

## **SCREENING OPINION**

### **THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

**Screening Opinion reference:** WC/17a

**Applicant:** Kimmeridge Oil & Gas Limited

**Agent:** Zetland Group Limited

**Date Received:** 7 July 2017

**Site:** Woodbarn Farm, Adversane Lane,  
Broadford Bridge, Billingshurst, West  
Sussex, RH14 9ED

**Proposal:** Amendment of condition no. 2 of planning permission WSCC/052/12/WC to allow for a further 12 months of continued operations to enable the completion of phase 3 testing and phase 4 restoration or retention

In February 2013, planning permission was granted for the exploration, testing and evaluation of hydrocarbons at the site above (planning reference WSCC/052/12/WC). Condition 2 required that the operations permitted were completed within 3 years from the date of the commencement of the development. With the commencement of development being 15<sup>th</sup> September 2014, the permission expires on 15<sup>th</sup> September 2017.

The development the subject of this Screening Opinion is for a further 12 month time period to allow for the completion of the testing and appraisal phase, followed by the restoration of the site. If hydrocarbons are found, the site would be put to 'retention' while an application for production is made, but this would be subject to a separate planning application so is not considered as part of this proposal.

The development is largely the same as that allowed by the 2013 permission, in that the applicant is not looking for an extension in the timescale of the operations, just a shift in the phasing programme. To be clear; the phases of the development are being carried later, not for a longer period of time.

#### **Classification of the Proposed Development**

The proposal does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').

The application submitted in respect of the currently approved development proposals (WSCC/052/12/WC) was voluntarily accompanied by an Environmental Impact Assessment (EIA) as proposals which may fall within Schedule 2, Part 2 (e) 'Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale'. The Screening threshold set out in column 2 to Schedule 2 for such development is where *'The area of the development exceeds 0.5 hectare.*

The present development proposals are considered to fall within Schedule 2 to the EIA Regulations, namely Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed.'

The site is not located within a 'sensitive area' as defined in regulation 2(1) of the EIA Regulations, however, the site measures 2.12 hectares exceeding the 0.5 hectare threshold set out in column 2 to Schedule 2.

As a result of the above, with reference to Schedule 3 to the EIA Regulations, consideration needs to be given as to whether the proposed variations amendments to the approved development, along with the existing, approved development has the potential to result in 'significant environmental effects' which require an EIA'.

<b>Characteristics of Development</b>	
Development Area	Site area – 2.12 hectares including the pad and access road.
Nature / Scale / Design of Whole Development	<p>The proposed development would result in an additional twelve month period in which to carry out testing/appraisal and restoration phases (phase 3 &amp; 4). All preparatory site works and drilling (Phases 1 &amp; 2) have been completed.</p> <p>Minor changes to the orientation, location and types of plant within the site are proposed during the testing/appraisal phase (phase 3). This would remain within the existing site area and be enclosed within a security fence.</p> <p>The proposed extension in time to carry out/complete the development would not result in any change to the duration of individual phases as currently approved.</p> <p>No change to vehicular movements to / from the site is proposed.</p>

	<b>Likely/Unlikely – briefly describe</b>	<b>Is this likely to result in a significant effect?</b>
<b>1.</b> Will the development involve actions that will cause physical changes in the locality (topography, land use, changes in waterbodies etc.)?	Unlikely – use of site is existing and currently active, albeit the proposals are for an extended temporary period of 12 months.	No. Physical changes to the approved development are non-material – with the site set-up differing slightly. Drilling of site completed. Physical changes during extended period in which to complete testing/appraisal and restoration unlikely to result in significant effects.

