

# STATEMENT OF CASE ON BEHALF OF THE APPELLANT

## The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

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**APPELLANT:** UKOG (234) Ltd.

**APPEAL:** Against the refusal of planning permission for the construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.

**LOCATION:** Land south of Dunsfold Road and east of High Loxley Road, Dunsfold, Surrey.

**DATE:** 02 February 2021

**MINERAL PLANNING AUTHORITY:** Surrey County Council.

**MINERAL PLANNING AUTHORITY APPLICATION REFERENCE:** WA/2019/0796.

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**APPROVAL LIST**

<b>ROLE</b>	<b>NAME</b>	<b>TITLE</b>
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**REVISION RECORD**

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## Contents

<b>Chapter 1</b>	INTRODUCTION	Page 5
<b>Chapter 2</b>	THE DEVELOPMENT PLAN	Page 8
<b>Chapter 3</b>	SITE AND SURROUNDINGS	Page 9
<b>Chapter 4</b>	PLANNING AND MINERAL HISTORY	Page 10
<b>Chapter 5</b>	THE APPEAL PROPOSAL	Page 11
<b>Chapter 6</b>	CONSULTATION RESPONSE AND REPRESENTATIONS	Page 12
<b>Chapter 7</b>	THE APPELLANT'S CASE FOR APPROVAL	Page 16
<b>Chapter 8</b>	DOCUMENTS TO BE REFERRED TO AS PART OF THE APPELLANT'S CASE	Page 25
<b>Chapter 9</b>	APPLICATION FOR COSTS	Page 26

## Appendices

<b>Appendix 1</b>	TABLE 1: PLANNING APPLICATION DOCUMENTS AS ORIGINNALLY SUBMITTED TABLE 2: POST SUBMISSION PLANNING APPLICATION DOCUMENTS
<b>Appendix 2</b>	TABLE 3: PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS
<b>Appendix 3</b>	SURREY COUNTY COUNCIL COMMITTEE REPORTS AND MINUTES

This Statement of Case was submitted electronically on the Planning Inspectorate Appeal Portal in the following format:

<b>Part 1</b>	<b>Statement of Case Chapters 1 – 9</b> <b>Appendix 1</b> <b>Appendix 2</b>	
<b>Part 2</b>	<b>Appendix 3.1.1</b>	Planning and Regulatory Committee: 29 June 2020 - Main Report comprising: <ul style="list-style-type: none"> <li>• Notice of Meeting: page 1; and</li> <li>• Item 7: Minerals and Waste Application WA/2019/0796: pages 7-180.</li> </ul>
<b>Part 3</b>	<b>Appendix 3.1.2</b>	Planning and Regulatory Committee: 29 June 2020 - Supplementary Agenda - Update Sheets comprising: <ul style="list-style-type: none"> <li>• Agenda front sheet; and</li> <li>• Item 7: Minerals and Waste Application WA/2019/0796.</li> </ul>
<b>Part 4</b>	<b>Appendix 3.1.3</b>	Planning and Regulatory Committee: 29 June 2020 - Meeting Minutes.
<b>Part 5</b>	<b>Appendix 3.2.1</b>	Planning and Regulatory Committee: 27 November 2020 - Main Report comprising: <ul style="list-style-type: none"> <li>• Notice of Meeting: page 1; and</li> <li>• Item 7: Minerals and Waste Application WA/2019/0796: pages 3-234 (excluding Annex 1 and 2 which attach the Main Report and Supplementary Agenda - Update Sheets of the Planning and Regulatory Committee 29 June 2020 (as per Parts 2 and 3 above).</li> </ul>
<b>Part 6</b>	<b>Appendix 3.2.2</b>	Planning and Regulatory Committee: 27 November 2020 - Supplementary Agenda - Update Sheets comprising: <ul style="list-style-type: none"> <li>• Agenda front sheet; and</li> <li>• Item 7: Minerals and Waste Application WA/2019/0796.</li> </ul>
<b>Part 7</b>	<b>Appendix 3.3.3</b>	Planning and Regulatory Committee: 27 November 2020 - Meeting Minutes.

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## 1. INTRODUCTION

- 1.1. This rule 6 statement of case (the ‘Statement’) has been prepared on behalf of UKOG (234) LTD (‘the Appellant’) in respect of its appeal against the refusal by Surrey County Council (‘SCC’) of a planning application (ref WA/2019/0796) on 15 December 2020 (‘the Refusal’). The Statement has been prepared in accordance with the Planning Inspectorate Procedural Guide Planning Appeals - England November 2020.
- 1.2. UKOG (234) LTD is a wholly-owned subsidiary of UK Oil & Gas PLC (UKOG), an oil and gas company focused on hydrocarbon assets in the Weald Basin of Southern England. UKOG (234) LTD holds a 100% interest in the Petroleum Exploration Development Licence 234 (PEDL-234) which includes land on both sides of the Surrey and West Sussex County boundary<sup>1</sup>.
- 1.3. On 28<sup>th</sup> May 2019, SCC accepted a mineral planning application (ref WA/2019/0796) submitted by the Appellant for the following development:

**Proposed development:** Construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture (the ‘Appeal Proposal’).

**Proposed location:** Land south of Dunsfold Road and east of High Loxley Road, Dunsfold, Surrey (‘the Appeal Site’).

- 1.4. The planning application as originally submitted together with further submissions made during the life of the application are recorded in full at **Appendix 1: Planning Application Documents**.
- 1.5. The planning application was first reported to Members of SCC’s Planning and Regulatory (P&R) Committee on 29<sup>th</sup> June 2020, with an officer recommendation to ‘*permit subject to condition*’. Notwithstanding the recommendation, the minutes of the meeting record:

*The Committee REFUSE application WA/2019/0796 due to the reason that it has not yet been demonstrated that there is a need for the development nor that the adverse impacts in respect of highways, noise, lighting and air quality will not be significant contrary to policies MC12 [Oil and gas development], MC14 [Reducing the adverse impacts of mineral development] and MC15 [Transport for minerals] of the Surrey Minerals Plan 2011.*

- 1.6. Following the meeting, SCC received complaints from the Appellant and third parties alleging procedural irregularities that invalidated the resolution. In response, having sought Counsel’s opinion, SCC identified a ‘*number of issues*’ and a ‘*significant likelihood that these would render the resolution to refuse invalid and any notice of refusal invalid*’. In addition, there were ‘*a number of other issues raised in the complaints that could combine to further undermine*

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<sup>1</sup> Ordnance Survey Map Blocks SU92, TQ02 and TQ03.

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*the County's position on any legal challenge*<sup>2</sup>. In view of these considerations, on 30<sup>th</sup> July 2020, SCC determined:

*The resolution was unlawful, any notice of refusal would be unlawful, a decision notice should not be issued, the application be referred back to P&R Committee afresh, and that there will be full entitlement for public speakers, the applicant and the local Member to make or remake their statements orally with full provision for debate by members.*

- 1.7. Following this determination, on 19<sup>th</sup> August 2020, the Appellant made a final written submission in response to the deliberations of the June P&R Committee recommending new and amended planning conditions and clarifying the nature and impact of the proposal.
- 1.8. An updated officer report on the planning application was submitted to the P&R Committee on 27<sup>th</sup> November 2020, with a further officer recommendation to '*permit subject to condition*'. Notwithstanding the repeated recommendation to permit, Members resolved to refuse planning permission citing the following reasons for refusal:
  1. *It has not been demonstrated that the highway network is of an appropriate standard for use by the traffic generated by the development, or that the traffic generated by the development would not have a significant adverse impact on highway safety contrary to Surrey Minerals Plan Core Strategy 2011 Policy MC15.*
  2. *It has not been demonstrated that the applicant has provided information sufficient for the County Planning Authority to be satisfied that there would be no significant adverse impact on the appearance, quality and character of the landscape and any features that contribute towards its distinctiveness, including its designation as an Area of Great Landscape Value, contrary to Surrey Minerals Plan Core Strategy 2011 Policy MC14(iii).*
- 1.9. SCC issued the Refusal Notice on 15 December 2020. The reports considered by the P&R Committee on 27<sup>th</sup> June 2020 and 29<sup>th</sup> November 2020, together with their respective update sheets and minutes are recorded in full at **Appendix 3: Surrey County Council Committee Reports and Minutes**.
- 1.10. The Statement sets out the principal arguments of the Appellant in support of the appeal and why the reasons for refusal should be rejected.
- 1.11. The Appellant considers that the evidence that underpins the Refusal reasons needs to be tested through the formal questioning of advocates in order to better understand SCC's case especially since it did not follow officer advice. Given the level of local interest, such exchanges should be accessible, transparent and inclusive of interested parties. Accordingly, the Appellant respectfully requests the appeal be determined by public inquiry. The Appellant is content that an inquiry should be held remotely if that is considered appropriate by PINS.
- 1.12. This Statement should be read in conjunction with the Draft Statement of Common Ground, which the Appellant has submitted for consultation to SCC prior to the submission of an Agreed Statement of Common Ground within 5 weeks of the appeal start date.

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<sup>2</sup> SCC Planning & Resource Committee Report, 27 November 2020, para 4, page 3.

1.13. The Statement will identify the need for evidence by expert witnesses and the Appellant reserves the right to add to or amend its case in the light of matters raised in SCC's Statement of Case and/or any matters raised by third parties during the appeal process. It appears likely that evidence will need to be called on the following matters at least:

- Planning
- Technical evidence with regard to the proposed operation of the well site
- Highways
- Landscape and visual issues
- Air quality and carbon emissions/climate change

However, objectors to the appeal scheme have raised objections on a number of technical grounds which the Appellant will need to respond to as part of the appeal. The appeal is therefore likely to involve consideration of additional technical issues and additional witnesses are likely to be required.

