

James Greene EI

From: Alan Stones EI
Sent: 22 May 2017 17:03
To: James Greene EI
Subject: FW: Angus Energy plc : Brockham Oilfield

Alan Stones
Planning and Development Group
Planning Development Team Manager

From: Alan Stones EI
Sent: 05 April 2017 18:17
To: [REDACTED]
Cc: Stephen Jenkins EI <stephen.jenkins@surreycc.gov.uk>; Samantha Murphy EI <samantha.murphy@surreycc.gov.uk>; Nancy El-Shatoury <nancy.el-shatoury@surreycc.gov.uk>; Saira Tamboo LDC <saira.tamboo@surreycc.gov.uk>; Ian Gray <ian.gray@surreycc.gov.uk>
Subject: RE: Angus Energy plc : Brockham Oilfield

Dear [REDACTED]

Thank you for your letter dated 3 April 2017.

Officers have a firm view of the planning position at the site and we have made this clear at our previous meetings. It is helpful to have your views and the reasoning set out, but there is nothing in what you have said which at this stage changes our opinion on the action necessary and I rehearse the salient points of this below. However I would add that Officers are seeking advice from Counsel on all these matters and this is not expected to be available until after the Easter break. I will therefore write again to confirm the County Planning Authority's (CPA's) views in due course.

Onshore hydrocarbon development can only take place if the operator has first obtained a petroleum licence and subsequently obtained both planning permission and other necessary permits and approvals under other relevant regulatory regimes.

All work falling within the statutory definition of development requires planning permission under S57 of the T&CPA 1990. Mining operations consisting of either exploration, appraisal or production amount to development for the purposes of the Act.

The drilling of sidetrack BR-X4Z as a mining operation constitutes exploratory development which requires the benefit of planning permission, but is unauthorised under the current suite of planning permissions which apply to the site.

The planning permission Ref. MO92/0969 dated January 1995 has expired by virtue of condition 3 on the decision notice which sets an absolute time limit on working of 15 years after the commencement of drilling operations. The planning permission Ref. MO2001/1288 did not extend the life of MO92/0969 as it did not amount to an application of S73 of the Act.

There is no planning permission for production from BR-X4 or the sidetrack BR-X4Z. Sidetrack BR-X4Z is unauthorised and BR -X4 is authorised only in respect of exploratory drilling under planning permission Ref. MO07/0161 dated June 2007. The production planning permission Ref. MO06/1294, which refers explicitly to 'an existing well site', predates the drilling permission and therefore cannot apply to that development.

If the above assertion with respect to the applicability of planning permission Ref. MO06/1294 and production from BR-X4 is wrong, at the very least the installation of new production equipment requires prior approval as a conditional requirement.

There is no explicit planning permission for production from BR-X2 as the original application documents for the planning permission granted in December 2001 (Ref. MO2001/1288) only refer to production from Brockham 1. The current planning permission for production from the 'existing well site' (Ref. MO06/1294) is a S73 decision which can only relate lawfully to the original development consented in 2001. Production from BR-X2 has been from the second sidetrack known as X2Y which was drilled in 2003, presumably under planning permission Ref. MO92/0969.

If the above assertion with respect to the applicability of planning permissions Refs. MO06/1294 and MO2001/1288 and production from BR-X2 is wrong, at the very least the installation of new production equipment requires prior approval as a conditional requirement.

In the absence of extant planning permission for production from BR-X2 and BR-X4, any lawful development rights acquired in respect of production operations will have expired given that production ceased from the wellsite in January 2016 as the production equipment, including beam pumps have been removed. Production has yet to recommence at the site.

I hope this is helpful, but clearly there is a very significant difference between our respective positions at this stage.

I propose that we meet after the Authority has had Counsel's advice and I have written to confirm the CPA's position.

Alan Stones
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From: [REDACTED]
Sent: 03 April 2017 13:27
To: Alan Stones EI <alan.stones@surreycc.gov.uk>
Cc: Stephen Jenkins EI <stephen.jenkins@surreycc.gov.uk>; Samantha Murphy EI <samantha.murphy@surreycc.gov.uk>
Subject: Angus Energy plc : Brockham Oilfield

Alan

Attached is the letter which we discussed briefly over the phone this morning. I look forward to hearing from you with a date and time for a meeting in due course.

regards

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