's Wood.

In response to the further information, it advised that it accepted the following key points made by the applicant: (i) the project is for a limited period (notionally around six months); (ii) the farmer wishes to maintain the viability of his farm and so schemes of alterations to his access or new dividing hedgerows are not acceptable; and (iii) that the farmer wishes to maintain the area around the test site in agricultural use as grazing land. It also stated that any permission should be time limited (as this has a significant effect on the consideration of the application and the impacts), that replacement planting or re-seeding would take time to establish such that effects of any temporary permission would extend over 1 to 5 years and that whilst the land is outside the applicant's ownership it is all within the same ownership such that mitigation outside the red line could be achieved by Grampian condition.

Taking these matters into account, it advised that some of the issues raised in its previous comments have been addressed. However, it is still concerned about the impact on dormice, bats and users of the PROW and maintains its objection on these grounds. It also notes that the lighting information does not include a Lux diagram and that the luminaries are floodlights, not directional lights. It states that this matter can and should be further controlled by condition although some light spillage will remain above and beyond what will be controlled by lighting design and the bunds.

42. **Bidborough Parish Council:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

43. **Divisional Transportation Manager:** has raised no objection to the proposal subject to the applicant abiding in full with the vehicle access management plan measures detailed within their Transport Statement. He raises some concerns about the immediate point of access to the highway, where the creation of a gap in the hedge for access would afford very limited visibility, but recommends a condition be placed on any consent to the effect that a banksman should be present and control all vehicle movements from the site (unless signal control is used as an alternative). Furthermore, he notes that the alternative point of access (suggested by a neighbour) is less preferable than that proposed by the applicant in that it would involve HGV traffic travelling further along Gate Farm Road up the hill – the shortest time spent on the lane is preferable.
44. **Environment Agency:** has no objections to the application.
45. **South East England Development Agency (SEEDA):** has no comments to make on the proposal – from SEEDA's view there is no regional significance to be taken into account during the consideration of this application.
46. **South East England Partnership Board:** has no substantive comments to make on this application as there is no specific regional policy on hydrocarbons in the South East Plan. However, the minerals chapter in the South East Plan recognises that mineral working and transport can have adverse impacts on the environment. Minerals developments should therefore ensure the effective management of specific impacts such as noise and dust and encourage good site management and restoration.
47. **Campaign to Protect Rural England (CPRE):** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
48. **County Council's Archaeological Advisor:** notes that the application site is quite large and there may be an impact on the historic landscape features or hitherto unknown archaeological remains. Works for compound creation, services, access and temporary structures may require excavations that could reveal important remains. As such, advises that a condition for an archaeological watching brief be placed on any consent.
49. **County Council's Landscape Consultant:** welcomes the applicant's incorporation of grass seeding to earth bunds and additional permanent screening from the Public Footpath directly south of the site. Advises that the applicant should submit details of seed mix and sowing rate for earth bunds, together with a detailed planting scheme which should include an appropriate native hedgerow mix together with some scattered standard trees to replicate local field boundaries in the area. Considers that an overall landscape scheme/management plan showing the site restoration including restored contours, subsoil/topsoil treatment, treatment of obsolete track, details proposals for hedgerow reinstatement along Gate Farm Road and grass or wildflower seeding mixes/rates should also be required. Overall, he considers that whilst the proposals would have a substantial localised impact on the landscape, the impacts on the wider High Weald AONB and the open character of the Green Belt would not be significant. He further advises that as the proposals would be temporary and the landscape would be fully restored to its current state, the proposals would not be unacceptable provided that the benefits of the proposal would outweigh the adverse landscape effects.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

