

Reference Number: 20/00513/FUL

Description of application: The construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Arreton-3) and one side-track borehole (Arreton-3z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new junction with the Newport to Sandown highway (A3056), the erection of boundary fencing, entrance gates and other ancillary development with restoration to agriculture - revised plans and information relating to means of access and rights of way mitigation measures, site layout, sections and restoration; clarification relating to ecology and environmental health issues; revised location plan/ red line boundary (readvertised application)

Site Address: Land to The North East Of New Barn Business Park, Sandown Road, Arreton, Newport, Isle Of Wight, PO30 3BT

Applicant: UK Oil and Gas PLC

This application is recommended for: Conditional planning permission – temporary consent for a period of 3 years

REASON FOR COMMITTEE CONSIDERATION

The planning application raises issues of Island wide significance due to the nature of the proposals and raises marginal and competing policy issues. Therefore, in line with the Council's Constitution, the planning application has been referred to the Planning Committee for consideration.

MAIN CONSIDERATIONS

- Principle
- Landscape and visual impact on the character of the surrounding area and impacts on the AONB
- Impact on heritage assets, cultural heritage
- Impacts on nearby properties and uses
- Impacts on ecology and biodiversity, including trees
- Flood risk, hydrology and geology
- Land stability, construction integrity and seismicity
- Highway matters
- Rights of way
- Site selection
- Development of agricultural land/ minerals designations
- Contamination, waste management and restoration/ aftercare
- Health and safety issues
- Human rights
- Other matters

1. Location and Site Characteristics

- 1.1** The application site forms 1.9 hectares of a section of sloping farmland on the upper southern slopes of St Georges Down, approximately 3.8km to the south east of Newport and 1km north of Merstone. The site is approximately 300m north of the Newport to Sandown Highway (A3056) and can be reached on foot via a public bridleway (no.29) that aligns its western boundary.
- 1.2** Forming the slopes of the Medina Valley, the area surrounding the site is undulating so that various gently sloping hillocks surround the site, within a wider area that slopes from the top of St Georges Down, towards the River Medina to the south. The area is characterised by the wide areas of farmland that form much of the valley, used to produce cereal and vegetable crops.
- 1.3** Much of the surrounding farmland includes large fields with a lack of woodland or hedgerows. However, the land surrounding the River Medina includes linear areas of woodland while the upper sections of St Georges Down are characterised by attractive downland covered with gorse or scrubby woodland.
- 1.4** The site itself forms a shallow depression within the slopes of the Downs so that the north, east and southern sections of the field slope up from the centre while the western section is open to the farmland and public right of way further west. At the time of the initial officer site visit, the field was planted with maize, but in later visits left fallow following harvest. Aligning the western boundary is a public bridleway (A29) that joins the northern side of the A3056, travelling north to join the Bembridge Trail, which aligns the top of the Down. Footpath 26 also passes through the south eastern corner of the site.
- 1.5** The area is predominantly undeveloped, however there are pockets of development that are visible from the A3056. To the west of the site is a large former agricultural building now used as a distribution depot and sales/manufacturing hub for a window firm, known as New Barn Business Park. Approximately 600m south west are the nearest houses to the site, Pyle Cottages, which comprise two pairs of semi-detached interwar houses that align the northern side of the A3056.
- 1.6** Further west is the historic quarry that occupies the upper slopes of St Georges Down. The site is used to sort and clean sand and gravel and includes various storage mounds, raised elevators, hoppers, sorting equipment and associated buildings, yards and haul routes that terrace down the slopes of the Down. The site also comprises a large asphalt production facility, that is readily visible from surrounding areas. To the east, is an Anaerobic Digestion Plant that produces gas from crops. This site includes a range of domes used for the production of gas, storage clamps and associated buildings. The site is not visible from the application site due to topography.
- 1.7** The village of Merstone is visible from the A3056, but not the site. This village is attractive, with a mix of house types and ages, but generally follow the line of the highway. There is farmland between the A3056 and the village.

2 **Details of Application**

- 2.1** There are three separate phases of oil and gas development: exploration, appraisal and production. Each requires planning permission, but they can be applied for together, provided the applicant submits all relevant information for the phases applied for (see para 94 of the National Planning Guidance). The applicant is applying for a temporary 3-year planning permission for the exploration and appraisal of hydrocarbon minerals (oil) from one exploratory borehole and a side-track borehole. At the end of the 3-year period, the site would be decommissioned and either abandoned or retained. It should be noted that this development would not involve high volume fracturing, often referred to as fracking.
- 2.2** The plans show that the development would include a rectangular enclosure that would be located adjacent to the western boundary of the application site, close to the public right of way. This enclosure would measure approximately 140m x 100m (1.4 hectares) and be enclosed by a 3m high security fence covered in camouflage netting, with an earth bund inside the fence line that would enclose three sides of the site. The north, east and western bunds would measure between 10m to 15m in width and between 2.2m to 2m in height above surrounding land levels, with a 1 in 3 gradient to the side batters.
- 2.3** The western boundary would be open, although the level working platform would be around 5m below existing ground levels (65m AOD for the working area). Thus, a small bank would slope down from the western (front) boundary of the site. Gabion baskets measuring 3m to 4m in height from the working platform would be below the internal toe of the bunds.
- 2.4** The working platform would be formed by a cut and fill operation, with the excavated material use for the bunds. The working area would be underlain by crushed and compacted stone and overlain by an impermeable membrane. A 1m deep containment ditch would surround the compound and this would either be left as an open ditch or be piped. This would collect all surface water, which would be tanked and then transferred to an Environment Agency approved facility for treatment.
- 2.5** The interior of the working area would be divided into two rectangular compounds, one much smaller than the other. The first smaller section would form the northern side of the compound and measure 18m x 67m. This area would be used for parking vehicles and include 3 containers measuring 3m in height, 3m in depth and 10m in width for security staff and two fire water storage tanks, which would measure 3m in diameter and 13m in length. The plans show that 12 parking spaces would be provided.
- 2.6** The larger compound would include the main working equipment for the proposed exploration well and measure 61m x 87m. Three versions of the working platform have been provided, one for the drilling phase, one for the initial flow testing period and a third for the extended well testing period. The majority of the working platform would not change between these periods, and the plans show that the perimeter of the compound would not change, and be used to store various

containers, tanks and equipment, generally not exceeding 3m in height, and including the following:

- Up to 7 containers on the north, east and southern perimeter of the working platform, measuring 3m in height, 3m in depth and 10m in width
- A laydown area for the drilling process
- Various storage and fuel tanks
- Surge fluid pumping tanks
- Generators
- Shrouded ground flare (this would measure 12m in height)
- A trailer for storing chemicals
- Propane gas tank

2.7 The central area of the working platform would include the main drilling rig and borehole. An initial hole would be excavated within the centre of the site, measuring 7.3m feet wide and 18.3m deep. This would be lined with water-tight conductor casing measuring 6m feet wide sunk in the location of the exploratory borehole. The supporting information states that where necessary, a conductor setting rig measuring 15m in height would be mobilised to the site during this stage.

2.8 Following this stage, workover rigs would be brought to the site and this would involve a range of surrounding supporting equipment, that would include various tanks and generators and raised wind walls to protect the rig, measuring 6m in height. All rigs would comprise metal latticework towers and be located above the well. The following sections set out the detailed actions that would be carried out during the construction, drilling, appraisal and testing and decommissioning phases:

Phase 1: Access and well construction (10 weeks)

2.9 This phase would include the earthworks to form the level working platform and formation of the means of access from the A3056. A temporary tarmac junction would be formed on the northern side of the highway, west of public bridleway A29. The main track would be formed of crushed stone that would be banked, with topsoil stripped and stored between the access, the A0356 and the right of way. In addition, an alternative route for the section of bridleway A29 that runs south of the proposed well compound to the A3056 would be provided east of its current route. Even so, the current route would remain open.

2.10 The initial section of the access track would curve east from the junction with the A3056 and measure 6.5m in width, allowing vehicles to pass. The remainder of the track would measure 4.1m in width and align the public footpath and travel approximately 400m in a northerly direction to the main drilling site, where it would turn east and cross the public right of way. Entry to the well site compound would be via a set of 3m high gates. The access route would be enclosed by 2.5m high security fencing.

2.11 This phase would also include the formation of the main well site compound and therefore include the earth works necessary to form the level working platform,

surrounding bunds, entrance gates and security fences. The pre-cast concrete rings would also be sunk in the location of the exploratory borehole.

- 2.12** During this phase, approximately 12 construction staff would be at the site along with 3 to 6 security staff. Construction operations would take place between 07:00 to 19:00 on weekdays, 09:00 to 13:00 on Saturdays with no working taking place on Sundays or Bank Holidays.

Phase 2: Drilling and Testing (Approx. 17 months)

- 2.13** This phase would include the drilling of the exploratory borehole, the drilling of a side-track well and then following these works, the appraisal and testing of the well to confirm whether hydrocarbons are present and if present, to determine the characteristics, volume and recoverability of hydrocarbons.
- 2.14** The initial mobilisation phase (2A) would involve bringing the selected drilling rig to the site, along with the fuels, materials, drilling chemicals, steel casing and tubing and other related equipment (all within the main drilling compound) and the construction of the equipment. According to the submitted information, the mobilisation of the rig would take 3 weeks, with operations taking place between 07:00 to 19:00 on weekdays, 09:00 to 13:00 on Saturdays with no working taking place on Sundays or Bank Holidays.
- 2.15** The mobilisation phase would be followed by 15 weeks of drilling (phase 2B). The drilling rig would be demobilised at the end of this phase. It should be noted that the final specification of the drilling rig would be confirmed upon the appointment of a suitable contractor. However, the submitted information provides examples of the rigs that could be used. The first is a BDF Rig 28 measuring up to 37m in height, shown on Plan 14 (Section Through BDF 28 Drilling Rig), the second being a BDF Rig 51 measuring up to 38m in height, shown on Plan 15 (Section Through BDF 51 Drilling Rig). The rig would be operated continually, 24 hours per day.
- 2.16** The rig would drill a single borehole (Arreton-3 well), which would then be extended below ground to form a side-track well (Arreton3z). Sections 4.2.2 and 4.2.3 of the Environmental Statement describe the detailed design of the main and side-track wells. The aim of the wells is to target specific geological formations known as Portland limestone, micritic limestone (KL4 and KL3) and Inferior Oolite, along with secondary formations known as the Purbeck Group, the Corallian and Great Oolite. These fall into a geological area known as the Sandown anticline which stretches between Chillerton and Winford.
- 2.17** The submitted information advises that it is likely that the well would extend up to 1.7km south east of the site, with the final depth and trajectory of the main well and side-track well to be finalised at a later stage and via the relevant regulatory approval.
- 2.18** Once the wells had been drilled, the appraisal and testing phase would take place. The necessary equipment would be mobilised over a period of 3 weeks (phase 2C), again following the daily working hours outlined above in para. 2.13.

This would be followed by a period of initial flow testing (phase 2D(i)) over a period of 10 weeks, when operations would again be 24 hours per day. The initial flow testing would be used to confirm the existence of hydrocarbons and if confirmed, this would be followed by a period of extended well testing (phase 2D(ii)), that would take up to 16 weeks. This phase would be used to determine the characteristics, volume and recoverability of the hydrocarbons.

- 2.19** During the testing period both a crane (measuring up to 36m high) and a workover rig would be used to lower tools into the well which would be used to perforate the target geological formations and to remove debris through the use of dilute acetic acid wash. The final specification of the rig has not been chosen, but again, examples of those that could be used have been provided. The first is a Moor 475 workover rig, which would measure up to 35m high (see plan 18), the second being an IDECO BIR 35 workover rig (see plan 19). The submitted information confirms that if required, a 25m high coil tubing unit would be used at the site.
- 2.20** The information confirms that the drilling process would need to be a continuous 24-hour process because ceasing drilling operations can cause the drill to become compacted by drill cuttings and thus, inoperable. Moreover, porous formations or swelling clays can compromise the borehole if left, and therefore need to be supported by case strings immediately to ensure stability.
- 2.21** During this period, extracted wastes such as drilling muds, rock cuttings, cement, used dilute acid, water and associated natural gas would be produced. These would be collected and stored on site, prior to being transferred to an Environment Agency approved site for treatment. All waste produced at the site but not related to extraction, such as foul water and domestic waste would be treated in the same manner. Following completion of testing, all drilling and testing equipment and surface machinery would be cleaned and removed from the site, taking 4 weeks (phase 2F). During the testing and appraisal phase, up to 20 workers would be present at the site along with 3 to 6 security staff.

Phase 3: Well plugging, abandonment and decommissioning (5 weeks)

- 2.22** During this phase cement plugs would be set within the well to separate distinct permeable zones from one another and from the surface. This would involve a workover rig that would measure up to 35m in height. Upon abandonment, the first 1.5m of the well would be cut and a steel plate welded over the casing to seal the well. This phase would include 24 hour working and include up to 12 members of staff, along with 3 to 6 security staff.
- 2.23** Following this, all surface machinery would be cleaned and removed from the site, using the daily working hours outlined within para. 2.13.

Phase 4: Site restoration or retention (5 weeks)

- 2.24** During this phase the site would be restored. Restoration would involve the removal of all hardstandings and bunded areas, including the impermeable membrane, which would be cleaned and then dismantled, along with the concrete

drilling chamber. The site would be tested for contamination and any material found to be contaminated would be removed for off-site treatment. The remaining subsoils below the development site would be tested for contamination and should any soils be shown to be contaminated, these would be removed to an Environment Agency approved site for treatment.

2.25 The topsoil stored within the bunds would be tested to establish whether any treatments would be required to improve its condition. The topsoil would then be used to reinstate the land to its original pre-development levels. A scheme of hedge planting and wildlife improvements are proposed, in order to meet the requirements of net gain.

2.26 In the event that the site was to be retained (but not exceeding the 3 year temporary period applied for), the developer would plug the well with cement barriers and then enclose the well head with a container. The security fencing and entrance gates would be retained in this scenario.

3 Relevant History

3.1 The application site has not been the subject of previous planning applications. However, located to the east of the site is an anaerobic power station that was granted planning permission in December 2013 (P/00198/13). Planning permission was granted to vary the layout of the site and allow two additional silage clamps, a storage lagoon, gas clean-up building and storage building in January 2018 (P/00150/17). The site produces gas via anaerobic digestion, using Island grown crops for the process.

3.2 To the west of the site is a Blackwater Quarry, which processes, stores and distributes land won sand and gravel, won from sites controlled by the landowner. The quarry is historic, having been in use since 1931 and benefits from various planning consents dating from the 1950s for factory buildings, storage buildings and offices. No minerals are won from the processing site that is located west of the application site, but workings are undertaken on the north western summit and north eastern slopes of St Georges Down under two existing planning permissions (P/01205/10 & P/01144/12). Both of these sites are the subject of current applications to allow the period for minerals extraction to be extended (20/02127/RVC & 20/02128/RVC).

3.3 The processing site includes various uses, including an asphalt production plant that was granted planning permission in January 2014 (P/01515/13). This provides hot asphalt that is used for highway works across the County. In addition, the site includes a plant that recycles inert building wastes, again to support highway works (P/01262/13).

4 Development Plan Policy

National Planning Policy and other relevant Government guidance

4.1 • National Planning Policy Framework

- Energy White Paper – Powering our Net Zero Future (2020)
- National Energy and Climate Plan (2020)
- The Ten Point Plan for a Green Industrial Revolution (2020)
- Overarching National Policy Statement for Energy (EN-1)

Local Planning Policy

4.2 The Island Plan Core Strategy (Island Plan) defines the application site as being within the Wider Rural Area. The site is within a Minerals Safeguarding Area. The following policies are relevant to this application:

- SP1 - Spatial Strategy
- SP3 - Economy
- SP5 – Environment
- SP6 – Waste
- SP7 - Travel
- SP9 - Minerals
- DM2 - Design Quality for New Development
- DM8 - Economic Development
- DM11 - Historic and Built Environment
- DM12 - Landscape, Seascape, Biodiversity and Geodiversity
- DM14 - Flood Risk
- DM17 - Sustainable Travel
- DM20 - Minerals
- DM22 - Developer Contributions

Other relevant guidance

4.3 Isle of Wight Council Guidelines for Parking Provision as Part of New Development

5 Consultee and Third Party Comments

Internal Consultees

5.1 The Council's Environmental Health Officer has raised no objection to the development regarding noise, light or air pollution. Following clarification from the applicant on the matters, the Environmental Health Officer has concluded that the development would not compromise surrounding properties or uses, subject to conditions being imposed. The Environmental Health Officer has also advised that conditions should be imposed in relation to contamination, given that ground condition surveys returned one sample of asbestos. In addition, the officer has advised that a condition should be attached to control remediation post development to ensure that the land is returned to an acceptable standard for ongoing arable purposes.

- 5.2** The Council's Ecology Officer raised concerns within initial comments, relating to the impact of flaring on bats, the proposed dormouse mitigation strategy, the loss of reptile habitat and hedgerows, loss of badger foraging availability, impacts to species in surrounding habitats and to the nearby Arreton Down SSSI and St Georges Down SIN. Following the submission of clarifications from the applicant, the Ecology Officer has confirmed that ecological impacts can be satisfactorily addressed via conditions and has advised that the applicant's Appropriate Assessment can be adopted by the Planning Authority.
- 5.3** The Council's Tree Officer has confirmed that no tree of high amenity would be impacted by the development and advised that tree protection measures can be secured by condition.
- 5.4** The Island Roads Highway Engineer has raised no objection to the proposed development in relation to highway matters, following the receipt of revised plans. The Highway Engineer has recommended several conditions.
- 5.5** The Council's Rights of Way Manager has not objected to the development but referred to issues of clarification and recommended conditions to protect the safety of rights of way users and to secure the upgrading of sections of the right of way.

External Consultees

- 5.6** The AONB Partnership have raised no objection to the development, regarding the adjacent section of AONB at St Georges Down and more distant areas to the south of the site, close to Gatcombe and Chillerton. The Partnership have advised that mitigating factors such as the enclosed nature of rights of way along St Georges Down, would mean that the development would not be readily appreciable from the AONB. In addition, the presence of the existing quarry and AD plant close to the site, mean that tranquillity is already reduced. The Partnership have also advised that external lighting would not compromise the setting of the AONB.
- 5.7** Natural England have confirmed that they have no comment to make, following the submission of points of clarification from the applicant. Natural England have assessed the applicant's Habitat Regulations Assessment and confirmed that it is acceptable.
- 5.8** The Environment Agency have advised that the applicant's submitted Hydrogeological Risk Assessment is acceptable and therefore raise no objection to the development. The Agency have confirmed that various permits and licenses would be required in associated with the proposed exploratory well and that the Construction Environmental Management Plan referred to within the Environmental Statement would also be required via the permitting process.
- 5.9** The Health and Safety Executive have raised no objection to the proposed development, confirming that the site does not lie within the consultation distance for a major hazard site.

5.10 Southern Water have raised no objection to the development, advising that any use of sustainable drainage systems should be carefully managed and be agreed with the Planning Authority.

5.11 Historic England advised that they had no comment to make on the proposals.

Parish/Town Council Comments

5.12 Arreton Parish Council objected to the development, raising the following concerns:

- Moving the entrance and creating the require visibility splay will result in the loss of hedgerow and some of the screening for the site
- Impact of lighting on the surrounding valley and highway safety
- Water run-off from the wheel wash may be contaminated but there are no apparent means to contain and dispose of it
- Disposal of contaminated water is a general issue as there appear to be no arrangements for disposal
- No plans in place to deal with oil or other contamination spill on the access road
- How will dust be disposed of and will it contain contaminants
- Has the Council's Ecologist commented on latest information? – **Officer comment** – The Ecology Officer has commented on clarification information provided by the applicant
- Most of the ecological research is now over two years old and may need revisiting
- Potential impacts to Arreton village and the school
- If approved, the Parish Council would like to see lichen surveys undertaken in several areas before work commences and at regular intervals thereafter
- The Parish Council would like air quality and nitrogen dioxide to be measured on the main road outside of Arreton Primary School
- If approved, who would monitor the various environmental impacts and pay for monitoring and remedial work that may prove to be needed
- Costs of running the site
- It is not clear how the site would be restored
- Are there any other exploration methods that could be considered other than drilling?
- Are the results of drilling at Perreton not indicative of reserves in the vicinity?
- It is noted that the Isle of Wight Council has recently stated an aim to become carbon neutral and to minimise waste and cost of disposal. The application would appear to run counter to both these aims
- It is vital that any planning permission takes into account the effects of future pandemics

The Parish Council also commented that it supported Island Road's original objection to the application.

- 5.13** Whitwell Parish Council objected to the development, raising the following concerns:
- The application flies in the face of the Isle of Wight Council's approach to the considerable AONB, the Island Biosphere and other significant environmental features
 - Approval would preclude National Park status for the Island
 - Threat of poisoning the Island's water supply
 - Contrary to policies SP5 and DM12 of the Island Plan
- 5.14** Rookley Parish Council objected to the development due to concerns over the traffic implications of the development, noise and vibration. The Parish Council also commented that it supported Island Road's original objection to the application.
- 5.15** Fishbourne Parish Council objected to the development, raising concerns that the construction and exploration traffic would impact on the Parish and particularly Fishbourne Lane.
- 5.16** Both Newchurch Parish Council and Godshill Parish Council have confirmed that they support the comments provided by Arreton Parish Council.

Third Party Representations

- 5.17** The Planning Authority has received objections to the proposed development from 1064 members of the public. Some objectors have submitted more than one representation. The content of these objections can be summarised as follows:
- Contrary to the Core Strategy including policies SP5 (environment core strategy). DM12 (landscape, seascape, biodiversity and geodiversity) and DM13 (green infrastructure) because the proposal would be detrimental to the local landscape and visual amenities of the area
 - The site is close to two AONBs and the proposal would damage the special qualities of the area
 - Detrimental impacts on local wildlife including protected species such as badgers, great crested newts, bats, kestrels, buzzards, red squirrels and other species
 - The loss of 45 metres of hedgerow to create the junction is unacceptable and will affect the local bat population
 - Light pollution will impact on bats and moths
 - The ecological and environmental surveys carried out in 2018 are not adequate or up to date
 - Management of risk will be insufficient to adequately protect the unique and diverse ecosystem
 - A footway / bridleway crosses the proposed access road resulting in potential danger to horse and pedestrian users
 - Detrimental to the promotion of Isle of Wight for tourism, especially sustainable tourism
 - The Archaeological and Cultural Heritage Assessment states that the site

possesses past human activity, notably from the Bronze Age

- As a fossil fuel development, the proposal would be contrary to the UK's climate change policy and the aim to achieve net zero carbon emissions
- Incompatible with the UK hosting the UN Climate Change Conference (COP) 2021
- Contrary to Isle of Wight's strategic vision and the climate and environmental strategy action plan
- The Isle of Wight's motto is 'All this beauty is of God' and the project is not compatible with that
- Sustainable renewable alternatives exist on the Isle of Wight including wind, tidal and solar
- Potential impact on public water supplies which are already under pressure from other uses including agriculture and horticulture
- The IOW Climate Adaptation Plan 2011 identifies the area as having potential for ground water contamination
- Potential risk to one of the largest employers, Arreton Valley Nursery, which is dependent on a clean pollutant free water supply
- Potential significant adverse effects on Lower Greensand Aquifer
- Potential pollution and contamination of Eastern Yar and Medina Rivers
- The Medina River has an international designation and supports a range of protected species and habitats
- Any oil spill will release benzene and other soluble petroleum hydrocarbons into the aquifer
- Farmers extract water from the Easter Yar River to irrigate their crops
- Concern about pollution resulting from potential leaks from the well or the drilling rig
- Concern about the accuracy of geological data and therefore the viability of the proposal
- The geology of the Isle of Wight is already unstable
- The existing infrastructure comprises narrow, twisty and busy roads is inadequate to cope with the proposed traffic
- Damage to local roads caused by the 5880 heavy goods vehicle movements travelling to and from the site
- Cumulative effect of traffic from the Arreton / Gore anaerobic power station and the proposed development
- Concern about the impact of heavy lorries on the nearby village of Godshill
- Concern about the visual impact of drilling rigs on Godshill Church
- This greenfield site will become a brownfield site which will be a precedent for further development in the future
- The proposal represents another step in the inappropriate industrialisation of the Arreton area
- The recoverable oil reserve (15.7 million barrels) would be very limited, equivalent to only 10 days of the UK oil consumption (1.55 million barrels / da)
- Government policies on briefly refer to the need for onshore oil and instead refer to offshore oil reserves
- The applicant's information does not refer to future production and so how can the Council plan for this?

- The benefits to the local economy would be limited
- The proposal is inappropriate in this greenfield location
- 24-hour working will result in unacceptable light pollution in an area that has “Dark Skies’ status
- Noise impacts from the site and from traffic serving the site.
- If exploration finds economically extractable mineral there will be future applications to recover the mineral
- The proposal is contrary to the UNESCO Biosphere Reserve status granted to the Isle of Wight in 2020 which recognises the high quality of the managed landscape
- Concern about the track record of the applicant at other developments on the Isle of Wight and elsewhere, e.g., the Markwells Wood site in the South Downs National Park
- Pressure to reduce costs will be at the expense of health, safety and environmental issues
- Concern that hydraulic fracturing (fracking) may be required later
- Concern that seismic activity and earthquakes might result as happened at the drilling site near Blackpool
- The Water Hydrology report does not address issues of fault lines and aquifer safeguarding
- Concern about earthquakes, contamination and saline intrusion could result
- Concern regarding the disposal of any radioactive saline wastes produced by the operations
- Flaring of gas will result in air pollution
- Precedent for further oil developments in the area
- At the company’s Horse Hill site there are plans to drill 4 more wells and the same could happen here
- Unforeseen complications are not uncommon with oil developments
- Specialist nature of the work militates against the project creating employment for local people
- Concern about effects of proposal on health, including children at the local primary school. A UCL report estimates that 18-21.5% of deaths each year can be attributed to fossil fuel production
- Oil companies use a technique called acidisation which is likely to contaminate surrounding soil and groundwater
- A bond will be required to cover reinstatement costs if the company fails and to prevent delays in restoration as happened at the company’s Markwells Wood site in the South Downs National Park
- Building on greenfield land is not acceptable
- Query whether the Environment Agency and other regulatory bodies will have the required monitoring capacity
- The Environment Agency and other monitoring bodies are under-funded and have a poor record of enforcing compliance
- Concern about the impact on property values and house prices in the area
- Over 90% of those submitting representations have objected to the proposals demonstrating the strength of public objection
- Concern that unlike other proposals, the pre-application discussions for this

proposal were confidential

- There has been insufficient discussion and public consultation about this proposal

5.18 The Planning Authority has received representations in support of the proposed development from 70 members of the public, some of whom have submitted more than one representation. The content of these representations can be summarised as follows:

- Our reliance on the use of hydrocarbons and materials derived from hydrocarbons, including plastics and medicines, will continue for many years
- If we use hydrocarbons, we must accept that they are extracted where they are found
- The project will help to bridge the gap as we move towards more renewable energy sources
- Less environmental impact from recovering local resources than shipping and importing from around the world
- Dependence upon imports gives rise to security of supply concerns
- Extraction is in the national interest by reducing environmental effects globally, eliminating imports and providing employment and income
- The pandemic has shown the importance of being self-sufficient in energy supply
- The Wressle Inquiry demonstrated that there would be no impact upon climate change other than positive change from the reduction of transport emissions
- There have been a number of drilling projects on the Isle of Wight that have operated without any noticeable environmental impact
- Provision of local employment and income, including tax income
- There is no hydraulic fracturing proposed
- The location near other industrial sites including a quarry and biogas plant is suitable for the proposed development
- Once operational the site will cause little inconvenience
- Use will be temporary with minimal visual impact
- Any adverse impacts can be satisfactorily addressed by the imposition of planning conditions on noise, local amenity, traffic and restoration
- Any traffic concerns have been adequately addressed in the proposals
- The company has managed other sites well and in accordance with its regulatory responsibilities and there is no reason why that will not be the case here
- Reference to the company's Horse Hill site in Surrey which has been well managed
- Refusal would represent a NIMBY attitude
- Several authorities will ensure the site is well regulated
- The project will show that the Isle of Wight has the correct management systems to encourage successful business to the island

5.19 Robert Seely MBE MP has objected to the proposed development, raising the following concerns:

The Oil and Gas industry is important to the UK. However, it is not appropriate for the Isle of Wight. Specifically:

1. The application is contrary to the “strong links” between the Island Plan Core Strategy (2012) and Eco Island. Eco Island pledged to have the lowest carbon footprint in England by 2020. The Core Strategy plans to “create wealth whilst reducing our carbon footprint”. The application will increase our carbon footprint.
2. DM17 of the Island plan plans to “restrict traffic growth by 2.3% per annum”. The site will increase traffic by up to 15 two-way HGV movements and 30 two-way personnel trips per day. It has been recommended for refusal by Island Roads because it is a “hazard to both site and highway users”.
3. The Tourism Development Plan used by the Core Strategy observes a demand for “high environmental excellence” and minimisation of greenfield development. The application is visually intrusive, on farmland, and has negative environmental associations.
4. In 2019, we became a UN Biosphere, a “learning site for sustainable development”. Restarting oil exploration does not demonstrate our commitment to this designation.

