

Mr David Maxwell  
Surrey County Council  
County Planning Department  
County Hall  
Penrhyn Road  
Kingston upon Thames  
Surrey  
KT1 2DY

**Our ref:** WA/2018/125022/01-L01  
**Your ref:** 2017/0215  
**Date:** 13 April 2018

Dear Mr Maxwell

**The retention of the BRX4 well, the regularisation of the BRX4Z sidetrack, and the appraisal of BRX4Z using production plant and equipment within the existing site, for a temporary period of three years (part retrospective).**

**Brockham Well Site, Felton's Farm, Old School Lane, Brockham, RH3 7AU**

Thank you for consulting us on the planning application noted above and for the opportunity to comment on the proposals. We recognise that this application covers proposals for the next three years as well as, in part, being a retrospective application.

#### **Environment Agency position**

In principle we have **no objection** to the retrospective proposals as submitted or the future proposals outlined in this submission.

Despite this there are some aspects of the application that we believe are potentially still to be decided upon and would like to comment on. Our predominant controls will be through a variation to the existing environmental permit, but we consider it appropriate to provide our comments here to ensure that the planning application is aligned with the environmental permit. This will enable yourselves and the applicant to be aware of the specific sections we are interested in or have concerns about. We expect the applicant and operator to follow the latest guidance outlined in "[Onshore Oil and Gas Sector Guidance](#)" available on the ".gov.uk" website when making applications for environmental permits, and to align this information with applications for planning permission.

We are currently reviewing the existing environmental permit at Brockham as part of a national review of existing permits held by onshore oil and gas exploration and production sites in England, in order to bring it up to a modern standard. As part of this process we are currently reviewing existing equipment and processes on the Brockham site and trying to determine via schedule 5 notice what Angus Energy Plc

is proposing, particularly with respect to appraisal or production from the Kimmeridge Clay Formation. Until this has been clarified by Angus Energy Plc it is difficult for us to be specific about our final permit requirements. It is possible that proposals agreed in principle at the planning application stage will change to satisfy the environmental permitting requirements. We also need to flag some issues raised in this planning application as we do not want to appear to give tacit approval to aspects that we will be unable to agree with at the environmental permitting stage. Examples include:

### **Flare details**

In the Angus Energy Plc application document (February 2018) it is stated that no flare will be used on the site, except in an emergency. Angus have provided indicative emergency flare details in Appendix 5. The requirements for a flare at the site will be confirmed during the re-permitting process. While we have a reasonable understanding of the likely gas generation from the Portland strata based on existing operations, the equivalent data detailing the likely generation of gas from the Kimmeridge strata is unknown. We have not got enough information regarding the emergency flare specification and gas management operations at present to make a complete assessment. We have not yet agreed with the operator whether the flare falls into the emergency only category or if it may be used for gas disposal. In either case we will need to assess this as part of the re-permitting application. It will be down to the operator to provide technical justification for their chosen flare. As a result it is possible that the details associated with the flare may change.

This does not make any change to our response to the retrospective planning application, but we will be reviewing the type of flare proposed and the specification during the environmental permit variation.

The proposals for the generators are considered in a similar way.

### **Septic tank and domestic drainage**

In section 17 of the application form the applicant suggests that the revised site drainage for the toilet block and domestic facilities is discharging to a septic tank. It does not. During a site visit, held on 15 March 2018, we established that the domestic drainage is collected on the site, in a sealed tank, and is disposed of to an off-site facility.

This does not make any change to our overall response to the retrospective planning application 2017/2015. The applicant has been made aware of the difference between sealed tank (current arrangement) and septic tank disposal of sewage. There is no current permission in place for a septic tank arrangement and no such permission has been sought from the Environment Agency. If a change to the current arrangements for sewage disposal is proposed, this needs to be made clear in the planning application and a relevant environmental permit application made to the Environment Agency.

### **Hazardous Substances**

In section 19 of the application form the applicant suggests that the proposal will not involve the use or storage of any substances requiring hazardous substance consent. Angus Energy have been advised by the Health and Safety Executive and

the Environment Agency that Control Of Major Accident Hazards (COMAH) regulations may apply for their site when oil is stored at the surface. This applies for both production and appraisal. Discussions are currently underway.