1.14. In the interests of an accurate and complete balance of the material considerations, this Statement will:

- Set out what documents that comprise the Development Plan for the purpose of the appeal;
- Describe the Appeal Site and its surroundings;
- Record the relevant planning history and mineral activity in the area;
- Described the main plant, equipment and operational components of the Appeal Proposal;
- Record the consultee responses and representations submitted during the life of the planning application and summarise the issues raised and the Appellant's response; and
- Respond to the Refusal reasons, assess the degree of compliance between the Appeal Proposal and the Development Plan, consider the influence of other material planning considerations and address the issues raised by interested parties before performing a final planning balance.

## 2. THE DEVELOPMENT PLAN

2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in force comprises:

- Surrey Minerals Plan 2011: Core Strategy Development Plan Document.
- Waverley Borough Local Plan Part 1: Strategic Policies and Sites, February 2018.
- Waverley Borough Council Local Plan (Saved Policies) 2002.

2.2. The table below records the Development Plan policies engaged by the Appeal Proposal.

THE DEVELOPMENT PLAN AND RELEVANT POLICIES
<p><b>SURREY MINERAL PLAN 2011: CORE STRATEGY DEVELOPMENT PLAN DOCUMENT</b></p> <ul style="list-style-type: none"> <li>• <b>Vision and Objectives</b></li> <li>• <b>MC1:</b> Spatial Strategy - Location of Mineral Development in Surrey</li> <li>• <b>MC2:</b> Spatial Strategy - Protection of Key Environmental Interests in Surrey</li> <li>• <b>MC12:</b> Oil and Gas Development</li> <li>• <b>MC14:</b> Reducing the Adverse Impacts of Mineral Development</li> <li>• <b>MC15:</b> Transport for Minerals</li> <li>• <b>MC17:</b> Restoring Mineral Workings</li> <li>• <b>MC18:</b> Restoration and Enhancement</li> </ul>
<p><b>WAVERLEY BOROUGH LOCAL PLAN PART 1: STRATEGIC POLICIES AND SITES - FEBRUARY 2018</b></p> <ul style="list-style-type: none"> <li>• <b>Spatial Vision and Key Objectives</b></li> <li>• <b>SP1:</b> Presumption in Favour of Sustainable Development</li> <li>• <b>SP2:</b> Spatial Strategy</li> <li>• <b>RE1:</b> Countryside beyond the Green Belt</li> <li>• <b>RE3:</b> Landscape Character</li> <li>• <b>ST1:</b> Sustainable Transport</li> <li>• <b>HA1:</b> Protection of Heritage Assets</li> <li>• <b>NE1:</b> Biodiversity and Geological Conservation</li> <li>• <b>NE2:</b> Green and Blue Infrastructure</li> <li>• <b>CC1:</b> Climate Change</li> <li>• <b>CC4:</b> Flood Risk Management</li> <li>• <b>ICS1:</b> Infrastructure and Community Facilities</li> <li>• <b>EE1:</b> New Economic Development</li> </ul>
<p><b>WAVERLEY BOROUGH COUNCIL LOCAL PLAN (SAVED POLICIES) 2002</b></p> <ul style="list-style-type: none"> <li>• <b>D1:</b> Environmental Implications of Development</li> <li>• <b>D2:</b> Compatibility of Uses</li> <li>• <b>D4:</b> Design and Layout</li> <li>• <b>D7:</b> Trees, Hedgerows and Development</li> <li>• <b>C6:</b> Landscape Enhancement</li> <li>• <b>C7:</b> Trees, Woodlands and Hedgerows</li> <li>• <b>HE3:</b> Development Affecting Listed Buildings or their Setting</li> <li>• <b>HE10:</b> Heritage Features</li> <li>• <b>HE13:</b> Scheduled Ancient Monuments and County Sites of Archaeological Importance</li> <li>• <b>HE14:</b> Sites and Areas of High Archaeological Potential</li> <li>• <b>HE15:</b> Unidentified Archaeological Sites</li> <li>• <b>LT11:</b> Walking, Cycling and Horse-riding</li> <li>• <b>M13:</b> Heavy Goods Vehicles</li> <li>• <b>RD8:</b> Farm Diversification</li> <li>• <b>RD9:</b> Agricultural Land</li> </ul>



### 3. SITE AND SURROUNDINGS

- 3.1. The Appeal Site is worked agricultural land in the open countryside, screened to the north and east and partly screened to the west by mature woodland of deciduous and evergreen species. Mature trees along field boundaries and within highway verges limit views to and from the Appeal Site. The wider landscape supports isolated residential properties and farmsteads with the nearest being Thatched House Farm approximately<sup>3</sup> 350m to the north, High Billingham Farm 400m to the south and High Loxley 570m to the west. The nearest residential communities are Lydia Park and New Acres which comprise a traveller site and mobile home park off Stovolds Hill<sup>4</sup> approximately 500m to the east.
- 3.2. The Appeal Site is within the County of Surrey and the Borough of Waverley. The nearest settlements are The Green, 1.2km to the west, Dunsfold 1.4km to the south-west and Loxhill 1.8km to the north-west. Alfold Crossways is 2.9km to the south-east and Cranleigh 4.9km to the east. The nearest major commercial land use is Dunsfold Aerodrome, 800m to the south-east.
- 3.3. The Surrey Mineral Plan 2011, establishes that the Appeal Site is outwith a '*preferred area*' or an '*area of search*' for primary aggregates, silica sand or brick clay and is subject to no other planning allocation or designation.
- 3.4. The Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018, designates the Appeal Site as '*Countryside beyond the Green Belt*' within an '*Area of Great Landscape Value*' (AGLV) but it does not support a natural or built heritage designation. The land to the north of the Appeal Site, adjacent to Dunsfold Road, is designated as an '*Area of High Archaeological Potential*'.
- 3.5. Land to the north of Dunsfold Road forms part of the '*Surrey Hills Area of Outstanding Natural Beauty*' (AONB) and is also '*Green Belt*'. The wider landscape hosts natural and built heritage assets (designated and un-designated), amongst other features, which form the environmental baseline.

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<sup>3</sup> All distances within the Statement are approximations.

<sup>4</sup> Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 Policy AHN4: Gypsies, Travellers and Travelling Show People Accommodation.

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## 4. PLANNING AND MINERAL HISTORY

- 4.1. The Appeal Site has no planning history; the land has an historic agricultural use. The surrounding area has the following history of conventional hydrocarbon exploration:
- February 1982 the 'Godley Bridge-1' vertical well was drilled and completed on land to the north-west of Chiddingfold to a depth of 2,582m (8,473ft)<sup>5</sup>. This well is approximately 6.7km to the west of the Appeal Site.
  - February 1986 the 'Alfold-1' directional well was drilled and completed on land to the north-east of Alfold to a depth of 1,255m (4,120ft)<sup>6</sup>. This well is approximately 3.7km to the south-east of the Appeal Site.
  - December 1986 the 'Godley Bridge-2' vertical well was drilled and completed on land to the north-east of Grayswood to a depth of 1,114m (3,655ft)<sup>7</sup>. This well is approximately 9.5km to the west of the Appeal Site.
  - January 1987 the 'Godley Bridge-2z' deviated well was drilled from the same site as 'Godley Bridge-2' and completed to a depth of 2,451m (8,042ft).
- 4.2. The primary objective of these wells was to penetrate the Jurassic Portland sandstone, with a secondary objective being to penetrate the Jurassic Great Oolite limestones and Inferior Oolite limestones. These are the same geological formations being targeted by the Appeal Proposal.

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<sup>5</sup> Godley Bridge-1 Well co-ordinates (E) 495232, (N) 136640 UK sourced from the Oil and Gas Authority Onshore Oil and Gas Activity web page.

<sup>6</sup> Alfold-1 Well co-ordinates (E) 504337, (N) 134437: same source as above.

<sup>7</sup> Godley Bridge-2 Well co-ordinates (E) 491963, (N) 136131: same source as above.

## 5. THE APPEAL PROPOSAL

- 5.1. The surface area of the Appeal Proposal is approximately 2.3 hectares inclusive of the well pad, the access track and other ancillary development. The built form will accommodate hydrocarbon exploration, appraisal and testing operations for a temporary period of 3 years.
- 5.2. The Appeal Proposal comprises the following phases:
- **Phase 1: Access and Well Site Construction**

Minor highway improvements at the junction of Dunsfold Road and High Loxley Road, the construction of a new junction within High Loxley Road, the installation of up to 1km of new compacted-stone access track, construction of a compacted-stone well site with an impermeable membrane, perimeter surface run off containment ditch and drilling cellar to accommodate a conductor casing with security fencing, entrance gates and other ancillary development.
  - **Phase 2: Drilling, Testing and Appraisal**

The mobilisation and demobilisation of surface plant and machinery ancillary to the drilling of one borehole (Loxley-1), one sidetrack borehole (Loxley-1z) and subsequent appraisal by initial and extended well testing.
  - **Phase 3: Well Plugging, Abandonment and Decommissioning**

The removal of all surface equipment followed by well suspension, plugging and abandonment (subject to Phase 4).
  - **Phase 4: Site Retention or Restoration**

Retaining the Site to allow a period of review prior to either a further application to authorise work or restoration of the site to its original appearance and use following a period of aftercare.
- 5.3. The phases and their associated processes are described in full within the Planning Statement and Environmental Report, Chapter 3: The Proposed Development, which formed part of the original planning application<sup>8</sup>.
- 5.4. For the avoidance of doubt, the Appeal Proposal does not include the use of high-volume fracturing.

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<sup>8</sup> See Appendix 1: Planning Application File 1, Part 5: Planning Statement and Environmental Report.

## 6. CONSULTATION RESPONSES AND REPRESENTATIONS

- 6.1. The responses and representations summarised below were submitted to SCC during the life of the planning application. They will be taken forward and addressed within Chapter 6: The Appellant's Case for Approval. Where relevant, they will inform the subsequent evidence submitted by the expert witnesses on behalf of the Appellant.