More generally, we need to preserve our conservational status. Our Island is 94% rural and 50% AONB, with 28 miles of Heritage Coast, and 395 local wildlife sites. We have been celebrated by Tennyson and Keates, settled by Romans. We tread on geology of chalk cliffs and Jurassic coast hundreds of millions of years old. Oil exploration detracts from our status as an environmental hotspot.

Second, the development conflicts with our economic aims. Our visitor economy is worth £520 million annually. Oil exploration may threaten that.

Third, we need to make sustainability part of the Island’s identity. The UK was the first to undergo the industrial revolution. We are now the first major economy to aim for net zero. We are embarking on an era of reform: legally binding targets on environmental improvement, biodiversity, air quality and resource efficiency; more powers for local authorities to act; an independent environmental regulator. What we are doing is making a difference - greenhouse emissions are down more than 40% compared to 1990 levels. We have cut sales of plastic bags by 90% since 2015. We will work to avoid all avoidable plastic waste by 2042. The Island has a unique opportunity to pioneer tidal energy, recycle 100% of its own waste, develop a smart grid, and reduce the use of oil-based plastics. We must not put off this action.

Restarting oil exploration on the Island has the potential to harm the Island’s conservational status, economic aims, and identity as a sustainability leader nationally.

5.20 The Hampshire and Isle of Wight Trust have raised concerns that the proposed site would not be sufficiently insulated from ground water and surface water, given the underlying geology and topography. The Trust have commented that the site

is within the catchment of the Eastern Yar and therefore would pose a risk to the designations related to the river. The Trust have also raised concerns regarding impacts on the nearby SSSI as a result of aerial deposition of pollutants, considering that the submitted information has downplayed impact, including cumulative impacts. The Trust also consider that the impact of fossil fuels on climate change will only be increased and counter carbon neutrality.

6 Preamble

Policy approach

6.1 Prior to the main report, it is worth outlining the approach to assessing applications for oil extraction. It should be noted that all planning decisions must be made in accordance with planning legislation and the relevant policy guidance in force at the time of the decision. As outlined within s.38(6) of the Planning and Compulsory Purchase Act 2004, and within paragraph 47 of the NPPF, unless material considerations dictate otherwise, planning applications should be made in accordance with the policies within the Development Plan.

6.2 The Development Plan is the Island Plan Core Strategy (Island Plan), and this contains the key planning policy guidance for the Island. Where the Plan is silent on a particular issue raised by the proposed development, then the advice contained within the NPPF should be followed. It should also be noted that for the purposes of this planning application, the Council is the Minerals Planning Authority (MPA) and will be referred to as such within the remainder of this report.

Regulatory regimes

6.3 The extraction of oil requires compliance with a range of statutory consenting processes, including planning permission, which is one of the main regulatory requirements that operators must meet before drilling a well. It should be noted that the Government's Planning Practice Guidance (PPG) advises that the Minerals Planning Authority does not control all of the aspects associated with hydrocarbon development, even though they may be relevant to MPAs, as they are best covered by other consenting authorities.

6.4 PPG paragraph 112 states that for issues that are covered by other regulatory regimes MPAs should rely on the assessment of the regulatory bodies and will need to be satisfied that these issues can or will be satisfactorily addressed by taking advice from the regulatory body. Along with licenses from the OGA, applicants must also gain permits from the Health and Safety Executive and the Environment Agency. The following paragraphs list the processes that are covered by other regulatory regimes.

The Oil and Gas Authority

6.5 Licenses are issued by the Oil and Gas Authority (OGA), who were previously known as the Department of Energy and Climate Change (DECC). The purpose of the licensing regime is to secure the exploration and appraisal of the UK's oil and gas resources and the economic development of discovered reserves.

- 6.6** A Petroleum Exploration and Development License (PEDL) covers all the three stages of oil development (the application being considered relates only to oil), these being exploration, appraisal and production subject to necessary planning permission and drilling/ development consents issued under processes that are separate to planning. When issuing a PEDL to an operator, the OGA undertakes an assessment of competency, financial capability, geotechnical analysis and the proposed work programme.
- 6.7** The applicant holds a 95% share of a PEDL issued separately by the OGA which covers much of the south of the Island. The OGA requires operators to operate under a strict regime to manage seismic risks and to operate and maintain all appliances and machinery in good working order, along with carrying out all operations in accordance with good industry practice in order to avoid harmful working methods. The consent to drill and for Extended Well Testing is obtained from the OGA via the Petroleum Operations Notice (PONS) approval process, subject to planning permission being first granted.

Health and Safety Executive

- 6.8** The Health and Safety Executive (HSE) are responsible for enforcement of legislation concerning well design and construction. Before design and construction, operators must assess and take account of the geological strata, and fluids within them, as well as any hazards that the strata may contain. The recognised industry standard is that wells are lined using steel and cement to reduce the risk of leaks of fluids to as low as reasonably practicable. The HSE must be notified of the design, construction and operation of all oil wells within the UK and a health and safety plan must be provided to show how risks are managed on site. These include defining how any leaks from the well would be dealt with, including when capped.
- 6.9** Under health and safety legislation the integrity of the well is subject to examination by independent qualified experts throughout its operation, from design through to construction and until final plugging at the end of operation. This includes a requirement for weekly checks and reports then sent to the HSE, to be assessed by its team of expert well engineers.
- 6.10** The weekly reports set out works undertaken each week and includes well integrity testing and the pressure within the well. Any accidents at the site or any unexpected leaks or detection of unexpected explosive gases must, by law, be reported to the HSE. The HSE will also undertake site inspections and meetings with the operators to ensure that best practice is followed. The operator must submit notifications to the HSE 21 days prior to work commencing.

The Environment Agency

- 6.11** The Agency regulate oil operations and issue Environmental Permits to control them. The permits can cover mining waste activities, ground water activity and installations that cause emissions. Operators are required to notify the Agency of their intention to drill boreholes and to provide information on potential risks and safeguarding related to the operations. The purpose of the permits is to protect people and the environment. The Agency's role includes assessing risks to both ground and surface water, including features such as aquifers.
- 6.12** Whilst planning conditions may be imposed to prevent run-off of any liquid from the pad, and to control any impact on local amenity (such as noise), the actual operation of the site's equipment is controlled by the Environment Agency and the Health and Safety Executive. The Environment Agency is also responsible for ensuring that extractive wastes do not harm human health and the environment. An Environmental Permit is required for phases of hydrocarbon extraction and this will require the operator to produce and implement a waste management plan.
- 6.13** Flaring or venting of any gas produced as part of the exploratory phase is subject to OGA controls but is regulated by the Environment Agency. Mineral Planning Authorities do, however, consider how issues of noise and visual impact would be addressed. Whilst storage on-site and the traffic impact of any movement of water is of clear interest to local authorities, it is the responsibility of the Environment Agency to ensure that the final treatment/disposal at suitable water treatment facilities would be acceptable.

7 **Evaluation**

Principle

Local planning guidance

- 7.1** Policy SP1 (Spatial Strategy) of the Island Plan sets out the strategic approach to the location of development on the Island. The policy focuses the majority of new development within and immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. Where development is proposed outside of these areas (within the Wider Rural Area), policy SP1 advises that development will not be supported unless a local need has been demonstrated. However, it should be noted that in the case of minerals planning, deposits can only be worked where they are found (see paragraph 209 of the NPPF).
- 7.2** Policies SP9 (Minerals) and DM20 (Minerals) consider the management and extraction of minerals. Policy SP9 requires all minerals proposals to demonstrate proper consideration of the relevant associated social, environmental and economic effects and where these are negative, seek in the first instance to avoid, then mitigate and then finally compensate these effects. It should be noted that the detailed policy guidance for these policies are limited to minerals such as sand, chalk and gravel. The Island Plan does not contain specific policy guidance relating to hydrocarbons (oil). Therefore, to the assess this planning application, the guidance contained within national policy guidance must be considered.

National planning guidance

- 7.3** National policy guidance is set out within the National Planning Policy Framework (NPPF). Chapter 14 of the NPPF sets out Government's vision for meeting the challenge of climate change (see page 45 onwards) and this states that 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'
- 7.4** While Chapter 14 strongly advocates the use of renewable energy schemes and supports local-led initiatives for renewable and low-carbon energy, it does not advise against the use of fossil fuels. Chapter 17 of the NPPF considers the use of minerals (including hydrocarbons) and reasons that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Chapter 17 advises that minerals are a finite resource, and that best use needs to be made of them to secure their long-term conservation.
- 7.5** Paragraph 211 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. The paragraph goes on to advise that mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the area; ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
- 7.6** Paragraphs 215 to 217 of the NPPF specifically consider the exploration and extraction of oil, coal and gas. Paragraph 215 advises that Minerals Planning Authorities (MPAs) should clearly distinguish and plan positively for the three phases of development (exploration, appraisal and extraction), whilst ensuring appropriate monitoring and site restoration is provided for. The NPPF provides no further guidance in relation to the exploration, appraisal or extraction of oil, however, it does clarify that oil is considered to be a 'mineral resource of local and national importance', which within the Glossary are reasoned to be 'minerals which are necessary to meet society's needs.'
- 7.7** When determining a planning application, the National Planning Practice Guidance (the NPPG) at paragraph 124 states that mineral planning authorities should take account of government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and National policy relating to energy is set out within the Government's National Energy Strategy.

National energy/ climate change strategies

- 7.8** Guidance on national energy policy is currently laid out within six National Planning Policy Statements for energy, which are a material consideration for planning applications. In particular, the Overarching National Policy Statement for Energy (EN-1) is relevant for this planning application and sets out Government's high-level objectives, policy and regulatory framework for the delivery of major energy infrastructure. EN-1 states that 'The UK economy is reliant on fossil fuels, and they are likely to play a significant role for some time to come. Most of our power stations are fueled by coal and gas. The majority of homes have gas central heating, and on our roads, in the air and on the sea, our transport is almost wholly dependent on oil.'
- 7.9** However, EN-1 continues to reason that 'the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification.' While EN-1 advises that reliance on fossil fuels will need to decline it notes that 'By 2050, we can expect that fossil fuels will be scarcer, but will still be in demand, and that prices will therefore be far higher.' EN-1 advises that it is critical that the UK continues to have secure and reliable supplies of electricity as the transition to a low carbon economy takes place, stating that sufficient electricity capacity is needed to meet demand at all times, but with a greater proportion of power generated through low carbon methods. The Statement reasons that no one technology or fuel should be relied.
- 7.10** Nonetheless, EN-1 stresses the importance of cutting greenhouse gas emissions in order to abate climate change, referring to the 2008 target of reducing emissions by 80 per cent by 2050 and the need to increase energy from renewables. EN-1 states that 'in the medium term, we face the challenges of reducing our energy demand, replacing existing power plants due for closure and maximising the economic production of our declining domestic oil and gas reserves.'
- 7.11** It should be noted that the guidance contained within the National Policy Statement for energy was issued prior to recent changes to climate change targets. It is important to note that the Government's Energy White Paper 2020 (see para 7.19 below) confirmed that the current National Policy Statements for Energy would be reviewed. In April 2021 the Department for Business, Energy and Industrial Strategy (BEIS) initiated a review of the current National Policy Statements (NPS) for energy infrastructure, stating that it would aim to make any amendments by the end of 2021; however, the Energy White Paper confirms that until the review process has been completed, the current Statements remain in force.
- 7.12** The need for energy and decarbonisation to combat climate change go hand in hand. In May 2019 the Committee on Climate Change published Net Zero: The UK's Contribution to Stopping Global Warming. This set out a strong case for the UK to achieve net zero for greenhouse gas emissions by 2050, concluding that it was necessary, feasible and cost-effective to do so. Regarding fossil fuels, Net Zero advised that UK consumption of petroleum products was 752 TWh in 2017 and net imports were 121 TWh. It confirmed that UK oil production, like natural gas, is projected to continue its decline from 592 TWh in 2017 to around 130 TWh in

2050 (a 78% reduction). Net Zero reasons that the net-zero scenarios would result in a reduction in oil consumption of 82% by 2050 (reaching around 140 TWh). The document reasons that the net-zero target would be likely to reduce the UK's oil import dependency relative to a high-carbon world.

- 7.13** The Climate Change Act 2008 (2050 Target Amendment) Order 2019 set in legislation the UK's approach to tackling and responding to climate change. It updated the UK's long-term legally binding 2050 target to reduce greenhouse gas emissions by at least 100% relative to 1990 levels (this has previously been 80%).
- 7.14** Government Published the National Energy and Climate Plan in January 2020 and this outlines the national approach to reducing carbon within the energy sector and meeting the 2050 target. The Plan advises that in 2018 the share of primary energy consumption from fossil fuels stood at 79.4%, with low carbon sources accounting for 19%. The Plan sets out a long-term approach to reducing the reliance on fossil fuels, increasing the proportion of energy provided by renewables, reducing the need for energy and emissions across all sectors through energy efficiency measures while ensuring energy security and keeping bills low.
- 7.15** The Plan advises that in 2018 the renewable energy sector provided 31% of the electricity required for the UK, and by the third quarter of 2019, renewables had accounted for 38.9% of electricity generation. However, the Plan shows that the UK's energy needs still rely on fossil fuels and for example, in relation to electricity the Plan states that 'In light of where we are in terms of domestic policy development, we are unable to provide a breakdown for the renewable electricity technology mix at this point.'
- 7.16** In relation to heat, the Plan advises that the vast majority of buildings in the UK are reliant on gas, which heats 85% of households and caters for 70% of all heat use. The Plan reasons that a range of different options will be needed for decarbonising heat, but states that there is no clear consensus on the best approach to decarbonising heat at scale in the UK and concludes by stating that 'we are unable to provide a breakdown for the renewable heat mix at this time. The Plan provides the same conclusion for transport, the section which accounts for a significant percentage of oil use within the UK.
- 7.17** In terms of energy security, in 2018 the UK relied on imported sources for 36% of its energy needs. The Plan advises that the UK is a net importer of crude oils, despite in 2018 producing enough domestic crude oil to account for 90% of demand. This is because the UK exports crude oil (40 million tonnes in 2018) to various countries and so in 2018, only 12% of UK crude oil production was used by UK refineries. However, the market is complex and therefore the energy sector is reliant on both imported and UK derived oil products, not only for energy but also within the manufacturing industry. The Plan advises that an increase in the diversity of sources coming into the UK has reduced the impact of a disruption to any one source of supply on the UK.
- 7.18** In November 2020 Government published The Ten Point Plan for a Green Industrial Revolution. This document aims to set the foundations for combatting climate change while also transforming the economy, delivering jobs and growth.

The Ten Point Plan sets out the ways in which these aims could be met, including increasing the contribution of offshore wind, low carbon hydrogen and nuclear power. In addition, further points relate to efficiencies that could be delivered through zero emission vehicles, green transport options and increasing walking and cycling, driving up the use of sustainable aviation fuels and zero emission aircraft and ships. In addition, the Plan sets out an approach for providing greener building (both existing and new buildings) through efficiency measures and moving away from fossil fuel boilers, investment in carbon capture to offset emissions along with measures to protect the environment along with funding for research and development schemes related to green technologies.

- 7.19** Government published the Energy White Paper in December 2020 and this set out the Government's vision for the delivery of the energy needs for the nation, and the transition to clean energy by 2050. The White Paper sets out ambitious targets for moving from fossil fuels, to clean energy sources that will power vehicles, homes, industry and business in an affordable and sustainable manner and that combats climate change.
- 7.20** However, the White Paper advises that the UK's domestic oil and gas industry has a critical role in maintaining the country's energy security and is a major contributor to the economy. In 2018 the oil and gas industry supported 145,000 jobs within the UK and offshore oil and gas sectors contributed 0.9% of UK GVA. Much of the oil and gas produced within the UK derives from the UK Continental Shelf (UCS) and the Oil and Gas Authority estimates that around 10 to 20 billion barrels of oil equivalent remain within this zone. Nonetheless, UK production has halved since 2000 and yet the White Paper advises that demand for oil and gas, while much reduced, is forecast to continue for decades to come.
- 7.21** The White Paper advises that energy companies must reduce reliance on oil and gas. However, the White Paper does not wholly rule out the need for oil and gas. Chapter 6 of the White Paper confirms that delivering the target of net zero by 2050 means transforming the oil and gas sector in the UK. At page 146 the White Paper advises that downstream oil (oil that has been refined and processed to form a finished product such as diesel or petrol) provided 96% of the energy needed for transport and that it will continue to play a vital role in the transition to a net zero economy, delivering fuel to customers. The White Paper continues on to reason that 'As we make a transition away from fossil fuels, we must maintain secure supplies of fuel to the people and businesses whose livelihoods depend on it.'
- 7.22** The White Paper sets out a future where oil and gas companies repurpose their operations away from unabated fossil fuels to abatement technologies such as carbon capture, utilization and storage or clean energy production such as renewables and hydrogen. The White Paper recognises the need to continue to license for the exploration and production of oil and gas in the UK but in a manner that would be compatible with climate change ambitions while ensuring a strong economy and robust energy security. As set out within page 135 of the White Paper, Government states 'We have supported the oil and gas sector to bounce back from COVID-19 but a return to 'business as usual' is no longer an option. Government support is in the context of delivering our net zero target. The sector is already coming under significant pressure from investors and the public more

widely to respond to the challenge. Shareholders, for example, are increasingly requiring listed companies to price carbon into their business models and demonstrate how they can reduce emissions from their operations or support the wider decarbonisation of the economy.'

- 7.23** The applicant's Planning Statement states that oil and gas are the dominant source of energy supply in the UK and that they are likely to play a significant role for some time to come. The Planning Statement and Planning Update Statement (dated 15th July 2021) note the importance of achieving a low carbon future but also reason that best use should be made of home won mineral resources. The Planning Update Statement recognises the Government's updated energy related policies, as laid out within the White Paper and Ten Point Plan. However, the applicant considers that continue to rely on domestic oil and gas, which will play an important part in the energy transition.

Emerging Island Planning Strategy and Climate and Environment Strategy

- 7.24** Councillors will be aware that the Island Plan Core Strategy is currently under review. The emerging Island Planning Strategy is currently under public consultation, with the consultation process beginning on 14th July 2021 for a period of 9 weeks. However, the Island Planning Strategy will not update any of the existing Core Strategy policies in relation to minerals planning. The Policy Team have confirmed that work will commence on a minerals and waste plan as the Council approaches the conclusion of devising and adopting the Island Planning Strategy. At that time, new policies in relation to all matters related to mineral planning, will be developed. Councillors will note that is a standard approach for Planning Authorities to have a separate minerals and waste plan.

- 7.25** Nonetheless, the Island Planning Strategy will contain new or updated policies relating to matters such as landscape impacts, biodiversity and other environmental issues. Where a new or updated Development Plan is forthcoming, some weight may be applied to it in making decisions on existing planning applications. The NPPF provides guidance on how much weight should be attributed to emerging Development Plans.

- 7.26** Paragraph 48 of the NPPF advises that 'Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'

Particularly relevant to the emerging Island Planning Strategy is the advice within paragraph 50 of the NPPF, which states that 'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be

submitted for examination.'

- 7.27** The Island Planning Strategy is currently at the consultation stage and therefore, not submitted for examination. Following consultation, the proposed policies may be subject to alteration and given the early stage at which the emerging plan is at, it is considered that only insignificant weight can be attributed to it at this time in relation to the determination of this planning application.
- 7.28** Councillors will be aware that in July 2019 the Council declared a climate emergency, which stated an aim to achieve net zero emissions across the Island by 2030. In September 2021 the Council approved a Climate and Environment Strategy, which outlines the options for a pathway to net zero emissions for the Island, by 2040. However, the Strategy does not ban proposals for fossil fuel or mineral extraction but instead seeks to disincentivise oil exploration and extraction and ensure sustainable extraction where it is necessary. The Strategy notes that an outright ban on such applications would have the potential to remove local decision making and consultation. Therefore, it is considered that the assessment of the current proposals should be made in accordance with current policy guidance.
- 7.29** It is noted that many comments made by objectors refer to the issues surrounding climate change and the use of fossil fuels. Objectors consider that the proposals would be incompatible with the need to tackle climate change and to reduce the use of fossil fuels. There is no doubt regarding the consequences of climate change and that the unabated use of fuels that release high levels of greenhouse gas emissions would contribute to global warming. The UK and other Governments have set out ambitious plans to reduce the reliance on fossil fuels through a combined approach that would increase the use of renewable sources of energy and require efficiency measures to be undertaken to reduce overall energy use. Guidance also sets out approaches to reduce emissions of greenhouse gases related to the end user. As outlined above, the UK is at the beginning of a path towards reaching the target of net-zero for greenhouse gas emissions by 2050, building on existing initiatives that have already reduced emissions and secured greener forms of energy.
- 7.30** However, the role of the Minerals Planning Authority is to consider the land use effects of the proposed development, for which planning permission is sought. The question of indirect greenhouse gas emissions arising from the use of minerals permitted via a planning application, was deliberated at length during a recent High Court judgement relating to a planning approval for oil extraction at a site in Surrey; *R (Finch) v Surrey County Council* [2020] EWHC 3559 (QB). Objectors to that development contended that the MPA and the applicant's ES should have considered the indirect environmental effects arising from the consumption of the end products related to the oil permitted for extraction, in order to comply with the requirements of the EIA Regulations. They argued that the ES should have estimated the amount of greenhouse gas emissions resulting from the combustion of goods derived from the oil produced at the site, and that this in turn should have been assessed against Government greenhouse gas or climate change metrics.

7.31 The judgement for the case ruled that the correct test for the assessment of a planning application, is whether an environmental effect is an effect of the development for which planning permission has been sought. The Judge advised that *'case law confirms that EIA must address the environmental effects, both direct and indirect, of the development for which planning permission is sought, (and also any larger project of which that development forms a part), but there is no requirement to assess matters which are not environmental effects of the development or project. In my judgment the scope of that obligation does not include the environmental effects of consumers using (in locations which are unknown and unrelated to the development site) an end product which will be made in a separate facility from materials to be supplied from the development being assessed. I therefore conclude that, in the circumstances of this case, the assessment of GHG emissions from the future combustion of refined oil products said to emanate from the development site was, as a matter of law, incapable of falling within the scope of the EIA required by the 2017 Regulations for the planning application.'*

7.32 Councillors will be aware that this development, if permitted, would allow the appraisal of any hydrocarbon minerals found at the site, rather than permit extraction, which would require a separate planning permission. Thus, at this stage the quantity or quality of minerals remain unknown, and so it must follow that exactly how the minerals may be used to form end products is also unknown. The ruling in *R (Finch) v Surrey County Council*, sets out the parameters in which this application should be determined in relation to environmental effects, those being the effects related to the development and not those considered to be downstream effects, when the raw material has been used to form an end product. The ruling found that there is no legal requirement for the amount of GHG emissions arising from combustion of oil products to be estimated in the EIA for the application site and no requirement for that estimate to be compared to any government GHG or climate change metric. However, this does not mean that the overarching effects of climate change should be disregarded in the determination of this planning application. It is readily apparent that the need for energy and the objectives of achieving net zero are directly linked and must therefore be balanced in reaching a conclusion.

Conclusion on principle

7.33 Considering the guidance contained within the NPPF, NPPG, and national policy guidance relating to energy, there is a national need for fossil fuels. As stated above, Government guidance within the NPPF states that great weight should be given to the benefits of minerals extraction, including to the economy (para 211). The NPPG advises that the exploratory, appraisal or production phase of hydrocarbon extraction can only take place in areas where the Department of Energy and Climate Change have issued a license under the Petroleum Act 1998 (Petroleum License) and as Councillors will note, such a license has been issued to the applicant for the southern section of the Island. National policies seek to reduce the reliance on hydrocarbons but do not rule out their use, rather to achieve an energy sector that is dominated by renewable forms of technology by 2050. As a result, Officers conclude that on balance, there is a national need for the development subject to the proposals complying with the remaining issues set out

within this report and policies of the Development Plan.

- 7.34** Several comments have referred to the impact that the proposed development may have on the Island's tourism sector. The tourism industry is a significant employer for the Island and contributes substantially to the Island's economy. However, the proposed development would result in limited impacts on the surrounding countryside, with impacts concentrated on the rights of way that pass the site, the A3056 and a portion of landscape to the south. However, these impacts would be temporary and within a relatively discrete area of the Island, that is not visually linked to key tourism destinations. Distant views of the site would be available from Carisbrooke Castle, located 3.9km to the south west. The Castle is a popular tourism destination and an important heritage asset for the Island. However, at such a great distance from the site, views of the development would be seen within a wide panoramic vista of countryside, with the site not prominent or eye-catching within them. There would not be direct views of the site from other important tourism destinations and therefore it is considered that the development would not compromise the tourism industry for the Island.

Landscape and visual impacts

- 7.35** The Island Plan sets out the Council's approach to development in rural areas. Policy SP5 (Environment) states that the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments. All development proposals will be expected to take account of the environmental capacity of an area to accommodate new development and, where appropriate and practicable, to contribute to environmental conservation and enhancement. In addition, Policy SP1 advises that the spatial strategy steers the majority of development away from the AONB.
- 7.36** Policies DM2 and DM12 of the Island Plan require development proposals to compliment the character of the surrounding area, and to conserve, enhance and promote the Island's landscape. The impact of the proposed development on the character of the area is an important issue, particularly as the site lies close to but outside of an Area of Outstanding Natural Beauty (AONB) and furthermore, because the site occupies an area of downland that is visible from both public vantage points and private agricultural land.
- 7.37** Members of the public have raised concerns regarding the impacts that the development would have on surrounding landscapes and the AONB, stating that the development would industrialise the Arreton area and result in harmful light pollution.
- 7.38** Regarding design, officers consider that the scheme is very much dictated by its purpose, as an industrial scale exploration and appraisal compound for hydrocarbon minerals. The development would result in a relatively large rectangular compound (see section 2 of this report for detailed dimensions) that would contain a range of portacabins, tanks and other infrastructure, along with vehicles, the well head and at times, cranes or rigs extended to various heights, of up to 38m.

- 7.39** While the policy guidance within the Island Plan refers to high quality design for all development, it is readily apparent that this would be a self-defeating requirement for schemes whose design and appearance are wholly based on industrial purposes. In addition, the scale of the development is dictated by the need for various items of equipment, machinery and staff areas. Therefore, taking into account the purpose of the proposed development, it is officer's opinion that the design of the proposals would be appropriate and that the key issue for this section of the report is whether the proposed development would have an acceptable landscape and visual impact.
- 7.40** The site is located within an area of countryside that is characterised by intensive farming. The fields surrounding the site and indeed further to the south, east and west form the basin of the Arreton Valley, where farmland is comprised of large regularly shaped fields with boundaries formed either of managed hedgerows or grass banks. The lack of tree screening and extensive areas of farmland give an open character to the area, with more distant trees screens, such as those close to the Medina River or around Merstone being the most obvious natural landscape features.
- 7.41** The site itself is located within a more undulating area of the landscape, occupying the upper southern slopes of St Georges Down. The landscape here is characterised by various hillocks and folds that extend towards the A3056 and these areas generally accord with the agricultural character of the wider area. However, the upper sections of the Down comprise areas unimproved grassland, mixed with gorse and scrubby woodland that form an attractive summit to the Down. St Georges Down is within the AONB and a prominent landscape feature from many vantage points, with summit being approximately 100m above sea level, and the public highway to the south occupying levels of between 40 to 50m (A3056). The southern slopes, which include the application site are not within this designation (see appendix 2, a map showing various designations including the extent of the AONB boundary).
- 7.42** At a national level, the site is located within Natural England's National Character Area (NCA) 127 Isle of Wight, which covers the Island in its entirety (Natural England, 2014). Due to the scale of this character area, it is considered more suitable to consider the local level character areas.
- 7.43** The East Wight Landscape Character Assessment (2015) (LCA) identifies various landscape character areas within the east of the Island and helps to explain what makes various landscapes different from one another. The LCA classifies the application site as being within the Arable Farmland Character Type, and Character Area AF7 (Arreton, Perreton and Pagham Arable). According to the LCA AF7 includes the following features:
- Strong rural character
 - Open arable fields
 - A cultivated landscape that changes with the seasons
 - Hedged field boundaries many of which are historic in character
 - In the south of the area hedgerow trees are more commonplace

The overall condition of the features of this character area are judged by the LCA to be good and the character of the area is judged to be good. According to the LCA, the sensitivities of AF7 are said to be:

- Remaining hedgerows and hedgerow trees particularly where these have a strong relationship with historic boundaries
- Habitats conserved or enhanced through Environmental Stewardship funding
- Wetland areas close to the valley floor
- Historic buildings individually and together in areas such as Arreton Conservation Area
- Ancient woodland near Pagham

7.44 The upper sections of St Georges Down are not referred to within the LCA and instead, are defined by the Countryside Commission's 1994 report, entitled *The Isle of Wight Landscape: An assessment of the Area of Outstanding Natural Beauty*. This document classifies St Georges Down as being within the Sandstone Hills and Gravel Ridges Landscape Character Type (LCT). The document notes that while small in area, this LCT is of considerable landscape importance to the south of the Island, because the generally sharp slopes, presence of bracken or woodland contrast to the smoother slopes and more intensive agriculture of surrounding farmland.