This does not make any change to our response to the retrospective planning application, but depending on the outcome of those discussions, this might require Hazardous Substances Planning Consent.

### **Proposed activity to be undertaken**

In section 1.2 of the Angus Energy Plc application document (February 2018) the applicant is clear that the proposed activity “relates to conventional hydrocarbon extraction and does not relate to the exploitation of shale gas through hydraulic fracturing (“fracking”)”. When assessing an environmental permit application, or a variation to an environmental permit, for oil and gas exploration or production we assess the specific proposal that has been applied for and we assess exactly what activities are being proposed at any specific site. We assess whether the activity can, or cannot, be permitted, or whether it meets, or does not meet, an exclusion from the environmental permitting regime at that specific site. The same types of activities may be used at both conventional and unconventional sites. Whether a site is considered “conventional” or “unconventional” is not a critical part of the decision process. If we consider that hydraulic fracturing is proposed we assess whether we can permit it, or not, and whether any further assessments (such as a hydraulic fracture plan) are required prior to a decision being made.

We are yet to receive clear technical details regarding the appraisal of the Kimmeridge Clay Formation as part of the re-permitting process or the activities underway in the Portland Formations. This does not make any change to our response to the retrospective planning application, but depending on the outcome of those discussions, this might need further explanation.

### **Groundwater Protection**

In section 2.3 of the Angus Energy Plc application document (February 2018) the applicant comments that the site is not underlain by any groundwater bodies classified by the Water Framework Directive. Although this statement is factual with regards the surface geology, it is inaccurate when you consider the geology of the wells themselves and the rocks drilled through to reach the hydrocarbons target formations. At the surface Weald Clay is present but at greater depth, underlying the site, both the Tunbridge Wells Sands and the Ashdown Beds are present. These are classified as groundwater bodies and as secondary aquifers. The risks posed to these aquifers by the proposed activities at the site and the mitigation incorporated in the design, specification and working measures on the site, will be assessed as part of the environmental permit review to ensure adequate protection measures are in place.

In section 5.6 of the Angus Energy Plc application document (February 2018) further information is given of the depths of the Tunbridge Wells Sands and the Ashdown Beds, along with a reasonable assessment of the risks posed to these aquifers from the surface activities proposed at the site. Despite this, as re-injection of process waters is still proposed at the site it is likely that additional monitoring of the groundwater bodies within the first 400 metres below ground level, the Tunbridge

Wells Sand and the Ashdown Beds secondary aquifers, will be required as part of any revised permit.

This does not make any change to our response to the retrospective planning application, but we will be reviewing the risk to the groundwater further during the environmental permit variation.

### **Flood risk and drainage**

The site is mainly Flood Zone 1, at low risk of fluvial flooding. We note the eastern end of the access track is within Flood Zones 2 and 3, however as the development is relates to the main drill site in this instance we have no comments to make. The Lead Local Flood Authority (LLFA) are responsible for considering local flood risk (such as surface runoff, groundwater and from ordinary watercourses).

As stated in section 5.5 of the Angus Energy Plc application document (February 2018), the site is underlain by a membrane and areas of concrete. Through the re-permitting process we are requesting information on the specification, quality assurance and integrity to ensure that appropriate levels of containment and environmental protection are being met.

### **Containment and bunding**

In section 20 of the application it is noted that all fluids will be stored within previously consented tanks located within the existing bunded process area. We are currently discussing the site containment (tanks and bunding) with the operator. This does not make any change to our response to the retrospective planning application, but as we continue reviewing the details of the site containment through compliance assessment and during the environmental permit variation, changes may be required.

### **Surrey County Council: Environmental Impact Assessment (EIA) Screening opinion report – November 2017**

We have commented on previous versions of this report. The information contained in the Angus Energy Plc application document (February 2018) is now much more up to date and has superseded the details in this report. As a result we have not commented further.

We trust this response is helpful. Please contact us should you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. G.', written in a cursive style.

Area Environment Manager  
Kent, South London and East Sussex