	<b>Likely/Unlikely – briefly describe</b>	<b>Is this likely to result in a significant effect?</b>
<p><b>2.</b> Will the development use natural resources such as land, soil, water, biodiversity, materials, or energy, especially resources that are non-renewable, in short supply or have low capacity to regenerate?</p>	<p>Unlikely. Some non-renewable fossil fuels would be used by vehicles travelling to/from the site, and generators used, and some fossil fuels may be extracted for testing, and gas, if found, would be flared.</p>	<p>No significant resource use anticipated, as development is for a temporary period, and the scale of fossil fuel use would not be so great as to be considered to result in a 'significant effect'.</p>
<p><b>3.</b> Will the development involve the use, storage, production of substances or materials that could be harmful to people or the environment?</p>	<p>Likely. Operations would result in returned water from the borehole, mud and cement from plugging and abandonment of the borehole, gas flared during operations, storage of chemicals to be used during the testing and sanitary waste from site employees.</p>	<p>No significant effects anticipated, given small amount of substances produced, and complementary Environmental Permitting regime and Health &amp; Safety Executive (HSE) requirements. Pad is underlain with an impermeable membrane; liquid and solid waste would be contained on site before being taken off to appropriate facilities; gas emissions and any naturally-occurring radioactive materials (NORMs) are managed through Environmental Permitting process.</p>
<p><b>4.</b> Will the development produce significant volumes of wastes during construction, operation or decommissioning?</p>	<p>Unlikely. Limited waste likely to result from testing phase or restoration phase.</p>	<p>Significant volumes of waste not anticipated, and would be controlled through the Environmental Permitting process. No further drilling is proposed and, therefore, there would be no waste generated through that activity.</p>
<p><b>5.</b> Will the development give rise to significant noise, vibration, light, dust, odours?</p> <ul style="list-style-type: none"> <li>- during construction</li> <li>- during operation</li> </ul>	<p>Unlikely. Significant noise, vibration, light, dust or odour impacts not anticipated during testing/appraisal phase and restoration phase, and works primarily undertaken during day.</p>	<p>No significant impacts anticipated. Existing conditional controls would remain in place to ensure any noise appropriately minimised/mitigated.</p>

	<b>Likely/Unlikely – briefly describe</b>	<b>Is this likely to result in a significant effect?</b>
<b>6.</b> Does the proposal have the potential to release pollutants to air, land, or water?	Likely if not appropriately controlled.	No significant effects anticipated given limited physical works proposed (including no further drilling), and controls through planning and Environmental Permitting processes, as well as requirements of HSE regarding well design, construction and integrity.
<b>7.</b> Are there areas on or around the location that are already subject to pollution or environmental damage – e.g. where existing environmental standards are exceeded, which could be affected by the project?	Unlikely. Although application site is currently being used for hydrocarbon exploration, there is no indication that relevant environmental standards have been exceeded.	No significant effects anticipated. Limited physical works proposed during testing/appraisal and restoration phases, so development not expected to exacerbate any damage that may be present, given controls of planning and Environmental Permitting processes, and HSE requirements.
<b>8.</b> Is there a high risk of major accidents and/or disasters, including those caused by climate change, during construction or operation of the development that could have effects on people or the environment?	Unlikely. Operations do not pose significant risk in terms of major accident or disaster, particularly given planning, environmental permitting and HSE controls.	No significant effects anticipated.
<b>9.</b> Will the project result in social changes e.g. demography, traditional lifestyles, employment?	Unlikely. No changes anticipated.	No significant effects anticipated.
<b>10.</b> Will the development pose significant risks to human health, for example due to water contamination or air pollution?	Unlikely. Testing/appraisal operations would be very short term. Controls would be in place to ensure the water environment is not adversely affected. Air emissions would be controlled through the Environmental Permitting process.	No significant effects anticipated, given the limited physical works proposed (including no further drilling) and controls through planning and Environmental Permitting, and HSE requirements.