7.45 The applicants have undertaken a Landscape and Visual Impact Assessment which can be found at Chapter 6 of the Environmental Statement. This assesses the likely significance of effects of the development at various stages of the development from selected locations (receptor groups) which include landscape, public vantage points such as highways and rights of way and then nearby houses. The LVIA also assesses likely impacts 15 years post development (see section 2 of this report for the various phases). The LVIA initially establishes the baseline of the landscape surrounding the site and surrounding areas and receptor groups and correctly notes the relevant Natural England National Character Area (127) and the more specific character areas defined by the East Wight Landscape Character Assessment and the 1994 Countryside Commission report.

7.46 The LVIA is based on two study areas that extend 1km and 5km from the centre of the site, known as Zones of Theoretical Visibility (ZTV). The first smaller detailed study area has been selected because the applicant's view is that significant effects are more likely from closer proximity. A wider 5km ZTV is also used for a broader geographical assessment. Figure 3.5 of the ES shows the ZTV in plan form, showing areas from where the development would be visible, based on the worst-case scenario based on a rig measuring 37m in height and a substructure at a height of 3.66m, based on an observer height of 1.6m. The ZTV is shown without any mitigating screening provided by buildings, or tree screens and this informs the various viewpoints from where the development is assessed.

7.47 The LVIA then assesses the sensitivity of the selected receptor groups to change, as a result of the proposed development. Sensitivity has been categorised as very low, low, medium, high and very high. The magnitude of change caused by the development is then assessed using the same categories, with the sensitivity and

magnitude of change then compared to derive a significance of effect. The table below shows how the two are compared:

ES TABLE 6.1: LEVEL OF EFFECTS MATRIX					
OVERALL SENSITIVITY	OVERALL MAGNITUDE OF CHANGE				
	Very High	High	Medium	Low	Very Low
Very High	Substantial	Major	Major/moderate	Moderate	Moderate/minor
High	Major	Major/moderate	Moderate	Moderate/minor	Minor
Medium	Major/moderate	Moderate	Moderate/minor	Minor	Minor/negligible
Low	Moderate	Moderate/minor	Minor	Minor/negligible	Negligible
Very Low	Moderate/minor	Minor	Minor/negligible	Negligible	Negligible/none

The LVIA advises that effects identified as Substantial, Major, Major/moderate or Moderate are considered to be significant, whereas those determined to be Moderate/ minor, Minor, Minor/ negligible or Negligible are considered to be not significant. Officers agree with that approach and consider it to be in accordance with the recognised best practise guidance contained within Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA 3).

7.48

To assist with the assessment the applicants have selected visual receptors for nearby dwellings and villages, and these are shown within the table below:

ES TABLE EDP 6.4: RESIDENTIAL AMENITY VISUAL RECEPTORS AND SENSITIVITY			
LOCATION	DISTANCE & DIRECTION	SENSITIVITY	FIELD BASED ASSESSMENT
Pyle Cottages	600m South-west	'High'	Two pairs of semi-detached houses situated on the A3056 Newport to Sandown Highway with views southwards and oblique to the Site. Residents would experience views of Blackwater Quarry and New Barn Business Park in association with the Site; see ES Appendix 3.1, Photoviewpont EDP 5 .
Arreton	1km North-east	'High'	Dwellings orientation predominantly south facing with oblique views of the Site. The interior of the Site is screened by intervening landform but the potential for views of the upper rig sections only when deployed - see ES Appendix 3.1, Photoviewpont EDP 8 .
Merstone	1.1km South-east	'High'	Dwellings orientated predominantly east to west with oblique views of the Site. The interior of the Site is screened by intervening landform but the potential for views of the upper rig sections only when deployed, see ES Appendix 3.1, Photoviewpont EDP 6 for views from Merstone.
Rookley	2.65km West	'High'	
Blackwater	1.75km West	'High'	Given the separation distance achieved and the presence of intervening and screening mature natural vegetation views of the Site are unlikely, see ES Appendix 3.1, Photoviewpont EDP 5 .

7.49

In addition, ten viewpoints have been selected from where photographs have been taken, within both the 1km and 5km ZTVs. These are listed within the table below. Officers agree with the chosen viewpoints and residential receptors but have undertaken their own assessment from these and three further viewpoints; the first from the right of way directly adjacent to the site, the second from the former railway station at Merstone which is now part of the Island cycle network and finally from A3020, Blackwater Hollow, which is west of Rookley. In addition, the LVIA assesses the impact of development on nearby highway routes, villages and rights of way, which feed into the chosen viewpoints within the table above.

PVP No.	Location	Grid Ref.	Distance and Direction to Site	Visual Receptor(s)
1	Public Bridleway A28 within the AONB	451992, 086571	0.45km NW	Receptors using a PRoW on elevated landform within the Isle of Wight AONB boundary (very high sensitivity).
2	Public Footpath A26/A25 outside of AONB	452593, 86139	0.4km SE	Views experienced by PRoW users within the wider landscape to the south-east of the Site (high sensitivity).
3	Public Bridleway A29 outside of AONB	452253, 085985	0.4km S	Views experienced by PRoW users within the wider landscape to the south of the Site (high sensitivity).
4	View from Public Footpath A1 between Chapel Lane and Merstone Lane	452479, 85440	1.75km S	Views experienced by PRoW users within the wider landscape to the south of the Site (high sensitivity).
5	View from Public Byway A43	451417, 85949	2.15km SW	Views experienced by PRoW users within the wider landscape to the south-west of the Site (high sensitivity).
6	View from Yar River Trail promoted route/public bridleway A3 to Redway and Herringford	453174 084771	3.5km S	Receptors using a PRoW promoted route within the wider landscape to the south of the Site (very high sensitivity).
7	View from Merstone Lane/Stenbury Trail	452516, 084051	4.35km S	Receptors using a PRoW Promoted route within the wider landscape to the south of the Site (very high sensitivity).
8	View from Public Footpath A11 on Arreton Down, near The Downs Road	454115, 087259	2.05 km NE	Views experienced by PRoW users on elevated landform within the AONB north-east of the Site (very high sensitivity).
9	View from Public Bridleway N108, near Gatcombe within AONB	448635, 085765	3.5km W	Views experienced by PRoW users on elevated landform within the AONB west of the Site (very high sensitivity).
10	View from Public Bridleway GL21/ Worsley Trail/ Yar River Trail at Godshill	452378, 081576	4.5km S	Views experienced by PRoW users within the wider landscape to the south of the Site (very high sensitivity).

7.50

These viewpoints and receptors would be experienced by different user groups, which would vary the visual sensitivity. For example, if a view is experienced by someone in a passing car, this view is less sensitive than a view which is experienced by a walker, who would take longer to pass and appreciate the view. In addition, the surroundings of a viewpoint can also change sensitivity, for example a viewpoint enclosed by or close to existing development is likely to be less susceptible to change than one within an isolated and rural landscape. The

reasoning and conclusions regarding sensitivity of receptors are outlined within appendix 3:1 of the Environmental Statement and Officers agree with the level of sensitivity provided for each viewpoint.

- 7.51** The LVIA concludes that the landscape and visual effects for the phase 1 construction works and phases 3 and 4 could potentially be significant and adverse. This is said to be due to the change that the proposed development would cause to landscape fabric and the visual appearance of the area. The LVIA avers that the effects of the development would be temporary and represent a small section of the overall character area, because the site is geographically discreet and topographically contained. In addition, the LVIA refers to the mitigation measures to be undertaken during and post development. Mitigation measures referred to within the LVIA and outlined within table 9.1 of the ES outlines the measures contained within the Construction and Environment Management Plan, Noise, Light and Traffic Management Plans, as well as measures to protect trees and hedgerows and soil quality.
- 7.52** The Landscape, Environment and Biodiversity Restoration and Enhancement Plan (Appendix 3:2 to the ES) outlines that the site is small and so there are limited opportunities to provide enhancements. However, the document confirms that once the site is decommissioned all hard-standings and underlying membranes would be removed, with stored topsoil to be used to restore land to pre-development levels. The document outlines that soils would be stored and reinstated in accordance with best practice for soil handling, and in dry periods. Soils would not be mixed with any other materials and when reinstated, topsoil would be spread to a depth no less than 150mm. In addition, any hedgerows removed to facilitate development would be replaced with native species relevant to each hedgerow and on a 3 to 1 basis to deliver enhancement. In addition, tree planting would be undertaken on land to the east of the public right of way and proposed site access works along with wildflower planting. On the basis of these measures, the LVIA concludes that the long-term effects of the development would be beneficial.
- 7.53** The LVIA notes that the site is located close to but outside of the AONB designation but reasons that the majority of the views from the AONB towards the site would be screened by topography or vegetation and that given the small footprint of the works and the low-level setting of the site, the development would not result in material change to the special quality of the AONB.
- 7.54** Officers have assessed the landscape and visual impacts of the development, with the benefit of the information contained within the LVIA and its supporting documents (appendices 3:1 and 3:2 of the ES) and having undertaken site visits from key landscape and visual receptors. The development would be carried out in 4 phases, which would include site set up, then operation, followed by well plugging and restoration. The development is proposed to be undertaken over a short period of 3 years and given this situation, officers have assessed the landscape and visual impacts for the whole development (all phases) rather than separating them into their constituent parts. Therefore, the officer assessment is based on the realistic worst-case scenario for the proposed development, taking account of mitigation measures, where the proposed compounds and access works are in place and fully operational, taking account of the highest of the rigs or

cranes to be used (38m).

- 7.55** The application site occupies a fold within the southern slopes of St Georges Down, with land sloping up from the centre of the site to the north, south and east. The topography of the site and the immediate landscape mean that the area of the proposed well-head and surrounding compounds is not readily visible from more distant locations, such as the landscapes to the north, east and west. The summit of St Georges Down (north of the site and wrapping around to the north west) is high, at 100m above sea level, and officer site visits have shown that from landscape areas further north, north west or north east of St Georges Down, the development would not be visible.
- 7.56** The current land levels for the field proposed to accommodate the compounds are between 65m to 68m above sea level, however the plans show that the base of the compounds would be excavated and levelled to 65m above sea level for the three-year duration of the works, meaning that the highest of the proposed rigs (38m) would only breach the summit of St Georges Down by 3m. The remainder of the compounds and equipment would be well below this level. When taking into account the screening effect of the woodland that occupies the summit of the Down directly to the north of the site, and the effects of distance and perspective for a viewer from landscapes to the north, north east or north west, it is apparent that the development would have no landscape or visual impacts on these areas.
- 7.57** As noted, the summit of St Georges Down is within the AONB designation, as are the downs to the east towards Arreton and Brading. Paragraph 176 of the NPPF states that 'great weight' should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The AONB Partnership have commented on the planning application, noting that the site is within 160m of the AONB designation. The Partnership have reasoned that the information contained within the submitted ES demonstrates a comprehensive assessment of the landscape character of the area and which fully acknowledges the close proximity of the AONB designation. While the Partnership have commented that the ES somewhat downplays the effects of phase 2, due to little mention of the 37m high rig to be used in this phase, they nonetheless advise that the development would not compromise the enjoyment of the section of AONB close to the site, because the public rights of way that traverse it are enclosed by vegetation. The Partnership conclude that the development would not cause significant visual detracting, particularly given its temporary nature.
- 7.58** In addition, the Partnership have advised that the lighting associated with the proposed development has been designed in accordance with the Institute of Lighting Professionals Environmental Zones in order to mitigate 24-hour lighting requirements. The Partnership have noted that all lighting would be down facing and/ or fitted with hoods and side spill shields in order to prevent glare or upward light pollution. In addition, the AONB Partnership have advised that because the flare related to the rig would be shrouded or fully enclosed, it would not result in light pollution. The Partnership have advised that while lighting of the rig itself may result in some level of glare, the rights of way that traverse St Georges Down are enclosed and used by few at night. Regarding the closest other areas of the AONB,

the Partnership have noted that these are up to 3km away. The Partnership has undertaken assessments from areas of the AONB close to Gatcombe and Chillerton (south west of the site) and noted that while rigs maybe visible, they would form a static linear feature seen against the backdrop of St Georges Down and the existing large quarry to the west and anaerobic digestion (AD) power station to the east.

- 7.59** Regarding the tranquillity of the AONB, the Partnership have noted that noise from the development would only be discernible from the Bembridge Trail area of the AONB. They note that the activity at the nearby quarry has an existing noise impact here, together with regular vehicle movements throughout the day alongside the trail. The Partnership comment that this is not an area of the AONB particularly recognised for its tranquillity, therefore they would not substantiate an objection based upon noise impacts upon the AONB in this instance.
- 7.60** The AONB landscape within St Georges Down is attractive and characterised by areas of grassland along with gorse and woodland. The Bembridge Trail aligns the summit of the Down but is set back from the southern edge and largely enclosed by vegetation. As stated by the AONB Partnership, the users of the rights of way would have little appreciation of the development, other than potential glimpses of the various cranes and rigs when in operation. Greater appreciation would be possible from the southern edge of the Down, but this is not open to access land.
- 7.61** The downs to the east and above Arreton also fall within the AONB designation. These are attractive chalk downs with areas of open access land. The LVIA includes viewpoint 8 from the open access land above Arreton, approximately 1.2km north east of the site. The applicant's photos from this location show that the site would be screened by intervening topography and thus, the compounds and access works would not be appreciable from this section of the AONB, or indeed the downs further east, that stretch to Brading. The upper sections of the cranes and rigs to be used, would be visible, but these would be from distance and like views from the AONB to the south, views would be of a temporary, static and slender element of machinery that would not cause significant harm when viewed from these locations.
- 7.62** While the development may result in some level of noise within the AONB close to the site, again this would be a temporary situation that would be experienced within the proximity of a working quarry, the haul routes used by quarry vehicles that align the Bembridge Trail and the nearby AD power station. It is considered that lighting would be satisfactorily mitigated by the use of carefully designed lighting systems to prevent unacceptable levels of glare or light pollution. The submitted lighting assessment shows that lighting would be contained to the site, thus preventing excess or unacceptable light pollution beyond the site. Subject to the measures within the lighting assessment being secured by condition, it is considered that the development would be acceptable in terms of external lighting and the impact that it would have on the AONB and undesignated landscape.
- 7.63** The more distant sections of the AONB are separated from the application site by a significant area of landscape, which includes areas of farmland, settlement and other forms of development and highways. From these locations, south of the site,

the site is not prominent and seen in the context of a complex vista, with the quarry to the east being a highly noticeable feature. Given the separation distances and the fact that any rig or crane would be a slender and static feature, it is considered that there would be no material harm from such landscape areas, or vista points within them.

- 7.64** AONB landscapes are highly sensitive to change, but given the mitigating factors outlined above and noting that the development would be a temporary feature of the landscape, it is considered that the development would not harm the features for which the AONB designation applies.
- 7.65** The site is screened from the more distant landscapes to the west of the site, such as the base of the valley around and west of Blackwater and the landscape that stretches to Newport and beyond. The site would be screened to a lesser degree when within the landscape and highway east of the Blackwater crossroads, between 0.5km to 1.4km from the site. The western side of the site is open to the landscape to the west because here, the land falls away slightly about the western site boundary. However, immediately west of the site the land again rises slightly, to form a low hillock that rises to a height of between 70m to 80m above sea level, with the hill then sloping steadily south. Like much of the land here, the hill forms cultivated farmland and lacks tree or substantive hedgerow cover.
- 7.66** This rise in the landscape would block views of the proposed development, including the proposed site access works from the more distant landscape to the west and particularly beyond the business park to the south west of the site and Pyle Cottages, reducing the landscape and visual impacts of the development. Nonetheless, when approaching the site from landscape to the west and from Pyle Cottages, when in use the upper sections of higher equipment would be visible from moderate distance, particularly from the section of the A3056 beyond the entrance to the nearby quarry and the western end of footpath 43 (from where the LVIA viewpoint 5 is taken), which is to the south of the highway. From these locations the upper sections of the rigs would contrast with the backdrop of farmland and downland, although they would be seen at distance as a relatively slender intrusion within the countryside. Therefore, while clearly at odds with the backdrop of the rural landscape, the rigs and cranes would be used for temporary periods for an overall period of 3 years, which would clearly curtail the duration of the impact as would the screening effects of topography. As a result, officers consider that the level of effect would be Moderate/ minor and the nature of effect Adverse/ temporary for the landscape and visual receptors to the west.
- 7.67** The landscape to the east of the site is formed by the wide Arreton valley basin that lies east of Merstone and between Arreton and Sandown. This is a low and level area of landscape that is between the more distant network of Downs between Arreton and Brading and the downland that is much further south east towards Godshill, Wroxall and Shanklin. The LVIA includes viewpoints 6 & 7 within this substantial area of landscape, being between 1.5km to 2km south east of the site. No viewpoints have been taken from greater distance but viewpoint 8 has been taken from footpath 11, which crosses open access land to the north of Arreton Manor (approximately 1.2km north west of the site). Officers have also assessed the development from more distant viewpoints east of the site such as the public

highway within Arreton (1.5km east of the site), at Hale Common (3km south east) and the ridge of landscape to the west of Newchurch (approximately 3.5km east of the site), along with the landscapes between Godshill, Wroxall and Shanklin.

- 7.68** There is a hill that wraps around the eastern and south eastern boundaries of the of the application site, rising to a height of approximately 73m above sea level. This acts as a significant screen for the landscape and visual receptors that are east and south east of the hill and the application site, including the villages of Merstone and Arreton and the network of rights of way and highways close to them. By using the photographs provided by the applicants for viewpoints 6, 7 & 8 and having undertaken site visits from these locations and the additional areas officers have visited, it is apparent that the site compounds and access works would not be visible from the wide valley that is east and south east of the site, or indeed the various villages and settlements or other receptors within it. In addition, the hill would continue to screen the compounds and access works from the downs to the east (between Arreton and Brading) and those at much greater distances to the south east, such as Stenbury Down and St Boniface Down (close to Wroxall and Ventnor) and St Martins Down (east of Wroxall towards Shanklin).
- 7.69** However, it is apparent that the upper sections of the various rigs and cranes would be visible, at varying distances as they would breach the summit of the hill. Using the highest candidate rig as a worst-case scenario (38m) it is apparent that approximately 30m of the rig would be visible above the summit of this hill, although depending on the elevation of the landscape from which the viewer is stood, the visible height of the equipment could reduce. At very close vantage points, such as the section of the A3056 east of the proposed site access, the right of way that passes across the hill and the junctions of Merstone Lane and East Lane, the various cranes and rigs (used one at a time) would be relatively imposing and obvious additions to the landscape, causing material harm to the character of the area and its appreciation from these locations. The hill is farmed and lacks any tree cover or hedgerows to mitigate the views of the equipment. The level of impact would be Moderate but temporary, causing harm over a relatively short period of time.
- 7.70** As proximity increases between the development site and the affected landscapes and visual receptors, so the effects of distance would begin to mitigate impact. From medium range vantage points such as the Newport to Sandown cycle route, which passes 1.5km south of the site, and from Merstone or Arreton, the magnitude of the rigs and cranes would reduce and various tree and hedge lines within the valley would also assist in screening views towards the application site. From these areas, the rigs and cranes would at times be visible, but seen at a much-reduced scale within the backdrop of St Georges Down and with reference to other various landscape features within the foreground and periphery of views. As stated above, the site is seen in the context of the quarry to the west and the power station to the east, which due to their much greater scale would be obvious detractors from a single static rig or crane, within a backdrop of the Down. At even greater distances, such as landscapes and settlements around Hale Common, Newchurch and Godshill or the more elevated landscapes within the downs close to Wroxall and Shanklin, a single rig or crane would be a tall but narrow and relatively innocuous element within a wide and complex panoramic view.

- 7.71** Officers consider that the proposed development would result in adverse/temporary impacts to the landscape and visual receptors to the east and south east of the site, with the level of harm much increased when within close proximity to the development, as noted above. That said, the various rigs and cranes would be used for varying timescales, during the phases of the development. For example, for phase 2 the drilling rig (up to 36m in height) would be used for 15 weeks, the various cranes and rigs used for testing (up to 35m in height) would be used for up to 26 weeks and then for phase 3, a well plugging rig (up to 35m in height) would be used for up to 5 weeks. Therefore, it is apparent that the higher equipment would be used intermittently, albeit in some cases for several weeks at a time, over a temporary 3-year period, thus reducing the harm to landscape and visual receptors to a moderate and temporary level.
- 7.72** There would be more open views of the proposed development from landscapes and visual receptors south of the site. This is because there is a narrow and low valley that falls from the site towards the A3056, which channels views towards the application site. When stood within the lower sections of the valley floor (between 0.5km to 1km south of the site) there is farmland that rises gradually north towards the A3056 and therefore from medium distance vantage points including the land around and west of Merstone Manor (between 0.6km to 2km from the site) and then south towards Rookley and Pagham. This intervening higher farmland and the low level of the valley floor would prevent the proposed compound and access road from being readily visible. Similarly, when within the Newport to Merstone Cycleway, or Birchmore Lane west of Merstone Manor (approximately 1.2km south west of the site), the rising farmland and mature trees that align the River Medina, block views of the site.
- 7.73** However, land further south begins to rise in a southerly direction so that the landscape close to Rookley and Blackwater Hollow (A3020) is more elevated, sharing a similar land level to the application site. When within these more distant locations and particularly when west of Rookley, there are clear views of the application site, so that the proposed site compound, access road and higher equipment could be readily seen. However, there are few rights of way in this area and the nearest (footpath 37) is located on lower land to the east of Blackwater Hollow, where such views would not be available. However, the highpoint of Blackwater Hollow is a public highway, and this would allow views towards the site. In addition, there is an employment site north of the highway, from where views of the site would be apparent. Further west, there is a separate lower section of the A3020 which lacks hedge screening and again, there would be views towards the site.
- 7.74** From these locations, the proposed development would appear as an incongruous although slightly distant feature, industrial in nature and at odds with the surrounding rural landscape. The presence of a rigidly shaped compound, with equipment and access road would appear as a harmful addition to a rural area from this section of the landscape. The LVIA assesses the impact of the development from the A3020, but in a much broader fashion, assessing the whole of the route between Newport to Ventnor and concluding that the effect would be Minor/ negligible. While this may be true of the whole highway, as outlined by officers there are discreet areas of the route from where the site would be visible,

at distances of circa 1.5km. As noted above, there are also areas of landscape here and an employment site from where the development would be visible.

- 7.75** The level of impact would be reduced by the distance between the landscape, visual receptors and the site, as would the nature of the A3020, which is a relatively fast road and therefore views from users of the highway would be moderate in duration. From the nearby employment site, views would be longer in duration. However, akin to other distant viewpoints, the site would be seen in combination with the quarry to the west and this would, to an extent, diminish the level of harm. Nonetheless, because the site would be more discernible at these more moderate distances, it would form a larger vista-point that would draw the eye. Therefore, it is considered that the nature of effect would be greater than shown within the LVIA (Minor/ negligible) and be Moderate and therefore, result in an Adverse/ temporary effect and material harm to the landscape.
- 7.76** The site would appear most obvious when within close proximity. An approximately 100m section of the A3056 that is west and adjacent to the proposed site access, would provide road users with open and close proximity views of the proposed site access works, which would include a partially banked section of access road, an earth storage mound next to the highway, large security gates and mesh fencing. A 43m section of hedgerow would be removed to facilitate the access. The access road would be formed of crushed stone, with a tarmac apron onto the highway. In addition, from discrete section of this stretch of the highway, there would also be partial views of the proposed compound and very clear views of the rigs and cranes, which would breach the horizon.
- 7.77** The LVIA avers that the proposed access to this site would appear as a typical agricultural access, that the access route would become enclosed by vegetated margins over time. The LVIA reasons that users of the road would be able to see the rig and parts of the working compound and conflict with baseline conditions. However, the LVIA concludes that such views would be fleeting and oblique and apportions a minor and adverse level of effect. Officers do not agree with the level of impact apportioned to this receptor nor that the views of the development would be fleeting or always oblique. The views of the access arrangements and rigs would be greater than fleeting and in full view for road users travelling in an easterly direction.
- 7.78** Views of the compound would be more oblique, and it is likely that the access works and rigs would draw the eye. From here, the combination of the access arrangements, partial views of the compound and equipment contained within it and when in use, the cranes and rigs, would appear as unsightly and incongruous features within a rural landscape. While some natural vegetation would over time populate the farmland close to the access road and junction, these would remain relatively sizable and clearly engineered additions to a rolling landscape. There are numerous agricultural accesses in this area, but these are generally informal accesses that lack any form of engineered finish and in some cases, lack gates. Thus, the proposed access would be notably different to those that serve farmland and instead appear as an engineered and industrial arrangement. Appreciation of the nearby quarry would provide some mitigation to the level of impact and indeed, the sensitivity of the receptor.

- 7.79** The quarry would be visible for road users travelling east and west and the large engineered access that serves it would be noted when passing. However, that access follows the topography of the landscape and benefits from areas of scrubby hedges and clusters of trees which screen it from many viewpoints. The proposed development would appear as a more exposed addition to the landscape and the lack of mitigatory screening would result in it appearing stark and contrasting with its surroundings. Officers consider that from this receptor the development would result in a high magnitude of change, from a low receptor and therefore cause an adverse but temporary nature of effect that would result in significant harm for a temporary period.
- 7.80** The LVIA notes that the development would be discernible from the rights of way close to the site (footpaths 26 and 29), from where viewpoints 2 and 3 have been taken. However, the LVIA reasons that users of these routes would already experience noise associated with the A3056, and for the operational phase considers that uninterrupted views of the site would be from small sections of these routes, with the majority of routes screened by landform with only the upper sections of rigs and cranes being visible. The LVIA ascribes a Minor and adverse effect, which would not be significant.
- 7.81** Footpath 29 runs from the A3056 north towards St Georges Down and it is apparent from site visits that users of this route would view all aspects of the development over a relatively lengthy period of time and from various angles. The right of way links from the southern side of the A3056, crossing the highway and continuing in a northerly direction, climbing to the summit of St Georges Down. The route would be adjacent to the proposed access arrangements and pass the site of the proposed compounds, aligning the western boundary of the site. The proposed access route would cross the right of way here, with the footpath then continuing north west but within a sunken lane where views would be contained by banks and scrubby woodland. Footpath 26 adjoins this route at the western boundary of the site, passing diagonally across the application site and the hill to the east in a south easterly direction, rising away from the site. This right of way would also allow clear views of the compound, rigs and parts of the access arrangements.
- 7.82** Users of these routes would be within close proximity to the various sections of the development, which would be eye catching and appear inconsistent with the rural landscape that characterises much of these routes. As stated above, the compounds, rigs and various equipment when combined with the access works would have an industrial appearance that would be out of place within its surroundings. From close quarters the propose earth bunds and lower level of the working floor would mitigate the appearance of the development, shielding views of the working area. Nonetheless, the appearance of fenced compounds, construction vehicles and equipment would remain apparent over the course of the rights of way. The LVIA correctly advises that users of these routes have a high sensitivity to change, and officers consider that the development would cause a high magnitude of change for these receptors and therefore cause an adverse but temporary nature of effect that would result in significant harm for a temporary period.

- 7.83** The landscape character area (AF7) in which the site is located is a wide agricultural area that runs between Arreton, Perreton and Pagham. According to the LCA, AF7 has a strong rural character, with open arable fields and a cultivated landscape that changes with the seasons. Fields close to the site lack substantive hedgerows and are instead divided by a mix of banks and shorter sections of less continuous hedgerow. However, the site is clearly within the character area and relates readily to the surrounding landscape.
- 7.84** The site is well screened from most sections of the character area, a point noted within the LVIA. Located within the fold of a rolling landscape, from many sections of the AF7 character area, the site is not readily visible from the sections of AF7 towards Merstone (Pagham and Perreton) or Arreton. It is when at close proximity that the site is obvious, and on the hill that wraps around the south and eastern areas of the site, also within the character area. From these areas, in the same fashion as the rights of way close to the site, the compounds, access road and rigs would be obvious and harmfully incongruous additions to the landscape character area.
- 7.85** However, when considering the character area as a whole, the site is a discreet and relatively small portion. When in use the rigs would be visible from the remainder of the character area to the south and south east from medium and greater distances. In a similar manner to the impacts from these areas described earlier in this section, the visible higher equipment would appear as static, tall but slender additions seen in a wider context and thus not cause significant harm.
- 7.86** The character area is rural but clearly an intensively farmed landscape. It is agreed that the sensitivity of this character area is medium for the purposes of the LVIA. The LVIA concludes that the magnitude of change would be Low, but officers consider that the appearance of the development from close proximity within the character area would cause a more significant effect and when considering the character area as a whole, result in a Medium magnitude of effect and therefore, a Minor level of change. This would however be for a temporary period of three years and thus result in an Adverse/ temporary level of effect on the AF7 character area.