### CONSULTATION RESPONSES

#### County Highways Authority (CHA)

- 6.2. The proposal is acceptable on *'highway safety, capacity and policy grounds'*<sup>9</sup>. The traffic management arrangements have been simplified and *'respond positively to the concerns of residents living in the locality'*<sup>10</sup>. Planning conditions will ensure the development does not prejudice highway safety or cause inconvenience to other highway users once operational.
- 6.3. The CHA raises no objection regarding the sufficiency of the information submitted. They are satisfied that the development would not have an unacceptable impact on highway safety, air quality, residential amenity, the environment, the local or wider highway network in isolation or a residual cumulative impact alongside other development. The proposal is *'in accordance with the requirements of the development plan in respect of highways, traffic and access'*<sup>11</sup>.

#### County Landscape Consultant (CLC)

- 6.4. The CLC raises no objection regarding the sufficiency of the information submitted; the landscape and visual impact assessment (LVIA) and supporting photomontages help to *'understand the potential visual impacts of the proposed development as a worst case'*<sup>12</sup>.
- 6.5. The crane and the rig are likely to be visible above the surrounding trees although the change is *'unlikely to be sufficiently high to result in a significant adverse effect, especially as the change is for a relatively short time period'*<sup>13</sup>. The visual impacts on the AONB raise no objection subject to a condition that the country lanes through the AONB are not used by HGV's<sup>14</sup>. The visual impacts of the highway improvements are *'not likely to be significant'*<sup>15</sup>.

#### Surrey Hills Area of Outstanding Natural Beauty (AONB) Planning Advisor

- 6.6. Despite the lack of tree depth and the intermittent nature of screening (i.e. gaps and the loss of leaf in winter) the surrounding trees would have a *'visually softening benefit'* effect when viewed at distance. Consequently, *'it would be difficult to justify refusal'* on visual impact grounds when viewed from the AONB<sup>16</sup>. The proposal has the potential to be a *'seriously incongruous feature'* in the AGLV and *'compensation should be provided if mitigation is insufficient'*<sup>17</sup>.

<sup>9</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highways, Traffic and Access, para 293.

<sup>10</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highways, Traffic and Access, para 293.

<sup>11</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highways, Traffic and Access, para 293.

<sup>12</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 326.

<sup>13</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 327.

<sup>14</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 334.

<sup>15</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 327.

<sup>16</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 323.

<sup>17</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 323.

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Natural England

- 6.7. No objection subject to appropriate mitigation measures secured by condition.

Environment Agency (EA)

- 6.8. On 26<sup>th</sup> June 2020 the EA issued Environmental Permit EPR/VP3305PT satisfied that the *'environmental impacts will be controlled and will not cause an issue to either the environment or to nearby residents'*<sup>18</sup>. The permit application included an assessment of air quality, noise, vibration and odour as well as protection for ground and surface water. The permitted activities will be regulated by the EA to ensure *'Permit conditions are complied with'* and *'emissions and impacts are minimised'*<sup>19</sup>.

SCC Environmental Assessment Team

- 6.9. The proposal is not Environmental Impact Assessment (EIA) development. The proposal would not give rise to likely significant effects alone or in-combination with other development<sup>20</sup>.

Environmental Health Officer

- 6.10. The noise, air quality, odour control, traffic movements, dust and lighting effects of the proposal are acceptable subject to conditions. The Environmental Permit should adequately control any potential emissions to land and secure appropriate remediation if needed<sup>21</sup>. The County Air Quality Consultant finds the impacts are not considered significant<sup>22</sup> and the County Lighting Consultant records no objection based on a lighting scheme that demonstrates *'minimum light spillage'* with *'light trespass and... glare being within acceptable limits at the nearest sensitive receptor'*<sup>23</sup>.

Other Responses

- 6.11. Consultees with expertise in the environmental topics of natural and built heritage, archaeology, aviation, ground water, ground stability, public utility infrastructure, tree and woodland protection, drainage and flooding, restoration and enhancement, health and safety raise no objection and find that the proposal acceptable subject to conditions<sup>24</sup>. The Surrey Gypsy and Travellers Community Forum raises no objection subject to conditions<sup>25</sup>.

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<sup>18</sup> SCC Planning & Resource Committee Report, 27 November 2020, para 51.

<sup>19</sup> SCC Planning & Resource Committee Report, 27 November 2020, para 51.

<sup>20</sup> SCC Adopted Screening Opinion, 28 February 2019, issued in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, finding the proposed development is not likely to generate significant effects on the environment by virtue of its nature, size or location.

<sup>21</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 75.

<sup>22</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 81.

<sup>23</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 83.

<sup>24</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 77, 84-86, 88-90, 92-94, 96-103, 105 and 106.

<sup>25</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 95.

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## COUNCIL RESPONSES AND THIRD-PARTY REPRESENTATIONS

6.12. The Appeal Site is within the District of Waverley and the Parish of Dunsfold. The neighbouring Parishes are Bramley, Hascombe, Alfold, Hambledon, Witley and Cranleigh. All of the Councils object to the Appeal Proposal.<sup>26</sup>

6.13. 660 third party representations were submitted<sup>27</sup> with 524 in opposition and 136 in support. In addition, the local County Councillor, two District Council political party groups and four local interest groups submitted objections<sup>28</sup> along with 5 petitions from the general public. The issues raised are summarised below:

- **Need:** the likely presence of gas is not supported by the geology or past exploration activity; gas volumes will not be significant; there is no shortage of hydrocarbons on the international market; the forthcoming Energy White Paper supports green energy and the energy security benefits seem less than significant when compared to the harm.
- **Policy conflict:** with national planning, energy and climate change policy citing the successful legal challenge of Heathrow Airport, the UK's obligations under the Paris Climate Agreement, Waverley Borough Climate Change motion and SCC's declaration of a climate emergency; government energy and industrial policy is deeply hypocritical and the UK should not encourage anything other than sustainable green energy generation.
- **Environmental harm:** industrialisation of the rural landscape; adverse effects upon residential amenity, natural and built heritage, seismicity, air and noise emissions, drainage and groundwater, dark night skies and low flying helicopters; the potential for contamination and the threat of local clear-felling increasing the visibility of the site.
- **Economic harm:** the lack of an economic assessment, the loss of local businesses; the benefits of farm/rural economy diversification have been overstated.
- **Insufficient information:** of site operations (e.g. perceived acid fracking); monitoring and managing the release of Hydrogen Sulphide (H<sub>2</sub>S)); the lack of an EIA; the inadequate assessment of accident risk; the potential for contamination and the effect of protesters.
- **Highway safety and traffic management:** traffic management details should not be secured by post-consent conditions; querying the safety and legality of temporary speed limits; delays at traffic signals and the practicalities of mitigation deployment.
- **Other matters:** the development takes place on Common Land, the need for a restoration bond given concerns for the Appellant's finances and drilling under the Dunsfold Garden Village has the potential to impact upon deliverability/viability.

6.14. 136 representations were in support of the Appeal Proposal. The issues raised are summarised below:

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<sup>26</sup> SCC Planning & Resource Committee Report, 29 June 2020, Consultations and Publicity, para 74 and 110-115 and Committee Report, 27 November 2020, para 15.

<sup>27</sup> The volume of submissions is recorded at SCC Planning & Resource Committee Report, 29 June 2020, para 121 and Committee Report, 27 November 2020, para 18.

<sup>28</sup> SCC Planning & Resource Committee Report, 29 June 2020, para 107-109 and 116-118. The number of petitions is recorded at SCC Planning & Resource Committee Report, 29 June 2020, para 121 and Committee Report, 27 November 2020, para 18.

- **Need:** historic exploration successfully identified the Godley Bridge Gas Discovery, and the proposal complies with national energy policy.
- **Policy compliance:** the proposal accords with the development plan with no other material considerations indicating otherwise; the proposal engages the *'presumption in favour of sustainable development'* consistent with national planning policy.
- **Environmental benefits:** avoidance of international shipping and the engagement of better UK regulation will reduce the carbon footprint when compared to imported fuel; UKOG has demonstrated at Horse Hill, Horley that development can have a low visual presence; HGV and site traffic will barely be visible; the Government's Committee on Climate Change states that the UK will need gas for a future hydrogen-based economy.
- **Economic benefits:** the Weald basin reserves are of national importance and should be explored given diminishing North Sea reserves; benefits not just Surrey but the wellbeing and economy of the UK; the proposal will create jobs, target the local supply chain and diversify the rural economy in the interest of national fuel and food security; claims of economic harm are unsubstantiated; the proposal would increase UK self-sufficiency post Brexit; a buffer against the unreliability fuel imports.
- **Other matters:** UKOG have proceeded responsibly in the development of exploration wells and have an excellent reputation of sensitively operating within the Weald Basin.

## 7. THE APPELLANT'S CASE FOR APPROVAL

### ADDRESSING THE REFUSAL REASONS

#### Refusal Reason No.1: Traffic and Transport

- 7.1. The Refusal reason is based upon a concern for the 'standard' of the highway network and the effect of the Appeal Proposal upon 'highway safety'.
- 7.2. With regard to the network standard, outwith motorways and 'A' roads the traffic route to and from the Appeal Site is confined to 2.5km of the classified B2130 Dunsfold Road and 180m of the unclassified High Loxley Road. Accordingly, vehicles are largely confined to the higher classification road network.
- 7.3. Sufficient visibility splays can be achieved at the proposed access junction onto High Loxley Road, and at the High Loxley Road/Dunsfold Road junction. Swept path analysis demonstrates that with localised carriageway widening all construction vehicles, including heavy good's vehicles (HGV) and abnormal indivisible load vehicles (AILV) can safely navigate the route. The proposed route is in good condition and already acceptably accommodates HGV movements on a daily basis. Accordingly, the highway network is of an appropriate physical standard and specification to accommodate the traffic flows of the Appeal Proposal.
- 7.4. Dunsfold Road accommodates 779 weekday HGV's movements and 125 on a Saturday<sup>29</sup>. Traffic volumes within High Loxley Road were observed to be up to 3 movements per hour<sup>30</sup> which is very low. The Appeal Proposal would introduce up to 10 two-way HGV movements per day outside of peak traffic hours with no movements on a Friday (PM), Saturday (PM), Sunday or Bank Holiday. Within this context, the additional traffic flows of the Appeal Proposal are not significant in transport terms and the highway network has the capacity to accommodate them.
- 7.5. In summary, subject to targeted and localised improvements, the highway network is of an appropriate standard for use by the Appeal Proposal, a finding shared by the CHA<sup>31</sup>.
- 7.6. With regard to highway safety, mitigation measures are included within the Appeal Proposal. They include the timing of HGV movements to avoid peak traffic hours and limiting activity to 10 two-way HGV movements per day. The CHA finds the additional vehicle movements would not be significant in transport terms and would add a small amount of additional traffic to existing traffic flows on Dunsfold Road<sup>32</sup>. These mitigation measures are tried and tested and successfully employed by the Appellant at other operational hydrocarbon sites within Surrey and the wider Weald Basin<sup>33</sup>.