50. **County Council's Noise Consultant:** notes that the application is accompanied by a noise level assessment which considers the likely noise impact arising from the drilling and Extended Well Test. He advises that based on the assessment and the guidance contained in MPS2, noise emanating from the facility would be acceptable. On this basis, and given the temporary nature of the facility, he does not object on grounds of noise.
51. **County Council's Dust and Odour Consultant:** notes that access would consist of a temporary road surface in order to reduce the risk of dust impacts. Considers that if any areas are to be affected by dust they should be sprayed with water to control the issue. As a result of the nature of the works and the control measures proposed within the application he considers that dust and odour are unlikely to result in detriment to the nearest residential premises.
52. **County Council's Public Rights of Way Officer:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
53. **Natural England:** advise that the County Planning Authority should consult with the High Weald AONB Unit (see below) and refer to Natural England's Standing Advice on Protected Species and Ancient Woodland.
54. **County Council's Biodiversity Officer:** raises no objections to the proposals, subject to the mitigation measures detailed within the application (as amended) being fully undertaken as suggested.
55. **Kent Wildlife Trust:** notes that an experienced consultancy has carried out the ecological surveys and assessments and that it has no reason to question the findings and representations contained in the Biodiversity Report. However, given the risk to protected species arising from the development, the Trust urge the Council to test the proposals against the standing advice from Natural England. The Trust has no objections to the development, subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the application. The Council should also secure, by condition or agreement, the funding of an appropriate management regime for the habitat enhancement features that is responsive to the results of periodic key habitat and species monitoring.
56. **High Weald AONB Unit:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
57. **South East Water:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.

Local Member

58. The local County Member, Mr. J. Davies, was notified of the application on the 15 January 2010. Two adjoining County Members, Mr. G. A. Horne and Mr. C.P. Smith, were also notified of the application on the 15 January 2010. All three County Members were notified of the amended details and further information submitted by the applicant on the 3 March 2010.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Publicity

59. The application was publicised by the posting of a site notice, a newspaper advertisement in the Kent and Sussex Courier (Tonbridge Edition) and the individual notification of 18 residential properties within 250 metres of the application site in addition to those properties fronting the proposed HGV vehicle access route to site along Upper Haysden Lane and Haysden Lane.

Representations

60. To date I have received two letters of representation in respect of this application, one objecting to the proposals and one in support of the proposals. The key points of each letter are outlined below:

Objection:

- Request that the proposed site access, which necessitates the removal of a section of ancient hedgerow, is reconsidered. Despite the safeguards of a dormouse bridge I am concerned for the future of the very fragile dormouse colony on my holding;
- There is an existing gateway located to the east of the site which was closed by the landowner (at my request) following several raids on my property. Reopening this access would be a simple matter and remove the loss of habitat occupied by dormice as recorded in the Ecological Report which accompanies the application;
- Contact was made with the applicant about the alternative access point at the pre-planning stage, at the time it would have been a simple matter for the site plan to accommodate, even now it should be simple to reorganise the car park, vehicle turning circle and workshops from one side to another. It would necessitate re-grading the falls from Gate Farm Road to the proposed work area;
- Whilst the applicant's ecological consultants have been diligent in their recording of plant and animal species there have been some notable omissions, namely snakes, frogs and toads, deer and foxes. Deer for example lay up between the proposed site and the woodland to the west. They cross Gate Farm Road at the same point as do badgers, directly adjacent to the currently proposed road access. They will not be able to cross the cattle grid;
- Grass snakes, frogs and toads breed regularly at Hayesden Herb & Honey Farm to the south of the proposed site;
- If the hedge is removed as proposed then provision for the deer to exit the field containing the well site should be considered, if the original gateway is reinstated then the deer can continue as they have done;
- The dormouse bridge could as easily be established further up the road between the end of the present hedge and the adjacent woodland.

