

Surrey County Council: Environmental Impact Assessment (EIA) Screening Opinion Report

Prepared under Regulation 6 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended by Statutory Instrument 2018 No.695)

Site: Horse Hill Well Site, Horse Hill, Hookwood, Horley, Surrey RH6 0RB

Proposal: Retrospective authorisation of amendments to planning permission ref: RE18/02667/CON for hydrocarbon production [SCC Ref. 2022/0093]

Developer: Horse Hill Developments Limited

Local Council: Reigate & Banstead Borough Council

A Background & context to the screening decision

1. The development to which this Screening Opinion report relates is a conventional hydrocarbon (oil) well site for which planning permission was granted under reference RE18/02667/CON dated 27 September 2019. The area of land covered by the extant planning permission extends to some 2.08 hectares and is located to the north-west of the settlement of Horley in Surrey. The permitted well site was classed as 'EIA development' under paragraph 14 (extraction of >500 tonnes of petroleum per day) of Schedule 1 of the 2017 EIA Regulations on the basis that the applicant had indicated that extraction of oil was predicted to exceed 500 tonnes per day. The application that resulted in the granting of planning permission ref. RE18/02667/CON dated 27 September 2019 was accompanied by an Environmental Statement.
2. The site operator (Horse Hill Developments Limited) has made / intends to make changes to the development permitted by planning permission ref. RE18/02667/CON dated 27 September 2019. A part-retrospective application is to be made under Section 73 of the Town & Country Planning Act (TCPA) 1990 in respect of the changes made to the permitted development. An EIA screening opinion has been sought under Regulation 6 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations).
3. Sections 1 and 3 of the submitted screening opinion request report provide the following information about the changes to the permitted development.

1. INTRODUCTION

Horse Hill Developments Ltd (HHDL) (the Operator) is a special purpose Limited Company formed to develop hydrocarbons at the existing Horse Hill (HH) Well Site (the Site). On 27th September 2019, Surrey County Council (SCC) authorised hydrocarbon production for a period of 25 years at the Site and this was implemented in October 2020.

The consented development was designed to accommodate 6.No wells producing at their maximum theoretical capacity. However, consistent with SCC Minerals Plan Policy MC12: Oil & Gas Development, facilities should be tailored to the '*minimum required*' and, where possible, the green belt should be safeguarded from encroachment consistent with the National Planning Policy Framework (para 138(c)).

Accordingly, to accommodate this tailoring process, the Operator proposes a new sub-phase of works, to be referred to as Phase 2a) Preliminary Production Works, which will determine the capacity of the wells and inform the final design of the storage and processing facilities required to service the wells.

The proposed Phase 2a) works would amend the consented site layout, the plant and machinery used and the duration of pre-production activities. The main physical change would be the clustering of a scaled-down version of the consented storage and processing facilities on the existing well pad (as opposed to it being newly constructed on undeveloped Green Belt land directly to the east). This clustering process has already begun so authorisation of the works would in-part be retrospective but the Operator intends to authorise the amendments in full through the submission of a planning application. The first step in this process is to ensure that environmental effects are considered in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs).

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed amendments comprise:

3.1 New Sub-Phase 2a: Preliminary Production Works

The new works are a sub-phase of Phase 2: Well Management & Drilling, and they would allow a scaled-down version of the consented storage and processing facilities to be installed within the northern half of the existing well pad. The undeveloped southern half of the well pad would be kept open for access, loading and unloading of vehicles and the temporary storage of ancillary plant and equipment.

The proposed amendments are recorded on the layout plan attached at **Appendix B.1**. As a measure of the change introduced, this plan should be considered within the context of the **Approved Production Plan 14: Layout Plan Drilling Mode**, attached at **Appendix B.2**, which shows the fallback position (i.e., the consented development).