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<sup>29</sup> Planning Application File 2, Appendix 8: Transport Statement, April 2019, Table 1: Automatic Traffic Count Results Summary, page 10.

<sup>30</sup> Planning Application File 2, Appendix 8: Transport Statement, April 2019, para 4.2.2, page 13.

<sup>31</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 267 and 285.

<sup>32</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 229.

<sup>33</sup> SCC Planning Permission RE16/02556/CON, dated 1 November 2017 for hydrocarbon development (Testing and Appraisal) at Horse Hill Well Site, Horley - condition 19: 'There shall be no more than a total of 20 HGV movements (10 in and 10 out) to or from the site in any one day.' This condition was replicated in SCC Planning Permission RE18/02667/CON, dated 27 September 2019 for hydrocarbon development (Production) – condition



7.7. Further mitigation measures have been committed during the life of the planning application. These measures include:

- **Banksmen and/or Temporary Traffic Signals:** to be applied flexibly and tailored to the requirements of each development phase. Signals will operate within highway capacity and use vehicle detector technology to minimise driver delay. Banksmen would be used during periods of reduced traffic flow activity. These measures have been assessed by the CHA and found to be acceptable on highway safety, capacity and policy grounds<sup>34</sup>.
- **Temporary Speed Limits:** the CHA Road Safety Audit (RSA) found that speed reductions would not be detrimental to highway safety<sup>35</sup>. A 40mph speed limit together with the introduction of anti-skid resistant surfacing on approach roads would be secured by way of a Temporary Traffic Regulation Order as agreed with the CHA. The limits would be flexibly applied during periods of signal deployment and removed when signals are not in use<sup>36</sup>. The traffic management scheme has been assessed by the CHA and found to be satisfactory<sup>37</sup>.
- **AILV Management Plans:** the CHA finds the proposed use of escort vehicles and banksmen outside of peak traffic hours *'would not prejudice highway safety'*<sup>38</sup>.

7.8. Collision data for the highway network local to the Appeal Site records that collisions largely occur on the bends within Dunsfold Road<sup>39</sup> and none involve HGV's<sup>40</sup>. Accordingly, given that the additional movements proposed are low and not significant in transport terms the Appeal Proposal would not compromise highway safety; a finding shared by the CHA<sup>41</sup>. Furthermore, the vehicle flows are so low they would not generate an unacceptable cumulative impact with other development, a finding shared by the CHA<sup>42</sup>.

7.9. In summary, subject to the above mitigation measures which have been;

- successfully tried and tested at other operational sites;
- rely on standard and predictable traffic management techniques; and can be
- managed and monitored in compliance with a comprehensive Construction Traffic Management Plan secured by a condition which has been proposed by the CHA;

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10: *'There shall be no more than a total of 20 HGV movements (10 in and 10 out) to or from the site in any one day...'* subject to exception defined within the condition.

<sup>34</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 293.

<sup>35</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 234.

<sup>36</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 238.

<sup>37</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 278.

<sup>38</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 248.

<sup>39</sup> Loxley Well Site Supplementary Transport Statement, September 2019, Accident Analysis, para 2.8.2, page 6.

<sup>40</sup> Loxley Well Site Supplementary Transport Statement, September 2019, Accident Analysis, para 2.8.3, page 6.

<sup>41</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 258.

<sup>42</sup> SCC Planning & Resource Committee Report, 29 June 2020, Highway, Traffic and Access, para 285.

the residual effects of the Appeal Proposal would not be significant or compromise highway safety; findings shared by the SCC EIA Screening Opinion<sup>43</sup> and the CHA.

- 7.10. In conclusion, the Appeal Proposal is in compliance with SMP Policy MC15. The Appellant will provide an expert transport witness to demonstrate this case.

Refusal Reason No.2: Landscape and Visual

- 7.11. The Refusal reason is based upon a concern the Appeal Proposal will have a '*significant adverse impact*' upon the appearance, quality and character of the landscape and any features that contribute towards its distinctiveness, including its designation as an AGLV.

- 7.12. Mitigation measures are included within the Appeal Proposal that minimise the impacts and reverse the residual effects. They include:

- **Remote site and minimal land encroachment:** a Site Identification Report<sup>44</sup>, records how the Appeal Site was selected from 23 locations of least constraint finding it to be the best environmental option; SCC EIA Screening Opinion states the Appeal Site '*has been positioned so as to minimise the extent to which it would be visible to the public*'<sup>45</sup>. The Design Philosophy<sup>46</sup>, records the iterative design approach adopted by the Appellant to avoid adverse impacts and minimise residual effects.
- **New planting:** a Landscape, Environment and Biodiversity Restoration and Enhancement Plan (LEBREP)<sup>47</sup> provides new tree and hedgerow planting in year 1 to improve the filtration of views and the introduction of a 2 hectares of wild bird seed mix plantation to enhance the screening of development from the south within the AGLV designation.
- **Temporary duration:** a back-to-back exploration programme has been designed to minimise the duration of works within a temporary life of a 3-year planning permission<sup>48</sup>.
- **Site restoration:** the LEBREP, records a programme of soil cultivation, new tree and hedgerow planting, habitat restoration and aftercare in year 3 designed to return the landscape back to its original appearance.

- 7.13. The Appeal Site is low-lying, enclosed by mature trees, surrounded by woodland blocks and it benefits from topographic containment. These elements of the landscape fabric engage to filter the majority of immediate views and block the majority of longer-range views. The loss of landscape is negligible and the impacts are localised. The majority of visual receptors will experience minimal visual impacts and there would be limited effects on the wider AGLV.

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<sup>43</sup> SCC Adopted Screening Opinion, 28 February 2019, issued in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 finding the proposed development is not likely to generate significant effects on the environment by virtue of its nature, size or location.

<sup>44</sup> Planning Application File 1, Part 4: Site Identification Report, Chapter 5: Results, Table 3: Locations of Least Constraint, page 12.

<sup>45</sup> SCC Adopted Screening Opinion, 28 February 2019, para 68.

<sup>46</sup> Planning Application File 1, Part 5: Planning Statement and Environmental Report, 19 April 2019, Section 3.7, Design Philosophy, page 19-20.

<sup>47</sup> Loxley Well Site, Landscape, Environment and Biodiversity Restoration and Enhancement Plan, October 2019 (Ref edp4788\_r002c).

<sup>48</sup> Planning Application File 1, Part 5: Planning Statement and Environmental Report, 19 April 2019, bullet point No.2, page 23.

- 7.14. The majority of views from within the AONB will not be impacted. Where views are possible, they would be set against the background of the Dunsfold Aerodrome and other development; an assessment shared with SCC officers who find the impacts *'would not be significant'*<sup>49</sup> *'especially as the change is for a relatively short time period'*<sup>50</sup>.
- 7.15. In conclusion, subject to further mitigation secured as part of the LEBREP, the Appeal Proposal would not give rise to any significant or unacceptable effects consistent with the SCC EIA Screening Opinion<sup>51</sup> and the views of CLC. The residual effects upon the appearance, quality, character and distinctiveness of the landscape and its designations are acceptable in compliance with SMP Policy MC14(iii). The Appellant will provide an expert landscape and visual witness to demonstrate this case.

### COMPLIANCE WITH THE DEVELOPMENT PLAN

- 7.16. The SMP is the development plan document of prime planning importance. It is built upon a vision<sup>52</sup> that the exploitation of mineral resources in Surrey be *'efficient, environmentally responsible and adequate, as far as possible, to meet the needs of the economy and should not impose significant adverse impacts on the community'*.
- 7.17. The dominant SMP policy is MC12: Oil and Gas Development. Consistent with the policy criteria (italicised below) the Appellant will demonstrate:
- *'Significant adverse impacts'* have been avoided and residual effects have been *'minimised'* within the *'context of the geological structure being investigated'* through the adoption of a site selection approach that prioritised environmental protection and took advantage of mitigation derived from *'directional drilling'*. Having taken account of the operational, technical and environmental factors relevant to mineral development, the Appellant identified the Appeal Site as being the best environmental option.
  - The need to *'confirm the nature and extent of the resource'* is justified given the near identical reservoir geology between the Appeal Site and exploration sites at Broadford Bridge, West Sussex and Horse Hill, Surrey. This raises the prospect of an open and linked network of hydrocarbon deposits across the Weald Basin formation.
  - Justification for the *'means of recovery'* by way of a pilot-hole bore (Loxley-1) and a sidetrack well (Loxley-1z).
- 7.18. SMP Policy MC14: Reducing the Adverse Impacts of Mineral Development, is also engaged. Consistent with the policy criteria (italicised below) the Appellant will demonstrate:
- The *'need'* for hydrocarbon exploration as established by the UK's over-arching energy policy framework as advocated by National Planning Practice Guidance<sup>53</sup>.

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<sup>49</sup> SCC Adopted Screening Opinion, 28 February 2019, para 78.