Cumulative effects

- 7.87** New development can often result in cumulative effects when seen in combination with existing development. Cumulative effects can often be emphasised with rural locations, where development is seen within a backdrop of countryside. In the case of the application site, there are various developments that can be seen in the context of the site. To the west of the site is a large quarry, which terraces down the south facing slopes of St Georges Down, containing various yards, industrial equipment and storage areas for sand and gravel. To the east is the AD power station, which comprises large silage clamps, domed digesters, supporting equipment and hard standings. In addition, east of the site and adjacent to the A3056 is a large barn, used as a distribution centre and sales facility.
- 7.88** The development would occupy a relatively well screened location, benefiting from the rolling topography of the landscape immediately surrounding it. This network of hillocks and folds would break the visual connection between the site and existing

development to the east and west, when at closer proximity. When travelling along the A3056, there would be an appreciation of the quarry, distribution centre and power station, but these would be seen at different junctures and would not be visually linked with the proposed development, other than when the higher equipment was in use. The development would be seen in greater relationship with existing nearby development from further afield, where views would be more panoramic.

7.89 Wider vistas from the south and south west would include the quarry with the proposed development further east. But there would be sufficient space between the sites to prevent combined impacts that would increase the landscape impact of the development. The power station would not be visible in any of these views, being situated on the opposite side of a hill. When combined with the presence of various tree belts and topographical features in foreground views, the cumulative impact of the proposed development, quarry and distribution building would be low and temporary.

7.90 From locations further east and south east, there would be the potential for the AD power station and parts of the quarry to be visible together. However, St Georges Down arcs slightly to the north west when seen from the east and south east and this screens much of the quarry, which becomes a decreasingly obvious factor from such locations. In addition, the site would be wholly screened by the hill to the south and east and this would prevent views of the compounds and access arrangements. Instead, the power station would be seen in combination with the rigs, which would breach the summit of the hill. But from these greater distances, the rig would appear as a tall but slender addition to views and in the backdrop of St Georges Down, so that combined views would be negligible and temporary. Therefore, it is concluded that the development would result in relatively minor cumulative impacts with existing developments in the area, on a temporary basis.

Conclusion on landscape and visual impacts

7.91 Having regard to the LVIA and site visits, it has been established that the proposed development would have minimal impacts on the landscape and visual receptors to the north, north east and west of the site owing to the presence of higher land north of the site. From the more distant landscapes and visual receptors to the east, south east, west and south west of the site, the proposed development would be partially visible, but at distance and with the screening effects of topography and intervening pockets of development and tree belts. From many of these locations the rigs and cranes that would be used during the various phases of the development would be most visible. But when seen in wider panoramas, it is considered that this would not result in significant harm. At night, the site would be lit but the submitted information outlines a lighting scheme that officers and the AONB Partnership consider would prevent unacceptable glare or light pollution. Moreover, it is considered that the development would not compromise the nearby AONB designation generally.

7.92 The greatest level of impact associated with the development would be related to close and medium range landscapes and visual receptors. The development would result in material harm to users of the A3056, particularly when west of the

proposed site access, from where the proposed access route, compound and rigs would be visible as a combined development. A greater distance, from more elevated locations west of Rookley and particularly from the A3020 highway, there would be views into the site that would allow appreciation of the compounds, access works and rigs, when in use. In addition, when seen from the immediate public rights of way network, there would be close proximity views, for relatively extensive duration. From these locations, the development would result in material and significant harm owing to its industrial appearance, within a rural setting. This level of harm would decrease when further from the site.

7.93 Owing to the temporary nature of the development, and the scale of some of the equipment, there would be little scope for mitigating the harm that has been identified, through normal means such as landscaping. The proposals include digging the working level of the compound to below ground level and to use excavated earth to form screening bunds to surround the site, although these would not be used on the western and most visible section. Therefore, the proposed development, with its mix of industrial equipment, fenced compounds and access road would, from the areas identified above, be a harmful form of development that would cause significant landscape and visual impacts that would result in material harm.

7.94 However, the fact that the development would be temporary provides clear mitigation for this issue, that weighs in favour of the proposals. The applicant has applied for a 3-year consent, after which the land would be restored to agricultural use with all equipment, hard standings and access arrangements removed. The restoration plans show additional tree, hedge and wildflower planting that would benefit the long-term appearance of the site and its surroundings. Thus, in conclusion the development would result in harmful landscape impacts that would be contrary to the guidance contained within policies SP5, DM2 and DM12 of the Island Plan, but on a temporary basis.

Impact on heritage assets, cultural heritage

7.95 Paragraph 195 of the NPPF notes that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraphs 199 to 202 of the NPPF describe two levels of potential harm that can be caused to the significance of designated heritage assets, namely substantial harm and less than substantial harm. These effects are to be weighed in the planning balance according to the guidance set out within these paragraphs, bearing in mind the statutory provisions above within the 1990 Act. Paragraph 202 of the NPPF deals with cases of less than substantial harm and notes that any such harm should be weighed against the public benefits of the proposal.

7.96 Policy DM11 Historic and Built Environment notes that the Council will support proposals which conserve and enhance the special character of the Island's built and historic environment. Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017), provides for a thorough understanding of the setting of a heritage asset and the relationship of the

setting to curtilage, character and context and should be used to help make an assessment. The document advocates a stepped approach to assessing the impact of change within setting on the significance of heritage assets.

- 7.97** The applicants have provided an Archaeology and Cultural Heritage Assessment which assesses the impact of the development on heritage assets, including archaeological remains, listed buildings and conservation areas. The Assessment is based on desk-based studies and site visits. In undertaking the desk-based study, the Council's Historic Environment Record was consulted, along with information held by the County Record Office. The assessment is based on a study area of 1km from the centre of the site. The study has identified a number of heritage assets within the search area. Officers have visited the various heritage assets assessed below and viewed them in the context of the application site and its surroundings. As the site is located within a fold in the landscape, with little visual relationship to other nearby developments, officers are satisfied that there would be no cumulative impacts on heritage assets.

Archaeological heritage assets

- 7.98** The submitted information notes that the site is within the South Wight Sandstone and Gravel area as defined by the Isle of Wight Historic and Environmental Action Plan (HEAP). The Assessment notes that prehistoric activity is well represented within the search area surrounding the site, with evidence of Mesolithic flint scatters approximately 850m northwest of the site and further flint scatters dating from the Neolithic period along with cropmarks and earthworks in the form of a ditch, a bank and large cut feature approximately 820m northeast of the site. In addition, a series of ring ditches visible as cropmarks are located around 810m south of the site, with the marks believed to represent Bronze Age round barrows. The Assessment advises that a scatter of 15 to 20 pits are adjacent to the possible barrow.
- 7.99** The Assessment refers to several other archaeological assets within the search area, including further cropmarks, finds of Bronze Age and medieval pottery and flint scatters. Despite the relatively high number of known Roman sites on the Island, the Assessment advises that only two examples of Roman era activity have been recorded within the search area. These include metal detector finds at Arreton Farm and pottery found north of the application site. In addition, there have been various medieval finds such as a 6th century brooch and later thimble as well as a circular ditch and square enclosure. The Assessment refers to the Motkin boundary, a boundary that ran 18km in a north-south direction approximately 260m east of the site. Officers are aware that the Motkin boundary was found to have passed in close proximity to the Anaerobic power station east of the site, with the feature assessed as part of the planning permission for that development.
- 7.100** The Assessment concludes that the application site is of high archaeological potential and as a result, buried remains could be encountered and that as a result mitigation should be undertaken as a phased archaeological investigation, to be set out within a Written Scheme of Investigation to be agreed with the County Archaeological Officer.

7.101 The Council's Archaeological Officer has raised no objection to the development and confirmed that the applicant's Assessment has adequately assessed the known and potential heritage assets that may be impacted by the development. The officer has advised that all ground works related to the development have the potential to impact upon below ground archaeological deposits. As a result, the Archaeological Officer has recommended that if approved, a staged programme of archaeological works should be carried in advance of, and during phase 1 of the development. This would include pre-commencement trial trench evaluation, the results of which would inform the appropriate mitigation. As a result, it is considered that subject to the imposition of the condition recommended by the Archaeological Officer, the development would not compromise archaeological remains within the site and therefore comply with the requirements of policy DM11 of the Island Plan.

Conservation Areas

7.102 The Arreton Conservation Area is located approximately 550m east of the site. The applicant's Archaeology and Cultural Heritage Assessment concludes that the development would not have any adverse impact on the Conservation Area due to the distance between the two sites and the intervening topography, with the Anaerobic power station to the north east of the application site.

7.103 The Arreton Conservation Area was designated in 1983 and to date, no Character Appraisal has been undertaken. The boundary map for the Conservation Area is concentrated around the historic core of the village as well as farmland to the north and south. The core of the village comprises the Jacobean manor house that dates to circa 1639 and St Georges Church (south east of the manor) with sections dating from the Saxon and Medieval periods. Between the Church and the manor are various historic cottages and the former Manor Farm, now a series of gifts shops and cafés.

7.104 The Arreton Conservation Area is clearly formed of a historic rural village, centred around the historic manor and Church. However, the Conservation Area is a significant distance from the application site and does not share a visual relationship with it owing to intervening low hills, which act as a significant visual break. While at times the proposed drilling rigs and cranes may be visible from the northern higher sections of the conservation area, these would be temporary impacts and not likely to appear dominant given separation distances. Following completion of the works, there would be no impacts. Thus, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, officers consider that the development would not compromise the special architectural or historic interest of the conservation area. There are no further Conservation Areas that would share a visual relationship with the proposed development.

Listed buildings

7.105 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a duty on the Local Planning Authority to have special regard to the desirability of preserving listed buildings and their settings.

- 7.106** The applicant's Assessment refers to four listed buildings within the search area, these being Merstone Manor (900m south of the site), Great East Standen Manor (800m north of the site), Arreton Manor (1km north east of the site) and Broadfields Farm farmstead (950m south of the site). The Assessment also notes the presence of St Georges Church in Arreton, which is 1.2km north east of the site. Officers also consider that Stone Farm, Blackwater should be considered, lying approximately 1.6km west of site.
- 7.107** Great East Standen Manor is geographically the closest listed building to the site and is a Grade II listed building. The house is a substantial and impressive manor which comprises an 18th century front and 19th Century rear. The house occupies an elevated and isolated rural location and includes buildings that could be considered to be curtilage listed. However, it is located within a narrow valley and is north of Burnt House Lane. Between the manor, its related buildings and the application site are the steep slopes of St Georges Down and the vegetation that occupies them, meaning that the heritage asset shares no visual relationship with the application site. The Down itself would screen the site leading to no impact on the listed building or its setting.
- 7.108** Merstone Manor is located within the Arreton Valley and directly south of the application site and is a Grade II* listed building. Merstone Manor is a large and impressive Jacobean style house, built in 1605 by Edward Cheeke and renovated in the Victorian era. The principal frontage of the house faces west, where there are open views of the fields and woodland close to the River Medina. The curtilage of the manor is enclosed by a high brick wall and there are trees to the north of the house, that block views of the application site. Owing to the brick walls and trees within the manor's curtilage, its setting is relatively discrete and related to its own grounds as well as the farmland that immediately surrounds it. Being located a significant distance from the application site and due to screening, it is considered that the development would not impact on the listed building or its setting and therefore result in minimal impacts on its significance as a heritage asset.
- 7.109** Broadfields Farm is located to the east of Merstone Manor and comprises the Grade II listed farmhouse and a collection of modern farm buildings to the north and west. The farm buildings are of no architectural merit and are therefore not considered to be curtilage listed. The house is constructed of red brick and its principal elevation faces east and so away from the application site. Its curtilage is enclosed by a low brick wall and there are trees within the northern curtilage of the property that screen it from the application site. Glimpses of the proposed development would be available from the rear (western) and northern side elevation of the property but the significant intervening distances and screening effects of the topography surrounding the well compound would mean that very little of the development would be visually related to this listed building. Its setting is related to the significant complex of buildings to the south and west of the farmhouse, and also land to the south. But as stated above, screening would exist to prevent direct impacts to the listed building and its setting. As a result, it is considered that the impact to the listed building and its setting would be minimal.
- 7.110** Arreton Manor Farmhouse is a Grade II listed building located south of Arreton Manor and immediately adjacent to the Arreton Barns complex. The house is one

and a half storeys in height and built of stone, with timbered and brick sections above ground floor windows. However, its setting is related to the manor to the north, the barns to the south and farmland to the west. There would be no visual relationship with the development due to intervening topography, although the principal elevation faces west and therefore views of the drilling rigs and cranes would be possible when in use. However, the farmhouse and nearby buildings are located 1km from the application site and it is considered that the various cranes and rigs would result in a minor impact on the setting of the listed building and nearby buildings, which would be temporary. Therefore, it is considered that impacts to the listed building and its setting would be minor.

- 7.111** The impacts of the proposed development to Arreton Manor and St Georges Church would be similar to those of Arreton Manor Farm. Both would be largely screened from the development by the topography of the landscape to the west as well as the trees. The impact of the development on these listed buildings and their setting would therefore be minimal.
- 7.112** Stone Farm is a Grade II listed farmhouse that is situated to the west of the application site, within Blackwater. The house is constructed of Island stone and the principal elevation, which is stucco rendered, faces southeast comprising a double gabled elevation. While the house faces towards the application site in an oblique manner, the slopes of St Georges Down separate it from the application site and prevent impacts on its setting. The farm also contains a large listed barn, but again, impacts to this listed building would be prevented by the screening effects of St Georges Down. Therefore, there would be no impacts to the listed buildings or their settings.

Impact on nearby properties and uses

- 7.113** Paragraph 185 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 7.114** The application site is located within a rural area, away from residential areas. The nearest properties are Pyle Cottages, comprising two pairs of two-storey semi-detached houses located 0.6km to the south west and that face onto the A3056. Further west and approximately 1.5km from the site, is Stone Farm, which comprises a collection of residential properties that form the eastern edge of Blackwater, a small rural hamlet. Great East Standen Manor is located 0.7m to the north, beyond the summit of St Georges Down and within a long, narrow and rural valley. Merstone is the nearest settlement to the site, located approximately 0.7km south of the site and comprising a ribbon style hamlet of housing that continues for a distance of circa 750m. Arreton is a historic village, and this lies 1km east of the site.
- 7.115** A development of this nature can result in various impacts to residential amenity, through noise, reduction of air quality and light pollution. In addition, the presence of new development can impact on the general amenity of residential properties,

through the loss of privacy, outlook and natural light. These issues are assessed below:

General amenity

- 7.116** As noted above, the site is a significant distance from the nearest residential properties at Pyle Cottages. At such a significant distance and due to the screening effects of topography, it is apparent that the development would not result in impacts related to a loss of outlook, natural light or privacy to these properties. As properties within Merstone, Blackwater and Arreton would be situated at greater distances, they too would not suffer from a loss of privacy, natural light or outlook as a result of the development, noting that visual impacts have been assessed within the landscape section of this report.

Noise

- 7.117** The Government's Planning Practice Guidance includes detailed guidance in relation to noise. This sets out a hierarchy of noise exposure categories, and these are as follows:

No Observed Effect Level (NOEL)

The guidance advises that this is the level of noise exposure below which no effect at all on health or quality of life can be detected. Above this level noise can be heard but does not cause any change in behaviour or attitude. The guidance explains that noise can slightly affect the acoustic character of the area but not such that there is a perceived change in quality of life.

Lowest Observed Adverse Effect Level (LOAEL)

This is the level of noise exposure above which adverse effects on health and quality of life can be detected. The guidance advises that above this level noise can be heard and causes small changes in behaviour and/or attitude. Where a development caused noise impacts below this level, the guidance concludes that no specific measures would be required but where noise levels would be between LOAEL and SOAEL, the guidance reasons that consideration should be given to mitigating and minimising effects.

Significant Observed Adverse Effect Level (SOAEL)

This is the level of noise exposure above which significant adverse effects on health and quality of life occur. Above this level, the guidance reasons that noise causes a material change in behaviour and/or attitude. In cases where a development resulted in effects above SOAEL, the planning process should be used to avoid significant effects occurring.

- 7.118** Further detailed guidance is provided in respect of the methods for assessing noise from industrial and commercial developments. British Standard (BS) 4124 (2014) provides best practice for the methodology of assessing noise output from fixed installations and mobile plant (rating level) during the operational phase of the

development. BS 5228-1 (2009 & 2014) relates to construction and open field sites, providing detailed best practice guidance for assessing the noise generated by construction activities.

7.119 The proposed development would result in noise during the construction, operational and restoration phases from various equipment used on site, as well as traffic associated with the development. The applicants have provided a Noise Impact Assessment (NIA) in relation to the proposed development. This assesses the noise implications of the construction and operational phases (phases 1 and 2) with phases 3 (well abandonment and site decommissioning) and 4 (Restoration) said to be comparable to the noise generated by phases 1 and 2. The NIA also assesses the noise associated with traffic generated by the development. The NIA has assessed noise impacts on the six nearest residential properties, as shown within the table below:

Reference	Location	OS grid reference	Distance from centre of site (m)	Relevant baseline noise monitoring location
NSR 1	Great East Standen Manor	452435 E , 87047 N	690	NML 1
NSR 2	Pyle Cottages	451846 E , 86085 N	640	NML 2a, NML 2b
NSR 3	Merston Manor Farm Cottage	452145 E , 85455 N	950	NML 3
NSR 4	Merston Lane	452724 E , 85526 N	880	NML 4a, NML 4b
NSR 5	Chessell Butt	453366 E , 86666 N	990	NML 5
NSR 6	Arreton House	453141 E , 87097 N	1030	NML 6

7.120 To assess noise impacts, the NIA compares the noise generated by the development (noting noise output of noisy equipment) with existing background noise levels, and then assesses the level of noise that would be experienced at sensitive receptors, taking into account the mitigating effects of distance, in this case these being the nearest houses to the proposed development site. The predicted noise levels are based on the worst-case scenario of noise output from equipment. Noise levels are predicted as average levels over a one-hour period for both daytime and night-time periods. To inform this study, the applicant's noise consultants undertook background noise surveys to form baseline noise conditions within the surrounding area. This involved noise monitoring over three days and nights in June 2018. The results of the noise surveys are listed within the table below:

	Mean background sound levels			Log average residual sound levels		
	L _{A90} (dB)			L _{Aeq} (dB)		
	Day 07:00-19:00	Evening 19:00-22:00	Night 22:00-07:00	Day 07:00-19:00	Evening 19:00-22:00	Night 22:00-07:00
NML 1: Bridleway south of Great East Standen Manor	32	28	22	38	34	25
NML 2a: South west corner of Pyle Cottages (9m from A3056)	47	-	26	64	-	53
NML 2b: North east of Pyle Cottages (30m from A3056)	44	37	27	58	52	45
NML 3: Junction of Chapel Lane and Bridleway A34	36	30	25*	48	41	31
NML 4a: Junction of Merstone Lane and Industrial Road	37	-	27	57	-	34
NML 4b: Rear of Padan Arap	38	31	28*	45	35	37
NML 5: Rear of Chessell Butt	49	41	33	57	53	48
NML 6: Approx. 30m west from Downend Road, representative of Arreton House	45	37	25	54	48	42

7.121 The Council's Environmental Health Officer has advised the total noise from the operations at the site should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be imposed to reduce to any adverse impacts to a minimum, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property. The NIA considers the night-time SOAEL to be an average level of 45dB(A)Leq and the LOAEL to be 40dB(A)Leq (Table 2 of the NIA). Daytime SOAEL and LOAEL are each advised to be 10dB higher.

7.122 The NIA advises that the proposed construction activities would generate a worst-case scenario noise impact of 44dB during the daytime hours, at the nearest properties (Pyle Cottages). The submitted information confirms that no construction activities would take place outside of daytimes hours. The Environmental Health Officer has advised that noise levels from construction equipment have been assessed in accordance with the relevant British Standard. Following the submission of clarification from the applicant, the officer has raised no objection to the development in relation to construction noise and recommended that in the event of approval, conditions should be imposed to limit works to daytime hours and that a noise limit of 65dB LAeq should be imposed.

7.123 Operational works would be undertaken on a 24-hour basis. Regarding operational noise, the NIA has taken into account the use of drilling equipment as a worst-case scenario. This relates to the use of a 'top drive' drilling rig (using both a BDF rig 28 and BDF rig 51 as worst-case scenarios) for up to 15 weeks. Noise levels are used based on Pyle Cottages, where noise levels from night-time drilling are predicted to be 33dB(A)Leq, some 7dB above the measured background level but 7dB below the predicted LOAEL (see table 6 of the NIA). Testing and Appraisal activities are assessed based on the sound power levels of a coil tubing unit which is noted as

having a sound power level of 10dB more than the top drive drilling rig. The noise from the gas flare is based on a sound power level of 104dB(A). Night-time noise levels at the nearest residential property are assessed to be 37dB(A)Leq some 11dB above the background level and 3dB below the predicted LOAEL (see table 7 of the NIA).

7.124 Following clarification from the applicant regarding the noise output of operational equipment, the Environmental Health Officer has advised that the proposed development would result in noise levels above the current background level but concluded that effects could be satisfactorily limited by appropriate conditions. The officer has advised that daytime noise limits should be restricted to 65dB LAeq when measured 3.5m from the façade of a residential property and at night, the level should be reduced to 39dB LAeq. To achieve the required noise limits, the Environmental Health Officer has advised that conditions should be imposed to secure a scheme of noise mitigation measures along with a noise monitoring plan, which would outline how and where noise from the site would be monitored while operational.

7.125 Other conditions have been recommended by the Environmental Health Officer, which are as follows:

- All plant and machinery to be maintained and silenced in accordance with manufacturer's recommendations at all times.
- Vehicle reversing alarms to be switched off between 2300 hours and 0700 hours
- Daytime noise limit of 65dB LAeq & night-time noise limit of 39dB LAeq during any 1-hour period for any operation plant or machinery measured 1.2m above ground level and 3.5m from the façade of a noise sensitive building that faces the site
- Drilling, testing and appraisal to not exceed a maximum cumulative period of 41 weeks
- Construction phase works to be limited to 07:00 to 19:00 hours on Monday to Friday and 09:00 to 13:00 hours on Saturday with no working at any time on Sundays, Bank Holidays, Public or National Holidays
- That there should be no more than 30 two-way (15 in and 15 out) HGV trips to or from the site in any one day and that these should be restricted to 07:00 to 19:00 hours on Monday to Friday and 09:00 to 13:00 hours on Saturday with no working at any time on Sundays, Bank Holidays, Public or National Holidays

7.126 Noise levels for the traffic associated with the development have been based on phase 2 (drilling, testing and appraisal) of the development. This is because this phase would generate the greatest level of traffic, with subsequent phases generating less traffic. The applicant's traffic assessment compares existing levels of traffic for two locations: the A3056 south of Arreton and the A3020 north of Blackwater. The proposed traffic levels for the development are then added so that a comparison of existing traffic noise levels and then with those related to the development can be made, as shown by the table below:

Road link reference	Baseline (2018)				With Development				Change in Basic Noise Level (BNL)
	18hr AADT (total both ways)	%HGV	Speed (km/h)	Basic noise level (BNL)	18hr AADT (total both ways)	%HGV	Speed (km/h)	Basic noise level (BNL)	
Phase 2 (Drilling, testing and appraisal)									
A3020 (ID: 56959)	13890	3.1%	97	72.8	13980	3.3%	97	72.8	0.0
A3056 (ID: 17547)	8888	3.2%	97	70.8	8978	3.5%	97	70.9	0.1

7.127 The table shows existing noise levels for traffic using these two locations, known as the baseline noise level (BNL). The second part of the table shows BNL with traffic. This shows no change in BNL for the A3020, and a 0.1 change in BNL for the A3056, which the NIA considers to be negligible. The Council’s Environmental Health Officer has advised that based on the stated traffic flows, that road traffic noise associated with the development would have a negligible impact provided that vehicles entered and exited the site during daytime hours, as outlined within the submitted information.

7.128 It is apparent that the site is not within close proximity to residential properties, with those closest being situated approximately 0.6km from the site. The Environmental Health Officer has not queried the methodology that the NIA uses to assess noise from the various phases of the development. Officers note that the methodology takes into account both Government policy advice related to noise and how it can affect nearby properties and uses as well as the best practice advice that outlines the methodology for assessing it. The submitted information has taken into account the baseline noise conditions for the site and surrounding area, particularly those locations that include residential properties, which are sensitive to processes that result in noisy activities.

7.129 The Council’s Environmental Health Officer has considered the information provided by the applicant, along with clarification information requested in respect of the various noise levels for equipment to be used at the site. Taking into account the officer’s comments it is considered that that subject to the conditions recommended being imposed, that if approved the development would not compromise the living conditions of occupants of nearby sensitive receptors.

Light Pollution

7.130 The applicant’s information shows that various forms of external lighting would be used at the site, including lights on the various containers, equipment and storage units within the compounds. Higher light sources would be fitted to the rigs to be used at the site, and these would be in the form of fluorescent linear lights which would face downwards and four temporary/moveable lighting towers each comprising four 1000w lamps. As noted within the AONB Partnership’s comments, all external lighting would be down facing and/ or fitted with hoods and side spill shields in order to prevent glare or upward light pollution. In addition, the gas flare fitted to the site equipment could cause light pollution, but this would be shrouded or fully enclosed. The site would be used at night during the operation phase (phase 2) and even in the phases that would operate at daytime, in early mornings or late evenings during Winter months, external lighting would be required.

7.131 The Institute of Lighting Professionals (ILP) issues best practice guidance for assessing light pollution and relevant to this proposal is their classification guidance for determining the existing lighting environment for various areas, termed Environmental Zones. These include National Parks and AONBs (E1) where the lighting environment is said to be intrinsically dark, rural areas (E2) where the lighting environment is said to be ‘low district brightness or suburban areas (E3) where the lighting environment is said to be medium district darkness. For each of these areas, the ILP guidance then apportions obtrusive light limits for exterior lighting installations in relation to sky glow, light trespass and source intensity. These limits are outlined within the table below:

Environmental Zone	Max Sky Glow ^(a) (%)	Light Trespass (into windows) E _v (lux) ^(b)		Source Intensity I (kilo candelas – kcd) ^(c)	
		Pre-curfew	Post-curfew	Pre-curfew	Post-curfew
E0	0	0	0	0	0
E1	0	2	1 ^(d)	2.5	0
E2	2.5	5	1	7.5	0.5
E3	5.0	10	2	10	1.0
E4	15.0	25	5	25	2.5

7.132 The applicants have provided a Lighting Assessment, and this assesses the impact of external lighting upon nearby properties, both within and outside of the AONB. This Assessment reasons that the site and its surroundings are rural in nature and within a district of low brightness, falling within the E2 environmental zone for the purposes of ILP guidance. Officers agree with this assessment, as the site is close to existing light sources such as the nearby quarry and AD power station, which generate night-time lighting. The Lighting Assessment has been undertaken using 12 properties located close to the site and these are shown on a map within Appendix C of the Assessment. Properties assessed include Pyle Cottages, Arreton Manor and the northern most houses within Merstone.

7.133 The Lighting Assessment concludes that the obtrusive light limits set out within the ILP guidance (see table within para. 122 above) would not be exceeded at any of the 12 residential properties in respect of sky glow, light trespass or source intensity, subject to the following mitigation measures being employed:

- rotate all derrick (rigs and cranes) luminaires orientated in the vertical plane, such that they become orientated in the horizontal plane
- aim all derrick luminaires downwards and not ‘inwards/outwards’
- adopt a 0° uplift angle for lighting tower luminaires
- replace the dome luminaires with LED low bay luminaires
- adopt a 0° uplift angle for cabin-mounted floodlights
- replace the 2 x 36 W fluorescent linear luminaires with LED equivalents with a suitable downwards light distribution, and
- install 1000 x 1350 mm galvanised sheet steel hoods over all linear luminaires. Where the linear luminaire is fixed up against a vertical surface then the dimensions of the hood may be reduced down to 500 x 1350 mm,

and

- install 300 mm galvanised sheet steel shields to 3No. sides (north, east & west) of the 4No. highest linear luminaires attached to the derrick

7.134 The Council's Environmental Health Officer has not objected to the development in relation to light pollution. The officer has agreed with the conclusions of the Lighting Assessment, advising that statutory nuisance as a result of lighting would be unlikely, subject to the mitigation measures within the Lighting Assessment being employed.

7.135 The separation distances between the site and nearby properties and uses would provide significant mitigation for this issue, as would intervening topography and natural screening. In addition, the submitted information shows that lighting would be confined to the site and not result in excessive light pollution when viewed from outside of the site. However, as noted by the Environmental Health Officer, several properties would have direct views of the lighting and although not a reason for statutory nuisance, mitigation measures would be required. The Officer has advised that a final lighting scheme should be agreed prior to commencement (in the event of approval) based on the principles of the Lighting Assessment. It is considered that subject to this final scheme being agreed via conditions, that the development would not compromise nearby sensitive receptors as a result of light pollution.

Air Quality

7.136 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

7.137 The applicant's Air Quality Assessment (AQA) advises that the principal sources of pollutants from the site would be stationary and mobile plant and vehicles. These would include diesel fuelled generators and stationary engines, machinery used during the construction and restoration phases (such as excavators) and the movement of heavy goods vehicles over the duration of the development. In addition, the gas flare would release natural gas during the flow testing phase of the development (phase 2). The AQA assesses the impact of specific pollutants from the development which would be nitrogen oxides, sulphur dioxide, carbon monoxide, particulate matter (PM₁₀ & PM_{2.5}) and volatile organic compounds, which for the purposes of this application is benzene.