Support – (the letter in support of the proposals is from the landowner)

- Notes that it has been suggested a historic hedgerow is replanted between Judd's Wood and Gate Farm Road, as well as planting a new hedgerow between Haysden Farm and Judd's Wood. This would not be practical for me in terms of maintaining an efficient working farm due to the segregation it would cause to the land if the field was divided up as suggested. To continue farming viably, it is preferable to maintain a more open field structure owing to the larger number of livestock held and simplifying their movement around the farm.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Discussion*Introduction*

61. The application seeks planning permission for the construction of a temporary drilling site with temporary road access. Broadly speaking there are four main project phases – including site construction, drilling operations, an extended well test (EWT) and restoration. The application is being reported to the Planning Applications Committee as a result of the objections received from Tunbridge Wells Borough Council (*as detailed in paragraph 41*) and a local resident (*as outlined in paragraph 60*). In considering this proposal, regard must be had to the most relevant Government Guidance, together with adopted and proposed Development Plan Policies outlined in paragraph (40). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In my opinion, the key planning considerations in this particular case can be categorised under the following headings:
- the impact of the proposals on the openness of the Metropolitan Green Belt and whether the proposals represent “inappropriate development” within such land;
 - the visual impact of the proposals on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB) and Special Landscape Area;
 - the impact of the proposals on the local highway network and associated highway safety considerations;
 - the impact of the proposals on local amenity in terms of the potential for adverse noise and light pollution;
 - the impact of the proposals on ecological interests, including European Protected Species;
 - the impact of the proposals on an adjoining Public Right of Way (Ref: WT59);
 - the impact of the proposals on archaeological interests; and
 - any other issues.

Metropolitan Green Belt

62. Members will note that the application site is located within the Metropolitan Green Belt. Government guidance expects that all planning applications for development in the Green Belt will be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance Note 2 (PPG2) that is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by ‘very special circumstances’. Therefore in the context of National Planning Policy and Development Plan Policies that apply, consideration needs to be given to whether or not the proposal involves ‘inappropriate development’, and if so, whether there are ‘very special circumstances’ that would warrant setting aside the general presumption against development.
63. That said, mineral extraction need not be ‘inappropriate development’ or conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained throughout operations and that the site is well restored upon completion of mineral extraction. Furthermore, guidance contained within MPS2 recognises that minerals and hydrocarbons can only be extracted from where they are

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

found, resulting in the underlying geology of a potential site being a key determining factor in terms of site selection.

64. The application explains that a site selection process was undertaken to identify various potential sites above the reservoir and within the licence area awarded to the applicant by DECC. That selection process identified that any potential location for an oil exploration site over the reservoir and south of a nearby geological fault line would have to be within the Metropolitan Green Belt and the High Weald AONB. For reasons set out elsewhere in this report, I am satisfied that the proposals meet the tests required for mineral development in the Green Belt summarised in paragraph 63 above and are therefore not 'inappropriate development' in this instance. On this basis, it is not necessary for 'very special circumstances' to be demonstrated. For these reasons, together with the conclusions drawn below, I consider that the proposals accord with National Green Belt and Minerals Policies, together with Development Plan Policies covering Green Belt land, notably South East Plan Policy SP5, Local Plan Policy MGB1 and draft Core Strategy Policy CP2.

High Weald AONB / Special Landscape Area Designations

65. The application site is located within a nationally designed sensitive landscape, the High Weald AONB. It is also located within a Special Landscape Area (SLA). National minerals planning policy contained in MPS1 recognises that major mineral proposals should not be permitted within AONB's (amongst other important designated sites) except in exceptional circumstances. Due to the serious impact that major mineral developments may have on these areas of natural beauty, applications for these developments should be subject to the most rigorous examination. That examination should include an assessment of: the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated. Furthermore, MPS1 states that planning authorities should ensure that for any planning permission granted for major mineral development in designated areas, the development and all restoration should be carried out to high environmental standards and be in character with the local landscape and natural features.
66. Given the limited scale and temporary nature of the proposals, I do not consider the development to constitute 'major' mineral development as defined in national minerals policy. Accordingly, MPS1 sets out that proposals not considered to be 'major' mineral developments should be carefully assessed, with great weight being given in decisions to: the conservation of the natural beauty of the landscape and countryside; the conservation of wildlife and the cultural heritage; and the need to avoid adverse impacts on recreational opportunities.
67. The application site itself is visually constrained from some views by characteristic undulating landform and woodland blocks, albeit there are some long distance views towards the site from the north-west and from the east. Close views of the proposed development would be experienced from the PROW network immediately south of the application site, as well as from adjacent farms to the north. Whilst I accept that there would be a noticeable visual impact arising from the proposals on the adjacent PROW and some other locations close to the site, existing vegetation, topography and the mitigation proposed by the applicant (including earth bunding / seeding and additional permanent landscape planting along this boundary) would minimise these. On this

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

basis, I consider that these impacts are acceptable. Given that that site consists of a parcel of agricultural land, I do not consider that the proposed development would have any adverse impact on wider recreational opportunities within the High Weald AONB.