<sup>50</sup> SCC Planning & Resource Committee Report, 29 June 2020, Landscape and Visual Impact, para 327.

<sup>51</sup> SCC Adopted Screening Opinion, 28 February 2019, issued in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 finding the proposed development is not likely to generate significant effects on the environment by virtue of its nature, size or location.

<sup>52</sup> SMP 2011: Core Strategy Development Plan Document, Chapter 2: Vision and Objectives, page 12.

<sup>53</sup> National Planning Practice Guidance, Minerals, para 124.

- *'Significant adverse impacts'* have been avoided as established by the suite of environmental reports commissioned in compliance with the SCC EIA Screening Opinion. Subject to mitigation measures secured by standard planning condition, the residual impacts will not be significant and are acceptable; a finding shared by SCC's landscape, lighting, air quality, geotechnical, ecology and cultural heritage consultants along with the County Environmental Health Officer and the Environment Agency amongst others.
- 7.19. The Appellant will establish compliance with all other SMP policies engaged in the Appeal Proposal and demonstrate how the holistic approach adopted by the Appellant would ensure exploration and restoration of the highest standard. Accordingly, the Appellant has been *'environmentally responsible'* in bringing forward *'efficient'* development with no *'significant adverse impacts on the community'* in compliance with the SMP vision.
- 7.20. The LLP1 is built upon a vision that maintains economic prosperity whilst accommodating growth *'in the most sustainable way possible'*<sup>54</sup>. The Appellant will demonstrate that the Appeal Proposal is in general compliance with the LLP1 vision, objectives and policies together with the saved policies of the WBLP with no material conflict identified.
- 7.21. The P&R Committee Report of 27<sup>th</sup> November 2020 includes a recommendation of 34.No planning conditions and 25.No Informatives. They are acceptable to the Appellant and shall be included within the Draft Statement of Common Ground. The Appellant reserves the right to address any further conditions or amendments should this prove to be necessary.
- 7.22. In conclusion, the Appeal Proposal achieves a high degree of compliance with the Development Plan when read as a whole.

#### **OTHER MATERIAL PLANNING CONSIDERATIONS**

- 7.23. Other material considerations relevant to the Appeal Proposal are recorded at **Appendix 2: Planning Policy and Other Material Considerations**. The Appellant will demonstrate compliance with:
- **National energy policy:** inclusive of the Energy Act 2011, and its objective of maintaining energy security which the Energy Security Strategy 2012, states will come from a broad, diverse and flexible energy system that includes *'maximising economic production of our... gas reserves to provide reliable energy supplies which are not exposed to international energy supply risks'*. A key message of the strategy is that *'gas will continue to be a major part of our energy mix for the next few decades'*<sup>55</sup>. The Gas Generation Strategy 2012, states gas will provide *'crucial capacity to keep the lights on and the economy working'*<sup>56</sup> and the Energy White Paper: Powering our Net Zero Future 2020, states domestic gas *'has a critical role in maintaining the country's energy security and is a major contributor to our economy'*<sup>57</sup>.
  - **National planning policy and guidance:** inclusive of;

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<sup>54</sup> Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018), Chapter 3: Spatial Vision, para 3.2(1), page 3-1.

<sup>55</sup> The Energy Security Strategy 2012: Ministerial Forward, page 6 and page 45.

<sup>56</sup> The Gas Generation Strategy 2012: Ministerial Forward, page 4.

<sup>57</sup> The Energy White Paper: Powering our Net Zero Future 2020, Oil and Gas - The strategic context, page 134.

- The Overarching National Policy Statement for Energy 2009, which states it is ‘critical’ the UK continues to have secure and reliable energy supplies derived from a ‘diverse mix of technologies and fuels’. Accordingly, ‘some fossil fuels will still be needed during the transition to a low carbon economy’<sup>58</sup>;
- National Planning Practice Guidance, which establishes that minerals ‘make an essential contribution to the country’s prosperity and quality of life’<sup>59</sup>;
- The National Planning Policy Framework (NPPF) 2019, that states ‘great weight should be given to the benefits of mineral extraction, including to the economy’<sup>60</sup>; and the Proposed Amendments to the NPPF, published for consultation 29<sup>th</sup> January 2021, that include, amongst other things, the incorporation of the United Nations 17.No Global Goals for Sustainable Development and revised plan-making guidance to reference the importance of both infrastructure and climate change<sup>61</sup>.

- 7.24. The Appeal Proposal draws support from Government annual energy statements and national statistics that record, amongst other things, gas consumption and import dependency trends. In addition, it draws support from Government demand projections that recognise the importance of gas as a source of secure and affordable energy as the UK aims for ‘Net zero’ emissions by 2050<sup>62</sup>. The Committee on Climate Change predict that by 2050 we will still consume almost 70% of the gas we do today. This is because ‘Net-zero’ is predicated upon a hydrogen-based economy and any reductions in gas consumption elsewhere in the economy are ‘offset by new demand for gas to produce hydrogen’<sup>63</sup>. Taking account of this projection, the UK Government state it is ‘critical that the UK continues to have good access to gas’<sup>64</sup>.
- 7.25. The Appellant will provide an expert company witness to address the technical matters of the Appeal Proposal and an expert planning witness to address its compliance with the development plan and other material considerations.

#### **OTHER MATTERS: COUNCIL RESPONSES AND THIRD-PARTY REPRESENTATIONS**

- 7.26. The Appellant will demonstrate there are no other valid environmental, economic or social reasons why planning permission should not be granted in this case. Responding to the issues raised above within paragraph 6.13, and any other matters that arise during the appeal process, the Appellant will demonstrate:
- **There is a need for hydrocarbon exploration:** justified by a Development Plan that recognises ‘energy minerals play a crucial role in the national economy’<sup>65</sup> in compliance

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<sup>58</sup> Overarching National Policy Statement for Energy (EN-1), July 2011, para 2.2.20 and 2.2.23.

<sup>59</sup> National Planning Practice Guidance, Minerals, para 001.

<sup>60</sup> National Planning Policy Framework, February 2019, para 205, page 59.

<sup>61</sup> Ministry of Housing, Communities and Local Government: Open consultation - National Planning Policy Framework and National Model Design Code: consultation proposals, Published 29 January 2021.

<sup>62</sup> Climate Change Act 2008 (2050 Target Amendment) Order 2019, establishes that the net-carbon levels for the year 2050 must be 100% lower than the 1990 baseline; this is known as the ‘Net-zero’ emissions target.

<sup>63</sup> Committee on Climate Change, Net Zero- UK’s contribution to stopping global warming, May 2019, page 252.

<sup>64</sup> Secretary of State for Business, Energy and Industrial Strategy, Energy Policy Update Statement 4<sup>th</sup> Nov 2019.

<sup>65</sup> Surrey Minerals Plan 2011: Core Strategy Development Plan Document, para 1.7, page 1.

with national energy policy which states gas has a *'critical role'* to play as a primary fuel for domestic heating, in keeping the lights on and the economy working<sup>66</sup>.

The Appeal Proposal will help to broaden the UK energy base in compliance with national planning policy which promotes a *'diverse mix of technologies and fuels'*<sup>67</sup> and it will provide resilience against the vulnerability of import dependency and energy shocks.

Within this context, to do nothing (i.e. no hydrocarbon exploration thereby committing the UK to a future of non-indigenous supply) is not government policy on the grounds it is not be in the public interest. Alternative technologies and products are in their infancy which means that gas is *'likely to play a significant role for some time to come... during the transition to a low carbon economy'*<sup>68</sup>.

Government policy is clear: hydrocarbon exploration is a matter of national importance, which is a view shared by SCC officers who attributed *'significant weight'* to this aspect of the Appeal Proposal.

- **There is no material conflict with climate change policy:** national climate change policy does not seek to reduce greenhouse gas emissions by restricting indigenous hydrocarbon exploration and neither is the *'Net-zero'* carbon economy of 2050 to be hydrocarbon-free. This is because a responsible and environmentally efficient use of hydrocarbons is likely to remain the most sustainable option for some sectors and for some essential services in the future. It is not the case that the Appeal Proposal will lead to a likely increase in gas usage but it is the case that the gas we will need in the future could be more sustainably sourced from indigenous supplies in the interests of climate change mitigation:
  - retaining control over emissions generated during exploration;
  - developing new and efficient technologies to avoid, capture or minimise processing emissions; and
  - avoiding emissions generated during the transportation of imported gas.

Within this context, indigenous exploration represents the most efficient use of resources by virtue of proximity and the opportunity it affords UK regulators to control the exploration and extraction process in the best interests of climate change mitigation. In summary, the Appeal Proposal represents a sustainable form of development

- **There are no other unacceptable environmental impacts:** SCC's landscape, lighting, air quality, geotechnical, ecology and cultural heritage consultants along with the County Environmental Health Officer and the Environment Agency find the residual impacts of the Appeal Proposal acceptable subject to standard planning conditions.

The impacts would be temporary and reversible subject to a programme of restoration in compliance with the *'high standard'* called for by SMP Policy MC17: Restoring Mineral Workings. Biodiversity net-gains would be delivered by a programme of environmental

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<sup>66</sup> Gas Generation Strategy: Department of Energy & Climate Change, Ministerial Forward, paragraph 2, page 4.

<sup>67</sup> Overarching National Policy Statement for Energy (EN-1) (July 2011) paragraph 2.2.20, bullet 2, page 13.

<sup>68</sup> Overarching National Policy Statement for Energy (EN-1) (July 2011) paragraph 2.2.23, page 13.

enhancement and habitat creation in compliance with SMP Policy MC18: Restoration and Enhancement, and national planning guidance relating to the natural environment.

- **There are no other unacceptable economic impacts:** the investment to be committed at the Appeal Site would be approximately £6 million with significant expenditure retained in the local or Surrey-based economy. In addition, the income derived from farm diversification will secure the long-term viability of the supporting agricultural business, keeping it active within the rural economy and maintaining a long tradition of sustainable countryside management.

