

APPLICATION NO	PA/2016/808
APPLICANT	Edgon Resources UK Ltd
DEVELOPMENT	Planning permission to install four groundwater monitoring boreholes at the existing Wressle 1 well site
LOCATION	Lodge Farm, Clapp Gate, Appleby, DN15 0DB
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 14 explains that a presumption in favour of sustainable development should be seen as a ‘golden thread’ running through decision-taking. It makes clear, in circumstances where there is no extant adopted plan or relevant plan containing no applicable policies, that planning permission should be granted unless adverse impacts of the development would “*significantly and demonstrably outweigh the benefits*” or where there are policies within the NPPF which indicate such development should be restricted.

Paragraph 109 states that “*the planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Paragraph 118 encourages local planning authorities to consider *“opportunities to incorporate biodiversity in and around developments”*.

Paragraph 120 states that *“to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account...”*

Paragraph 121 requires that planning decisions also ensure that *“the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation”* and that *“adequate site investigation information, prepared by a competent person, is presented”*. It is clear that land, once remediated, should not thereafter be capable of being determined as contaminated land.

Paragraph 122 expressly makes it clear that *“local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes”*. Authorities must *“assume that these regimes will operate effectively”*. It follows that *“where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”*.

Paragraph 196 requires that *“applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*. It also established that the NPPF is a material consideration in planning decisions.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

This policy seeks a high standard of design in all new developments and states *“proposals for poorly designed development will be refused”*. Policy DS1 sets out criteria against which all new proposals will be considered as set out below:

- Quality of design
 - i) the design and external appearance should reflect or enhance the character, appearance and setting of the immediate area; and
 - ii) the design and layout should respect and where possible retain and/or enhance the existing landform.
- Amenity
 - iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing; and
 - iv) amenity open space in the area should be retained, wherever possible; and

- v) no pollution of water, air or land should result.
- Conservation
 - vi) there should be no adverse effect on features of acknowledged importance on, or surrounding, the site, including species of plants and animals of nature conservation value; and
 - vii) the development must retain existing features that make an important contribution to the character or amenity of the site or the surrounding area; and
 - viii) development proposals should include results of archaeological assessment, where appropriate, and adequate measures to ensure that there would be no unacceptable impacts on archaeological remains.
- Resources
 - ix) there should be no conflict with an allocated or approved land-use nor should the reasonable potential for development of a neighbouring site be prejudiced; and
 - x) the location and design of developments on urban fringes should take into account the need to minimise the impact of the development on adjoining agricultural land; and
 - xi) measures to conserve energy will be expected in:
 - a) the design, orientation and layout of buildings; and
 - b) the location of development; and
 - c) improvements to the transport network and in the management of traffic.
- Utilities and Services
 - xii) there should be no reliance on public finances being available to provide infrastructure and services; and
 - xiii) suitable on-site drainage should be provided and where there are off-site drainage problems the developer will be expected to overcome them.

Policy RD2 (Development in the Open Countryside)

This policy seeks to strictly control development in the open countryside to certain types. Amongst others, policy RD2 identifies employment-related development appropriate to the open countryside as an acceptable type of development. New development in the open countryside will only be permitted provided that the open countryside is the only appropriate location; it would not be detrimental to the character or appearance of the area; it would not be detrimental to residential amenity or highway safety; and the development is sited to make best use of existing and new landscaping.

Policy DS13 (Groundwater Protection and Land Drainage)

All development proposals must take account of the need to secure effective land drainage measures and ground water protection in order to control the level of water in the land drainage system.

Policy DS15 (Water Resources)

Development will not be permitted which would adversely affect the quality and quantity of water resources or adversely affect nature conservation, fisheries and amenity by means of pollution from the development or water abstraction unless the impact is mitigated to an acceptable level.

Policy T2 (Access to Development)

This policy requires all new developments to be provided with a satisfactory access and continues to state that larger developments should be served by a range of transport modes.

Policy LC5 (Species Protection)

Planning permission will not be granted for development which would have an adverse impact on protected species. Where development is granted that may impact on protected species, the use of conditions or planning agreements will be considered to mitigate this impact.

