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Justice Stops Oil

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A Surrey campaigner is “over the moon” after a landmark legal decision found that planning permission given to drill for oil at Horse Hill is unlawful.

The Supreme Court has found that the environmental impact of burning fossil fuels must be taken into account when granting planning permission.

Sarah Finch has been fighting Surrey County Council’s decision to approve UK Oil and Gas’s oil drilling site in Horse Hill, south of Reigate, for years – having first brought the case to the High Court in 2019.

On Thursday (June 20) the Supreme Court ruled, by three judges to two, that planning permission for fossil fuel production should not be granted unless the climate impact of the project – specifically downstream greenhouse gas emissions from the combustion of the fuel – have been fully assessed.

It means Surrey County Council’s decision to grant planning permission for oil production was unlawful, her lawyers said at the end of the five-year battle.

Mrs Finch said: “I am absolutely over the moon to have won this important case. The Weald Action Group always believed it was wrong to allow oil production without assessing its full climate impacts, and the Supreme Court has shown we were right.

“This is a welcome step towards a safer, fairer future. The oil and gas companies may act like business-as-usual is still an option, but it will be very hard for planning authorities to permit new fossil fuel developments – in the Weald, the North Sea or anywhere else – when their true climate impact is clear for all to see.

“I thank the Weald Action Group, Friends of the Earth and everyone who has been part of our long journey through the courts. And I thank my lawyers for their commitment and hard work.”

The Court found the council’s reasons for refusing to assess the impact of burning the fuel was inadequate, her lawyers said, adding that it made the “common sense point” that combustion emissions were unavoidable and no other controls could be relied upon to reduce their impact.

They added that for similar reasons, the court also dismissed an argument that refining the oil somehow excused a failure to assess its impact at the earliest possible stage.

The decision means planning authorities in England and Wales must now assess the total climate impact of any proposed fossil fuel developments.

Stephen Sanderson UKOG’s chief executive said: “The court’s rather perplexing retrospective ruling, which is counter to all prior judgements, further underscores why the company’s focus over the past few years has shifted away from oil and gas and firmly towards creating and delivering strategic underground hydrogen storage, an essential element of the UK’s future low carbon energy system.

“These projects have the potential to create far greater sustainable value for the company and the UK than any small onshore field such as Horse Hill. They also have the added benefit of making a positive contribution to Net Zero.

“However, although Horse Hill is a small part of our portfolio, it still has a role to play in both the company’s and UK’s future transitional energy mix and thus we look forward to working closely with the local planning authority to rectify this retrospective change to EIA requirements.”

The proposed expansion at Horse Hill Developments would have created five drilling cellars, four hydrocarbon production wells, four gas-to-power generators, a process, storage and tanker loading area, seven 1,300-barrel oil tanks, and a 37-metre drill rig to allow large-scale production of up to 3.3 million tonnes of crude oil for sale and use as transport fuel for 20 years, Mrs Finch’s lawyers Leigh Day said.

UKCOG has said it plans to work closely with Surrey County Council to “promptly rectify the situation”, either via an amendment to the original 2018 planning applications or a new retrospective planning submission, for which there is recent planning precedent within Surrey.

A spokesperson for Surrey County Council said: “The long awaited judgement of the Supreme Court in the case of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others has found that the Environmental Impact Assessment undertaken for the planning application at Horse Hill to extract petroleum did not assess the effect on climate of the combustion of the oil to be produced.

“Council officers at the time of the planning application assessment believed that they acted in compliance with the law.

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The judgement makes it clear that local planning authorities must have regard to downstream emissions. The council was unsuccessful in defending its decision.

“The planning permission remains to be determined in due course.”

Image: Redhill climate campaigner Sarah Finch at Horse Hill rally 5 Nov 2021. Credit Denise Laura Baker

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