The UK will need investment from many operators, large and small<sup>69</sup>, in many locations exploiting many different technologies if 'Net-zero' is to be achieved. During the transition towards clean growth, gas '*remains one of the most productive sectors of the UK economy*'<sup>70</sup>, bestowing '*crucial*' benefits<sup>71</sup> that make an '*essential contribution to the country's prosperity and quality of life*'<sup>72</sup>. National planning policy requires decision makers attribute '*great weight*' to the benefits of mineral extraction, '*including to the economy*'<sup>73</sup>.

- 7.27. The Appellant does not intend to call witness evidence to address the other matters above but reserves the right to do so in light of SCC's Statement of Case or submissions from interested parties.

#### FINAL PLANNING BALANCE

- 7.28. The Development Plan is up to date and in overall compliance with current national planning policy. The SMP is the Development Plan document of prime planning importance with SMP Policy MC12: Oil and Gas Development, being the dominant policy for consideration.

- The Appeal Proposal achieves a high degree of compliance with the SMP, the LPP1 and the saved policies of the WBLP with no material policy conflict identified; a benefit that weighs significantly in favour of consent.
- The Appeal Proposal draws strong support from the other material planning considerations in this case, a benefit that weighs significantly in favour of consent.
- There are no other valid environmental, economic or social reasons why planning permission should not be granted in this case.

- 7.29. Taking account of these findings, the Appeal Proposal is '*sustainable development*'<sup>74</sup> engaging the NPPF '*presumption in favour of sustainable development*'<sup>75</sup>. The presumption requires decision-makers approve development proposals that accord with the Development Plan<sup>76</sup>.

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<sup>69</sup> Overarching National Policy Statement for Energy (EN-1) (July 2011) paragraph 2.1, page 8.

<sup>70</sup> UK Industrial Strategy: Building a Britain Fit for the Future (November 2017), page 149 and Oil and Gas UK (2017) Oil & Gas UK Economic Report 2017.

<sup>71</sup> UK Gas Generation Strategy: Department of Energy & Climate Change, Ministerial Forward, para 2, page 4.

<sup>72</sup> National Planning Practice Guidance, Minerals, paragraph 001.

<sup>73</sup> National Planning Policy Framework (February 2019) paragraph 205, page 59.

<sup>74</sup> National Planning Policy Framework (February 2019) paragraph 7, page 5.

<sup>75</sup> National Planning Policy Framework (February 2019) paragraph 10, page 5.

<sup>76</sup> National Planning Policy Framework (February 2019) paragraph 11(c), page 6.

**CONCLUSION**

- 7.30. The Appellant will say that the information submitted in respect of the Appeal Proposal is sufficient to establish that -
- the highway network is of an appropriate standard and that highway safety will not be compromised;
  - the appeal proposal will not have a significant adverse impact on the appearance, quality and character of the landscape and any features that contribute towards its distinctiveness, including its designation as an Area of Great Landscape Value.
- 7.31. Accordingly, the two reasons for refusal by SCC in the Refusal are not justified. The technical reports and other material submitted with the application also demonstrate that there are no other reasons for refusing the application, contrary to the views of objectors.
- 7.32. The Appeal Proposal is in compliance with the SMP's dominant policy MC12: Oil and Gas Development, and all other mineral and planning policies of the Development Plan with no material conflict identified.
- 7.33. The Appeal Proposal also draws strong support from national planning policy and the other material planning considerations in this case.
- 7.34. The Appeal Proposal is '*sustainable development*'<sup>77</sup> and precisely the kind of investment envisaged by Government energy policy if the UK is to make the '*best use*'<sup>78</sup> of its mineral resources, reduce the vulnerability of being a net-importer of energy and deliver the sustainable growth called for by the NPPF.
- 7.35. For the above reasons, the Appellant respectfully requests that the appeal is allowed.

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<sup>77</sup> National Planning Policy Framework (February 2019) paragraph 7, page 5.

<sup>78</sup> National Planning Policy Framework (February 2019) paragraph 203, page 58.



**8. DOCUMENTS TO BE REFERRED TO AS PART OF THE APPELLANT'S CASE**

- 8.1. The documents to be referred to as part of the Appellant's case include but are not limited to the following:-
- I. Planning Application Documents as set out in Tables 1 and 2 of **Appendix 1**;
  - II. Planning Policy and Other Material Considerations as set out in Table 3 of **Appendix 2**;
  - III. SCC Committee Reports of 27 June and 29 November 2020 as set out at **Appendix 3**;
  - IV. Correspondence with the Council/third parties in relation to the Appeal Proposal; and
  - V. Relevant Caselaw and appeal decisions.
- 8.2. The Appellant reserves the right to add to/amend its case and the evidence relied on in the light of the SCC Statement of Case and/or any matters raised by third parties during the appeal process.

## 9. APPLICATION FOR COSTS

- 9.1. The Appellant is minded to make a costs application given the fact that when refusing the planning application for the two reasons set out in the Refusal, Member of SCC's P&R Committee:
- I. twice failed to follow professional advice
  - II. did not rely on expert evidence disputing the findings of the Appellant's impact assessments or that made alternative findings; and
  - III. did not rely on expert evidence that found the information to be insufficient for the purpose of decision making.
- 9.2. In the opinion of the Appellant, this conduct has the potential to be found unreasonable. However, since the Appellant has yet to see SSC's case in support of the Refusal reasons and the professional evidence upon which they rely, the Appellant will not make an application at this stage but respectfully requests the right to do so having reviewed SCC's case and evidence.

## Appendix 1: Planning Application Documents

The planning application as originally submitted together further submissions made during the life of the application.

TABLE 1: PLANNING APPLICATION DOCUMENTS - AS ORIGINALLY SUBMITTED			
DOCUMENT	REFERENCE	TITLE	
Loxley Planning Application File 1	Cover Letter	Planning Application Cover Letter	
	Part 1	Planning Application Forms	
	Part 2	Planning Application Plans (at the date of application submission)	
		LOCATION PLANS	
	1	ZG-UKOG-L1-PA-01	Site Location Plan
	2	ZG-UKOG-L1-PA-02	Site Location Plan (Showing Likely Extent of Sub-Surface Borehole Deviation)
		EXISTING LAYOUT PLANS	
	3	ZG-UKOG-L1-PA-03	Existing Site Plan (Composite)
	4	ZG-UKOG-L1-PA-04	Existing Site Plan 1 of 3 (Well Site – Burchetts SW Corner)
	5	ZG-UKOG-L1-PA-05	Existing Site Plan 2 of 3 (Burchetts SW Corner - Burchetts NW Corner)
	6	ZG-UKOG-L1-PA-06	Existing Site Plan 3 of 3 (Burchetts NW Corner – High Loxley Road)
		CONSTRUCTED MODE PLANS	
	7	ZG-UKOG-L1-PA-07	Existing Sections Plan – Well site
	8	ZG-UKOG-L1-PA-08	Proposed Construction Layout Plan 1 of 4 (Well Site)
	9	ZG-UKOG-L1-PA-09	Proposed Construction Layout Plan 2 of 4 (Well Site – Burchetts SW Corner)
	10	ZG-UKOG-L1-PA-10	Proposed Construction Layout Plan 3 of 4 Drawing (Burchetts SW Corner - Burchetts NW Corner)
	11	ZG-UKOG-L1-PA-11	Proposed Construction Layout Plan 4 of 4 Drawing (Burchetts NW Corner – High Loxley Road)
	12	ZG-UKOG-L1-PA-12	Proposed Construction Sections Plan
		ACCESS ARRANGEMENTS	
	13	ZG-UKOG-L1-PA-13	Proposed Access Layout Plan – High Loxley Road
	14	ZG-UKOG-L1-PA-14	Proposed Access Layout Plan – Pratts Corner
		DRILLING MODE PLANS	
	15	ZG-UKOG-L1-PA-15	Drilling Mode Layout Plan
	16	ZG-UKOG-L1-PA-16	Section Through Drilling Mode Layout Plan (BDF Rig 28 – Height 37m)
	17	ZG-UKOG-L1-PA-17	Section Through BDF Rig 28 Drilling Rig (Height 37m)
	18	ZG-UKOG-L1-PA-18	Section Through BDF Rig 51 Drilling Rig (Height 38m)
		TESTING MODE PLANS	
	19	ZG-UKOG-L1-PA-19	Initial Flow Testing Mode Layout Plan
20	ZG-UKOG-L1-PA-20	Section Through Initial Flow Testing Mode Layout Plan	
21	ZG-UKOG-L1-PA-21	Section Through PWWS Moor 475 Workover Rig (Height 35m)	
22	ZG-UKOG-L1-PA-22	Section Through PWWS IDECO BIR 35 Workover Rig (Height 34m)	
23	ZG-UKOG-L1-PA-23	Extended Well Testing Mode Layout Plan	
24	ZG-UKOG-L1-PA-24	Section Through Extended Well Testing Mode Layout Plan	
	RETENTION MODE PLANS		
25	ZG-UKOG-L1-PA-25	Retention Mode Layout Plan	
26	ZG-UKOG-L1-PA-26	Section Through Retention Mode Layout Plan	
	BOUNDARY TREATMENT PLANS		
27	ZG-UKOG-L1-PA-27	Proposed Well Site Fencing & Gates Section Plan	
28	ZG-UKOG-L1-PA-28	Proposed Entrance Fencing & Gates Sections Plan	
	RESTORATION MODE PLANS		