	Likely/Unlikely – briefly describe	Is this likely to result in a significant effect?
<p><b>11.</b> Are there areas on or around the location that are protected under international, national or local legislation for their ecological, landscape, cultural or other value that could be affected by the project?</p>	<p>Site is not within any protected landscapes or subject to any other ecological, cultural or other designation, though there are a number of ecological designations beyond 2km of the site (see Q.12), and an Ancient Woodland lies approximately 125m to the east of the site.</p>	<p>No significant effects anticipated, given temporary nature of use, relatively small physical scale of the testing/appraisal works, and given the limited physical works involved in restoration/retention the .</p>
<p><b>12.</b> Are there any other areas around the location that are important for their ecology e.g. wetlands, riparian areas, river mouths, mountains, forests, coastal zones, the marine environment, nature reserves and parks that could be affected by the project?</p>	<p>No sites statutorily designated for ecological reasons within 2km of site. The nearest Sites of Special Scientific Interest (SSSIs) is some 2.8 kilometres north of the site</p>	<p>No significant effects anticipated as a result of proposal given distance to such sites, short term nature of proposal and ability of planning / permitting/HSE regimes to ensure measures are in place to contain emissions.</p>
<p><b>13.</b> Are there any areas on or around the location that are used by protected or sensitive species of fauna or flora that could be affected by the project?</p>	<p>Unlikely. Physical works are limited. The testing/appraisal and restoration phases would require limited lighting and operations would be mostly during daylight hours.</p>	<p>No significant effects considered likely given temporary nature of activity. Should further potential impacts be identified, conditions could be imposed to ensure that they would not be significant.</p>
<p><b>14.</b> Are there any inland, coastal, marine or underground waters on or around the location that could be affected by the project?</p>	<p>Not within or near groundwater source protection zone. Small ponds in locality.</p>	<p>No significant effects anticipated. Site impermeably sealed and banded; potential impacts on surface and groundwater controlled through planning, Environmental Permitting and HSE regimes.</p>
<p><b>15.</b> Are there any areas or features of high landscape or scenic value on or around the location that could be affected by the project?</p>	<p>Not within an area of high landscape or scenic value.</p>	<p>No significant effects anticipated. Site is largely screened from wider views by mature trees. Physical works on site would not be large in scale.</p>
<p><b>16.</b> Is the project in a location where it is likely to be highly visible to many people?</p>	<p>Unlikely. Well pad is located over 400m from Adversane Lane (B2133).</p>	<p>Significant effects unlikely given the short term nature of the testing phase, the distance from the road and the mature screening from trees and hedgerows. Flare would be shrouded.</p>

	<b>Likely/Unlikely – briefly describe</b>	<b>Is this likely to result in a significant effect?</b>
<b>17.</b> Are there routes on/around the location that are used by the public for access to recreation or other facilities that could be affected by the project?	The nearest PROW is some 230 metres south east of the site.	No significant impacts anticipated, given distance to PROW and short term nature of development.
<b>18.</b> Are there any routes on or around location that are susceptible to congestion or cause environmental problems, that could be affected by the project?	Unlikely. No Air Quality Management Areas affected; HGV movements not so significant as likely to cause congestion.	HGV movements would be short lived. No significant impacts on congestion or the environment expected to result.
<b>19.</b> Are there any features of historic or cultural importance on or around the location that could be affected by the project?	Unlikely. No such buildings/ features within close proximity to site.	No significant impacts anticipated.
<b>20.</b> Will there be any loss of Greenfield land?	After twelve months, the site will have been restored in accordance with permitted proposals.	No impacts anticipated.
<b>21.</b> Are there existing land uses around the location that could be affected by the project?	Unlikely. Wooded areas and agricultural land surround the site and would unlikely be affected.	No significant impacts anticipated, given short term nature of development.
<b>22.</b> Are there areas on or around the location that are densely populated or built-up, that could be affected by the project?	Unlikely. Site is within a countryside location with sporadic residential, agricultural and some business properties in the general area.	No significant effects anticipated. HGVs accessing the site would be short term and impact not likely to be significant.
<b>23.</b> Are there areas on or around the location that are occupied by sensitive land uses e.g. hospitals, schools, community facilities that could be affected by the project?	Unlikely. No sensitive uses identified in vicinity of site, though traffic would pass a children's nursery en-route to the A29.	No significant effects anticipated given short term nature of development and small number of HGV movements.
<b>24.</b> Are there any areas in or near the application site that contain high quality or scarce resources that could be affected by the development, e.g. groundwater resources, forestry, agriculture, tourism, minerals?	Ancient Woodland 125m to the east of the site. Agricultural/woodland surround the site.	No significant effects considered likely, given ability of Environmental Permitting regime to control emissions.

