



## Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 15 September 2016

### Present:

David Jones (Chairman)

Pauline Batstone, Beryl Ezzard, Paul Kimber, Mike Lovell, David Mannings, Mark Tewkesbury  
and Daryl Turner.

Officer Attending: Maxine Bodell (Economy, Planning and Transport Services Manager), Phil Crowther (Solicitor), Mike Garrity (County Planning, Minerals and Waste Team Leader), Jerry Smith (Technical Specialist - Planning) and Lee Gallagher (Democratic Services Manager).

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Thursday, 27 October 2016.**)

### Apologies for Absence

58 Apologies for absence were received from Steve Butler, Barrie Cooper, Ian Gardner, Mervyn Jeffery, Margaret Phipps, Peter Richardson and David Walsh.

### Code of Conduct

59 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

The Chairman, Cllr David Jones, declared that as he had not attended the site visit regarding the Wytch Farm, Wareham and Kimmeridge Oilfields at minute 62 he would not take part in the meeting for the item. He withdrew from the meeting for the item and observed the discussion from the public gallery. The Vice-Chairman, Pauline Batstone, chaired the item in the Chairman's absence.

### Minutes

60 The minutes of the meeting held on 18 August 2016 were confirmed and signed.

### Public Participation

#### 61 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public questions received at the meeting in accordance with Standing Order 21(2).

#### Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

### Wytch Farm, Wareham and Kimmeridge Oilfields

62 (Note: The Chairman, Cllr David Jones, declared that as he had not attended the site visit regarding the Wytch Farm, Wareham and Kimmeridge Oilfields at minute 62 he would not take part in the meeting for the item. He withdrew from the meeting for the item and observed the discussion from the public gallery. The Vice-Chairman, Pauline Batstone, chaired the item in the Chairman's absence.)

The Committee considered a report by the Service Director – Economy in relation to

the progress with the determination of 39 planning applications (no's 6/2012/0571-0609) to enable the extension of the operational life of the oilfield development at Wytch Farm, Wareham and Kimmeridge Oilfields to 2037 following the resolution of the Planning Committee on 6 September 2013. A separate report would be considered by the Cabinet at its meeting on 28 September 2016.

Members received a detailed summary of the report which explained the progress of the applications to date, and in particular the circumstances since the conditional resolution to approve the applications, and sought agreement for revised financial security arrangements and terms for the required Section 106 agreement regarding the decommissioning, restoration and landscaping required in relation to the site. Reference was made to the changes within the heads of terms for the Section 106 agreement which meant that BP would no longer guarantee to decommission and restoration of the site and this would now be guaranteed by Perenco SA as the parent company of Perenco UK. A Decommissioning Security Deed would act like an insurance policy if Perenco did not, or was unable to, undertake the decommissioning and restoration and would provide access for the Council to funds to complete the work. Members noted that the detailed DSD and Section 106 Agreement were nearing completion. It was also confirmed that environmental and planning assessments agreed in 2013, in particular the Appropriate Assessment under the Habitat Regulations, were still sound.

The Committee considered the following matters in relation to the applications:

Detail of the DSD and Section 106 Agreement Clarification was sought regarding the completion of the Section 106 Agreement, to which it was confirmed that planning permission was routinely sought based on heads of terms and the details would be finalised after the decision was taken by Committee.

Decommission and Restoration Fund Questions were asked in respect of the provision of financial security for 110% of the estimated costs of oilfield decommissioning, restoration and aftercare. It was explained that the level of funding was due to the risk factor associated with the estimate of the final cost at this stage although there was an annual assessment of the cost of decommissioning and restoration. A further risk was associated with the movement of financial guarantee from BP to Perenco SA.

Landscape Restoration Standards Members were informed that the standard of the decommissioning and restoration plans had met at least the same standard as the former plan agreed with BP, as the previous operator. Following Perenco's takeover of the sites more detailed restoration schemes had been developed which planning officers were satisfied with. It was also noted that a fund was included in the planning permission for landscape improvements during the operational life of the sites as well.

Oil Extraction Techniques and Emergency Procedures A question was asked regarding the assessment of techniques used to extract oil and emergency procedures on site, to which officers confirmed that the site used conventional methods for extracting oil, which did not include fracking, and Perenco had expertise in evolving technology to extract in the most efficient ways possible. In relation to emergency procedures and response, this was the responsibility of the operator, was regulated by other agencies and did not require consideration in planning terms, but it was noted that there had never been any major incidents on site and any incidents had been dealt with swiftly and efficiently. It was also reported that although the Mineral Planning Authority was not responsible, the Council had an emergency planning team which worked with all relevant organisations and agencies.

Community Input by Perenco Members discussed the level of community input from BP as the previous operator, and from Perenco, and were advised that there had been a great deal of input to the community including grant funding, school support for projects, community projects, transport improvements, access to the countryside and jobs for local people. However, Officers stressed that these matters were not

material to the determination of the current planning applications.

Monitoring of Decommissioned and Redundant Oil Wells A question was asked regarding the practice of monitoring redundant oil wells following decommissioning. It was clarified that this was a technical aspect of the decommissioning and was outside the remit of the planning authority and a responsibility of other regulators such as the Oil and Gas Authority.

Following the debate, Cllr Daryl Turner proposed the recommendations within the report, which were seconded by Cllr Mike Lovell. On being put to the vote the recommendations were agreed unanimously.

### **Resolved**

That the Service Director - Economy be delegated authority to grant planning permission for the 39 planning applications (no's 6/2012/0571-0609) subject to the following:

1. The planning conditions referred to in the resolution of the Planning Committee of 6 September 2013;
2. Any further amendments to the planning conditions in respect of timescales for site decommissioning and restoration which the Service Director - Economy considers are necessary after consultation with the Chairman and Vice Chairman of the Regulatory Committee;
3. Any minor amendments to the planning conditions which the Service Director - Economy considers are necessary to improve their accuracy, clarity and enforceability;
4. The prior completion of a S106 agreement in accordance with the revised Heads of terms at Appendix 4 to the Report to the Committee of 15 September 2016; and,
5. Revised financial security arrangements, as set out in the Report to the Committee of 15 September 2016, being secured to the satisfaction of the Service Director - Economy for the provision to the MPA of funds for the decommissioning, restoration and aftercare of the Wytch Farm, Wareham and Kimmeridge Oilfields in the event that the applicant fails to complete these works.

### **Reasons for Decisions**

The reasons for granting permission were set out in the conclusions in section 7.22 of the original report to the Planning Committee on 6 September 2013 and have not been materially affected by the adoption of the new Development Plan. The Appropriate Assessment had been reviewed and remained sound. The revised S106 agreement and financial arrangements ensured that the County Council had greater security in enforcing and/or stepping in directly to address any failure in the operation or decommissioning, restoration and aftercare of the Wytch Farm, Wareham or Kimmeridge Oilfields.

### **WD/D/15/001058 - for the variation of conditions 4, 11, 15 and 21 of planning permission 1/E/2005/0742 for revised phasing and restoration to facilitate the extension of the quarry, including changes to internal layout and amending the permitted noise monitoring scheme at Woodsford Farm, Woodsford, Dorchester**

63 It was noted that with the permission of the Chairman, the item had been deferred and would be reported back to the Committee in due course.

### **WD/D/15/001057 - for an extension of the quarry to the north to provide additional silt lagoon capacity and for the erection of an aggregate bagging plant, at Woodsford Farm, Woodsford, Dorchester**

64 It was noted that with the permission of the Chairman, the item had been deferred and would be reported back to the Committee in due course.

### **Questions from County Councillors**

65 No questions were received from members under Standing Order 20(2).