<b>TABLE 1: PLANNING APPLICATION DOCUMENTS - AS ORIGINALLY SUBMITTED</b>				
<b>DOCUMENT</b>	<b>REFERENCE</b>	<b>TITLE</b>		
	<b>29</b>	<b>ZG-UKOG-L1-PA-29</b>	Proposed Restoration Layout Plan 1 of 5 (Well Site)	
	<b>30</b>	<b>ZG-UKOG-L1-PA-30</b>	Proposed Restoration Layout Plan 2 of 5 (Well Site – Burchetts SW Corner)	
	<b>31</b>	<b>ZG-UKOG-L1-PA-31</b>	Proposed Restoration Layout Plan 3 of 5 (Burchetts SW Corner - Burchetts NW Corner)	
	<b>32</b>	<b>ZG-UKOG-L1-PA-32</b>	Proposed Restoration Layout Plan 4 of 5 (Burchetts NW Corner – High Loxley Road)	
	<b>33</b>	<b>ZG-UKOG-L1-PA-33</b>	Proposed Restoration Sections Plan 5 of 5 – Restoration of The Well Site	
	<b>Part 3</b>	<b>Statement of Community Involvement</b>		
	<b>Part 4</b>	<b>Site Identification Report</b>		
	<b>Part 5</b>	<b>Planning Statement &amp; Environmental Report</b>		
	<b>Loxley Planning Application File 2</b>	<b>Appendix 1</b>	Design Statement	
		<b>Appendix 2</b>	Air Quality Assessment	
<b>Appendix 3</b>		Landscape & Visual Assessment - inclusive of a Restoration Plan		
<b>Appendix 4</b>		Noise Impact Assessment		
<b>Appendix 5</b>		Ecological Assessment		
<b>Appendix 6</b>		Hydrogeological & Flood Risk Assessment		
<b>Appendix 7</b>		Arboriculture Impact Assessment		
<b>Appendix 8</b>		Transport Statement		
<b>Appendix 9</b>		Archaeological & Cultural Heritage Assessment		
<b>Appendix 10</b>		Lighting Impact Assessment		
<b>Appendix 11</b>		Major Accident & Disaster Assessment		
<b>Appendix 12</b>		Waste Management Assessment		

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1	10 June 2019	Clarification Statement in response to the removal of NPPF para 209(a).																																																																																									
2	31 October 2019	<p>Applicant submitted further information/clarifications in response to consultee comments. Submissions made relating to the following impacts:</p> <ul style="list-style-type: none"> <li>• Air Emission;</li> <li>• Ecology: comprising a <b>Landscape, Environment and Biodiversity Restoration and Enhancement Plan</b> (October 2019);</li> <li>• Geotechnical: comprising an updated <b>Loxley Well Site Planning Statement &amp; Environmental Report Appendix 1: Design Statement - Appendix 3 NAUE Geogrid Design</b> (9<sup>th</sup> September 2019)</li> <li>• Highways: comprising a <b>Supplementary Transport Statement</b> (September 2019) and a <b>Framework Construction Transport Management Plan</b> (September 2019);</li> <li>• Lighting: comprising a revised <b>Lighting Impact Assessment</b> (November 2019), taking account of a future environmental baseline with the clear felling of Burchetts Wood and other surrounding woodland;</li> <li>• Noise: comprising an <b>Addendum to the Noise Impact Assessment</b> (6<sup>th</sup> September 2019) taking account of a future environmental baseline with the clear felling of Burchetts Wood and other surrounding woodland; and</li> <li>• Landscape; comprising the following photoviewpoint (PVP) imagery:</li> </ul> <table border="1"> <thead> <tr> <th>PLAN / IMAGE</th> <th>TITLE</th> <th colspan="2">IMAGERY</th> </tr> </thead> <tbody> <tr> <td>LVIA Plan EDP L6</td> <td>Zone of Theoretical Visibility, Visual Receptors and PVP Locations</td> <td>1</td> <td>Plan</td> </tr> <tr> <td rowspan="5">LVIA PVP EDP 1</td> <td rowspan="5">Public bridleway BW280, looking north-west</td> <td>2</td> <td>Baseline</td> </tr> <tr> <td>3</td> <td>Photo-montage</td> </tr> <tr> <td>4</td> <td>Baseline</td> </tr> <tr> <td>5</td> <td>Photo-wireframe</td> </tr> <tr> <td>6</td> <td>Baseline</td> </tr> <tr> <td rowspan="4">LVIA PVP EDP 2</td> <td rowspan="4">Public bridleway BW280, looking north-east</td> <td>7</td> <td>Photo-montage</td> </tr> <tr> <td>8</td> <td>Baseline</td> </tr> <tr> <td>9</td> <td>Photo-wireframe</td> </tr> <tr> <td>10</td> <td>Baseline</td> </tr> <tr> <td rowspan="4">LVIA PVP EDP 3</td> <td rowspan="4">High Loxley Road west of Billingham Farm</td> <td>11</td> <td>Photo-montage</td> </tr> <tr> <td>12</td> <td>Baseline</td> </tr> <tr> <td>13</td> <td>Photo-wireframe</td> </tr> <tr> <td>14</td> <td>Baseline</td> </tr> <tr> <td rowspan="2">LVIA PVP EDP 4</td> <td rowspan="2">High Loxley Road east of High Loxley</td> <td>15</td> <td>Photo-wireframe</td> </tr> <tr> <td>16</td> <td>Baseline</td> </tr> <tr> <td rowspan="2">LVIA PVP EDP 5</td> <td rowspan="2">Public footpath FP281 at High Loxley</td> <td>17</td> <td>Photo-wireframe</td> </tr> <tr> <td>18</td> <td>Baseline</td> </tr> <tr> <td rowspan="2">LVIA PVP EDP 6</td> <td rowspan="2">Public footpath FP281 midway between Dunsfold Green &amp; High Loxley</td> <td>19</td> <td>Photo-wireframe</td> </tr> <tr> <td>20</td> <td>Baseline</td> </tr> <tr> <td rowspan="2">LVIA PVP EDP 7</td> <td rowspan="2">High Loxley Road south of Pratts Corner (Open Access Land)</td> <td>21</td> <td>Photo-wireframe</td> </tr> <tr> <td>22</td> <td>Baseline</td> </tr> <tr> <td rowspan="4">LVIA PVP EDP 8</td> <td rowspan="4">Hascombe Hill viewpoint off public footpath FP533</td> <td>23</td> <td>Photo-montage</td> </tr> <tr> <td>24</td> <td>Baseline</td> </tr> <tr> <td>25</td> <td>Photo-wireframe</td> </tr> <tr> <td>26</td> <td>Baseline</td> </tr> <tr> <td rowspan="4">LVIA PVP EDP 9</td> <td rowspan="4">Hascombe Hill public footpath FP279</td> <td>27</td> <td>Photo-montage</td> </tr> <tr> <td>28</td> <td>Baseline</td> </tr> <tr> <td>29</td> <td>Photo-wireframe</td> </tr> <tr> <td>30</td> <td>Baseline</td> </tr> <tr> <td rowspan="2">LVIA PVP EDP 12</td> <td rowspan="2">Public bridleway BW280 west of Stovolds Hill</td> <td>31</td> <td>Photo-wireframe</td> </tr> </tbody> </table>		PLAN / IMAGE	TITLE	IMAGERY		LVIA Plan EDP L6	Zone of Theoretical Visibility, Visual Receptors and PVP Locations	1	Plan	LVIA PVP EDP 1	Public bridleway BW280, looking north-west	2	Baseline	3	Photo-montage	4	Baseline	5	Photo-wireframe	6	Baseline	LVIA PVP EDP 2	Public bridleway BW280, looking north-east	7	Photo-montage	8	Baseline	9	Photo-wireframe	10	Baseline	LVIA PVP EDP 3	High Loxley Road west of Billingham Farm	11	Photo-montage	12	Baseline	13	Photo-wireframe	14	Baseline	LVIA PVP EDP 4	High Loxley Road east of High Loxley	15	Photo-wireframe	16	Baseline	LVIA PVP EDP 5	Public footpath FP281 at High Loxley	17	Photo-wireframe	18	Baseline	LVIA PVP EDP 6	Public footpath FP281 midway between Dunsfold Green & High Loxley	19	Photo-wireframe	20	Baseline	LVIA PVP EDP 7	High Loxley Road south of Pratts Corner (Open Access Land)	21	Photo-wireframe	22	Baseline	LVIA PVP EDP 8	Hascombe Hill viewpoint off public footpath FP533	23	Photo-montage	24	Baseline	25	Photo-wireframe	26	Baseline	LVIA PVP EDP 9	Hascombe Hill public footpath FP279	27	Photo-montage	28	Baseline	29	Photo-wireframe	30	Baseline	LVIA PVP EDP 12	Public bridleway BW280 west of Stovolds Hill	31	Photo-wireframe
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3	11 December 2019	<p>Boundary Treatment Amended Plans to clarify boundary fence specification and record boundary changes agreed as part of noise mitigation (as submitted 31 October 2019):</p> <table border="1"> <thead> <tr> <th>DRAWING NUMBER</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>ZG-UKOG-L1-PA-08 rev 1</td> <td>Proposed Construction Layout Plan 1 of 4 (Well Site) dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-09 rev 1</td> <td>Proposed Construction Layout Plan 2 of 4 (Well Site to Burchetts SW Corner) dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-12 rev 1</td> <td>Proposed Construction Sections Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-15 rev 1</td> <td>Drilling Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-16 rev 1</td> <td>Section Through Drilling Mode Layout Plan (BDF Rig 28 - Height 37M) dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-19 rev 1</td> <td>Initial Flow Testing Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-20 rev 1</td> <td>Section Through Initial Flow Testing Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-23 rev 1</td> <td>Extended Well Testing Mode Layout Plan (With Temporary Noise Mitigation) dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-24 rev 1</td> <td>Section Through Extended Well Testing Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-25 rev 1</td> <td>Retention Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-26 rev 1</td> <td>Section Through Retention Mode Layout Plan dated December 2019</td> </tr> <tr> <td>ZG-UKOG-L1-PA-27 rev 1</td> <td>Proposed Well Site Fencing &amp; Gates Section Plan dated December 2019</td> </tr> </tbody> </table>	DRAWING NUMBER	TITLE	ZG-UKOG-L1-PA-08 rev 1	Proposed Construction Layout Plan 1 of 4 (Well Site) dated December 2019	ZG-UKOG-L1-PA-09 rev 1	Proposed Construction Layout Plan 2 of 4 (Well Site to Burchetts SW Corner) dated December 2019	ZG-UKOG-L1-PA-12 rev 1	Proposed Construction Sections Plan dated December 2019	ZG-UKOG-L1-PA-15 rev 1	Drilling Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-16 rev 1	Section Through Drilling Mode Layout Plan (BDF Rig 28 - Height 37M) dated December 2019	ZG-UKOG-L1-PA-19 rev 1	Initial Flow Testing Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-20 rev 1	Section Through Initial Flow Testing Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-23 rev 1	Extended Well Testing Mode Layout Plan (With Temporary Noise Mitigation) dated December 2019	ZG-UKOG-L1-PA-24 rev 1	Section Through Extended Well Testing Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-25 rev 1	Retention Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-26 rev 1	Section Through Retention Mode Layout Plan dated December 2019	ZG-UKOG-L1-PA-27 rev 1	Proposed Well Site Fencing & Gates Section Plan dated December 2019
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4	23 December 2019	Applicant submission of <b>Groundwater Risk Assessment - Thatched House Farm</b> (December 2019) in response to an objection submitted by the Environment Agency dated 7 <sup>th</sup> October 2019.																										
5	14 January 2020	Applicant submission of <b>Swept Path Analysis of Articulated Lorries and Heavy Commercial Vehicles Negotiating 3.No bends of Dunsfold Road (B2130)</b> , and explanatory e-mail in response to a request for further information from the CHA.																										
6	6 May 2020	Applicant submission providing clarification and confirmation of the following highway mitigation and residual effects: <ol style="list-style-type: none"> <li>1. Proposed Installation of Temporary Traffic Signals;</li> <li>2. Swept Path Analysis;</li> <li>3. Temporary Reduction in Speed Limit to 30mph; and</li> <li>4. Road Safety Audit.</li> </ol>																										
7	2 June 2020	Applicant submission providing clarification and confirmation of the following highway mitigation and residual effects: <ol style="list-style-type: none"> <li>1. Temporary Traffic Signals;</li> <li>2. Temporary Traffic Signage;</li> <li>3. Vehicle Waiting Times;</li> <li>4. Banksmen: Applicant confirming the provision of this form of mitigation through the provision of an <b>Outline Banksmen Method Statement</b>;</li> <li>5. Speed Limit: Applicant confirming the introduction of a temporary 40mph speed limit on the approach roads consistent with CHA advice; and</li> <li>6. Road Condition Survey.</li> </ol>																										
8	23 June 2020	Applicant submission providing clarification and confirmation of the following highway mitigation and residual effects:																										