68. Various development locations were discussed within the existing field parcel at the pre-application stage with officers from the County Planning Authority. In my opinion, the current application site represents the best possible location for the drilling operations within the field parcel available to the applicant in visual terms considering the sensitive AONB and SLA designations.
69. The application is accompanied by a Landscape and Visual Assessment Report. The Report mapped a zone of visual influence covering an area of 1 kilometre which identified locations that may be in view of the proposed site. It identifies that the most substantial visual change on the landscape would be visible from the adjacent Public Right of Way. However, these views would be restricted due to topography and woodland vegetation. Furthermore, the Report concluded that from the majority of visual viewpoints within 1 km of the application site, there would be limited views of the proposed development, with the exception of the very top of the derrick (the drilling rig – proposed to be 18 metres high). I note that the County Council's Landscape Consultant (*see paragraph 49*) considers that whilst the proposals would cause a substantial localised impact on the landscape, he considers that the wider High Weald AONB and the open character of the Green Belt would not be significantly affected, subject to the site being fully restored to its current state on completion of operations.
70. An important consideration in terms of the development's impact on the AONB and SLA aside from 'built development' is the impact of proposed site lighting within the wider sensitive landscape. The Borough Council has expressed concerns about such impacts. I note that floodlighting would be operational on an 'as required' basis during 24-hour periods as part of the drilling and EWT phases given the need to provide safe working environments for site operatives. Whilst I note that the lighting during night time periods would be visible from wider views within the AONB, I consider it to be acceptable given its temporary nature. Lighting issues are addressed further in paragraph 83 (in terms of their local amenity considerations).
71. Members will note that Kent Wildlife Trust requested that a ten metre stand off between the proposed surface water drainage pipe and the northern edge of Judd's Wood be provided to ensure no damage to trees and vegetation within the area of ancient woodland during construction activities. To this effect, the applicant has amended the proposals to provide the recommended ten metre separation distance. Based on this amendment, I consider that the proposals would safeguard the ancient woodland and are therefore acceptable and in general conformity with Development Plan Policies – notably South East Plan Policy NRM7 and Local Plan Policy EN13 which seek to preserve and enhance areas of ancient woodland.
72. The applicant has offered to seed the proposed earth bunds surrounding the application site, recognising the importance of preserving the visual quality of the surrounding sensitive landscape. This temporary mitigation measure is considered to be beneficial and could be secured by condition in the event of planning permission being granted.
73. In accordance with Kent Minerals Local Plan: Oil and Gas Policies OG17 and OG18, the application proposes that the site would be fully restored to its previous condition at the end of the EWT phase. Given the need to ensure the restoration of the site in a

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

timely manner on the basis of the sensitive nature of the landscape, I propose that site restoration be commenced within 12 months from the date of the commencement of the site construction phase, unless otherwise agreed in writing by the County Planning Authority. This requirement could be controlled by way of an appropriately worded planning condition. A five year aftercare scheme is proposed to ensure the management of the land by the applicant for subsequent years following initial restoration. Broadly speaking, restoration of the site would comprise of the removal of all equipment from the site, the grading of the land to previous contour levels through the placement of subsoils and top soils in accordance with best practice handling techniques, followed by grass seeding. The section of hedgerow along Gate Farm Road would be replanted using native hedgerow species to an agreed specification. I consider that the general principles of restoration and aftercare proposed are in conformity with Development Plan Policy, and would serve to minimise any temporary harm caused to the Metropolitan Green Belt, High Weald AONB and SLA. Furthermore, I consider that effective restoration in accordance with the current landform and landscape character would assist in ensuring that the sensitive landscape of the High Weald AONB is conserved, a key consideration in terms of the rigorous assessment of minerals proposals within nationally designated landscapes, as set out in MPS1. Therefore I consider the proposals to be acceptable subject to securing appropriate restoration and aftercare schemes by condition.

