

## Agenda Item 11

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<b>Date</b>	3 <sup>rd</sup> March 2015

<b>Ward (s) affected</b>	Leith Hill	<b>Key Decision</b>	No
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<b>Subject</b>	Support for Leith Hill Action Group
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### RECOMMENDATIONS

That a sum of £5,000 is given to the Leith Hill Action Group, to help them in their campaign against an application to carry out exploratory drilling for oil near Coldharbour.

### EXECUTIVE SUMMARY

- Europa Oil and Gas Plc, applied to Surrey County Council, as the Minerals Planning Authority, for permission for the construction of an exploratory drill site to include plant, buildings and equipment; the use of the drill site for the drilling of one exploratory borehole and the subsequent short term testing for hydrocarbons; the erection of security fencing and the carrying out of associated works to an existing access and track all on some 0.79ha, for a temporary period of 18 weeks within a window of up to 3 years, with restoration to forestry at the end of the period.
- Surrey County Council refused planning permission. This was upheld by the Planning Inspector at the Public Inquiry in July 2012.
- Europa appealed to the High Court and the appeal was won
- The Leith Hill Action Group appealed the decision at the Court of Appeal. The Court ruled that the decision of the High Court judge should stand.
- A second Public Inquiry is due to start on 22<sup>nd</sup> April 2015 and Leith Hill Action Group are trying to raise funds to support their case
- Given our support in the past the Group has approached the Council again for assistance.

### CORPORATE PRIORITIES

This application supports the Council's priorities of listening to our communities as well as seeking to preserve and enhance the character and environment of the District.

**The Executive has the authority to determine the Recommendations**

## 1.0 BACKGROUND

### The Europa Application

- 1.1 In 2011 Surrey County Council considered an application from Europa Oil and Gas to carry out exploratory drilling near Coldharbour, to test for the presence of hydrocarbons. The site of the deposits is underneath Coldharbour village itself. The drilling would consist of a single borehole to reach various sandstone beds up to a depth of 1300m.
- 1.2 In engineering terms, despite claims that they could drill from much further afield, the company says that it is limited to approx 1600m radius from the site in order to carry out a test drilling. The existence of the site had been identified by seismic surveys.
- 1.3 The deposit sits beneath the village of Coldharbour and the hill fort, and therefore it was not possible to drill directly down and instead directional drilling had to be contemplated. The choice of location for the exploratory drill site was limited due to restrictions on the distance of the drill from the hydrocarbon deposit. There had initially been 6 sites that were considered potential locations for the development, further alternative site analysis increased this to 10. Following analysis, the site at Bury Hill Wood was considered the most appropriate for development.
- 1.4 If permission was granted there would be disruption to the site as well as access issue for lorries and plant, and it was estimated that the test drilling would last up to 18 weeks and would be fully restored via a S106 agreement.
- 1.5 Access to the site would be from the north via Coldharbour Lane with Knoll Road in Dorking being used as a holding area to assemble a convoy of vehicles. A traffic management plan was proposed by the applicant to control access to and from the site down the narrow lanes that are a feature of this area.
- 1.6 The County Council received some 1100 representations to the application objecting to the scheme on the following principle issues:
  - The site lies within the Surrey Hills Area of Outstanding Natural Beauty, an area designated of national landscape importance, yet the need for the proposal has not been established to any level that can be considered to override national landscape policy.
  - The negative effect of the traffic generated by the development on the local road system, including Knoll Road, given its total unsuitability for the anticipated volume and size of oil rig traffic.
  - Insufficient information to justify the location of the drill site in relation to the target zone.
  - Insufficient evidence has been submitted with regard to the ecological effects of the development.
  - The proposal would be harmful to the visual amenities of the area.

- The proposal has a great potential for contaminating the area and it would be intrusive into this otherwise quiet area.

1.7 The application was considered by Mole Valley's Development Control Committee as a consultee to the application. The Committee resolved to recommend to Surrey County Council that the application should be refused.

The decision of Surrey County Council

1.8 The matter was subsequently considered by Surrey County Council Planning Committee and it was resolved to refuse the application on the grounds of:

- Insufficient alternative site analysis and significant adverse impact on AONB. In addition it was also resolved that traffic management measures should also be included as a reason for refusal

Planning Appeal

1.9 Europa appealed this decision and a Public Inquiry took place in July 2012 following which the Inspector upheld Surrey County Council's decision to refuse planning permission. In July 2012 the Executive approved funding of £3,000 for the Leith Hill Action Group in respect of that Public Inquiry.

Appeals to the High Court and Court of Appeal

1.9 Europa subsequently submitted an appeal to the High Court and won the appeal. Leith Hill Action Group were given leave to appeal this decision to the Court of Appeal and in October 2013 the Executive approved a sum of £5,000 to support the Group in their appeal.

1.10 The Court of Appeal subsequently ruled that the decision of the High Court judge should stand.

Second public Inquiry

1.11 Therefore the Planning Inspector's decision has been quashed and a second Public Inquiry is now due to start on 22<sup>nd</sup> April 2015 to determine the original appeal against Surrey County Council's decision.