	<b>Likely/Unlikely – briefly describe</b>	<b>Is this likely to result in a significant effect?</b>
<b>25.</b> Is the location susceptible to earthquakes, subsidence, landslides, erosion, flooding, or adverse climatic conditions that could cause the project to present environmental problems?	Unlikely. No such features present. Drilling of site completed with only testing/appraisal and restoration to be carried out.	No significant effects anticipated.
<b>26.</b> Are there plans for future land uses on or around the site that could be affected by the project?	Unlikely. None identified.	No significant effects anticipated.
<b>27.</b> Is there a potential for transboundary impacts?	Unlikely. Site is not near any boundaries.	No significant effects identified.
<b>28.</b> Will any effects be unusual in the area or particularly complex?	Unlikely. No complex effects anticipated.	No significant effects identified, given controls in place through planning and Environmental Permitting regimes, as well as controls through the Oil and Gas Authority and HSE.

### **Conclusion**

This Screening Opinion relates to a proposal for a temporary, twelve month extension to the permission for exploration and appraisal at Woodbarn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex. This would allow phases 3 and 4 to be completed; namely the testing/appraisal and restoration/retention phases.

The site currently has permission for these operations under planning permission WSCC/052/12/WC granted in February 2013. However, this permission expires on 15<sup>th</sup> September 2017.

The site is not within a ‘sensitive area’ as defined in Schedule 2 to the EIA Regulations. An ancient woodland lies 125m to the east of the site. It is not subject to any other ecological, landscape, historic or other constraints, and such sensitive areas are not within 2km of the site. It is not within an area identified as being at risk of flooding, or in a groundwater source protection zone.

Guidance for determining whether a proposal is EIA development is provided in National Planning Practice Guidance: Environmental Impact Assessment (revised 28 July 2017) to aid local planning authorities to determine whether a project is likely to have significant environmental effects. This includes ‘Annex: indicative screening thresholds’ which states are *“indicative only and are intended to help determine whether significant effects are likely”*.

For part 2(e) – surface installation for the extraction of oil/gas the indicative criteria and threshold are the *“development of a site of 10 hectares or more or where production is expected to be more than 100,000 tonnes of petroleum per year.”* Neither of these factors applies in this case, because the site is not in production.

The ‘key issues to consider’ are identified as the *“scale of development, emissions to air, discharges to water, the risk of accident and the arrangements for transporting the fuel.”* In this case, the development would be short-lived, the site is small in scale with limited physical development (i.e. no further drilling is



proposed). The site is well-screened, located well away from public vantage points, meaning the potential for impact on the landscape is not considered significant. Emissions to air are controlled through the Environmental Permitting process, and the risk of accident control by the HSE. Fuel/mineral would not be transported from the site in any significant volume as production is not proposed. There are no increases in vehicle movements over what has already been considered acceptable and unlikely to result in significant environmental impact.

In approving the original 2012 application, it was considered that the development would not result in significant impact on people or the environment. Given the similarities between this proposal and that approved, and given the fact that phases 1 and 2 (construction and drilling of the well) have been completed; this is relevant when considering whether EIA is necessary. Further, it is noted that there are established operational practices and complementary environmental/operational controls required under Environmental Permitting regimes (regulated by the Environment Agency and HSE).

In this case, taking into account the limited extended periods to complete outstanding phases of operations sought, the scale/nature of physical development, the controls in place through the planning and Environmental Permitting regulations, and through HSE, and the criteria in Schedule 3 of the EIA Regulations, it is considered that the proposal does not have the potential for significant environmental impact within the meaning of the EIA Regulations.

#### **Screening Opinion.**

In the opinion of the Mineral Planning Authority, the development **would not require an Environmental Impact Assessment.**

**Signed:**

**Reviewed by:**

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**Chris Bartlett  
Principal Planner**

**James Neave  
Principal Planner**

**Date:** 30 August 2017

**Date:** 01 September 2017