

The Planning Law Practice

Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire CM23 2BY

Tel : 01279 652505 Mobile :

e-mail :

28th April 2017

Alan Stones
Planning Development Team Manager
Planning and Development Group
Surrey County Council
County Hall
Penrhyn Road
Kingston upon Thames
Surrey KT1 2DN

Dear Mr Stones

Angus Energy plc: Brockham Oilfield

I have written to you separately about the meeting notes that you are proposing to disclose in response to third party requests and the extent to which those notes properly set out the legal position in relation to the Brockham site.

My 3rd April letter set out our position in great detail and in summary concluded that :

- (i) A sidetrack is not a separate well but constitutes maintenance work to allow the well to continue to produce - the well in question, BR-X4, has planning permission from the Council.
- (ii) As a matter of law, the Council should not duplicate the controls of other site regulators. The sidetracking of BR-X4 was fully authorised and controlled by the OGA, the HSE and Environment Agency.
- (iii) Other sidetracks have been drilled at the site since 1998. The Council has been aware of the existence of sidetracks since at least 2007 and has taken no enforcement action.
- (iv) The BR-X4Z sidetrack comprises maintenance work to allow the continued use of the well

We are clear, having reviewed the matter again, that :

- (i) well BR-X[4] has planning permission to operate until 2036;
- (ii) the sidetrack to Well BR-X[4], which was drilled in January 2017, is authorised by the 2006 planning permission;
- (iii) the County Council has never at any stage suggested that the existence or use of the sidetracks gives rise to any adverse planning or environmental impact; and
- (iv) it is neither expedient nor proportionate for the Council to consider taking any form of enforcement action against the Brockham site.

I note that your 5th April e-mail, while briefly responding to my legal argument, did not attempt to deal at all with the jurisdiction argument or the point that no adverse planning or environmental impacts have ever been identified by the County Council.

Your e-mail said 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.* We have heard nothing further from you and therefore have to assume that you have nothing to add to your e-mail.

It is clear therefore that the Brockham operation is lawful and that the County Council has no basis for asserting otherwise.

My clients have set out their position in extensive detail and the County Council has not responded with any credible material to counter our assessment of the legal position. I therefore have to ask for your confirmation the County Council accepts that the correct legal position is as set out in this letter and my 3rd April letter and that the County Council will not issue any further public statements or other documents which wrongly assert that the current Brockham operation is unlawful, failing which Angus Energy will take whatever legal steps are necessary in order to protect its position.

As always, we are happy to meet you and your team to discuss this matter.

Yours sincerely,

[Redacted]

Solicitor
The Planning Law Practice

Member of the Law Society's Specialist Planning Panel
Authorised and regulated by the Solicitors Regulation Authority
SRA no [Redacted]