Policy LC7 (Landscape Protection)

Where development is permitted within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.

North Lincolnshire Core Strategy:

Policy CS2 (Delivering More Sustainable Development)

Asserts that any development in the open countryside will be restricted and only development essential to the functioning of the countryside will be allowed to take place. This includes, amongst other uses, those “*which require a countryside location*”.

It goes on to state that all future development will be required to contribute towards achieving sustainable development and sets out sustainable development principles which development should comply with. These sustainable development principles include, amongst others, a requirement to:

- *contribute to achieving sustainable economic development to support a competitive business and industrial sector; and*
- *take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding.*

This policy also requires environmental impacts of developments to be adequately mitigated.

Policy CS3 (Development Limits)

This policy outlines how development limits will be created and applied. It also states that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. This includes uses which require a countryside location.

Policy CS17 (Biodiversity)

This policy sets out a number of ways in which the council will seek to promote the effective stewardship of North Lincolnshire's wildlife. Amongst others these include:

- *ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features; and*
- *ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.*

Policy CS18 (Sustainable Resource Use and Climate Change)

This policy promotes development that utilises natural resources efficiently and sustainably including, amongst others:

- *ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.*

Policy CS21 (Minerals)

This policy explains that the council will safeguard mineral resources in North Lincolnshire from other development that would prejudice future mineral extraction via Mineral Safeguarding Areas in the Minerals and Waste Development Plan Document (not yet published). It also states that the council "*will provide for a steady and adequate supply of mineral to be maintained in accordance with national and regional guidance*".

Policy CS21 plans for the sustainable extraction of minerals by, amongst other things, "*safeguarding natural watercourses*".

National Planning Practice Guidance:

Health and wellbeing

This section of the guidance advises on the role of health and wellbeing in planning.

Paragraph 002 declares the built and natural environments to be "*major determinants of health and wellbeing*" and goes on to list, amongst others, that planning authorities should, in considering new development proposals, ensure that "*potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for*".

Land affected by contamination

This section of the guidance provides guiding principles on how planning can deal with land affected by contamination.

Paragraph 001 asserts the need for authorities to adequately deal with contamination and states that failure to do so *“could cause harm to human health, property and the wider environment”*.

Paragraph 009 advises that local planning authorities should work with developers to find acceptable ways forward if there are concerns about land contamination. *“However, local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk”*.

Minerals

This section of the guidance provides guidance on the planning for mineral extraction in plan making and the application process.

Paragraph 013 sets out the environmental issues that authorities should address when dealing with applications for mineral-related development, including noise, air quality, lighting, visual impact, traffic, risk of contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and, in some cases, ground water issues, and water abstraction.

Paragraph 014 sets out issues which are for other regulatory regimes to address, including, for example, ground and surface water and mining waste permits, for which the Environment Agency is responsible. With specific respect to hydrocarbon extraction, paragraph 014 links to later paragraphs within the online guidance which sets out the key regulators in addition to the Mineral Planning Authority.

Natural environment

This section of the guidance explains key issues in implementing policy to protect and enhance the natural environment.

Paragraph 007 explains the statutory responsibilities of planning authorities in determining applications and, at its core, a duty to *“contribute to conserving and enhancing the natural environment and reducing pollution”*.

Water supply, wastewater and water quality

This section of the guidance advises on how planning can ensure water quality and the delivery of adequate water and wastewater infrastructure.

Paragraph 016 advises that whether water is likely to be a material consideration *“will depend on the proposed development, its location and whether there could be concerns about water supply, water quality or both”*.

With respect to water quality, paragraph 016 states that when assessing the impacts upon water quality, they could include:

- *“the likely impacts of the proposed development (including physical modifications) on water quantity and flow, river continuity and groundwater connectivity, and biological elements (flora and fauna);*
- *how the proposed development will affect measures in the river basin management plan to achieve good status in water bodies;*
- *how it is intended the development will comply with other relevant regulatory requirements relating to the water environment (such as those relating to bathing waters, shellfish waters, freshwater fish and drinking water) bearing in mind compliance will be secured through the Environment Agency’s permitting responsibilities”.*

CONSULTATIONS

Highways: No comments or observations to make.