74. Having visited the site on several occasions and considered the wider visual impact of the proposals on the High Weald AONB and SLA, I concur with the views expressed by the County Council's Landscape Consultant in so far as he notes the substantial localised visual impact the proposals would be likely to generate. That said, given the temporary nature of the proposal, its limited scale, the minimal impact on recreational opportunities, ecological and archaeological interests (as discussed below) and final restoration to high environmental standards consistent with the original landform, I do not consider the proposals to warrant a planning objection on the grounds of an unacceptable impact on either the High Weald AONB or the SLA. For this reason, I consider that the proposal is in general conformity with the principles contained in national minerals policy together with Development Plan Policies, most notably South East Plan Policy C3, Kent Minerals Local Plan: Oil and Gas Policy OG18, Local Plan Policies EN8 and EN26 and draft Core Strategy Policy CP4.

Highway Issues

75. Access to the application site is proposed to be obtained via Gate Farm Road which leads from the A21 [Tonbridge Bypass] / Tonbridge town centre direction via Brook Street, Upper Haysden Lane and Haysden Lane. Once leaving the built up confines of Tonbridge, Upper Haysden Lane and Haysden Lane are predominantly rural country lanes consisting of single direction carriageways. Gate Farm Road consists of a rural country lane, passable in its majority by single file traffic only.
76. I note that the issue of an appropriate point of access into the application site has been raised by a local resident (*see paragraph 60*). To this effect, the resident has suggested that the applicant consider using an existing gateway to the east of the site which was closed by the landowner following a number of unauthorised entrances to his land. The resident has considered that reopening this access would negate the need for the removal of a section of hedgerow currently proposed, ultimately removing the need for ecological mitigation measures such as the proposed dormouse bridge. Whilst in principle this approach would seem logical, there are a number of technical reasons why such approach would not be considered as a favourable alternative. Firstly, the alternative point of access would be situated further along Gate Farm

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Road, a narrow country lane, resulting in HGV's being required to remain on the highway for an increased length of time. From the Divisional Transportation Manager's point of view, the shortest time spent by HGV's on Gate Farm Lane is preferable. Secondly, the alternative point of entry/exit is located on a sharp bend requiring site vehicles to turn across the oncoming traffic at the bend where oncoming traffic is descending from an uphill location, thus likely to be travelling at higher than average speeds. Furthermore, the applicant recognises that whilst they accept that there is already a gap in hedgerow at this location, this would not be sufficient to bring in a safe entrance/exit given the need for large visibility splays on an existing sharp bend. The applicant also notes the very steep changes in level at this point, preventing the easy movement of vehicles to the operational site area. Therefore, the requirement for the removal of hedgerow would still be necessary, together with appropriate mitigation measures.