7.138 The Air Quality (Standards) Regulations 2010 set limits for concentrations of certain pollutants, when measured over a specified period of time. These limits are those that are considered acceptable in relation to health and the environment. The table below, outlines the limits attributed for the relevant pollutants for this development:

Pollutant	Basis	Concentration
Carbon monoxide (CO)	running 8 hour mean across a 24 hour period ^c	10 mg/m ³
Nitrogen dioxide (NO ₂)	1 hour mean (99.79 percentile – 18 exceedances per year)	200 µg/m ³
	annual mean	40 µg/m ³
Sulphur dioxide (SO ₂)	<i>15 minute mean (99.90 percentile – 35 exceedances per year^a)</i>	<i>266 µg/m³</i>
	1 hour mean (99.72 percentile – 24 exceedances per year)	350 µg/m ³
	24 hour mean (99.18 percentile – 3 exceedances per year)	125 µg/m ³
PM ₁₀	24 hour mean (90.41 percentile- 35 exceedances per year)	50 µg/m ³
	annual mean	40 µg/m ³
PM _{2.5}	annual mean	25 µg/m ³
Benzene	annual mean	5 µg/m ³

7.139 The AQA has assessed current background air quality for the area surrounding the application site, using an area approximately 2km in radius from the application site, which set out within table 2.4 of the AQA. As noted by the AQA, the Island does not have any Air Quality Management Areas (locations that are likely to exceed the national air quality objective for a specific pollutant). The AQA also assesses air quality impacts on 13 nearby residential properties and in 55 locations within nearby rights of way (see figure 3.1 of the AQA for their locations). The background concentrations for the area are then compared to the likely emissions from the development site to show whether limits would be exceeded. The AQA also takes account of ground conditions, weather patterns, including cloud cover and wind speed/ direction and any nearby buildings and also the cumulative effects of nearby existing operations, including the quarry to the east and the AD power station to the west.

7.140 The AQA advises that the drilling and appraisal phases of the development would be the most energy intensive and result in the greatest pollutant releases. The AQA reasons that air pollutant contributions from the site operations would be localised and occur just within the site boundary to the north east. But beyond this area, the AQA advises that contributions from pollutants would reduce significantly because they would be dispersed over distance. The AQA also concludes that it would be unlikely that pollutants would cause significant threat to environmental standards at nearby residential properties or the rights of way network. The AQA advises that assumptions within the report are conservative, using modelling that would over-estimate likely pollutant emissions from the development. The AQA also advises that greenhouse emissions from the development would be insignificant in relation to the UK's budgets.

7.141 In addition, the AQA has assessed likely dust emissions from the site. These relate to construction and restoration activities, such as soil stripping, earth moving, excavations, traffic movement, soil storage mounds and transfer of materials to and from lorries. The AQA reasons that the impact of dust on human health would be low, based on the distance between the site and the nearest properties, Pyle Cottages. The AQA notes a lack of natural mitigation through surrounding tree cover but notes that the nearest properties are distant from the site (0.6km).

7.142 The Institute of Air Quality Management advises that the effects of dust can occur up to 500m from large sites, 200m from medium sites and 50m from smaller sites. The AQA classifies the proposed development as a smaller site and thus reasons that a measurement of 50m is relevant, from the access road that would serve the development. Therefore, the AQA concludes that the impact of dust on human

health would be low because the nearest properties are a significant distance from the site. This conclusion is made without the effects of mitigation measures. However, the proposals set out mitigation measures that would include the following:

- A construction environmental management plan (CEMP), incorporating best practices, will be employed during the construction phase
- Material deliveries and stockpiles on site will be sheeted to prevent windblown dust releases
- Loads entering and leaving the site will be sheeted, where appropriate, to prevent windblown dust releases
- In dry periods a bowser will be available to dampen any dry and dusty road surfaces to minimise entrainment of dust
- Vehicle wheel washing facilities will be available to minimise the transfer of site dust on to the road network

Officers consider that the above measures are standard for minerals sites, which include heavy vehicle movements and the excavation, movement and storage of soils. These measures are used regularly on minerals sites on the Island, and it is considered for a site of the relatively limited size proposed through this development, these measures would prevent excess levels of dust.

7.143 The Council's Environmental Officer has raised no objection to the development in respect of air quality, confirming that the submitted AQA has been conducted in accordance with the relevant air quality guidance. The officer has concluded that the assessment results show pollutant process contributions from the site operations to be localised to the well site and would have no impact on human exposure at nearest residential properties or any other relevant locations were people would be exposed (remain for 1 hour). The site is located within an isolated area that is a significant distance from residential properties. In addition, the area is not the subject of high concentrations of airborne pollutants and the information provided has demonstrated that proposed development would not result in air quality standards being exceeded. As a result, subject to the mitigation measures set out within the AQA being secured by condition and implemented, it is considered that if approved, the development would not compromise the air quality of the surrounding area, either alone or in combination with existing nearby sources.

7.144 During the consultation process, members of the public have also commented that the proposals could compromise the amenity of residents distant from the site as a result of traffic movements. Page 27 of the applicant's Transport Statement shows the likely route for vehicles accessing the site, and this would direct most traffic to the ferry port at East Cowes, via Arreton, Wootton and Whippingham.

7.145 The Council's Environmental Health Officer has noted that it is predicted that there would be on average 15 HGV movements per day (excluding weekends) during the operation phases of this development. Guidance from DEFRA and IAQM show the issue which causes increases in pollution from changes to traffic flows include the stopping and starting of vehicles but does not highlight slow moving traffic as a significant contributor. The officer has advised that the Institute of Air Quality

Management guidance document 'Land-Use Planning & Development Control: Planning for Air Quality' outlines that a development would have a potential to impact on air quality and investigations are necessary, if there was an increase of 100 HGVs per day. Based in the number of HGV movements per day, the officer concludes that the development would cause only a negligible increase in pollution.

Conclusion on impact on nearby properties and uses

- 7.146** It is considered that when taking into account the information submitted in relation to noise, light and air quality issues, and taking into account the comments received from the Environmental Health Officer, that the development would not alone, or in combination with other existing uses, compromise the amenity of nearby residential properties or uses as a result of noise or light pollution or impacts on air quality. The site is distant from residential properties and other uses and this would assist in mitigating these impacts, along with site specific mitigation. As a result, it is considered that the development would not harm the amenity of residential properties or other uses.

Impacts on ecology and biodiversity, including trees

- 7.147** The Conservation of Species and Habitats Regulations 2017 (as amended) (The Habitat Regulations) require that the Council must exercise its functions which are relevant to nature conservation so as to ensure compliance with the requirements of the Habitats and Wild Bird Directives, this European legislation being transposed into UK legislation by these regulations. Furthermore, the Natural Environment and Rural Communities Act 2006 (as amended) (The NERC Act) also places a duty on the Council to have regard to the conservation of biodiversity when exercising its functions.
- 7.148** The NPPF at paragraph 170 states that the planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value as well as minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Environment Bill sets out the Government's approach to protecting and enhancing the natural environment in the future. The Bill was due to be given Royal Assent last year, but due to the impact of the pandemic, this was delayed and is now likely to be put before Parliament in the Autumn. The Bill will include a requirement for 'biodiversity net gain' for most development. This would require the biodiversity attributable to the development to exceed by at least 10% the pre-development biodiversity value of the 'onsite habitat', which is defined as the habitat on the land to which the planning permission relates.
- 7.149** Policy SP5 of the Island Plan requires development proposals to protect, conserve and or enhance the Island's natural environments. Policy DM12 of the Island Plan requires development proposals to conserve and enhance the biodiversity interest of the Island, to protect the integrity of international, national and local designations relating to biodiversity, to avoid direct and indirect adverse impacts upon the integrity of designated sites and where necessary to provide appropriate mitigation measures.

- 7.150** Members of the public have raised concerns that the proposed development would result in detrimental impacts on local wildlife including protected species such as badgers, bats, moths, great crested newts and red squirrels. Concerns have also been raised regarding the loss of hedgerows to form the vehicle access and that the species surveys were undertaken in 2018. Concerns have also been raised that the development would be contrary to the UNESCO Biosphere Reserve status granted to the Isle of Wight in 2020.
- 7.151** The application site does not include high amenity trees, with boundaries enclosed by a mix of hedgerows and low trees, that are typical of field boundaries within the area. The Council's Tree Officer has raised no objection to the proposals, advising that no high amenity trees would be impacted upon and advising that a condition could be imposed to ensure protection of trees. It is considered that subject to the recommended condition being applied in the event of approval, that the development would not compromise trees within close proximity to the proposed works.
- 7.152** The nearest ecological designations to the site are Sites of Importance for Nature Conservation (SINC). SINC C123 St Georges Down (500m north and north west) is a heathland and nutrient poor acidic grassland. The SINC supports notable assemblages of lichens and flora. Located 500m to the east of the site is the Perreton Down and Marshes SINC, which supports species rich grassland, comprising a mix of native flora, including yarrow and birds-foot trefoil. In addition, the Arreton Down Site of Special Scientific Interest (SSSI) is approximately 1.3km north east of the site and supports a chalk grassland habitat.
- 7.153** Chapter 7 of the ES is an Ecological Impact Assessment, and this outlines that surveys of the site were carried out in March 2018 and that subsequent protected species surveys were completed in summer 2018. The Council's Ecology Officer has commented that whilst now 3 years old it is considered that the findings of the surveys are still relevant as no significant changes to the site or surroundings have occurred in this time. The information included a phase 1 habitat survey as well as separate bat, badger and dormouse surveys. In addition, the ES considers the various international, national and local designations that are close to the site and the species records for the surrounding area, held by the Council.
- 7.154** The application site is not itself designated for ecology reasons and is formed of an arable field that comprises grassland margins, bordered by hedgerows. The surveys undertaken by the applicant showed that the grass margins that surround the northern and southern boundaries of the site include various grasses and plants. These grass margins and hedgerows surrounding the field have been considered to be Habitats of Principal Importance, as defined by the NERC Act (2006). The plans show that a 43m section of hedgerow adjacent to the A3056 would be removed to form the site access and the ES considers this to be defunct and species poor, consisting of large gaps. A section of hedgerow to be intersection to allow access across the right of way and into the site compound has also been considered to be species poor, due to gaps greater than 20m in length.
- 7.155** The species surveys undertaken in relation to the site found no records of great crested newt or other notable amphibians within 1km of the site and surrounding

area, principally because there are no waterbodies within 250m of the site. Records do show that there are various reptiles within close proximity to the site, including adder, slow worm and grass snake, with adder and grass snake recorded within 400m of the site. The ES concludes that the site is unlikely support these species, due its use as arable farmland, but that reptiles could be present within the grass and scrubland next to the site. The ES concludes that the development would not impact on reptiles.

- 7.156** In relation to breeding birds, the ES advises that the site may well be used by ground nesting birds during the nesting season (March to August), but that due to the limited size of the site it is likely that no more than one or two pairs would be present. It also notes that skylarks and lapwings may be present and that the hedgerows at the site may well be used by a low number of common breeding birds. The ES concludes that the habitats present within the site and surrounding area are ubiquitous within the wider local area, which is dominated by a mix of arable farmland and permanent pastures.
- 7.157** The ES advises that bat surveys were undertaken at the site and that these detected six species of bat, with presence greater between May and June and reduced activity between July to October. The ES reasons that the hedgerows and margins surrounding the site are of potential value for foraging and commuting bats moving through the wider landscape, but of limited value for roosting owing to the lack of tree cover. The ES concludes that the site is not likely to represent key foraging or commuting habitat for bats.
- 7.158** Badger surveys have been undertaken and these have shown that badgers reside close to the site and use the area for foraging. The ES however concludes that setts and activity are far enough from the site to ensure that impacts are unlikely. Dormouse surveys were also undertaken, due to the potential for habitats to be supported by surrounding hedgerows. These surveys showed that hazel dormice were present at the site.
- 7.159** Mitigation measures would be undertaken to mitigate the effect of the development on particular species close to or within the site. In the case of breeding birds, the ES advises that works to hedgerows or scrub would be carried out outside of the nesting season (March to August inclusive) and that should works be required during this period, an ecologist would survey the site to ensure that bird nests were not in use. If found to be used, then works would cease, an exclusion zone would be provided and then works would only recommence once nests were no longer in use. Once operational, the ES advises that some noise and visual impacts would result in temporary and minor impacts that could cause some displacement of a small number of nesting pairs, but that species would adopt to changing conditions and if displaced, settle in nearby similar habitats.
- 7.160** Regarding bats, the ES advises that no bat roosts are present at the site and so the development would not result in loss of roosts. The ES notes that noise generated by the working area may impact on bats, but reasons that the area of the well-pad and its surroundings are used by limited numbers of bats. The ES concludes that impacts on bats would be insignificant, given the abundance of nearby higher value feeding habitats.

- 7.161** In terms of hazel dormouse, the noted habitat for this species is a section of hedgerow that forms the western boundary of the site. The ES advises that this hedgerow would not be impacted but that a 45m section of hedge adjacent to the A3056 would be removed, to allow access, and thus have the potential to result in adverse impacts on nesting or hibernating dormouse, warranting mitigation measures. The ES states that the hedgerow would be replaced following completion of the works but also confirms that replacement planting of an equivalent length of hedgerow along with additional shrub and tree planting to secure 'net gain' would be undertaken in the first planting season following commencement of the development.
- 7.162** In addition, the submitted information confirms that any works related to hedgerow removal would be undertaken in accordance with a Protection of Species Mitigation License, that would be assessed and issued by Natural England. The License would set out the timing of any works, replacement habitat requirements and a method statement for the works, that would be overseen by an ecologist in order to avoid disturbance of dormice.
- 7.163** Regarding enhancement and restoration, the submitted information confirms that a scheme of hedgerow replacement, tree planting and habitat creation would be undertaken in order to delivery 'net gain.' The scheme of enhancement is set out within the Landscape Environment and Biodiversity Restoration and Enhancement Plan, at Appendix 3:2 of the ES. This states that the following restoration works would be undertaken immediately following the completion of the construction phase:
- Native hedge planting to offset that loss during Phase 1 in the creation of a new Site access in-off the Newport to Sandown Highway (A3056)
 - Grassland and wildflower seeding to be under sown with the offset planting to mitigate the loss of the hedgerow along the (A3056)
 - Native tree planting and application of woodland grassland wildflower seed mix to create new habitat
 - Enhancement/'gapping up' of degraded hedgerows surrounding the access and well site compound
 - Grassland and wildflower seed mix to be sown along the route of the proposed access track and beneath the existing field hedgerows to the edge of the Site area to create habitat rich field margin
 - Native tree planting within hedgerow margins to bolster the green infrastructure value of these landscape elements
 - Creation of refugia and log piles for terrestrial invertebrates (taking care to keep them away from the cultivated field margin so they do not interfere with agricultural activities)
 - Installation of 5 nesting bird boxes suitable for farmland birds and 5 bat boxes on mature trees to provide new opportunities for nesting birds. The boxes shall, where possible, be placed over 50m from the site
- 7.164** In addition, following completion of the development, the site would be restored to its previous agricultural state. The Landscape Environment and Biodiversity Restoration and Enhancement Plan states that following the completion of phase 4 (restoration), enhancement and restoration measures that would be undertaken in

relation to biodiversity, as listed below:

- Native hedge planting to reinstate that lost during the creation of the new site access adjacent to the Newport to Sandown Highway (A3056)
- Grassland and wildflower seeding to be under sown with the reinstatement hedgerow planting
- Proposed native tree planting and application of woodland grassland wildflower seed mix to create new habitat
- Enhancement/ 'gapping up' of degraded hedgerows in the adjoining fields
- Grassland and wildflower seed mix to be applied to the land that hosted the access track to create habitat rich field margin
- Native tree planting within hedgerow margins to bolster the green infrastructure value of these landscape elements
- Allowance for an unmanaged transitional strip along the northern field boundary (closest to the St Georges Down SINC, as arable field margin habitat buffer

7.165 The information confirms that the proposed planting would be undertaken and managed in accordance with best practice standards. Following planting, the new trees and hedgerows would be inspected on an annual basis for 5 years, with remedial action undertaken to remove weeds or diseased plants. The information shows that suitable native species of trees, hedges and plant mixes would be used for the site. The proposed grassland and wildflower areas would be mown to a height of 40 – 60mm in the first summer following planting, with any weeds to be removed at that time. After that, the areas would be cut twice a year to a height of 150mm.

7.166 The Council's Ecology Officer and Natural England have raised no objection to the proposed development. In particular, Natural England have agreed with the Air Quality Assessment, which concludes that the impact of air pollution on ecology would be negligible and therefore, not significant. In addition, Natural England have agreed that significant effects on two European designated sites (Bridlesford Copses SAC and the Isle of Wight Downs SAC) would be unlikely and raised no objection in respect of the Arreton Downs SSSI. The Ecology Officer has raised no objection to the restoration scheme but requested that a Biodiversity Environment Management Plan is secured by condition to ensure that the requirement for net gain is met, along with a long-term management plan for the agreed enhancements.

7.167 The applicant's information outlines that in respect of the St Georges Down SINC, levels of acid deposition would be below levels considered to be insignificant for local designated sites by the Environment Agency, which would be less than 100% of the long-term environmental standard. The applicant's information considers that levels as a result of the development would be 37.8% for nutrient nitrogen and 35% for acid deposition. The applicants also consider that impacts on wildlife as a result of lighting, noise and dust pollution are set out within the submitted Lighting Impact Assessment, Noise Impact Assessment and Air Quality Assessment and have suggested that fine detail could be submitted via pre-commencement conditions in the event of approval. With respect to flaring, the applicant has commented that mitigation measures would be in place to prevent excess impacts as a result of

light pollution, such as shrouding the flare and limiting releases to 10 tonnes per day, as required by Environment Agency permits.

- 7.168** The submitted information also refers to the mitigation measures that would be undertaken to protect dormice along with the proposed restoration scheme set out within the Landscape Environment and Biodiversity Restoration and Enhancement Plan, that would aim to enhance habitat following the completion of the development. Based on the information provided, the Ecology Officer and Natural England have raised no objection to the proposals.
- 7.169** It is apparent that much of the land at the site is in agricultural use and therefore, the proposed compound and access arrangements would predominately take place within areas of the site that are ploughed and harvested on a yearly basis and that lack habitat. However, the surrounding network of hedgerows and filed margins have been shown to support a range of protected species, and the fields themselves provide opportunities for foraging and movement. However, the submitted information has shown that impacts to protected species would be limited and temporary and that long-term enhancement measures would deliver a significant gain to the current ecological baseline for the site. As a result, it is considered that subject to pre-commencement conditions, the proposed development would comply with the requirements of policies SP5 and DM12 of the Island Plan and the relevant guidance contained within the NPPF.

Cumulative affects

- 7.170** The site is located within close proximity to various industrial developments, including the quarry that is 1km to the west and the anaerobic power station that is 200m to the east. There are no extant planning permissions or known proposed developments within close proximity to the site. The quarry includes various uses such as the asphalt production plant, inert recycling facility and two sites that are used to extract sand and gravel (see the history section for planning permissions). All have been assessed via the planning process and been found to cause acceptable levels of impact on site specific ecology.
- 7.171** The anaerobic power station was constructed under a 2013 planning permission and then varied under a 2018 planning permission. Ecology surveys undertaken in relation to the planning application showed that the site was ecological poor, having been actively farmed for many years. The scheme set out proposals for a planting and landscaping scheme that would enhance biodiversity, with the scheme gaining support from the Council's Ecology Officer and Natural England. Regarding the nearby St Georges Down SINC, it was concluded that only the construction phase of the development had the potential for impacts on the designation. The site is now operational and based on previous conclusions from statutory consultees, it is considered that it does not impact on the SINC. As a result, it is considered that the proposed development would not result in cumulative effects on ecology, when taking into account existing developments.

Impact on Isle of Wight UNESCO Biosphere designation

- 7.172** Some of the objections to the development have referred to the impact that the

proposed development would have on Isle of Wight UNESCO Biosphere designation. The Isle of Wight was designated as an UNESCO Biosphere reserve in 2019. The UNESCO website outlines that:

“Biosphere reserves are ‘learning places for sustainable development’. They are sites for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity.”

- 7.173** The designation identifies the ecological characteristics of the IOW represents a unique assemblage of species highlighting the nexus between the northern most point for some species and the southernmost point for others. It also highlights the uniqueness of the Island’s woodlands for the co-existence of stable populations of red squirrels, hazel dormouse, Bechstein bat and barbastelle bat.
- 7.174** The socio-economic characteristics are referred to as being a “strong, modern manufacturing sector in comparison with south east England, as a result of companies and local supply chains in marine industries, aerospace, and composite material production; plus a healthy level of self-employment and micro-businesses, many of which are attracted by the quality of place offered by the Island. These, allied to the visitor economy and the offer to tourists, provide the opportunity for sustainable growth.” (Isle of Wight Biosphere Reserve, United Kingdom (unesco.org)). The importance of tourism to the Islands economy is also highlighted, although the changes to holidaying over the last 30 years is acknowledged, which has resulted in a gradual decline.
- 7.175** As set out above, the proposed development is not considered to have an unacceptable impact on trees or protected species and would result in socio-economic benefits and as such, officers consider that the proposed development would not compromise the designation, which is focused on allowing sustainable development to take place.

Appropriate Assessment

- 7.176** When making decisions Planning Authorities are bound by the terms of the Habitats Regulations, which aim to conserve natural habitats and wild species. A Habitat Regulations Assessment (HRA) is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects. For the purposes of the Habitat Regulations, European sites are SPAs and SACs and the requirement for an HRA will apply whether these are formally designated or proposed for designation. In addition, Ramsar sites also fall within the scope of the Habitat Regulations. The HRA tests whether the plan or proposal could significantly harm the designated features of a European site.
- 7.177** If it is concluded that there would be a likely significant effect, or that there is uncertainty as to whether such an outcome is likely, then an Appropriate Assessment must be undertaken to establish whether there would be an adverse effect on the integrity of European sites. If an adverse effect is shown, then the potential for alternative solutions is assessed and if not, then an assessment is

made as to whether there would be Imperative Reasons of Overriding Public Interest (IROPI) for the development to proceed subject to compensatory measures being secured.

- 7.178** In this case, the applicants have provided an HRA and Appropriate Assessment, which has assessed the likely impacts of the proposed development in European sites. The HRA is underpinned by the desk-top and site surveys within the ES, which are described above. The HRA correctly confirms that there are no European sites adjacent to the site, but that the Briddlesford Copses SAC is 3.1km north east of the site and designated for populations of bat which could use the site for foraging. In addition, the HRA advises that the Briddlesford Copses SAC, Solent Maritime SAC, Solent Southampton SPA and Ramsar and the Isle of Wight Downs SAC could be affected as a result of air quality issues. The HRA also confirms that the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA and South Wight Marine SAC are all hydrologically linked to the site.
- 7.179** The HRA lists the interest features and conservation objectives for each of the European sites that are linked to the application site, by virtue of air, light or hydrology. The HRA also sets out the risks to the integrity of the sites and the effects of the proposed development, either alone or in combination with other plans and projects. The HRA concludes that impacts to European sites as a result of air quality, disturbance from the construction phase or lighting would not be significant and therefore, could be screened out at the Likely Significant effects stage of the HRA.
- 7.180** However, the HRA advises that water quality impacts to European sites could be significant and therefore, undertaken an Appropriate Assessment that focusses on this issue. The European sites that would be vulnerable to water quality impacts would be the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast SPA, which would be hydrologically linked to the development as a result of the Medina River, and the South Wight Marine SAC, which would be linked via the Eastern Yar due to water augmentation related to the River Medina.
- 7.181** The applicant's Hydrogeological Risk Assessment for the development sets out the risks to water quality (see section below) and outlines how these risks could be acceptably managed to reduce risks to a not significant level. As the Assessment advises, the well compound would be underlain by a membrane to break the source-path-receptor process for surface water. A surface water drainage system would be put in place to form a sealed system, with all surface water and potential contaminants collected and taken by tanker to be disposed of at appropriate waste treatment plants.
- 7.182** The well itself would be constructed in accordance with relevant best practice guidance and be operated in accordance with the strict permitting and licensing regimes operated by the EA, HSE and OGA (see ground water section below). In addition, during the decommissioning and restoration phases, all waste water would be removed from the site by tanker. The membrane would be carefully removed and disposed of at an approved waste management site and underlying

soils would be tested for contaminants and if required, be remediated in accordance with an agreed scheme (see the contamination section of this report).

- 7.183** The Appropriate Assessment advises that with the robust program of embedded and additional mitigation and monitoring proposed the potential for any effect is 'Unlikely' which equates to 'no likely significant effect' or adverse effect. As a result, the Appropriate Assessment concludes that impacts as a result of water quality would not cause an effect on the integrity of the European sites with hydrological connectivity to the Proposed Development. The Council's Ecology Officer and Natural England have reviewed the HRA and Appropriate Assessment and confirmed agreement with its findings. As a result, the Council's Ecology Officer has advised that the Planning Authority in its role as competent authority can adopt the HRA and Appropriate Assessment. As a result, it is considered that the proposed development would not result in significant impacts on European sites, either alone or in combination with other plans and projects.

Flood risk, hydrology and geology

- 7.184** Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Policy DM20 (Minerals) of the Island Plan states that mineral related development proposals will be expected to demonstrate how they avoid the principal environmental and nature conservation impacts including ground and surface water. Policy DM14 (Flood Risk) explains that the Council will expect development proposals to reduce the overall and local risk of flooding on the Island.
- 7.185** The proposed development would introduce a proposed exploratory borehole and involve processes that without mitigation, could impact on water quality and indirectly, human health and ecological designations. The Solent and Dorset Coast Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water SPA/RAMSAR and South Wight Maritime SAC are all hydrologically linked to the site due to the natural drainage to the River Medina or through water abstraction within the area.
- 7.186** The Health and Safety Executive (HSE) are responsible for enforcement of legislation concerning well design and construction and the Environment Agency would control mining waste activities, ground water activity and installations that cause emissions through permits. The Agency would assess impacts on ground and surface water as well as on the environment and human health. PPG paragraph 112 states that for issues that are covered by other regulatory regimes Minerals Planning Authority's should rely on the assessment of the regulatory bodies and will need to be satisfied that these issues can or will be satisfactorily addressed by taking advice from the regulatory body.
- 7.187** Many objectors have raised concerns in respect of the impact that the development would have on water supplies along with potential pollution of the River Medina and East Yar River and the ecological designations and wildlife that they support.

Concerns have been raised in respect of leaks from the well or the drilling rig along with potential impacts on land stability and the accuracy of geological data that has been provided.

Flood risk and surface water management

- 7.188** The application site is located within flood risk zone 1 and therefore, at a very low probability of flooding as a result of a storm event. As a result, the applicant is not required to undertake the Sequential or Exceptions Tests laid out within the NPPF. Nonetheless, the development site exceeds 1 hectare in area and therefore a Flood Risk Assessment (FRA) is required. The site should be designed to take account of potential flooding caused by high rainfall, particularly given the nature of the proposed use. The submitted information shows that the proposed well compound would be used to store various chemicals, fuels and lubricants as well as the waste materials caused by the drilling operations and these would also be transported to and from the site. The use, movement and disposal of these potential contaminants would be controlled by the Environment Agency, nevertheless their safe storage, movement and measures to prevent contamination as a result of surface water drainage or accidental spills is a material consideration for the Minerals Planning Authority.
- 7.189** Chapter 8 of the ES relates to impacts on groundwater and geology and this is supported by Appendix 5, which forms a Hydrogeological Risk Assessment (HRA) and Flood Risk Assessment (FRA). The well compound would comprise two compound areas, the first being a parking and office area, the second the main well pad and storage area for machinery, fuels, chemicals and waste. The submitted information confirms that the well compound would be designed to contain surface water drainage, in order to prevent contamination. The pad would be underlain by a very low permeability high density polyethylene (HDPE) liner, which would then be overlain and underlain by protective layers of non-woven geotextile material.
- 7.190** The liner would then be wrapped over a 160mm high kerb that would surround the well compound. This would form a hydraulic barrier and prevent surface water from the site entering the local groundwater and surface water systems. The surface of the working area has been designed to cater for the loading of various vehicles and drilling machinery that would be used at the site and the liner to comply with guidelines issued by the Environment Agency. In addition to this, the well head would be contained within a concrete chamber, a minimum of 2.75m deep that would be tied into the HDPE liner in order to contain drilling muds and the well head equipment.
- 7.191** The submitted information confirms that the compound would be designed as a closed system with a capacity of 909 cubic metres and therefore, any surface water runoff or spillages would be collected and stored in tanks before being removed from the site by tanker to be disposed at a suitably licensed waste treatment site. The information also outlines that specific storage areas to hold storage tanks for extracted hydrocarbons, produced water, fuels and liquid chemicals would be created. These would be surrounded by concrete bunds that would be able to contain 110 per cent of the capacity of the largest tank within the bund, or 25 per cent of the total capacity of all tanks within the bund, as per recommended

guidance. In addition, the site has been designed to adequately contain a 1 in 100-year storm event with the necessary 40 per cent buffer added for climate change.