1.12 The Leith Hill Action Group have estimated that they need around £30,000 to cover professional fees for the Public Inquiry and they still need to raise £19,000. The Group have requested funding of £10,000 from Mole Valley District Council. The request for funding is attached as Appendix 1 with the justification and rationale set out in the letter.

**Financial Implications**

If the request is to be supported this is currently unbudgeted. However the sum is relatively small and a payment could be made from the Council's planning budget. It should not set a precedent for future payments nor will the Council be exposed to any further liabilities.

**Legal Implications** - There are no legal implications as a result of this request.

## **2.0 OPTIONS**

- 2.1 The Executive could choose not to provide financial support for the Leith Hill action group. To do so would be seen negatively by local residents that the Council is not supporting their cause, even though it has done so in terms of assisting with the actual appeal. However the Council has limited funds and all requests for support have to be considered and inevitably some refused.
- 2.2 The Executive could agree to provide support in the sum of £5,000 as previously approved in 2013. This would be in line with the Council priorities to support the environment and is a relatively small sum.
- 2.3 The Executive could provide support with a different sum.

## **3.0 CORPORATE IMPLICATIONS**

**Monitoring Officer commentary** - All relevant legal implications have been taken into account and are set out above.

**S151 Officer commentary** - All financial implications have been taken into account.

**Risk Implications** – The key risks are reputational. Other issues relating to financial impacts are small, but the Council is being asked by a local community group for assistance and it would be seen negatively if this support could not be provided especially as other money has been raised through other means.

**Equalities Implications** - There are no implications as a result of this request

**Employment Issues** - There are no implications as a result of this request

**Sustainability Issues** - There are no implications as a result of this request

## **BACKGROUND PAPERS**

None other than published documents

Fundraising Committee  
 Leith Hill Action Group  
 Oak Lodge  
 Anstie Lane  
 Coldharbour  
 Surrey  
 RH5 6HA

19 February 2015

Yvonne Rees  
 Chief Executive of Mole Valley District Council  
 Pippbrook  
 Dorking  
 Surrey  
 RH4 1SJ

Dear Yvonne

**Leith Hill Action Group – Request for funds from Mole Valley District Council**

This letter is to make a formal request for funds of £10,000 for the Leith Hill Action Group (“LHAG”) from Mole Valley District Council (“MVDC”).

**Background**

LHAG was established back in 2009 to fight a planning application submitted by Europa Oil & Gas Ltd (“Europa”) to exploratory drill for oil in Bury Hill Woods, off Coldharbour Lane, in the heart of the Surrey Hills Area of Outstanding Natural Beauty (“AONB”).

As you will be aware, Surrey County Council (“SCC”) refused Europa planning permission back in May 2011. Europa then proceeded to appeal SCC’s decision and a Public Inquiry took place in July 2012, following which the Planning Inspector concluded that SCC’s decision to refuse Europa planning permission should be upheld.

We were therefore very disappointed when Europa submitted an appeal to the High Court, back in November of last year, challenging the Planning Inspector’s decision, and yet more disappointed still when they won their appeal.

LHAG appealed the decision at the Court of Appeal and although the panel of judges at that hearing could see the strength of the arguments we were making, they nevertheless ruled that the decision of the High Court judge should stand.

We therefore find ourselves facing a second public inquiry, which is due to start on 22 April 2015 at Dorking Halls. The inquiry is due to last for 7 days, but it could take longer. This is especially the case given a secondary, related planning application (covering the horizontal, underground element of the drilling) has been submitted by Europa that will not be heard by SCC's planning committee ahead of the public inquiry.

### **Fee estimate**

We estimate that we need funds of around £30,000 for the public inquiry to cover professional fees. We currently have £11,000 in our bank account and so we find ourselves having to raise an additional £19,000.

We have already raised in excess of £100,000 fighting this planning application so far, £8,000 of which has kindly been provided by MVDC. However, a significant amount of the funds – well over half – has come from the general public and donations continue to be received from that source. You will understand though that it is becoming increasingly difficult to keep asking the same people for money – many of whom have donated several times already.

### **Request for funds**

In light of MVDC's Development Control Committee's unanimous objection to Europa's application, I am hopeful that you will see fit to provide LHAG with further funds in our continued fight against Europa's proposals.

We once again have a large task on our hands to raise the estimated £19,000 shortfall in our funding required to pay for our participation in the public inquiry.

We are exploring all possible funding avenues. These are as follows:

- We have been seeking, and are continuing to seek, donations from individuals;
- We are planning several fundraising events over the coming months;
- We have asked for and are due to receive funds from the Surrey branch of the Campaign to Protect Rural England;
- We will be approaching other organisations that provided us with funding previously, although given the scale of donations received from some of these organisations previously and due to a change in their funding procedures, we are not hopeful of receiving large donations from this source.

Please let me know if you require any further information, otherwise I very much look forward to hearing from you shortly.

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Yours sincerely

Charlotte Nolan

*Chair of Leith Hill Action Group Fundraising Committee*