77. Whilst I note the views and suggestions of the local resident in this instance, I consider that there are various sound planning and highway reasons why such alternative point of access would not be more desirable than the access arrangements proposed by the applicant. In particular, I note the professional advice received from the Divisional Transportation Manager in which he states that the point of access put forward by the applicant is the most preferable. My acceptance of this is conditional on the satisfactory resolution of the ecological issues associated with the removal of hedgerow as discussed below.
78. On the basis of the rural characteristics of the local highway network, the applicant proposes a vehicle access management plan to control all HGV movements to/from the site during all phases of development. The management plan would place routing controls starting from the junction of the A26 and Haysden Lane requiring all HGV vehicles travelling to the site to use Haysden Lane and turn left into Gate Farm Road. Shortly after passing under the A21 HGV's would be required to turn left into a temporary holding area (at "Fishpond Farm") until an operator at site requests that waiting HGV's proceed to the site. Other management measures offered by the applicant include temporary traffic signal control along Gate Farm Road during the site construction phase, and restricting HGV traffic to outside of school hours during term time, except in exceptional circumstances. Members should note that the Divisional Transportation Manager (*see paragraph 43*) has raised no objections to these management measures, subject to an appropriate mechanism being put in place to ensure that the applicant fully abides by the measures offered up. To this effect, I propose that should planning permission be granted, the applicant be required to complete a legal agreement to secure these various traffic management measures, pursuant to Section 106 of the Town and Country Planning Act. The applicant has indicated its willingness to provide an appropriate Unilateral Undertaking to secure the traffic management measures in this instance.
79. On the basis of the professional highway advice received from the Divisional Transportation Manager and having considered the suggestions put forward by the local resident regarding an alternative site access in this instance, I consider that subject to the completion of a Section 106 Agreement to secure HGV traffic management measures, the proposals are acceptable in highway terms as they are broadly in accordance with the Development Plan, namely Kent Mineral Local Plan: Oil and Gas Policy OG15 and Local Plan Policy TP4.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Amenity Considerations and Operational Hours

80. There are a number of amenity considerations to take into account when determining this proposal. The most significant of the impacts associated with the proposed operations would be those arising from 24-hour operations during the drilling and EWT phases. During these phases, the key issues are those specifically relating to noise and lighting impacts.
81. In terms of noise impacts, as detailed above, the application is accompanied by a Noise Assessment Report which establishes background noise levels within the locality to be typically between 35 dB L_{A90} during the day and 30 dB L_{A90} at night. The Report goes on to identify 'worst case' daytime noise levels during the various phases of operations (see *Table 1 – Page C2.11*) and concludes that during daytime periods, noise associated with the proposed operations would not be particularly high or unusual for a relatively small scale ground works operation of the type involved. The Report provides predicted noise levels for the proposed 24-hour operations (i.e. those operations proposed during the drilling and EWT phases) (see *Table 2 – Page C2.11*) and concludes that noise emissions during both daytime and night-time periods would not exceed the recommended levels as set out in MPS2.
82. The applicant's Noise Assessment Report has been independently assessed by the County Council's Noise Consultant (see *paragraph 50*) who has concluded that noise emanating from the facility would be acceptable and accord with the guidance contained in MPS2. Members will note that the Borough Council have requested noise level verification be a requirement by condition in the event that planning permission is granted. I consider that this level of control is unwarranted in this particular instance, but instead would seek to ensure, by condition, that noise levels are appropriately secured to those levels set out in the application. On the basis of the professional advice received in respect of noise matters, I consider that the proposals are acceptable on noise grounds as they are in accordance with Development Plan Policy, notably Policy OG5 of the Kent Minerals Local Plan: Oil and Gas.
83. The Borough Council has expressed concerns about light spillage and resultant adverse impacts. I note that the application proposes 24-hour operations during the drilling and EWT phases. During these periods, site lighting would be required on an 'as required' basis during day-time periods and at all times during night time periods to maintain health and safety requirements for on-site working. I note that site lighting would consist of ten 400 W floodlights supported on 6 metre high poles, angled downwards to minimise light spill. Whilst I recognise that site lighting would be noticeable during night-time periods, I am satisfied that there would be no detrimental levels of light intrusion into nearby residential dwellings given the separation distances and existing well-established vegetation belts between the site and nearest residential properties. To this effect, I consider the proposals to be acceptable in terms of lighting impact and local amenity, as they broadly meet the policy requirements of Kent Minerals Local Plan: Oil and Gas Policy OG9 and Local Plan Policy EN8. However, I consider that a condition should be placed on any consent requiring site lighting to be switched off when not required for health and safety reasons.
84. In terms of operational hours, I note that during the drilling and EWT phases operations would take place on a 24-hour basis. For all other phases (i.e. site construction and restoration) operations would take place between the following hours – Monday to Friday: 07:00 – 18:00, Saturdays 07:00 – 13:00 and no working on Sundays or Bank Holidays. With the exceptions of 24-hour operations, these hours are consistent with Kent Minerals Local Plan: Oil and Gas Policy OG10. The scope for

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

reducing 24-hour operations during drilling and the EWT phase is not possible for technical and health and safety reasons, as set out in paragraphs (19) and (25) above. Accordingly, subject to operational hours being limited to those applied for by planning condition, I consider the hours proposed to be acceptable in this instance.