- 7.192** The submitted HRA/ FRA reasons that the site would be manned 24 hours per day, with tankers available at all times. Moreover, the drain that surrounds the site would always be operated to be dry, ensuring that drainage capacity would be maintained. The drainage system would be inspected on a daily basis to ensure that any obstructions, build-up of silt or defects could be addressed.
- 7.193** The parking and office area would be underlain by a geotextile membrane, with 300mm of crushed type 3 sub-base material. The hard standing would be graded in a westerly direction so that surface water would flow to a filter drain that would align the western boundary of the site. Water would then run-off to surrounding land. The access track would be designed to incorporate a crossfall in one direction, thus allowing surface water to drain naturally to the surrounding farmland. It is noted that the land within the area of the site is free draining, with soils being loamy and of high permeability. As a result, officers agree that the use of natural infiltration of surface water from the car parking and office area would be a suitable technique, subject to the installation of hydrocarbon filters at the point of discharge to the local area and subject to final porosity tests. However, if approved, officers would recommend a planning condition that would preclude the use of this area for HGV parking, storage of waste, fuel, process chemicals and that no mechanical or electrical plant is located within this area.
- 7.194** The proposed site has indirect linkages to several water courses within the surrounding area and contamination of these could result in significant harm to human health or to the ecological designations that apply to nearby watercourses. Natural England have noted that the site is hydrologically linked to these areas (as outlined above) but have not objected to the proposed development, neither have the Environment Agency. Officers consider that the applicant has considered potential flood risk issues. The well compound would be formed of an enclosed environment, ensuring that the various chemicals, fuels, waste muds etc would be contained in a manner to prevent their escape from the site and into surrounding land and water resources, taking account of the relevant 1 in 100-year storm event, with the correctly built-in capacity for climate change.
- 7.195** In addition, the proposed parking and office area and access track would be suitably drained. Once completed, the site would be restored to its previous use and therefore, flood risk would return to its current level. As a result, subject to the surface water drainage scheme being secured by condition, it is considered that in respect of surface water drainage, the development would comply with the requirements of policies DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan, and the flood risk guidance contained within the NPPF.

Groundwater

- 7.196** The applicant's HRA assesses potential impacts on groundwater, noting that there is a principal aquifer within the local area (Lower Greensand Group) which has high storage capacity for good quality groundwater. The aquifer supplies significant amounts of fresh water for the Island, being abstracted at both Knighton and

Sandown for drinking water. In addition, water is abstracted from the River Medina at Blackwater and used for river augmentation, a process where stored water is released into rivers during dry periods in order to maintain flows and safeguard habitats. In addition, the HRA correctly notes that the site is within a Source Protection Zone (SPZ) and a Drinking Water Protection Area (DrWPA). The HRA identifies the geology of the area and how this relates to hydrology for the area surrounding both the site and wider areas of the Island. The HRA also notes that the River Medina is subject to ecological designations.

7.197 To assess potential risk to ground water, the HRA has adopted the standard source-path-receptor approach and relates this to the potential hazards that are related to the development proposed. Those hazards (sources) are said to include:

- Spillage of fuels and lubricants and other materials used by plant and equipment required to carry out the construction, operational and restoration activities associated with the development
- Flushing of soils/mobilisation of contaminated soils during construction and restoration works
- Spillage/leakage of domestic sewage and wastewater from welfare facilities
- Loss of drilling muds, additives, cement grout and well treatment fluids during drilling and workover operations
- Spillage/leakage of recovered hydrocarbons, formation/produced water containing NORM, and chemicals stored at or transported to/from the Site
- Migration of natural gases, hydrocarbons and formation/produced water containing NORM from deep formations, e.g. vertically through overlying formations, along geological faults or abandoned wells Arreton-1 and Arreton-2
- Well casing failure and leakage of well treatment fluids, natural gases, hydrocarbons and formation/produced water containing NORM water from the wellbore

7.198 The HRA identifies the following receptors:

- The surface water drainage system in the vicinity of the site including: local drainage channels, surface water ponds; the tributary stream of the River Medina and ultimately the River Medina and associated GWDTes downstream of the Site
- The groundwater system within the Lower Greensand Group Principal Aquifer, which contains useful groundwater with a resource value
- Licensed groundwater and surface water abstractions targeting the in the Blackwater area
- Registered private water supplies (PWS), potential unrecorded private water supplies and deregulated abstractions targeting the Lower Greensand Group in the vicinity of the Site
- The River Eastern Yar and public water supply at Knighton via the transfer of groundwater as part of the Medina-Yar Augmentation scheme
- Productive horizons within the Wealden Group (Secondary Aquifers), which contain poor quality groundwater with limited resource value
- Deeper formations beneath the Wealden Group (Purbeck Group and

Jurassic/Triassic strata), which contain extremely poor-quality groundwater (formation water) with no resource value

The HRA advises that in some cases, pathways do not exist between some of the hazards and receptors that have been identified.

- 7.199** The HRA includes a risk assessment based on each of the identified hazards listed above. The HRA sets out and assesses the relevant risks within Table 10 (Risk Assessment). The HRA outlines the significance of a hazard occurring, based on the sensitivity of a given receptor and the likely magnitude of impact. The assessment of the likelihood of a hazard occurring takes account of the embedded mitigation for the proposals. Section 9.3.4 of the HRA advises that each phase of the development would incorporate specific mitigation features designed to either break the pathway between potential sources of pollution and receptors and/or reduce the likelihood of occurrence of hazards occurring. These mitigation measures would include detailed designs for construction works being prepared by competent engineers as well as construction being supervised by an experienced construction manager. During each phase, the integrity of the HDPE liner would be tested, with all works to be undertaken in accordance with the Environmental Management Plan. In addition, the HRA notes that an Environmental Permit would be required from the Environment Agency prior to commencement of any operation at the site, ensuring that strict controls would be in place for drilling operations as well as a programme of routine inspections and maintenance of the well pad liner.
- 7.200** The HRA considers that there would be a moderate risk of contamination during the construction and restoration phases for the development. To mitigate against such risks, measures would be adopted such as avoiding periods of high rainfall, the use of spill kits, formation of temporary bunds to prevent soil run-off and regular inspection of soils and vehicles over the duration of the works. In addition, the HRA considers that the contamination of the aquifer, local watercourses or water supplies as a result of the operations taking place within the well compound (including drilling muds), would be unlikely due to the contained nature of the compound. The HRA reasons that the HDPE liner would break the pathway to receptors and thus prevent contaminants from infiltrating underlying geology and also refers to the fact that storage tanks would be located within bunded areas. Officers note that the proposed approach for the well compound would meet best practice guidance for bunded storage areas and for ensuring that the well compound could contain any surface water, leakages and drilling waste, therefore preventing contamination of underlying geology.
- 7.201** It is noted that without mitigation, the proposed well could result in contamination and pollution. However, the construction, use and decommissioning of oil and gas wells are strictly regulated by the Offshore Installations and Wells (Design and Construction, Etc) Regulations 1996. Part IV of this legislation relates to both on and offshore wells. The Regulations enact a duty to reduce risk by ensuring the exploratory well is suitably designed, constructed, equipped, operated, maintained, suspended and abandoned. The drilling would need to adhere to the safety code of the Borehole Site and Operation Regulations 1996 enforced by the Health and Safety Executive (HSE) as well as the permits issued and monitored by the Environment Agency and examined by OGA well examiners.

- 7.202** To prevent migration of fluids or hydrocarbons from the well, the shaft would be lined with a concrete drilling cellar and steel conductor casing. The information confirms that these would be installed to below the depth of the Lower Greensand Group (unit 1). For the main well (Arreton 3), the cemented steel casing would extend to below the Wealden Group, to a depth of around 850m in order to protect aquifers. The side-track well (Arreton 3z) would be steel lined to a depth of approximately 900m. It should be noted that before drilling took place, the applicant would be required to provide the HSE with details of how the well would be drilled in a safe manner, including a demonstration that the risk of release of fluids are as low as reasonably practicable. Details of the casing, tubing and blow-out prevention would all be included.
- 7.203** In addition, the HRA reasons that the Wealden Group and Atherfield Clay Formation (unit 2) would prevent the transmission of fluids between the deeper water bearing layers within unit 3 due to the clay-based geology. In addition, to ensure no pollution of the Lower Greensand Group aquifer or the Wealden Group, only water-based muds would be used to assist drilling through these layers, to a depth of 220m below ground level. Based on the findings of the HRA, the ES concludes that the risks of the development to identified hydrogeological receptors would be low to none and result in non-significant effects.
- 7.204** Objections to the scheme have raised concerns about potential cumulative effects, referring to the potential for previous exploratory wells within Arreton. However, those wells are plugged and abandoned and therefore are unlikely to combine with the proposed development to cause cumulative effects. In terms of other operational developments, it is noted that the Anaerobic power station is close to the site, at approximately 200m east. This site produces gas that is fed to mains. The site does result in surface water run-off, particularly from the silage storage clamps at the site. However, the clamps are underlain by concrete and leachate from these is captured via pipework and used within the power production process. Any liquid waste from the production process is taken off-site by tankers and used as a natural fertiliser for farms or piped directly to nearby farms for irrigation. In addition, clean surface water is captured separately, filtered and then released to nearby streams, a process that is supported by the Environment Agency.
- 7.205** Blackwater Quarry is located approximately 1km west of the site and comprises an aggregate processing plant, asphalt production facility and recycling plant for inert building materials (listed within the planning history section of this report). The overall quarry site includes a range of fuels, oils and chemicals. The asphalt production facility provides hot asphalt and thus uses a mix of oils, bitumen and other additives. However, the site operates under licenses and in terms of drainage, is underlain by concrete. Surface water is drained a silt traps and hydrocarbon interceptors in order to filter any potential contaminants. Similar bunded areas and tanks to that of the proposed site are also in place. Surface water is then directed to ditches which feed into a drain that eventually directs water to the River Medina. There is a permit in place for drainage which is issued by the EA. The waste recycling plant operates in the same way, with surface water also discharged to the River Medina.

7.206 The Minerals Planning Authority has consulted with both the Environment Agency and Health and Safety executive as part of this planning application. Neither have raised objection to the proposals, with the Agency commenting that that the applicant's submitted Hydrogeological Risk Assessment is acceptable. The Agency have confirmed that various permits and licenses would be required in associated with the proposed exploratory well and that the Construction Environmental Management Plan referred to within the Environmental Statement would also be required via the permitting process. Taking into account the findings of the HRA and chapter 8 of the ES, it is considered that the applicant has suitably assessed the risks associated with the proposed development and how they could impact on the hydrology and geology of the area. Officers therefore consider that adequate protection to groundwater pollution has been provided by the applicant and that the Minerals Planning Authority can rely on other regulator regimens of the EA permit operating effectively in accordance with the requirements set out in the NPPF.

Land stability, construction integrity and seismicity

7.207 Paragraph 183 of the NPPF requires planning policies and decisions to ensure that: (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

7.208 Seismicity and land instability are issues that are often raised in respect of planning applications that propose oil extraction. Members of the public have raised concerns in respect of the geology of the Island and how it would be affected by the proposals. It should be noted that the applicant does not proposed hydraulic fracturing (often referred to as fracking) but instead proposes a conventional oil well. In terms of land stability, the site is distant from areas of known land instability on the Island. Those areas are generally coastal and the subject of extensive geological research. The site is distant from areas of known instability on the Island and therefore unlikely to result in additional risk of land movement to those areas.

7.209 The proposed development would include significant excavations on site, with the ground level of the compound to be below surrounding ground levels, with gabions used to support surrounding adjacent land. Any surrounding slopes related to the soil storage mounds would need to be of a suitable angle of repose to prevent movement and recognised construction techniques such as layering, and compaction of layers would need to be considered. As a result, officers advise that if approved a planning condition is imposed requiring the submission of a Stability Assessment Report (SAR) which should also address the stability of the restored landform after restoration.

7.210 The planning application is supported by a Civil Engineering Design Statement, which aims to demonstrate that the development would be suitably constructed in order to avoid adverse impacts. As outlined within the previous section of this report, the well compound would be constructed as a sealed unit in order to prevent escape of any potential contaminants used at the site and therefore it is important that the working area would be of sufficient integrity to support the loads of heavy machinery. It is also important that the compounds and access tracks are of sufficient stability to prevent accidents.

- 7.211** The Civil Engineering Design Statement confirms that the liner system would be installed in accordance with the Environment Agency's document LFE4 – Earthworks in Landfill Engineering. This would ensure that a process of construction quality assurance would be undertaken, involving testing of the seams for the liner, plate bearing tests and as built topographical surveys.
- 7.212** Officers are satisfied that the submitted information adequately considers the necessary loadings for the working areas and access tracks and issues of land stability related to excavations. The final design would be determined during the detailed design stage of the development and it is considered that suitably worded conditions could secure the detailed information. It is noted that ultimately, the HSE is responsible for the overseeing of well design and construction, with operators required to assess and consider the geological strata relating to the site. Taking into account the submitted information and the regulatory processes related to well design and construction it is considered that the applicants have demonstrated that the development would not result in adverse impacts in relation to land stability.
- 7.213** It is noted that the nearby quarry includes two extraction sites that involve excavations in order to extract sand and gravel. These take place on the north western summit and north eastern slopes of St Georges Down under two existing planning permissions (P/01205/10 & P/01144/12). The permissions for these sites allow excavations to a depth of 14m and 15m respectively. However, both use conventional excavation techniques, using mechanical excavators rather than explosives. These sites have a minimal potential for land stability or seismic issues and any land stability issues would be local and related to the sites and therefore, would be unlikely to result in any cumulative effects with the proposed development.
- 7.214** Members of the public have raised concerns that the development may result in seismic activity and earthquakes, akin to events at a drilling site near Blackpool. It should be noted that those events were related to fracking. The Government issued a moratorium on fracking in England in November 2019, due to the findings of a report by the OGA, which concluded that it was not possible to predict the magnitude of earthquakes that fracking may cause. However, these findings did not relate to conventional oil sites.
- 7.215** The issue of seismic activity is a material consideration for this planning application however, it is not the role of the Minerals Planning Authority to resolve this issue. Paragraph 112 of the National Planning Practice Guidance (NPPG) states that the Department of Energy and Climate Change (now the Department for Business, Energy and Industrial Strategy) is responsible for controls, usually through the license consent regime, to mitigate seismic risks. The OGA is responsible for assessing the risk of and monitoring seismic activity. It should be noted that this issue has been tested via the statutory review process. In December 2019, the High Court refused permission for a request for the judicial review of a planning application determined by Surrey County Council, which permitted the extension of a well site within Surrey (CO Ref: CO/4441/2019). One of the grounds for this review was that the County Council had failed to consider the risk of earthquakes. However, the Judge found that the County Council had correctly concluded that while the risk of earthquakes was a material consideration, it was not for the

County Council to resolve or to make any representations about to the OGA.

Highway matters

- 7.216** Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, paragraph 113 of the NPPF advises that all developments that will generate significant amounts of movement should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Policy DM2 of the Island Plan requires development proposals to be accessible while policy DM17 requires development proposals to demonstrate that they are well related to the Island's strategic road network and that the network has adequate capacity to accommodate the development.
- 7.217** The application site would be accessed via a purpose-built 400m long access road, with a new gated priority junction provided on the northern side of the A3056. Members of the public have raised concerns that the Island's Roads would be unable to cope with the traffic that would be generated by the development.
- 7.218** As stated within the previous sections of this report, the development would comprise 4 phases, construction, drilling and testing, plugging and decommissioning of the well and removal of machinery and final fourth stage being the restoration of the site. Each would generate traffic movements. The proposed development would result in various highway matters, including the safety of the proposed access, the capacity of the highway network, traffic management and the parking and onsite arrangements.
- 7.219** The Island Roads Highway Engineer commented on the original submission and raised objection to the development, citing concerns related to inadequate access visibility, inadequate turning facilities for heavy goods vehicles (HGV), standing vehicles within the A3056 due to the use of gates adjacent to the carriageway and a lack of information regarding highway drainage, access for larger HGV trailers and traffic management proposals. As a result, the applicant provided additional information that was assessed by the Highway Engineer in December 2020, at which time objections were removed and conditions advised.

Highway safety and onsite access/ turning arrangements

- 7.220** The A3056 is the principal highway route between Newport and the south east of the Island and governed by the national speed limit (60mph). Due to the strategic nature of the road, daily traffic flows and the speed limit for the highway, it is considered that the design standards as set out the Design Manual for Roads and Bridges (DMRB) are applicable to this development. In the absence of speed data, any new junction formed onto this part of the highway network and serving a development of this nature would need to provide for minimum visibility splays of $X = 2.4m$ by $Y = 200.0m$. The Highway Engineer has also advised that it would be critical for the access to include forward visibility splays reflective of the posted speed limit in order to ensure that approaching vehicles could see those waiting to turn into the site, and that vehicles turning can see those approaching them.

7.221 The Highways Engineer has advised that the following issues should be addressed in any access design:

- Space to allow articulated / haulage vehicles and private motor vehicles to pass with ease when accessing / egressing the site, without negatively impacting on the safety of other highway users
- A suitable means of drainage to ensure that surface water from the site is discharged from the public highway
- A minimum gate setback distance of 5.0m, 11.0m, 16.50m, to be determined by the size of vehicles typically accessing the site so they do not obstruct the public highway when negotiating the gates or pose the hazard to other highway users of standing vehicles
- The associated onsite arrangement to allow for the passing, turning, loading, unloading and parking of all forms of vehicles attributable to the site and its proposed operations

7.222 Speed data was collected for a period of 7 days in relation to the A3056. The data demonstrated that over the period 85th percentile speeds were 49.4mph eastbound and 42.7mph westbound. On review of the submitted data, the Highway Engineer has advised that the data now gives justification for a reduction of the proposed junction visibility splays from 'Y' = 200.0m to 'Y' = 144.0m eastbound and 'Y' = 113.0m westbound and likewise the associated forward visibility splays. As a result, the Highway Engineer has advised officers that the required level of junction and forward visibility could be achieved to allow vehicles to see and be seen by other highway users at a safe distance, subject to the junction being undertaken in accordance with the submitted plans and with the removal of the existing hedge that is adjacent to the highway.

7.223 The submitted plans previously showed that the proposed access would be gated, with gates set back between 2.4m to 3m from the edge of the A3056. The gates have been provided for security purposes. As a result, Island Roads raised concerns that this would result in vehicles looking to access the site queuing within the highway, interrupting the free flow of traffic and posing a hazard to highway users. Following these concerns, revised plans have been provided showing that two sets of gates would still be provided within the proposed junction and onsite access road (providing both security and a vehicle air lock) however they have now been positioned to provide an adequate means of gate setback (circa 33.0m) so as to ensure that when vehicles attributable to the site would not block the public highway when entering the site. As a result, the proposed junction arrangement is deemed to be acceptable from a gate setback and standing vehicles perspective.

7.224 Regarding the internal layout of the active site area, following the submission of revised information the Highway Engineer has advised that the proposed layout provides adequate space for the access / egress/ turning/ loading and unloading of all vehicles attributable to the site. The information has shown that the largest of the vehicles to be used (22m trailer to transport drilling rigs) would be able to enter, turn and leave the site in a forward gear.

7.225 The submitted information advises that suitable road cleaning equipment would be

used to ensure that dust, dirt or mud would be removed. The Highway Engineer has recommended a condition to secure a suitable scheme. In addition, temporary signage would be used to facilitate safe access to the site, with the final scheme to be agreed via conditions. Finally, the highway would be surveyed prior to commencement of works, in order to establish its pre-development condition. The road would then be surveyed over the lifetime of the project in order to establish any defects caused by traffic related to the development. Repairs would then be undertaken in consultation with Island Roads.

The capacity of the highway network

7.226 The Island Roads Highway Engineer has advised that the A3056 carries two-way daily vehicle flows of circa 14,500. The applicants have undertaken a Transport Statement, which assesses the likely number of vehicle trips associated with the proposed development and whether these would impact on the capacity of the highway network. The table below shows the predicted daily trips for both HGVs and personal for the various phases of the development:

Phase	Sub Phase	Phase Length	Estimated Two-Way Daily HGV Trips	Estimated Two-Way Daily Personnel Trips	Combined Two-Way Trips
Phase 1: Access and Well Site Construction	N/A	10 weeks	15	18	33
Phase 2: Drilling, Testing and Appraisal	2.A: Drilling – Mobilisation/ Demobilisation	3 weeks	10	30	40
	2.B: Drilling	15 weeks	10	30	40
	2.C: Testing – Mobilisation/ Demobilisation	3 weeks	10	30	40
	2.D: (i) Well Testing	10 weeks	15	30	45
	2.D: (ii) Extended Well Testing	16 weeks	5	30	35
	2.E: Sidetrack Drilling	15 weeks	10	30	40
	2.F: Maintenance Workover	4 weeks	10	30	40
Phase 3: Well Plugging, Abandonment and Decommissioning	3.A: Plugging and Abandonment	3 weeks	10	18	28
	3.B: Removal of Surface Equipment	2 weeks	5	18	23
Phase 4: Site Restoration	4.A Site Restoration	5 weeks	10	12	22

7.227 The Transport Statement advises that during the busiest times of the operation (phase 2D well testing), the development trips would result in 45 two-way trips, a combination of 15 HGV and 30 personal trips with these spread across the day. The Statement also advises that car sharing would be promoted for staff employed by the same company. Regarding HGV movements, the Transport Statement advises that these are scheduled to occur on weekdays between 07:00 – 19:00 and 09:00 – 13:00 at weekends, with most trips likely to occur outside of peak network hours.

7.228 Regarding HGV movements, the Statement advises that there may be exceptional circumstances during the transition between phases or the mobilisation/

demobilisation of the rig when the predicted limits may be exceeded. However, it is advised that on those occasions, the movements would be controlled via a traffic management plan that would include measures to avoid unacceptable transport impacts. These measures would include staggering deliveries each day to prevent conflicting HGV movements, with vehicles to be held on site if necessary. The Transport Statement concludes that impacts on local junctions would not be significant.

7.229 The Transport Statement sets out a routing plan for HGV movements. This advises that the majority of HGV deliveries would arrive at the Island via the Southampton to East Cowes ferry route. Vehicles would then travel to the site via Whippingham Road to Station Road, Wootton and onto Briddlesford Road. Vehicles would then pass south to Downend Road Arreton, joining the A3056 at Arreton Crossroads and then to site. The Statement sets out routes for vehicles that may use the Yarmouth to Lymington and Portsmouth to Fishbourne ferry routes. Vehicles using the Fishbourne route would use a route similar to that explained above, by using Station Road in Wootton and onward to the site. For the Yarmouth ferry, vehicles would use the main Yarmouth to Newport highway, Medina Way and onward to the A3056.

7.230 The Island Roads Highway Engineer has advised that when considering the level of daily traffic movements that maybe attributable to the site, the development if approved would not have a negative impact on the operation of the local or wider highway network in terms of capacity, so as to provide a sustainable highway reason for refusal. In addition, the Highway Engineer has concluded that the simple priority junction that has been proposed would appear to be the most suitable means of access. The predicted vehicle movements to the site show that the number of trips would be relatively low when compared to the existing two-way vehicle flows for the A3056. Moreover, the information sets out suitable access routes for larger vehicles, which would avoid narrow highways and instead use the principal highway network. As a result, it is considered that subject to the imposition of a Traffic Management Plan secured by condition, the development would not compromise the highway network and therefore comply with the requirements of policies DM2 and SP7 of the Island Plan.

Parking provision

7.231 The submitted information previously showed that the site would provide 12 parking spaces. The development would employ up to 30 staff at the site during the busiest period (phase 2). The Council's Guidelines for Parking as Part of New Developments SPD does not set specific standards for parking provision in relation to minerals developments.

7.232 Nonetheless, the Highway Engineer raised concerns that the level of parking provision would be below that required. The applicants have provided additional information that advises that up to 20 parking spaces could be provided. Their experience is that specialist companies involved in the construction and removal of equipment and security staff tend to travel to site via company cars or vans, resulting in shared trips. In addition, staff would work shifts, reducing parking demand. On the basis of the submitted information, the Highway Engineer has

raised no objection on the basis of parking demand.

Accidents

7.233 Section 4.0 of the Transport Statement provides a review of recorded incidents on the highway network within the vicinity of the site, including for key junctions over a 5-year period between the 01.01.2014 – 31.12.18. A total of 19 incidents were identified, with the report coming to the conclusion that “...analysis of the study collisions has not revealed any identifiable collision issues associated with expected movements of the proposed development therefore, it is considered that there are no existing road safety issues pertinent to the development of the site.”

7.234 However, the Highway Engineer has advised that there have been four recorded incidents in the last 3 years within the vicinity of this site that raise concern. These accidents occurred at the following locations, taking the following forms:

- Section of A3056 43m east of Chapel Lane, Merstone – a car travelling west on the A3056 failed to brake in time and collided with a vehicle in front, which in turn collided with a further vehicle waiting for an ambulance
- Junction of A3056 with Isle of Wight Distribution (Newbarn Business Park) – a westbound vehicle collided with a vehicle turning into Isle of Wight Distribution
- A3056 90m east of Newbarn Business Park – a westbound vehicle braked suddenly for traffic and the vehicle behind skidded due to mud and collided
- Junction of A3056 with Isle of Wight Distribution (Newbarn Business Park) – westbound vehicle stopped due to traffic turning into the business park, car behind collided with it

7.235 New Barn Business Park is located to the west of the application site and the proposed priority junction. Although there is no evidence to suggest that the above incidents were brought about as a result of the geometry of the carriageway, the Highway Engineer has noted that it does highlight the importance of minimising the likelihood of stationary vehicles along this section of highway network and ensuring that an adequate level gate setback is provided to allow all vehicles to clear to public highway. Due to the proposed revised junction arrangement (increasing the gate setback and removing the originally proposed lockable bollards) it is no longer anticipated that this application would result in an increase in the potential for traffic accidents on the A3056 about the point of the proposed site access.

Drainage

7.236 As part of the original evaluation, the Highway Engineer raised concern in respect to the onsite drainage strategy for the access road and junction and the potential risk of surface water runoff from the site onto the public highway. The highway junction and access track have been designed with a crossfall to direct runoff onto the adjacent western field to naturally infiltrate into the surrounding soils with the drainage design documents showing the flow to go from the east side to the west and to have slight back fall.

7.237 However, while the majority of surface water would flow to the western edge, the contours also show that the western corner of the access would fall towards the carriageway. This would be likely to direct a proportion of the surface water from the access road and junction towards the highway. As a result, the applicant has provided revised plans that show the provision of a drainage channel which would be laid across the full extent of the proposed junction, set 0.5m back from the edge of the highway. The Highway Engineer has confirmed that this would be a suitable drainage solution and therefore raised no objection in respect of drainage.

7.238 In conclusion, it is apparent from the submitted information and comments provided by the Island Roads Highway Engineer that the proposed access arrangements would meet highway guidance. All vehicles related to the development could enter, turn and leave the site safely, without prejudicing the safety of users of the A3056. As a result, it is considered that the proposed development would be served by safe means of access, both onto the highway network and within the site that would comply with the requirements of policies DM2 and SP7 of the Island Plan.

Rights of Way

7.239 The application site is located within a rural area, away from settlements. The A3056 lacks pavements and as a result, the proposed access and the traffic associated with it would not impact on pedestrians using the highway. However, the site is adjacent to various rights of way, which align both the proposed access track (public bridleway 29) and cross the field that would comprise the compounds (right of way 26). Members of the public have raised concerns that the proposed crossing of a public bridleway would result in potential danger to horse riders and pedestrians.

7.240 The Island Roads Highway Engineer has advised that adequate accommodation works, warning signs and intervisibility splays would be needed in relation to the rights of way network. The Council's Rights of Way Manager has commented on the proposed development, advising that the safety of pedestrians is unlikely to be affected, but that very careful consideration would need to be given to the safety of horse riders and to an extent, that of cyclists. As a result, the Rights of Way Manager has advised that full details would be required in respect of the following:

- Temporary barriers/ signing
- Measures to protect all rights of way users and a risk assessment
- Details of how the access and right of way would be separated, fencing and screening
- Details of speed limits
- Full details of the surface to be used for the bridleway crossing
- Confirmation that the right of way would not be blocked
- Compound placement in relation to footpaths 25/ 26
- Full details of rights of way upgrading

7.241 The proposed access track would be located west of bridleway 29, aligning it before crossing the right of way to allow access to the compounds. The submitted information advises that suitable measures would be implemented to protect users of the rights of way close to the site. A 200m section of the bridleway would be

enhanced post construction. In addition, for the duration of the works, an alternative right of way route would be provided to the east of bridleway 29, located south of the site access crossing point and terminating close to the A3056. The Rights of Way Manager has supported this alternative route, highlighting its benefits for horses and their rider. The proposed site access would be located 60m west of the informal crossing point between the right of way and A3056. Moreover, the access track would be separated from the right of way for most of its length, separating vehicles and users of the bridleway. Hedgerows would be trimmed to increase visibility. Upon completion of the works, the bridleway would be excavated and then resurfaced in order to enhance accessibility, between the summit of St Georges Down and the northern edge of the A3056.