3.2 Introduction of a New Flare

The consented development included a single PWWT EWT 9.5 flare the details of which are attached at **Appendix C.1**. It was intended that this flare would operate only during periods of maintenance or emergency on the grounds that produced gas would be combusted within 4.No gas-to-power generators.

Following consent implementation in October 2020, the quantity of the produced gas is not sufficient to justify the installation of gas-to-power generators. Accordingly, the proposed Phase 2a) works make provision for gas to be flared using two flare units, although only one flare will be on site and operational at any one time.

The proposed amendment arrangements are:

- when site operations generate a natural gas disposal requirement of no more than 25,000 scfd the newly proposed LC500 flare will be engaged (details of which are attached at **Appendix C.2**);
- when gas disposal requirements are between 25,000scfd and 250,000scfd, the approved PWWT EWT 9.5 flare will be engaged; and
- in the unlikely event that gas disposal requirement exceeds the upper limit, the Operator will choke back the well to ensure a flow consistent with the capacity of the PWWT EWT 9.5 flare.

3.3 Phase Duration

The consented development included a work programme of up to 20 months (combined) for Phase 1: Wells Site Modifications & New Construction Works, and Phase 2: Well Management & Drilling, to be implemented over a period of 2 years.

The proposed Phase 2a) works would increase the duration of Phase 1) and 2) from an estimated 20 months up to an estimated 30 months but this work would now be implemented over a period of 4 years as opposed to 2 years.

The consented development is for a period of 25 years and allows for 20 years of production (Phase 3) with the residual 5 years allocated for Phase 1) & 2) and the decommissioning and restoration works of Phase 4) and 5). Accordingly, the change in phase duration can be accommodated within the time periods of the consented development and the change in phase duration is not in itself considered likely to generate any significant effects.

B Recommendation on the need for EIA

4. The development has been evaluated by the Minerals & Waste Planning Authority (MWPA) in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). Account has also been taken of the advice set out in the national Planning Practice Guidance (nPPG) on EIA and on flexible options for planning permissions. The development has been screened on the basis that an application is to be made to amend the extant permission (ref. RE18/02667/CON dated 27 September 2019) under Section 73 of the Town & Country Planning Act (TCPA) 1990. That Section 73 application would result in a fresh permission for the previously permitted well site incorporating the proposed changes.
5. Paragraph 15 of the nPPG on flexible options for planning permission advises that (emphasis added):

“Permission granted under section 73 [of the TCPA 1990] takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”

6. With reference to the question of EIA for Section 73 applications paragraph 16 of the nPPG on flexible options for planning permission advises that (emphasis added):

“A section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. Where the development is of a type listed under Schedule 2 to the 2017 EIA Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion as to whether EIA is necessary. Where the development is of a type listed under Schedule 1 of the 2017 EIA regulations an EIA will always need to be carried out. Where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for an EIA development.”

7. The development to be covered by the proposed Section 73 application – i.e. the hydrocarbon production well site permitted under planning permission ref. RE18/02667/CON dated 27 September 2019 – falls within the scope of paragraph 14 of Schedule 1 of the EIA Regulations and is therefore classed as ‘EIA development’. The submitted screening opinion request does not indicate that hydrocarbon production would be at a level of less than 500 tonnes of oil per day.

C Key reasons for requiring EIA

8. The primary reason for recommending that the development that would be the subject of the Section 73 application requires EIA is that it falls within the scope of paragraph 14 (Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas) of Schedule 1 of the EIA Regulations. The submitted screening opinion request does not indicate that hydrocarbon production would be at a level of less than 500 tonnes of oil per day as a consequence of the proposed changes to the development. As EIA is mandatory for Schedule 1 development the proposed Section 73 application will need to be accompanied by an Environmental Statement.
9. As the development to which the Section 73 application would relate falls within the scope of paragraph 14 of Schedule 1 of the EIA Regulations consideration against Schedule 2 and Schedule 3 is not necessary. The development to which the proposed Section 73 application would relate is classed as ‘EIA development’.