Environment Team (Ecology): No objection. The proposal is not expected to affect protected or priority species.

Historic Environment Record (Archaeology): This proposal does not adversely affect any heritage assets of archaeological interest or their settings.

Environmental Health: No comments to make.

Environment Agency: The proposed groundwater monitoring wells will be a requirement of the Environmental Permit for the oil production at the site, if issued. The Environment Agency therefore supports this application to install them.

National Grid: Have identified that they have apparatus in the vicinity of the site. Request an informative requesting that the developer contact National Grid to discuss their proposal before works start.

TOWN COUNCILS

Broughton Town Council: No objections or comments.

Brigg Town Council: Support the proposal.

PUBLICITY

Under the provisions of the Town and Country Planning (Development Management Procedure) Order 2015, this application has been advertised by means of letters being posted to neighbouring properties at Lodge Farm and a site notice being posted.

Thirty-two representations have been received in opposition to the application. Letters of representation received include letters from action/campaign groups ‘*Frack Free Lincolnshire*’ and Friends of The Earth (FoTE). Of these representations, the vast majority are duplicates of responses submitted in objection to MIN/2016/810 or object to the proposal with regard to the potential for fracking at the site. These representations are not relevant to, nor can they be given weight in the determination of this application and as such they have not been included in the assessment of responses below. Only a small number of the representations cited objections to this specific proposal.

The representations received in opposition to the application raise the following concerns/issues that are relevant to the proposed development:

- This application cannot be assessed in isolation, it is for preliminary works to facilitate a fracking development.
- The installation of the boreholes is merely complying with legal requirements and will not provide sufficient monitoring of groundwater quality. Three months' monitoring cannot possibly give sufficient data; monitoring would have to be undertaken for at least a year to be truly representative.
- This application depends on another application (MIN/2016/810) and is not a well-researched application standing on its own merits.
- The depth of the proposed boreholes is inadequate, as the deepest borehole (50 metres) is shallower than the aquifer underlying the site (80 metres). Groundwater needs to be monitored at much deeper depths to give early warning of contamination.
- The boreholes cannot establish a "baseline water quality" as groundwater may have already been affected by the exploratory drilling operation.
- There is no indication of frequency or duration of monitoring.
- Monitoring must continue at frequent intervals prior to, during, and indefinitely following production ceasing.
- The applicant should not be allowed to carry out their own monitoring of water quality/contamination. This should be carried out by the local water board, or the Environment Agency.

One letter of comment has also been received stating no objection to conventional oil and gas production but raising a concern should the proposal be for fracking. This letter is a duplicate of one which was submitted in respect of MIN/2016/810.

ASSESSMENT

Site

The application site is a piece of land extending to 0.70 hectares in size and comprises part of an existing wellsite with associated access track. The site lies within a flat, rectilinear field located approximately 1.6 kilometres to the north of Wressle and approximately 1.7 kilometres north-east of Broughton. The site is located outside of any defined development boundary and as such is located within the open countryside.

The site currently comprises an existing temporary exploratory well site which was granted planning permission by North Lincolnshire Council on 18 June 2013 (MIN/2013/0281). The wellsite pad and earth bund is contained by a 2 metre high fence. Following drilling of the well in 2014, and subsequent flow testing operations during 2015, there is currently only a limited amount of equipment and facilities on site. The development on site at present comprises:

- a production tree (a system of valves to manage hydrocarbon flow and well entry) over the wellhead;
- four storage tanks situated within a temporary bund;
- a site office/cabin; and
- three storage containers.

The site is partially screened along its northern and western boundaries by existing earth bunds.

The surrounding landscape is characterised by a mix of flat agricultural land and areas of woodland. There are blocks of woodland located to the south, east and west of the application site. With regard to existing structures within the surrounding landscape, there are agricultural buildings to the north of the site and a sub-station to the north-east. Additionally, a network of pylons and electricity lines cross the agricultural fields to the north and east of the site.