- 7.242** Where the access road and bridleway would cross, the road would be tied into the level of the bridleway to allow accessibility for pedestrians, cyclists and horse riders. In addition, users of the rights of way would have priority. Further information was provided by the applicant in response to the Right of Way Manager's comments. This confirms that details of warning signage for rights of way users could be secured by condition, via a traffic management plans. In respect of the crossing, the information confirms that it would be staffed to ensure the free flow of bridleway users. The applicant has suggested a condition to ensure that gates and barriers would only be placed across the bridleway for the time vehicles take to cross it.
- 7.243** In addition, the submitted information confirms that the site access track would be enclosed by standard stock fencing which would ensure visibility between users of the access track and right of way. In addition, the speed limit for vehicles approaching the crossing would be limited to 5mph. The information also advises that the boundary of the site compound adjacent to the right of way would be filtered by a woven green screen or faux-leaf screen to reduce the visual impact of the compounds. These details could be secured by condition although the Rights of Way Manager has advised that faux leaves may spook horses and so should not be considered. The information also confirms that in the event of a requirement for temporary closure of the bridleway, an application would be made via the relevant sections of the Road Traffic Act 1984.
- 7.244** In respect of the upgrade works to the bridleway (following completion of works) the information confirms that these would be agreed by condition with the Minerals Planning Authority and Rights of Way Team. The Rights of Way Manager has supported these works, noting that they would improve a substantial section of the right of way.
- 7.245** On completion the access track and crossing point would be removed and resurfacing works would be undertaken, not only to the crossing point but also to a significant section of the right of way. As a result, it is considered that the temporary risks to the safety of rights of way users would be satisfactorily mitigated and that post development, the right of way would be enhanced. Therefore, it is considered that the development would comply with the requirements of policies DM2 and DM17 of the Island Plan.

Site selection

- 7.246** Policy SP5 of the Island Plan states that development proposals will be expected to demonstrate how they have taken account of the hierarchy of environmental designations, through a sequential search for the most appropriate site that avoids or causes the least harm, with further consideration given to biodiversity enhancement. This approach is reflected within policy DM12. The application site is located within the Arreton Valley, a rural area to the south of Newport.
- 7.247** Paragraph 4.2.1 of the applicant's Planning Statement sets out the site selection criteria applied to the development. This advises that their search area for a site was limited by the access to the minerals resource and the area covered by their PEDL license. In addition, the information outlines that exploration activities can be subject to intensive heavy engineering processes that can require 24-hour operation and therefore, require suitable separation distances to mitigate impacts. The information explains that the site was selected due to the screening effects of topography, which would block views of the site from the wider landscape. In addition, the Planning Statement reasons that the remote location of the site would result in it being distant from neighbouring sensitive land uses and valued heritage assets.
- 7.248** Officer site inspections have confirmed the remote nature of the site. As outlined within the relevant sections of this report, the site is a significant distance from residential properties, listed buildings and Conservation Areas. Using remote countryside locations for industrial style development can result in paradoxical argument, given that it would then result in relatively incongruous development in rural and undeveloped areas. However, as set out within the landscape and visual impact section of this report, the site is largely screened from wider landscape areas, resulting in impacts that are discreet to the site. Some harm has been identified on this issue, but it would be temporary, reversible and limited to few locations.
- 7.249** In addition, minerals can only be worked where they are found and in relation to hydrocarbons, where a license has been issued. The applicant has explained that the site has been located on the periphery of the target area in order to ensure that the site would be environmentally acceptable. On this basis and taking into account the findings of the sections of this report, it is considered that a suitable site selection process has been undertaken and that policies SP5 and DM12 have been complied with in this regard.

Development of agricultural land/ minerals designations

- 7.250** National guidance in respect of the classification of agricultural land and its protection is contained within the Natural England Technical Guidance Note (Agricultural Land Classification: protecting the best and most versatile agricultural land) and within the NPPF. The Technical Guidance Note makes it clear that decisions with respect to the protection of the best and most versatile agricultural land rest with Local Planning Authorities and Government Guidance. To guide decision making, agricultural land is classified into five grades, which are as follows:

Grade 1	Excellent
Grade 2	Very good
Grade 3	Good to Moderate
Grade 4	Poor
Grade 5	Very poor

According to Natural England and the glossary to the NPPF (2018) the best and most versatile agricultural land are those areas that fall within grades 1 to 3a. Such land is considered by Natural England to be most flexible, productive and efficient in response to inputs and can best deliver future crops for food and no food uses.

- 7.251** Paragraph 174 of the NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. The footnote to this section of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 7.252** DEFRA land classification maps confirm that the land in this area is grade 4 and thus, not subject to protective policies. As a result, there is no objection to the proposed development in relation to agricultural land classification.
- 7.253** The Council's maps show that the site includes a moderate area of minerals deposits, likely to be sand and gravel. Policy DM20 (Minerals) seeks to protect Minerals Safeguarding Areas unless it can be shown that the deposit is no longer of any value, the minerals could be extracted prior to the development taking place, or there is an overriding need for the development. In this case, the deposit is a relatively small area of a much larger area of geology to the north and east. The area to the east of the site has not been extracted to date. The proposed development would be temporary and if approved, for a period of 3 years. Therefore, the proposed development would not compromise the potential extraction of minerals deposits within the area.

Contamination, waste management and restoration/ aftercare

Contamination

- 7.254** The application site is made up of agricultural fields however ground condition surveys returned one sample of asbestos. As a result, the Council's Environmental Health Officer has advised that a condition should be imposed, in the event of approval, that would require a pre-construction asbestos survey to be undertaken, and if found to be necessary, for a removal/ remediation scheme to be agreed. In addition, given the processes involved in the proposed development, the officer has advised that a condition should be attached to control remediation post development, to ensure that the land is returned to an acceptable standard for ongoing arable purposes. It is considered that subject to these conditions being imposed, that contamination both prior to and post development, would not be a constraint to the proposed development. It should be noted that the potential cumulative effects of other developments is considered within the hydrology

section of this report.

Waste management

- 7.255** Policy SP6 (Waste) of the Island Plan sets out the Council's approach to waste a management. The policy states that all new development will be expected to maximise contribution to waste prevention and minimisation and provide facilities for waste and recycling. The proposed development would result in various wastes that could result in pollution and the applicant has confirmed that these would be managed in consultation with the Environment Agency, via the required waste management permits.
- 7.256** The applicant has submitted a Waste Management Assessment (WMA). This identifies the various waste streams for the site, during the four phases of the development and then the waste management techniques that would be applied. The WMA advises that the applicant aims to prevent waste streams where possible by ensuring that the products necessary for the development are calculated and not over ordered and where possible, re-used and recycled. The WMA sets out how each waste stream, including all forms of waste-water, oil based drilling fluids, well suspension fluids and natural gas, would be managed for the proposed development in line with the Nation Planning Policy for Waste (see table 5.2 of the WMA).
- 7.257** The WMA also considers the potential cumulative effects of the neighbouring quarry and anaerobic power station. It advises that no wastes are discharged outside of the boundaries of the sites and therefore, the waste generated by the proposed development would be in isolation. Officers are aware that the neighbouring quarry and power station operate under various planning consents which control external storage. Both storage products externally, such as sand and gravel at the quarry and silage for the power station. But neither of these are waste products. Therefore, it is considered that these would not result in cumulative effects with the proposed development, which itself could be controlled by planning conditions and via the EA permitting process. Officers therefore consider that the applicant has considered the management of waste adequately and in compliance with policy SP6 of the Island Plan.

Restoration/ aftercare

- 7.258** Policy DM20 (Minerals) of the Island Plan advises that developments should maximise the beneficial after-use of minerals sites through restoration plans and where appropriate, through a restoration bond. The application is supported by a Landscape Environment and Biodiversity Restoration Plan, which outlines that following completion of phase 3 (Well Plugging, Abandonment and Decommissioning), the site would be restored to agricultural use.
- 7.259** Restoration would involve the removal of all hardstandings and bunded areas, including the geotextile membrane, which would be removed from the site and disposed of at the nearest appropriate recycling facility. The site would be tested for contamination and any material found to be contaminated would be removed for off-site treatment. The remaining subsoils below the development site would be

tested for contamination and should any soils be shown to be contaminated, these would be removed to an Environment Agency approved site for treatment. As noted above, the Environmental Health Officer has recommended a condition to secure this.

7.260 The stockpiles used to store excavated topsoil would, if necessary, be treated to eradicate weeds. The topsoil stored within the bunds would be tested to establish whether any treatments would be required to improve its condition before being used to reinstate the land to its original pre-development levels. The information confirms that all soil moving operations would be undertaken in dry conditions and in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, issued by DEFRA and updated in 2018.

7.261 The Landscape Environment and Biodiversity Restoration Plan outlines measures to enhance the site in a manner to achieve net gain, which would involve hedgerow replacement and enhancement and wildflower and tree planting. The final scheme would be submitted to the Minerals Planning Authority prior to the commencement of the development. The planting scheme would be phased, with some works undertaken immediately following phase 1 (Access and Well Construction) and the remainder following the completion of phase 3, as set out below:

- Year 1 - Landscape and Biodiversity Enhancement: Through the introduction of new hedgerow, trees and habitat creation
- Year 1 - Landscape Enhancement: Upgrading Public Bridleway No.29
- Year 3 - Landscape and Biodiversity Restoration: Restoring the Site to its previous agricultural appearance
- Year 3 - Landscape and Biodiversity Enhancement: Through the introduction of new hedgerow, trees and habitat creation

7.262 The detail of the above measures has been outlined within paragraphs 7.170 and 7.171 of this report. The information confirms that the proposed planting would be undertaken and managed in accordance with best practice standards. Following planting, the new trees and hedgerows would be inspected on an annual basis for 5 years, with remedial action undertaken to remove weeds or diseased plants. The information shows that suitable native species of trees, hedges and plant mixes would be used for the site. The proposed grassland and wildflower areas would be mown to a height of 40 – 60mm in the first summer following planting, with any weeds to be removed at that time. After that, the areas would be cut twice a year to a height of 150mm. Hedges would be trimmed for the first three years to encourage bushy growth and then annually outside of the bird nesting season (March to August).

7.263 Officers consider that the proposed restoration and aftercare scheme would be acceptable and restore the site to its former agricultural use, while securing landscape and ecological enhancement. The site lacks significant visual interest due to the lack of extensive hedgerows or groups of trees. The proposed enhancement measures would deliver extensive tree planting and enhancement to the existing hedgerows, along with wildflower areas to increase biodiversity. These measures would also benefit the landscape character of the area. A suitable aftercare scheme has been outlined and therefore it is considered that the

proposed restoration scheme would comply with the requirements of policy DM20 of the Island Plan.

7.264 In some situations, development sites that are subject to temporary consents can be the subject of a financial bond, that is held on behalf of the Minerals Planning Authority. The bond can be used to fund restoration, should the applicant fail to do so. Paragraph 211 of the NPPF states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. Paragraph 48 of the National Planning Practice Guidance (NPPG) states that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases, include:

- Very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry
- Where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development
- Where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission

7.265 The applicant has applied for a temporary three-year planning permission and therefore, the proposed development would not be considered a long-term project. The footprint of the proposed access and compounds would be relatively moderate, and the drilling technique would be conventional, rather than a novel approach.

7.266 Regarding financial issues, paragraph 36 of the NPPG states that the responsibility for the restoration and aftercare of mineral sites, including financial responsibility, lies with the minerals operator and, in the case of default, with the landowner. It should be noted that when authorising licenses for the extraction of oil, the Oil and Gas Authority carries out a financial assessment and requires applicants to provide evidence of sufficient funds to meet the drilling costs and the plugging and abandonment of the well. On this basis, officers consider that the exceptional circumstances set out within Paragraph 48 of the NPPG have not been met and that as a result, a bond should not be required for this development.

Health and safety issues

7.267 The application has been supported by a Major Accident and/ or Disaster Risk Assessment, which considers the vulnerability, exposure and resilience of the proposed development to the likelihood of a major accident and disaster from outside of the site and not within the control of the applicant. The Assessment advises that the site is sufficiently remote from land use hazards to render any risk or disaster unlikely and not major.

7.268 The assessment advises that the applicants have experience of running other operational hydrocarbon sites elsewhere and that they would adopt similar considerate construction and drilling practices at the Arreton site. The information confirms that all plant and machinery would be suitably certified, securely installed

and operated in accordance with Environment Agency permits and other relevant regulations. In addition, the site would not be operated in adverse weather conditions and has been selected sensibly with design mitigation and on-site operations managed to reduce the risk of external hazards.

- 7.269** The Major Accident and/ or Disaster Risk Assessment concludes that the risk of major accident and disaster with regard to the proposed development would be low. It is noted that the site is relatively remote, with significant separation distances between the nearest industrial sites (350m to the anaerobic power station and 740m to the Wight Building Materials quarry). Paragraph 112 of the NPPG advises that there exist a number of issues which are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively. The HSE have been consulted in relation to this planning application, and they have confirmed that the site does not lie within the consultation distance for a major hazard site. As a result, officers are satisfied that the proposed development would be within an area of low risk for major disasters or accidents.

Human rights

- 7.270** Both Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life) of the Human Rights Act 1998, give effect to the European Convention on Human Rights, and are relevant to the determination of this application.
- 7.271** Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. In assessing this planning application, Officers have considered whether the development would affect the peaceful enjoyment of nearby properties and uses.
- 7.272** In addition, article 6 provides the right to a fair and public hearing. Officers must be satisfied that the planning application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Officers are satisfied that the correct publicity has been undertaken in respect of this planning application, noting the changes to legislation caused by the Covid 19 pandemic. Comments made by members of the public have fed into the assessments laid out within this report.
- 7.273** Article 8 relates to the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. The rights enshrined in Article 8 are qualified, where any interference with them is justified as being in the public interest, and under paragraph 2 of Article 8 as being in accordance with the law, pursuing a legitimate aim, and as being necessary in a democratic society.
- 7.274** Ultimately, potential interference with human rights, and personal circumstances are a material planning consideration. The weight to be attached to those

considerations is entirely a matter for the decision maker.

- 7.275** This report accepts that there would be some moderate temporary adverse impacts largely in terms of landscape impacts as a result of the proposed development. Impacts in relation to visual, noise, air quality, traffic and lighting are considered to be minor. As a result, it is considered that the scale of any potential impacts would not be sufficient to engage Article 8 or Article 1 of the Convention and that the potential impacts will not be significant and could be mitigated by planning conditions to an acceptable degree. As a result, this proposal is not considered to interfere with any Convention right.

Other matters

- 7.276** Objections have referred to a number of matters that are either material considerations, but not overseen by the Minerals Planning Authority or that are not material considerations for this planning application. This section addresses the matters considered relevant or that require response.

Acidisation

- 7.277** Members of the public have referred to a process used during drilling of the well shaft known as acidisation. They have commented that this process is likely to contaminate surrounding soils and groundwater. The Environment Agency has published guidance related to acidisation, which explains that it is a common technique used to clean and develop the well. This process is used within both the oil industry and the water industry. Ultimately, this issue is controlled via EA permits and thus, not the Minerals Planning Authority. Through the permitting process, the EA assess the type, concentration and quantity of acid to be used and whether they would be acceptable taking into account the operator's mitigation measures.

Well integrity

- 7.278** Some objectors have expressed concern about the integrity of the well. The regulatory body for the integrity of wells associated with oil and gas development is the Health and Safety Executive. PPG paragraph 112 states that for issues that are covered by other regulatory regimes MPAs should rely on the assessment of the regulatory bodies and will need to be satisfied that these issues can or will be satisfactorily addressed by taking advice from the regulatory body.

- 7.279** *Publicity and the Covid 19 Pandemic*

7.280 Some objectors have stated that the planning application should not have been submitted during the pandemic as this has limited public awareness of the proposal. However, it is clear from the number of representations submitted that public awareness of the application is high. Although it has not been possible to hold public meetings during the pandemic, the Council has made all relevant information relating to the application available on the planning portal. The Council's statutory duty to determine planning applications has continued during the pandemic and it is considered that the Council has responded accordingly in respect of this application.

7.281 Some objectors have stated that there has been insufficient discussion and public consultation about the proposal. The publicity and consultations carried out by the Council have exceeded the minimum requirements and as stated above, it is clear from the number of representations submitted that public awareness of the application is high.

Precedent

7.282 Some objectors have stated that to grant planning permission for exploration will create a precedent for any future planning applications for oil development. This application must be treated on its own merits. It is a proposal for exploration and appraisal and should economically exploitable oil resources be found, a separate planning application would need to be submitted covering the production stage. Such an application would also need to be considered on its merits at the appropriate time.

Competence of the applicant

7.283 Some objectors have expressed concern about the competence of the applicant company, referring to problems and the need for enforcement action at other sites operated by the company. Concerns have also been expressed about the viability of the proposal. The regulatory body responsible for operator competence and financial viability is the Oil and Gas Authority. As stated above, NPPG paragraph 112 states that for issues that are covered by other regulatory regimes MPAs should rely on the assessment of the regulatory bodies and will need to be satisfied that these issues can or will be satisfactorily addressed by taking advice from the regulatory body.

Property values

7.284 Some objectors have expressed concern that the proposed development would affect property values and house prices in the area. Such matters are not material planning considerations and must not be taken into account in determining planning applications.

Number of objections

- 7.285** An objector has drawn attention to the much larger number of objections submitted compared to representations in support of the proposal. However, the number of objections (or supporters) of a proposal is not a material planning consideration in determining planning applications.

Pre-application discussions

- 7.286** One objector has expressed concern that pre-application discussions were confidential. There is no requirement for pre-application discussions to be made public and the Council is expected to maintain confidentiality when requested by a prospective developer.

Brownfield land

- 7.287** An objector has raised concerns that approving the proposed development would result in the application site being classified as Previously Developed Land (PDL), often referred to as brownfield land. The Glossary to the NPPF provides a definition of PDL and defines what can be excluded from the definition. The NPPF confirms that land that has been developed for minerals extraction is not PDL.

7.288 *Likely reserves/ previous exploration and future production*

- 7.289** Arreton Parish Council have questioned whether the results of drilling at Perreton are indicative of reserves in the vicinity. In addition, objections have queried the size of reserves of oil and past performance of other wells. In terms of Perreton, the exploration at this site (around 1.5km south east of the application site) was undertaken in the 1950s and 1970s. The 1950s exploration confirmed the presence of oil but the 1970s exploration yielded no flows to surface. The submitted information confirms that techniques have since changed and of course, the current proposals seek to explore and then appraise the potential for reserves.

- 7.290** Nonetheless, the planning guidance set out within the NPPG confirms that it is a matter for individual operators to determine how much preliminary data is necessary before undertaking exploratory drilling.

- 7.291** Objections have also commented that the applicant's information does not refer to future production. However, as outlined at the beginning of this report, the production phase would require separate planning permission. The current proposals would allow for the exploration and appraisal of hydrocarbons. Should this exercise demonstrate suitable reserves of recoverable hydrocarbons, then separate consent would be required for any production.

8 Conclusion and planning balance

- 8.1** The proposed development would take place on farmland within the Arreton Valley. The site is outside of a defined settlement boundary and therefore within the Wider Rural Area where new development requires a local need, in

accordance with the requirements of policy SP1 of the Island Plan. However, the Island Plan does not contain specific policies related to hydrocarbon minerals and therefore the guidance within the NPPF must be relied upon. As advised by paragraph 209 of the NPPF, minerals can only be worked where they are found. The applicant has undertaken a site selection process, which officers have assessed and agree with.

- 8.2** The provision of hydrocarbons is an emotive issue, given the known impacts that the use of fossil fuels can have on climate change. However, planning decisions must be made in accordance with adopted policy guidance as laid out within the NPPF and in the case of hydrocarbons, national policies for energy, as confirmed by paragraph 124 of the NPPG. Hydrocarbons are minerals for the purposes of planning policy guidance and therefore, the advice contained within paragraph 211 of the NPPF is engaged for this planning application, which states that ‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.’
- 8.3** There is a wealth of emerging guidance at the national level in relation to the Government’s approach towards energy provision in the UK and climate change targets. The Government has published the Energy White Paper – Powering our Net Zero Future (2020) as well as the National Energy and Climate Plan (2020). These confirm that a change to the way that energy is delivered is needed to meet the requirements of the Climate Change Act 2008 (2050 Target Amendment) Order 2019. This legislation sets a long-term legally binding 2050 target to reduce greenhouse gas emissions by at least 100% relative to 1990 levels.
- 8.4** The White Paper and other related emerging policy documents are discussed in detail within the policy section of this report, and these confirm a need to move away from reliance on fossil fuels, with renewables to form the main source of future energy production in the UK. The National Energy and Climate Plan sets out the long-term approach to reducing the reliance on fossil fuels, increasing the proportion of energy provided by renewables, reducing the need for energy and emissions across all sectors through energy efficiency measures while ensuring energy security and keeping bills low. This is reflected in planning policy guidance, within chapter 14 of the NPPF, which strongly advocates the use of renewable energy schemes and supports local-led initiatives for renewable and low-carbon energy, although it does not advise against the use of fossil fuels.
- 8.5** It is clear from the approaches set out within the recent Government papers, that hydrocarbons will remain an important source of energy for the foreseeable future. The White Paper advises that downstream oil provided 96% of the energy needed for transport and that it will continue to play a vital role in the transition to a net zero economy, delivering fuel to customers. The White Paper reasons that ‘As we make a transition away from fossil fuels, we must maintain secure supplies of fuel to the people and businesses whose livelihoods depend on it.’ Therefore, Government policy is clear that hydrocarbons remain an important element in the energy mix for the UK with greater focus given to UK resources in order to ensure security within the energy supply sector. As a result, it is considered that there is a national need for hydrocarbons and for the exploration of such resources that is

proposed by this development.

- 8.6** The NPPF states that the planning system is plan-led and that the purpose of the planning system is to achieve sustainable development. The role of the Planning system is to balance issues, particularly where they compete and compare the benefits of a proposed development with any identified harm. In this context, the NPPF advises that the planning system has three overarching objectives, these being economic, social and environmental objectives. These issues are balanced below:

Economic

- 8.7** Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 209 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. As stated above, the NPPF advises that great weight should be given to the benefits of mineral extraction, including to the economy.

- 8.8** The proposed development would result in relatively minor economic benefits at the local level. The proposed development would involve the exploration of hydrocarbons and their testing. It is likely that the construction, operational and restoration phases would utilise specialist contractors and companies that would be unlikely to be based on the Island. Some roles may be open to the local community, but these would be temporary. Nonetheless, at a national level, the benefits of the proposal in relation energy supply, as a raw material for manufacturing and the economy carries great weight.

Social

- 8.9** The NPPF states that the social objective is to support strong, vibrant and healthy communities, referring to supporting the community's health, social and cultural well-being. The application site has been selected in part due to its isolated rural location, away from dwellings and populated areas. Officers have assessed the impact of the development on the amenity of nearby houses, uses and settlements, taking into account the technical information that has been provided. Based on officer site visits and the comments of the Environmental Health Officer, it is considered that the development would not compromise the amenity of nearby properties, uses and communities as a result of daytime or night-time noise, air or light pollution, noting potential cumulative effects and that the site is not within an AQMA.
- 8.10** The proposed development has been found acceptable in relation to highway safety, in respect of onsite arrangements as well as the proposed junction onto the highway network and in terms of local and wider capacity. Moreover, the scheme would not prejudice the safety of users of the local rights of way network and would deliver enhancement post development.

- 8.11** Regarding cultural issues, the impact of the development on listed buildings, Conservation Areas and archaeology have been assessed. Due to the distance between the site and nearby listed buildings and Conservation Areas and the screening effects of topography and vegetation, it is considered that the development would not directly harm these heritage assets or their setting. The application has been assessed by the Council's Archaeology Officer, who has found the scheme to be acceptable on archaeological grounds, subject to the prior approval of a Written Scheme of Investigation.
- 8.12** In addition, the potential impacts in terms of pollution of ground water used for human consumption and irrigation of farmland has been assessed and found to be acceptable following the assessment of technical information and having consulted with the EA. Risks of leaks, spills, well integrity and the impact of the development on geology have been found to be acceptable as well as potential land stability and seismicity. Potential major hazards have also been assessed. The oil and gas industry is heavily legislated in relation to these technical issues, which are controlled by a range of licenses, permits and consents issued and overseen by the EA, OGA and the HSE which control potential pollution issues and the management of the drilling process. The role of the MPA is to assess the acceptability of the land use rather than to duplicate the role of separate regimes and based on the technical information and responses from consultees it is considered that suitable management regimes would be in place for the application site and the temporary development that is proposed.
- 8.13** Having taken the responses provided by technical consultees into account, it is considered that the social impacts of the scheme would not be significant and could be adequately mitigated through planning conditions, in the event of planning permission being granted.
- 8.14** *Environmental*
- 8.15** The NPPF states that the environmental objective is to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.16** The proposed development would not conflict with the climate change agenda, as discussed within the beginning of this section and the policy section of this report. The potential impacts to the historic environment have been assessed and found to be acceptable, in terms of impacts to listed buildings, Conservation Areas and archaeological deposits. The site does not share a visual and geographical relationship with built areas, given its isolated and rural location and well screened nature.
- 8.17** Technical information has been provided in relation to waste management, which has shown that the amount of waste to be generated would be kept to the minimum possible and where produced, would be managed in accordance with best practice. All waste would be stored and transported in accordance with EA guidelines and managed via the appropriate permitting process. The information

provided in respect of both ground and surface water has shown that suitable measures would be in place to prevent pollution of these resources and therefore protect linked ecological designations.

- 8.18** Detailed information has been provided in respect of impacts to ecological designations and on-site/ adjoining habitats and wildlife. This information has shown that impacts to designated sites as a result of air, light and noise impacts would not be significant and that impacts to on site species and habitats would be negligible and temporary. A range of mitigation measures have been proposed which can be secured via planning conditions, and which have been supported by the Council's Ecology Officer and Natural England. In addition, the submitted Landscape Environment and Biodiversity Restoration Plan outlines measures to enhance the site in a manner to achieve net gain through replacing removed hedgerows and providing significant tree and wildflower planting. As a result, the development would not result in significant adverse impacts on ecology and biodiversity.
- 8.19** The application site is farmland and used for growing crops. Information has been provided to demonstrate that soil would be stripped, stored and then replaced in a suitable manner, allowing the site to be used for productive agriculture following the decommissioning and restoration phases. Measures would be undertaken to prevent contamination of the soil beneath the development and in the event that contaminants were found, to remove them safely in compliance with Environment Agency advice.
- 8.20** The site is located within a rural landscape and close to the Isle of Wight AONB. A Landscape and Visual Impact Assessment has been provided as part of the Environmental Statement, which officers have assessed following site visits to key receptors. The proposals would result in an industrial style development in an area that is predominantly undeveloped, although the presence of the nearby quarry, itself a dominant but established feature in the landscape, is noted in many views. However, the application site is located within a fold in the landscape, with surrounding slopes that offer significant screening from most close and distant viewpoints and landscapes. There would be harmful landscape and visual impacts from close vantage points, including the adjacent rights of way and nearby highway and some vista points to the south, specifically the landscape towards Merstone Manor and north of Rookley as well as from sections of the A3020 between Blackwater and Rookley. In addition, the various cranes and rigs would be visible from numerous locations when in use.
- 8.21** Therefore, the proposed development, with its mix of industrial equipment, fenced compounds and access road would, from the areas identified above, be a harmful form of development that would cause significant landscape and visual impacts that would result in material harm. As a result, it is considered that the development would result in significant environmental harm for a temporary period, with that harm limited to the landscape and visual impacts of the development. However, the development would be temporary and following restoration, the site would revert to its former agricultural appearance, which would be enhanced through tree, hedgerow and wildflower planting. These factors clearly weigh in favour of the development, so that harm would be temporary and

reversible and following restoration, negligible.

Conclusion

- 8.22** It is considered that the economic benefits outlined above would be substantial, given the contribution that the exploration and testing of hydrocarbons would provide towards national energy needs. Taking into account the advice contained within the NPPF, great weight must be attributed to the economic benefits of the development.
- 8.23** The development would not harm the built or historic environment. However, as established within this report, the development would result in material harm as a result of landscape and visual impacts. However, these impacts would be temporary and following the restoration of the site, there would be no harm and instead landscape enhancement. Officers are satisfied that the development would not harm protected species of flora or fauna nor would it result in pollution to the environment. The development would not harm nearby properties or uses or compromise highway safety.
- 8.24** It is considered therefore, that the social and environmental impacts of the development would be less than significant and would be outweighed by the substantial economic benefits of the proposed development. As a result, it is considered that the planning application is in compliance with the strategic advice contained within the NPPF, Government guidance for energy and the requirements of the Island Plan Core Strategy.

9 Recommendation

- 9.1** Conditional planning permission for a temporary three-year period.

10 Statement of Proactive Working

- 10.1** In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Minerals Planning Authority takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the application was deficient in information relating to highway safety and required clarification in respect of ecology and noise and air quality issues. Additional information/ clarification was provided during the course of the application that overcame the Council's concerns.