Ecological Issues

85. The site construction phase involves the removal of an 8 metre section of hedgerow along Gate Farm Road to make way for a dedicated site access. This hedgerow is ancient hedgerow, comprises priority Biodiversity Action Plan habitat and qualifies as “ecologically important” hedgerow under the Hedgerow Regulations. The application is accompanied by an Ecological Report which notes the likely presence of dormice (a European Protected Species) within this section of hedgerow and therefore proposes mitigation measures to ensure the protection during on-site operations. The mitigation offered by the applicant includes the installation of a dormouse bridge across the proposed site entrance. Given the presence of European Protected Species, the applicant would also need to apply for a European Protected Species Licence from Natural England prior to any removal of hedgerow.
86. The Borough Council has raised concerns about potential adverse impacts on dormice and bats and considers that further long term mitigation should be provided if the development is to be undertaken, even if this would have no direct impact during the development itself. Examples suggested include bat boxes and additional tree and hedgerow planting.
87. The County Council’s Biodiversity Officer has assessed the Ecology Report accompanying the application and, based on the further information submitted by the applicant, does not raise an objection to the proposals subject to the mitigation measures being undertaken as stated within the application (*see paragraph 54*). I note the advice offered by Natural England (*see paragraph 53*) to refer to their Standing Advice on Protected Species and Ancient Woodland, and to take into account the advice of the County Council’s in-house ecologist. Furthermore, Kent Wildlife Trust (*see paragraph 55*) have raised no objections to the development, subject to planning conditions being imposed to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the application. On the basis of the professional ecological advice received, I consider that the proposals are acceptable in terms of ecology, that the additional mitigation suggested by the Borough Council is unnecessary and that the development is broadly in accordance with the general thrust of South East Plan Policy NRM5. Furthermore, I note that the proposals would ensure that wildlife is conserved, an important consideration for mineral proposals within sensitive designated landscapes.

Public Right of Way

88. The application site is located immediately to the north of an existing PROW, the safeguarding of which is a material planning consideration. As part of the further information submitted by the applicant, it has offered additional planting along the boundary of the application site with the PROW network to supplement that existing. This additional planting is supported by those who have commented on it and, if planning permission is granted, should be secured by condition as part of the overall landscaping proposals. Notwithstanding this, the Borough Council is still concerned about potential impacts on users of the PROW.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

89. In terms of the impact of the proposed operations on the existing PROW network, I do not consider that there would be any significant adverse impact on the ability of users to continue a reasonably enjoyment of the right of way, including indirect impacts. This is consistent with national minerals planning policy in terms of assessing the impacts of minerals proposals on important designated landscapes. On this basis, I consider the proposed development to be acceptable in terms of public rights of way.

Archaeological Interests

90. Members will note that the County Council's Archaeological Advisor has recommended that a watching brief be placed on any forthcoming planning consent on the basis that on-site operations have the potential to uncover hitherto unknown archaeological remains. This can be secured by condition.