The nearest residential property to the application site is North Cottage, located approximately 530 metres to the east. This dwelling forms part of a small residential development at Lodge Farm, to the west, which is centred around the original farmhouse. Decoy Cottage, located to the south, is approximately 580 metres away from the site.

Access to the site is currently obtained via an existing agricultural track. This track passes in a westerly direction from the B1208, through Lodge Farm courtyard and runs partly parallel to Ella Beck before crossing over an existing bridge into the existing arable field (in which the site lies). There are no public footpaths within the immediate vicinity of the site, with the nearest footpath 215 lying approximately 0.8 kilometres away.

Planning history

On 18 June 2013 planning permission was granted by North Lincolnshire Council for the construction of a temporary wellsite for the drilling of an exploratory borehole with associated structures and works. The consented exploratory borehole was drilled in 2014 and flow testing operations undertaken in 2015. Since these previous operations were undertaken the site has been largely cleared, with a limited amount of equipment and structures remaining.

Proposal

This application seeks planning permission for the drilling of three boreholes which will contain up to four groundwater monitoring boreholes on site to monitor groundwater quality. Two of the proposed boreholes will be located in the same location, which is why there are only three borehole locations shown on the submitted plans. One of the groundwater monitoring boreholes will be installed at an approximate depth of 50 metres and the other three will be at a depth of 5 metres.

It is expected that the preparation and installation of the boreholes would be completed within three days on site. Groundwater monitoring would then take place over a period of three months.

The groundwater monitoring is proposed in conjunction with a proposal for long-term oil and gas production from the wellsite, which is the subject of MIN/2016/819 which is also before members for consideration. The groundwater monitoring is proposed to be undertaken in advance of the proposed production works on site, to enable baseline and ongoing monitoring of groundwater quality.

The principal issues to consider in the determination of this application are assessed below and comprise the following:

- **the principle of development**
- **impact on ecology**
- **impact on amenity**
- **highway impacts, and**
- **impact on groundwater.**

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Such other important considerations include other relevant policy and guidance, particularly national planning policy in the National Planning Policy Framework (NPPF) and other relevant Government policy statements, as well as that which is provided within the National Planning Practice Guidance (NPPG).

Among the aims of the North Lincolnshire Local Plan and the North Lincolnshire Core Strategy (the development plan) are those securing the protection of the natural environment, including the water environment (Chapters 15 of the NLLP and 11 of the Core Strategy relate).

Policies DS13 of the North Lincolnshire Local Plan and CS17 and CS18 of the Core Strategy are the most relevant policies in the determination of this application. Policy DS13 of the NLLP relates to groundwater protection and states that *“proposals must take account of the need to secure effective land drainage measures and groundwater protection”*. Policy CS17 of the Core Strategy seeks to secure biodiversity and requires new development to retain, protect and enhance *“features of biological and geological interest and provides for the appropriate management of these facilities”*. Policy CS18 of the Core Strategy relates to sustainable resource use and seeks to ensure that *“development and land use helps to protect people and the environment from unsafe, unhealthy, polluted environments by protecting and improving the quality of the air, land and water”*. Furthermore, the proposal does not give rise to any material conflict with locational policy within the development plan, and is required in this location as the groundwater monitoring is linked to application MIN/2016/810 which proposes to make use of the existing wellsite.

With regard to other material considerations, paragraph 109 of the NPPF requires developments to *“contribute to and enhance the natural and local environment”*. Paragraphs 120, 121 and 122 seek to ensure that development is suitable for its location and that the impacts of potential pollution are taken into account.

For the reasons outlined in the paragraphs above, it is considered that the proposed development is generally in accord with the relevant development plan policy and is, therefore, acceptable 'in principle'.

Ecology

The council's ecologist has been consulted on the application and has considered the ecological appraisal submitted with MIN/2016/810, which covers this site. The ecologist has confirmed that the proposal is not expected to affect protected and priority species.