Conditions/Reasons

1. The permission hereby granted applies to the area of land shown within the red line on drawing number ZG-UKOG-A3-PA-01 and relates to the construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals in 4 phases, the restoration of the site and its aftercare. The development shall be commenced before the expiration of 3 years from the date of this permission and shall thereafter have a duration of 3 years from the date the development commences, excluding the duration of the requirements set out in conditions 40 and 41 below for the restoration of the site. A minimum of 7 days notice of the date for commencement shall be given to the Minerals Planning Authority in writing prior to the development being commenced.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Prior written notification of the date of commencement for each phase of development works hereby permitted (Phases 1-4 as set out within Chapter 4 of the Environmental Statement) shall be submitted in writing to the Minerals Planning Authority not less than seven days before such commencement.

Reason: To enable the Minerals Planning Authority to adequately monitor the stages of the development hereby approved to comply with the requirements of policy DM20 (Minerals) of the Island Plan Core Strategy

3. Except for the details approved by other conditions within this decision notice, the development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered below:

ZG-UKOG-A3-PA-01 Rev 1
ZG-UKOG-A3-PA-02 Rev 1
ZG-UKOG-A3-PA-03 Rev 1

ZG-UKOG-A3-PA-06 Rev 1

ZG-UKOG-A3-PA-08 Rev 1
ZG-UKOG-A3-PA-09 Rev 0
ZG-UKOG-A3-PA-10 Rev 3
ZG-UKOG-A3-PA-11 Rev 0 dated Oct 20
ZG-UKOG-A3-PA-12 Rev 2
ZG-UKOG-A3-PA-13 Rev 1

ZG-UKOG-A3-PA-16 Rev 2
ZG-UKOG-A3-PA-17 Rev 1

ZG-UKOG-A3-PA-20 Rev 2
ZG-UKOG-A3-PA-21 Rev 1
ZG-UKOG-A3-PA-22 Rev 1
ZG-UKOG-A3-PA-23 Rev 3
ZG-UKOG-A3-PA-24 Rev 1
ZG-UKOG-A3-PA-25 Rev 1

ZG-UKOG-A3-PA-26 Rev 1
ZG-UKOG-A3-PA-27 Rev 0
ZG-UKOG-A3-PA-28 Rev 1
ZG-UKOG-A3-PA-29 Rev 0

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

4. From the date that any works commence in association with the development until the cessation of the development/ completion of the operations to which it refers, a copy of this permission including all documents hereby approved and any documents subsequently approved in accordance with this permission, shall be available to the site manager, and shall be made available to any person(s) given the responsibility for the management or control of operations.

Reason: To ensure that operators and contractors working at the site are familiar with the requirements of the scheme and the permission and to comply with the requirements of policy DM20 (Minerals) of the Island Plan Core Strategy.

5. Prior to the commencement of the development hereby permitted, a Transport Management Plan for construction traffic and operational traffic shall be submitted to and approved in writing by the Minerals Planning Authority. The plan shall include final details of:

a) Traffic management by phase confirming final details of:

- I. HGV Movement Scheduling minimising HGV flows within peak hours (between 07:30 - 09:00 and 16:00 - 18:00);
- II. The management of HGV flows during operational hours inclusive of the placement of qualified staff at the entrance of the site (junction with the A3056) and the entrance of the well site compound to monitor and control HGV activity;
- III. The management of non-HGV flows outside of operational hours;
- IV. HGV communication strategy to manage and monitor HGV movements;
- V. HGV driver awareness training of site entry and exit arrangements;
- VI. The highway route to be taken by HGVs

b) Abnormal Load Traffic Management Plan inclusive of temporary traffic control measures at the junction of the site entrance and the A3056;

c) Traffic Signage Strategy and Signage Location Plan;

d) Junction Construction Plan detailing how the site entrance in-off the A3056 is to be accessed and formed during Phase 1: Access Construction;

e) On-site parking for vehicles of site personnel, operatives and visitors (providing for a minimum of 20 private motor vehicle bays at all times); the loading and unloading of plant and materials and the storage of plant and materials; and

f) 'Pre' and 'Post' construction and operation condition surveys of the highway

and a commitment to fund the repair of any damage caused at the site entrance junction with the A3056 and either side of the junction for a distance of 25m.

Development shall be carried out in accordance with the approved details and the above measures shall be retained for the duration of the construction and operation of the proposed development.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement condition because traffic management measures would be required for all stages of the development.

6. Development shall not begin until details of the design, surfacing drainage and construction of any new roads, footways, accesses and car parking areas, together with details of the means of disposal of surface water drainage based on the layouts as detailed on drawings no. ZG-UKOG-A3-PA-10 Rev 4 and ZG-UKOG-A3-PA-23 Rev 3 and ZG-UKOG-A3-PA-12 Rev 2 have been submitted to and approved in writing by the Minerals Planning Authority. Development shall be carried out in accordance with the approved details and be retained for the operational phase of the development.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which details of roads would be required.

7. The use hereby approved shall not be brought into operation / commence until the parts of the service roads which provide access to it have been constructed surfaced and drained in accordance with the approved plans drawings no. ZG-UKOG-A3-PA-10 Rev 4 and ZG-UKOG-A3-PA-23 Rev 3 and ZG-UKOG-A3-PA-12 Rev 2.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

8. The development shall not be occupied until sight lines have been provided in accordance with the visibility splays shown on the approved plan ZG-UKOG-A3-PA-10 Rev 4. Nothing that may cause an obstruction to visibility when taken at a height of 1.0m above the adjacent carriageway / public highway shall at any time be placed or be permitted to remain within that visibility splay.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

9. The use hereby permitted shall not commence until space has been laid out within the site and in accordance with drawing number and ZG-UKOG-A3-PA-12 Rev 2 for 20 cars to be parked and for service vehicles to be loaded and unloaded and for service vehicles to turn so that they may enter and leave the site in forward gear throughout the build, commissioning and decommissioning process. The space shall not thereafter be used for any purpose other than that

approved in accordance with this condition.

Reason: In the interests of highway safety and to comply with policy DM17 (Sustainable Transport) and policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

10. No onsite operations shall be carried out until the priority junction onto the A3056 has been constructed and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority based on the layout as shown on drawing number ZG-UKOG-A3-PA-10 Rev 4 and ZG-UKOG-A3-PA-23 Rev 3. Nothing that may cause an obstruction to visibility shall be placed at any time in the visibility splays shown on drawing number ZG-UKOG-A3-PA-10 Rev 4 and ZG-UKOG-A3-PA-23 Rev 3. No other vehicular access to or egress from the site shall be used at any time and all other vehicular accesses to the site shall be stopped up in accordance with details to be submitted to and approved in writing by the Minerals Planning Authority.

Reason: To ensure the access road is constructed with due regard to highway safety and the local environment and to comply with policies DM2 (Design Quality for New Development) and SP9 (Minerals) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which details of means of access would be required.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates shall be erected at the junction of the site with the A3056 other than those expressly authorised by this permission/other than gates that are set back a minimum distance of 30.0m metres from the edge of the carriageway of the adjoining highway and open into the site only.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

12. The surface of the site access shown on plan ZG-UKOG-A3-PA-10 Rev 4 and ZG-UKOG-A3-PA-23 Rev 3 shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare.

Reason: To ensure the access road is constructed with due regard to highway safety and the local environment and to comply with policies DM2 (Design Quality for New Development) and SP9 (Minerals) of the Island Plan Core Strategy.

13. No development shall take place until details have been submitted to and approved in writing by the Minerals Planning Authority in respect of steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. The agreed facilities shall be installed prior to

the commencement of development and shall be retained in accordance with the approved details during the construction phase of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which details of road cleaning facilities would be required.

14. There shall be no more than 30 two-way (15 in - 15 out) HGV movements to or from the site in any one day and no HGV movements shall take outside of the hours of 07:00 to 19:00 Monday-Friday, 09:00-13:00 on Saturdays and all day on Sundays and Bank Holidays. The site operator shall maintain accurate records of the number of HGV daily movements and shall make these available to the Minerals Planning Authority on request.

HGV movements outside these time-limits will only be allowed in exceptional circumstances (i.e. Phase transition or rig mobilisation/demobilisation). The Minerals Planning Authority shall be given 14 days prior written notification of the time, date and duration of any such HGV movements.

Reason: To prevent the site from causing a loss of amenity as a result of noise and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

15. Within 3 months of the completion of restoration works, the application site junction onto the A3056 shall be abandoned and permanently closed with all materials used to form the foundations and road surface removed from the site and any kerbs and verges required for the public highway to be fully reinstated in accordance with details that have been submitted to and agreed in writing by the Minerals Planning Authority. Development shall be carried out in accordance with the approved details and the restoration scheme secured by conditions 39 and 40 of this planning permission.

Reason: In the interests of highway safety, because the permanent retention of the site access would compromise the character and appearance of the area and to comply with the requirements of policies DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM17 (Sustainable Travel) and DM20 (Minerals) of the Island Plan Core Strategy.

16. Prior to the commencement of the development hereby permitted, a Public Rights of Way Management Plan shall be submitted to and approved in writing by the Minerals Planning Authority. The plan shall include the following details:

a) Public Rights of Way signage strategy and location plan, including any temporary signage for voluntary alternative routes to ensure the free flow and

safety of users of Public Bridleway 29 and Public Footpath 26.

b) Public Bridleway 29 Crossing Construction Plan and Operating Regime detailing the final surface specification of the crossing, how it would be formed and enclosed during phase 1: Access Construction, and then accessed and managed during operations to ensure the free flow and safety of bridleway users. Bridleway users shall have priority over vehicles accessing and leaving the application site.

c) Pre and post construction and operation condition surveys of Public Right of Way 29 and a commitment to repair any damage caused at the access crossing point and either side of the crossing point for a distance of 10m.

The development shall be undertaken in accordance with the approved Public Rights of Way Management Plan and be retained for the duration of the construction, operational and restoration phases of the development.

Reason: In the interests of the safety of all rights of way users, to ensure that the rights of way close to the site are not obstructed and to comply with the requirements of policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy. This is a pre-commencement condition because measures for protection of rights of way users would be required at all stages of the development.

17. Prior to the commencement of the development hereby permitted, a scheme of improvement works for bridleway 29 shall be submitted to and agreed in writing by the Minerals Planning Authority. The works shall include for the resurfacing of a 200m section of the bridleway as hatched purple on drawing number ZG-UKOG-A3-PA-29 Rev 0, as well as other improvement works between the summit of St Georges Down and northern edge of the public highway (A3056), including levelling, localised repair and reinstatement works and shall include an implementation timescale.

Reason: In the interests of the safety of all rights of way users and to comply with the requirements of policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy. This is a pre-commencement condition due to the time at which initial enhancement works would be delivered.

18. No development shall take place until details have been submitted to and approved in writing by the Minerals Planning Authority to include:

1. A pre-construction asbestos survey that identifies the extent of asbestos contamination on the site.
2. A removal/remediation scheme to deal with any asbestos contamination of site soils to include an implementation timetable, monitoring proposals and a proposed remediation verification methodology. Following implementation, the verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation. All work shall be undertaken in accordance with good, safe practice.

Reason: To protect the environment and prevent harm to human health by ensuring that where necessary, any asbestos is removed appropriately and that the land is remediated to an appropriate standard in order to comply with part IIA of the Environmental Protection Act 1990, and policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy. This is a pre-commencement condition due to the early stage at which the requirements of this condition would be required to be met.

19. Prior to the commencement of works for the restoration of the site, a decontamination scheme shall be submitted to and approved in writing by the Minerals Planning Authority, in relation to parts a) & b) below. Parts c) & d) as necessary.

a) a desk-top study documenting all previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report No: 2 & 3 and BS 10175:2011+A2:2017; and, unless otherwise agreed in writing by the Local Planning Authority,

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2011+A2:2017: "Investigation of Potentially Contaminated Sites - Code of Practice"; and, unless otherwise agreed in writing by the Local Planning Authority,

c) a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation;

d) The investigator shall provide a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been carried out.

The development shall be restored in accordance with the agreed details.

Reason: To protect the environment and prevent harm to human health by ensuring that where necessary, the land is remediated to an appropriate standard in order to comply with Part IIA of the Environmental Protection Act 1990 and to comply with the requirements of policies SP5 (Environment), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy

20. Prior to the commencement of the development hereby permitted, a scheme of noise mitigation based on the principles of the Noise Impact Assessment shall be submitted to and approved in writing by the Minerals Planning Authority. The mitigation measures shall ensure that the noise levels set out in Conditions 22 and 23 are met. The agreed measures within the noise mitigation scheme shall be put in place prior to any operations taking place and shall be retained and maintained for the duration of the works.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement condition due to the requirement for noise mitigation measures for all phases of the development.

21. Prior to the commencement of the development hereby permitted, a noise monitoring plan (NMP) shall be submitted to and approved in writing by the Minerals Planning Authority, taking into account the noise limits set out within conditions 22 and 23. The NMP shall include a methodology for undertaking noise surveys, with the results of the monitoring reported to the Minerals Planning Authority within 14 days of monitoring. Should the site fail to comply with the noise limits, within 14 days of notification of any breach of the noise limits, the applicant shall submit a scheme for the approval in writing by the Minerals Planning Authority to attenuate noise levels to the required level and which shall be implemented within 7 days of the Minerals Planning Authority issuing approval for the scheme, or the source of noise shall cease until such a scheme is in place. Noise monitoring shall only be undertaken by a Member or Associate of the Institute of Acoustics.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement condition due to the requirement for noise mitigation measures for all phases of the development.

22. For operations including site construction and reinstatement, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.5 metres from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 65dB LAeq during any 1-hour period between the hours of 0700 to 1900 Monday to Friday and 0900 to 1300 hours on a Saturday and at no other time. No work causing audible noise at any noise sensitive receptor is permitted at any other time including Sunday, Bank Holiday or National Holiday.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

23. For all site operations including drilling, testing and appraisal, maintenance, workover and flaring the noise levels shall not exceed 39dB LAeq, during any 1-hour period. The noise limit shall apply 3.5m from the façade of any noise-sensitive premises between the hours of 1900 to 0700 of any day.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

24. Between the hours of 19:00 to 07:00 inclusive, no tripping shall be undertaken, nor shall casing be cemented except in cases of emergency. Drilling, testing and appraisal shall occur for a maximum, cumulative period of 56 weeks.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

25. With the exception of drilling, workovers, extended well tests and short-term testing, no operations or activities authorised or required by this permission, shall take place other than during the hours of 07:00 to 19:00 hours on Monday to Friday and 09:00 to 13:00 hours on Saturday. Apart from the exceptions referred to above, there shall be no working at any time on Sundays, Bank Holidays, Public or National Holidays.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

26. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: To protect the amenity of the occupants of nearby properties and uses and the locality from noise disturbance and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

27. Prior to the commencement of the development hereby permitted, a Dust Management Plan for all phases of the development shall be submitted to and approved in writing by the Minerals Planning Authority. Such a plan shall include measures necessary to minimise any impact upon local road and rights of way users, residential properties and uses located near to the site or any other sensitive interests of importance from the emission of dust from the application site, including nearby ecology designations. The approved plan shall be implemented and retained in place in accordance with the agreed details for the duration of the development.

Reason: To prevent dust from becoming a source of nuisance to nearby properties and uses, to protect wildlife and habitats and to comply the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which mitigation would be required.

28. Prior to the commencement of the development hereby permitted a final Lighting Scheme shall be submitted to and approved in writing by the Minerals Planning Authority. The Lighting Scheme shall include the measures recorded within

Exploratory Well Site, Arreton, Isle of Wight Lighting Assessment (Strenger Report: February 2020) Chapter 7: Mitigation. The details shall set out measures to prevent excessive levels of upward light pollution, glare and light spillage beyond the boundaries of the application site. Lighting shall be installed and operated in accordance with the approved Lighting Scheme for the duration of the development.

Reason: To protect the character of the surrounding rural area, to prevent harm to nearby habitats and wildlife, to prevent excessive levels of light pollution to nearby properties and uses, to prevent impacts on highway safety as a result of glare and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM17 (Sustainable Travel) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which lighting mitigation would be required.

29. Prior to the commencement of the development hereby permitted, details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the Minerals Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statements on SuDS. The required drainage details shall include:

- (a) Design drawings and calculations confirming the final layout of the drainage elements and details of any further mitigation measures incorporated into the construction of the well site, access track and junction with the A3056;
- (b) Details of how the drainage system will be protected during construction and how run-off from the development site will be managed before the drainage system is operational; and
- (c) A timetable for the implementation of the drainage system tied to the commencement of construction, details of the drainage management responsibilities and maintenance regimes to be implemented for the duration of operations.

The works hereby permitted shall be carried out in strict accordance with the agreed scheme for the duration of the development.

Reason: To ensure that the development would not increase flood risk on or off-site, to ensure protection of groundwater and surface water from activities at the site and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which ground and surface water mitigation would be required.

30. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Minerals Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme as required by condition 29 (or detail any minor variations), provide the details of any management company and

state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the surface water and groundwater management scheme is suitably implemented, to ensure that the development would not increase flood risk on or off-site, to ensure protection of groundwater and surface water from activities at the site and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan Core Strategy.

31. Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority. The plan shall include the following details:

a) Construction Quality Assurance Plan, for the construction of retaining structures (i.e. gabion basket retaining wall, bunding and earthworks) and containing structures (i.e. perimeter ditches and the impermeable membrane) inclusive of final design details and methods of membrane sealing (i.e. with the drilling cellars, "rathole" or "mousehole", pavements, floor slabs and foundations) supported by design methodology and details of any further geotechnical assessments to be performed.

b) Construction Quality Monitoring Plan, for the testing, inspection and maintenance of retaining and containing structures together with details of the placement and design of any groundwater monitoring wells to be installed.

c) Details of the method and timing for the removal/ cutting back of hedgerows and other vegetation at the site in accordance with the principles of Chapter 7 of the ES is an Ecological Impact Assessment, in order to mitigate impacts to protected species and nesting birds.

d) Details of measures to protect surrounding habitat and wildlife from works at the site.

The development shall be carried out in accordance with the agreed details, which shall be adhered to during the course of the relevant phases of the development.

Reason: To ensure the integrity of retaining structures and the surrounding landscape, to prevent pollution to ground water and surrounding land, to provide ecological protection and enhancement in accordance with Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006 and to comply with the requirements of Policy SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage at which mitigation measures secured by the CEMP would be required.

32. Prior to the commencement of drilling, testing and appraisal, a Construction Environment Management Plan (CEMP) Verification Report shall be submitted to and approved in writing by the Minerals Planning Authority. The verification report should include:

- (a) Details that demonstrate compliance with the CEMP;
- (b) Justification for any changes or deviations from the agreed CEMP and provision of final 'as-built' plans and sections;
- (c) The results and location plans of all field and laboratory testing, including certificates of compliance, and inspection records; and
- (d) Any other site-specific information considered relevant to proving the integrity of the construction works.

The development shall thereafter be implemented in accordance with the agreed CEMP Verification Report.

Reason: To ensure that the agreed CEMP is suitably implemented, to ensure the integrity of retaining structures and the surrounding landscape, to prevent pollution to ground water and surrounding land, to provide ecological protection and enhancement in accordance with Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006 and to comply with the requirements of Policy SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan Core Strategy.

33. Prior to the commencement of the development hereby permitted, a detailed Year 1 programme of works consistent with the Landscape, Environment and Biodiversity Restoration and Enhancement Plan (EDP Report dated March 2020) shall be submitted to and approved in writing by the Minerals Planning Authority. The plan shall include measures to retain and protect existing trees and hedgerows, a timed programme for the planting of new trees and hedgerows and the creation of new biodiversity habitat. Development shall be carried out in accordance with the agreed details and the approved plan shall be implemented in full and those protection measures that are required to be retained shall be maintained in a functional condition for the duration of the development and any agreed aftercare period.

Reason: To provide ecological enhancement in accordance with the requirements of Policy SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy.

34. No site preparation or clearance shall begin, and no equipment, machinery or materials shall be brought onto the site for the purposes of the development hereby permitted, until details of measures for the protection of existing trees to be retained have been submitted to and approved in writing by the Minerals Planning Authority. The submitted details shall accord with the BS5837:2012 standard and include a plan showing the location of existing trees to be retained and the positions of any protective fencing. Development shall be carried out in accordance with the approved details and any protective fencing shall be erected

prior to work commencing on site and will be maintained until all equipment, machinery and surplus materials related to the construction of the development have been removed from the site. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless otherwise authorised by this permission or approved in writing by the Minerals Planning Authority.

Reason: This condition is a pre-commencement condition to prevent damage to trees during construction and to ensure that the high amenity tree(s) to be retained is adequately protected from damage to health and stability throughout the construction period in the interests of the amenity in compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

35. No development shall take place until the applicant or their agents has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been agreed in writing by the County Archaeology and Historic Environment Service and approved by the Minerals Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 (Built and Historic Environment) of the Island Plan Core Strategy.

36. To facilitate monitoring of the on-site archaeological works, notification of the start date and appointed archaeological contractor shall be given in writing to the address below not less than 14 days before the commencement of any works:

Isle of Wight County Archaeology and Historic Environment Service
Westridge Centre
Brading Road
Ryde
Isle of Wight
PO33 1QS

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 (Built and Historic Environment) of the Island Plan Core Strategy.

37. No development shall take place until details have been submitted to and approved in writing by the Minerals Planning Authority of the positions, design, materials and type of boundary treatment to be erected to enclose the access track and well compound. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Minerals Planning Authority. Development shall be carried out in accordance with the approved

details and the agreed boundary treatments shall be retained for the duration of the development.

Reason: In the interests of maintaining the amenity value of the area and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

38. All available topsoil and overburden shall be stripped and stored separately for reuse on the application site in the reinstatement phase, in accordance with the soil management techniques outlined within the details set out within the Landscape Environment and Biodiversity Restoration Plan. The storage shall take place at the locations annotated on the approved plans for the phases of the development and no bund shall exceed the heights shown on those plans.

Reason: To minimise the visual impact of the proposed development and protect the general character of the surrounding area and to comply with policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

39. The site shall be restored in accordance with the details set out within the applicant's supporting information and in accordance with a site restoration scheme to be submitted to and approved in writing by the Minerals Planning Authority at least one year prior to the completion of operational works. The scheme shall include details of:

- a) The sequence of phasing of restoration
- b) The respreading over the floor of the excavated area of overburden, subsoil and topsoil previously stripped from the site, in order that the site has an acceptable visual appearance
- c) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil
- d) The machinery to be used in soil respreading operations
- e) Drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage if necessary
- f) A timetable for the completion of the works

and upon approval such scheme shall be implemented as approved unless a variation has been agreed in writing by the Minerals Planning Authority.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of local residents and to comply with policies DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy.

40. Within 12 months of the implementation of this permission or prior to well site decommissioning (whichever is the sooner) a detailed Year 3 programme of works consistent with the Landscape, Environment and Biodiversity Restoration

and Enhancement Plan (EDP Report dated March 2020) shall be submitted to and approved in writing by the Minerals Planning Authority. The plan shall include:

- (a) the ecological surveys performed to support Environment Statement Chapter 7: Ecological Impact Assessment, shall be repeated to establish the ecological baseline required to inform the plan;
- (b) restoration measures, inclusive of soil cultivation and improvement, to reinstatement agricultural land and support new habitat creation;
- (c) enhancement measures to deliver biodiversity and environmental net-gain in the form of a Biodiversity Environment Management Plan, which shall set out details, including a timetable, for ecological mitigation and a long term management plan to ensure that calculated net gains are achieved;
- (d) aftercare measures for a period of 5 years post development completion.

The plan as approved shall be carried out in full and all planting shall be maintained in a good and healthy condition and be protected from damage. During this period, any planting that dies or is severely damaged or diseased shall be replaced in the next available planting season with the same or similar species of a similar size or specification.

Reason: To secure the suitable restoration and aftercare of the site and to provide ecological enhancement in accordance with the requirements of Policy SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy.

41. The Applicant shall notify the Minerals Planning Authority in writing within seven days once the planting or seeding secured by condition 39 has been completed and within one year from the date of notification a meeting shall take place, to be attended by representatives of the Applicant, the landowners (or their successors in title) and the Local Planning Authority, to monitor the success of the aftercare. Annual meetings will then be arranged and held within the period of five years from the commencement of aftercare.

Reason: To secure the suitable restoration and aftercare of the site and to provide ecological enhancement in accordance with the requirements of Policy SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM20 (Minerals) of the Island Plan Core Strategy.

42. Notwithstanding the permitted development rights granted by Schedule 2, Part 17 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent Order,

- (a) no plant, building or machinery, whether fixed or moveable, other than those permitted by this application, shall be erected pursuant to the said permitted development rights, on the application site;
- (b) no lights or fences other than those permitted by this application shall be installed or erected at the application site.

Reason: To prevent harmful impacts to the surrounding area and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

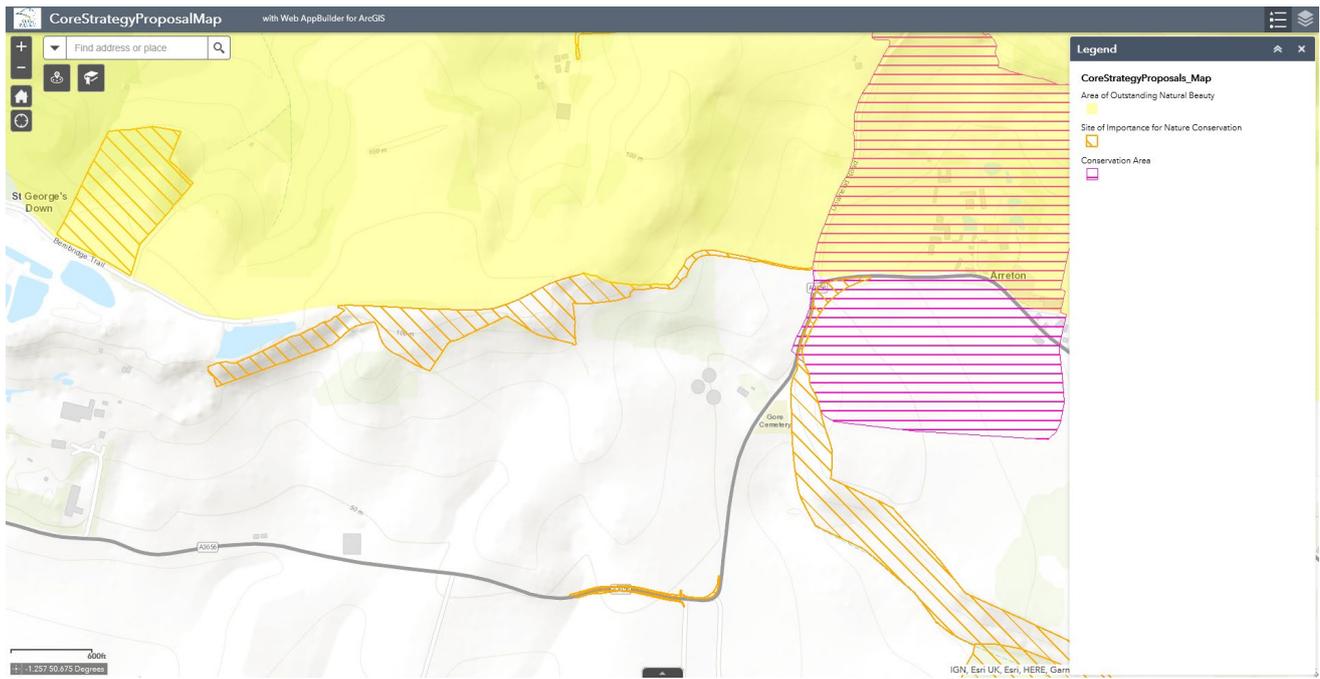
43. The parking and security compound hereby permitted shall not be used for the parking of HGVs, storage of any waste, fuels, chemicals or liquids (other than fire water) or plant or machinery related to the approved development and no processes associated with the drilling, testing or appraisal phases shall be carried out within this compound.

Reason: To ensure that the development would not increase flood risk on or off-site, to ensure protection of groundwater and surface water from activities at the site and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM20 (Minerals) of the Island Plan Core Strategy.

Appendix 1: Development phases

Phase	Sub Phase	Phase Length	Estimated Two-Way Daily HGV Trips	Estimated Two-Way Daily Personnel Trips	Combined Two-Way Trips
Phase 1: Access and Well Site Construction	N/A	10 weeks	15	18	33
Phase 2: Drilling, Testing and Appraisal	2.A: Drilling – Mobilisation/ Demobilisation	3 weeks	10	30	40
	2.B: Drilling	15 weeks	10	30	40
	2.C: Testing – Mobilisation/ Demobilisation	3 weeks	10	30	40
	2.D: (i) Well Testing	10 weeks	15	30	45
	2.D: (ii) Extended Well Testing	16 weeks	5	30	35
	2.E: Sidetrack Drilling	15 weeks	10	30	40
	2.F: Maintenance Workover	4 weeks	10	30	40
Phase 3: Well Plugging, Abandonment and Decommissioning	3.A: Plugging and Abandonment	3 weeks	10	18	28
	3.B: Removal of Surface Equipment	2 weeks	5	18	23
Phase 4: Site Restoration	4.A Site Restoration	5 weeks	10	12	22

Appendix 2 – Map showing designations



Appendix 3 – Hydrogeological conceptual model- deep geology and wells