Other Issues

91. Kent Minerals Local Plan: Oil and Gas Policy OG7, South East Plan Policy NRM1 and Local Plan Policy EN16 all require water supply and groundwater quality to be maintained by avoiding adverse effects of development on the water environment. Discussions have taken place at an early stage between the applicant and the Environment Agency to establish pollution prevention measures, and members will note that the Environment Agency do not raise any objections to the application on the basis of the details proposed by the application. Given the Agency's technical advice, I consider the proposals to be acceptable in terms of ground and surface water interests.
92. Members will note that the Borough Council has also raised concerns about potential land contamination and suggested that details be agreed about remedial targets of any soils treated as a result of land contamination to ensure that soil quality is maintained. The applicant has agreed to undertake baseline soil analysis prior to any works that can be used as the agreed soil quality target on restoration. This can be secured by condition.
93. Members will note that given the complexities of the project, the applicant has sought that a period of 5 years in which to implement the development is provided for in any planning consent. In principle, a 5 year implementation period is consistent with recent Government advice regarding the greater flexibility of planning permissions. On this basis, I consider that a 5 year implementation period is acceptable in this instance.
94. Members will note that the Borough Council requested that the applicant enters into a Woodland Management Plan for Judd's Wood as an additional ecological compensatory/mitigation measure. However, given the scale and nature of the temporary proposals being considered in this instance, together with the ecological mitigation already proposed by the applicant, I do not consider that a Woodland Management Plan could be justified in this case.

Conclusion

95. The proposal seeks planning permission for the construction of a temporary oil exploration site with associated facilities within a sensitive nationally designated landscape, the High Weald AONB. The application site is also within the Metropolitan Green Belt and a Special Landscape Area (SLA). The development would be carried out in four main phases (i.e. site construction; drilling operations; extended well

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

testing; and site restoration to the original landform/landscape character). In assessing the development's impact on the AONB against the advice in MPS1, I consider that the proposals do not constitute 'major' mineral development. On this basis, the proposals need to be assessed having regard to: (i) the conservation of the natural beauty of the landscape and countryside; (ii) the conservation of wildlife and cultural heritage; (iii) and the need to avoid adverse impacts on recreational opportunities.

96. Although the development would have some visual impact on the AONB (particularly in terms of localised impacts), it would be temporary in nature and the site would be restored to its original landform on completion of operations thereby maintaining landscape character. For these reasons, and as high environmental standards would be maintained during operations, I am satisfied that there would be no significant long-term impact on the natural beauty of this nationally important landscape. I am also satisfied that there appears to be no alternative site outside the AONB from which the exploration could be undertaken. I therefore conclude that the proposals are acceptable in terms of the conservation of the natural beauty of the landscape and countryside. For similar reasons, I also conclude that the proposals do not represent 'inappropriate development' in the Green Belt and that it is not necessary for there to be 'very special circumstances' to justify the development. However, if such circumstances were required, the justification put forward by the applicant could be viewed favourably in this context. Although European Protected Species are present within the general development area, I am satisfied that there would be no significant adverse impacts on wildlife habitats given the mitigation proposed and as further controls would be required as part of any protected species licence issued by Natural England. I am also satisfied that cultural heritage issues (archaeology) are capable of being addressed. On this basis, I consider the proposals to be acceptable in terms of the conservation of wildlife and cultural heritage. Whilst there would be some indirect impact on users of the adjacent PROW, which would be minimised by the proposed landscaping measures, they would still benefit from reasonable a reasonable level of enjoyment of the right of way network. There would be no adverse impacts on recreational opportunities.
97. I am satisfied that the proposals are acceptable in all other respects and are generally consistent with relevant planning policies subject to the proposed HGV routing / management regime being adhered to and conditions to address those other matters outlined elsewhere in this report. I therefore recommend accordingly.

Recommendation

98. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO the prior completion of a Section 106 Agreement to secure HGV routing / management arrangements AND conditions to cover (amongst others) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - prior notification of the start date of each phase of operations;
 - baseline soil analysis to be used as the soil quality target for restoration;
 - hours of working restricted to those applied for;
 - ecological mitigation;
 - seeding of earth bunds;
 - noise limits;
 - archaeological watching brief;

Item C2

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

- measures to prevent mud and debris being tracked onto the public highway;
- submission of detailed site access arrangements (implementation as approved);
- floodlighting be switched off when not required for the safe operation of the site.
- submission of detailed site restoration scheme (including planting between site and PROW);
- site restoration within 12 months of commencement of construction phase, unless otherwise agreed in writing by the County Planning Authority;
- submission of 5 year aftercare scheme;

Case officer – Julian Moat 01622 696978
--

Background documents - See section heading
--