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TABLE 2: POST SUBMISSION PLANNING APPLICATION DOCUMENTS		
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		<ol style="list-style-type: none"><li>1. Vertical Alignment at the junction of Dunsfold Road and High Loxley Road: the submission of <b>Loxley Well Site (2019-0072) Vertical Swept Path Analysis</b>, provides confirmation that there would be no grounding of delivery or construction vehicles when seeking to access the proposed development; and</li><li>2. Lateral Alignment within High Loxley Road.</li></ol>
<b>9</b>	<b>19 August 2020</b>	Applicant submission in response to the Planning and Regulatory Committee 29 <sup>th</sup> June 2020 comprising 8.No new/amended conditions and 17.No clarification statements.

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## Appendix 2: Planning Policy and Other Material Considerations

<b>TABLE 3: PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS</b>	
<b>ITEM</b>	<b>DOCUMENT</b>
<b>DETERMINATION DOCUMENTS</b>	
1	SCC Adopted Screening Opinion dated 28 <sup>th</sup> February 2019 issued in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
2	SCC Planning and Regulatory Committee Report 29 <sup>th</sup> June 2019, Supplementary Agenda - Update Sheet and Minutes.
3	SCC Planning and Regulatory Committee Report 27 <sup>th</sup> November 2019 and Supplementary Agenda - Update Sheet and Minutes (draft at the time of Appeal submission).
4	SCC Decision Notice WA/2019/0796 dated 15 <sup>th</sup> December 2020: refusal of planning permission for Loxley Well Site.
5	Environment Agency Permit Notice EPR/VP3305PT dated 26 <sup>th</sup> June 2020: the environmental permit for Loxley Well Site.
<b>DEVELOPMENT PLAN</b>	
6	Surrey Minerals Plan 2011: Core Strategy Development Plan Document.
7	Waverley Borough Local Plan Part 1: Strategic Policies and Sites, February 2018.
8	Waverley Borough Council Local Plan (Saved Policies) 2002.
<b>PLANNING LEGISLATION, POLICY AND GUIDANCE</b>	
9	Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004.
10	National Planning Policy Framework (February 2019).
11	National Planning Practice Guidance.
12	Overarching National Policy Statement for Energy (EN-1) (July 2011).
<b>ENERGY LEGISLATION, POLICY AND GUIDANCE</b>	
13	European Union 2020 Climate and Energy Package (2007), European Commission Security and Solidarity Action Plan (2008) and European Union Energy Security Strategy (2014).
14	UK Energy White Paper: Meeting the Energy Challenge (2007), Department of Trade and Industry. UK Energy Act (2008), The Energy Security Strategy (2012) and Gas Generation Strategy (December 2012), Department of Energy and Climate Change. UK Energy White Paper: Powering our Net Zero Future (2020), Department for Business, Energy and Industrial Strategy.
15	Industrial Strategy: Building a Britain Fit for the Future (November 2017), Department for Business, Energy and Industrial Strategy.
16	Annual Energy Statements (2010, 2012, 2013 and 2014), Department of Energy and Climate Change.
17	UK Energy in Brief (2018) (as updated), Digest of UK Energy Statistics (DUKES) (2018) (as updated) and Updated Energy and Emissions Projections (2017) (as updated), Department for Business, Energy and Industrial Strategy.
18	Secretary of State for Business, Energy and Industrial Strategy, Energy Policy Update Statement 4 <sup>th</sup> November 2019.
19	Minerals Planning Factsheet (Onshore Oil and Gas) (2011), Department for Communities and Local Government and British Geological Survey.
<b>CLIMATE CHANGE LEGISLATION, POLICY AND GUIDANCE</b>	
20	Climate Change Act (2008), Climate Change Act 2008 (2050 Target Amendment) Order (2019).
21	Committee on Climate Change, Net Zero-The UK's contribution to stopping global warming, May 2019.
<b>EMERGING PLANS, OTHER PLANS AND GUIDANCE</b>	
22	Emerging Waverley Borough Council Plan (at the date of submission) Local Plan Part 2: Site Allocations & Development Management Policies (Preferred Options Consultation May 2018).
23	Emerging Waverley Borough Council Plan (at the date of determination) Local Plan Part 2: Site Allocations & Development Management Policies (Pre-Submission Document November 2020).
24	Surrey Hill Area of Outstanding Natural Beauty Management Plan (2014-2019).
25	Surrey Minerals Plan 2011, Minerals Site Restoration Supplementary Planning Document Parts 1 & 2 Adopted 19 July 2011.
<b>TRAFFIC AND TRANSPORT IMPACT ASSESSMENT GUIDANCE</b>	

<b>TABLE 3: PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS</b>	
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<b>26</b>	Guidance on Transport Assessment, Department of Transport (issued in 2007 and withdrawn in October 2014, and relied upon by the Appellant as an example of good practice only).
<b>27</b>	Manual for Streets, Department of Transport (2007).
<b>28</b>	Traffic Signals Manual, Department of Transport (2009) (as amended 2018/19).
<b>29</b>	Design Manual for Roads and Bridges, Highways England (2019) inclusive of CD236: Surface course materials for construction.
<b>30</b>	Circular 01/2013 Setting Local Speed Limits, Department for Transport (2008).
<b>31</b>	An Introduction to the use of Portable Traffic Signals, Department for Transport ((Third Edition 2016).
<b>32</b>	The Traffic Signs Regulations and General Directions, Department for Transport (2016).
<b>33</b>	TD41/95 Vehicular Access to All-Purpose Trunk Roads, Highways Agency (1995) (as updated by the Design Manual for Roads and Bridges, Highways England (2020));.
<b>34</b>	Appellant request for a Road Safety Audit – e-mail dated 17 <sup>th</sup> October 2018.
<b>35</b>	SCC Road Safety Audit Stage 1 & 2 - High Loxley Road/Dunsfold Road, Dunsfold - Proposed Development Access/Temporary Traffic Signals, dated November/December 2018 (Ref: 51160H08/doc/01).
<b>36</b>	Appellant Response to Road Safety Audit – e-mail dated 31 <sup>st</sup> January 2019.
<b>LANDSCAPE AND VISUAL IMPACT ASSESSMENT GUIDANCE</b>	
<b>37</b>	Guidelines for Landscape and Visual Impact Assessment (Third Edition) (Landscape Institute/Institute of Environmental Management and Assessment) (2013).
<b>38</b>	Visual Representation of Development Proposals, Technical Guidance Note 06/19, 17 September 2019, The Landscape Institute.
<b>39</b>	SCC Landscape Character Assessment Phase 2 Surrey Hills AONB Areas of Search Natural Beauty Evaluation by Hankinson Duckett Associates (2013).
<b>40</b>	Surrey Hills Area of Great Landscape Value Review (Final Report), Chris Burnett Associates, dated 26 <sup>th</sup> June 2007, for the Surrey Planning Officers Association.
<b>41</b>	The Waverley Landscape Review (2014).
<b>42</b>	SCC Landscape Character Assessment (2015).
<b>43</b>	Surrey Historic Landscape Character Assessment (2001).
<b>44</b>	The Character of England: Landscape, Wildlife and Natural Features, Natural England.
<b>45</b>	An Approach to Landscape Character Assessment, Natural England (2014).