The council's ecologist initially recommended a Unilateral Undertaking (UU) be entered into by the applicant to secure off-site biodiversity enhancements. However, this request relates to activities proposed under MIN/2016/810 rather than this application and following additional information submitted by the applicant (in respect of MIN/2016/810), including proposals to improve biodiversity enhancements on the site, the ecologist has agreed that this UU is not necessary and that the proposed biodiversity enhancements are acceptable and proportionate.

As the application site is largely hard-standing and the proposal is for the drilling of three relatively shallow boreholes, which will be undertaken over a short period of time, it is considered that direct impacts on protected and priority species are unlikely. On this basis it is considered that there will be no unacceptable impact on the natural environment as a result of the proposed development.

Amenity

It is anticipated that the construction of the boreholes will take approximately one week to complete and it is not anticipated that this operation, due to the scale of the works proposed and the short term nature of the works, is likely to have any significant or adverse impact on the amenity of neighbouring residential properties. The council's Environmental Health officer has been consulted on the application and has raised no concerns or objections to the proposal with regard to its impact on neighbouring properties. Taking this expert advice into account, it is considered that the construction of the proposed groundwater monitoring boreholes will have no significant adverse impact on the amenities of neighbouring residential properties.

Highway impacts

The applicant has provided a breakdown of anticipated vehicle movements as part of their submission. It is anticipated that the mobilisation of equipment on site will generate one lorry mounted drill rig, one service van, one consumables lorry and one skip lorry over the space of a single day. Construction of the boreholes is anticipated to last a week and will generate one visit per day by a service van. The demobilisation of equipment on site will see the aforementioned lorry mounted drill rig, service van, consumables lorry and skip lorry removed from site over the space of a day. Finally the pre-production (monitoring) operations will take place over three months and will generate one service van visit per month.

Therefore, the proposed development is not anticipated to generate significant vehicle movements, with the vast majority of movements generated by the mobilisation and

demobilisation of equipment on site; these operations will take a total of two days to complete.

The council's Highways department has been consulted on the application and the Highways officer has raised no objections or concerns with regard to the impact of the proposed development on the local highway network. Taking this advice into account, it is considered that the small levels of traffic generated by the development will have a negligible impact on the local highway network.

Groundwater

The proposed boreholes are intended to allow the monitoring of groundwater on site in order to generate a baseline of water quality to be produced. This will be used to monitor the effects of the hydrocarbon extraction proposed under MIN/2016/810 on the quality of groundwater. The Environment Agency is the statutory body with regard to the protection of groundwater resources and has been consulted with regard to this application. The installation of the proposed boreholes is required under the Environmental Permitting regime for the extraction of hydrocarbons and as such the Environment Agency is in support of this application.

For the reasons outlined above, it is considered that the proposed development will have no significant or adverse impact on the water environment that would warrant the refusal of planning permission. Indeed the boreholes are considered essential by the Environment Agency in monitoring and protecting the quality of groundwater in the area, should the associated hydrocarbon extraction application (MIN/2016/810) be approved.

Other matters

In response to concerns raised by objectors relating to the fact that this application has been submitted in isolation, whilst it actually relates to development proposed as part of MIN/2016/810 the applicants have confirmed that *"The planning application was submitted after the main site planning application, as there was an expectation that the boreholes could be installed either as a Non-Material Amendment to the existing permission for the wellsite (MIN/2013/0281), or under amendments to the General Permitted Development Order (GPDO)... the proposed groundwater monitoring could not be permitted under the terms of the GPDO, or as a Non-Material Amendment to the existing planning permission – hence the need to apply for a stand-alone planning application."*

Furthermore, with regards to concerns relating to the who will be carrying out the monitoring of groundwater from the boreholes and the duration of this monitoring it has been stated by the applicant that *"Sampling and analysis will continue during site operations and also through the production phase, to ensure that there is no change to the water quality when compared to the baseline data. All water samples are independently analysed by third-party laboratories and reported to the Environment Agency"*.

Conclusion

For the reasons outlined in the report above, it is considered that the proposed development accords with the relevant development plan policies and guidance set out within the NPPF, which seek to ensure protection of the natural environment from pollution. The proposed development will have no unacceptable impact on the ecology, residential

amenity, highway safety, or the water environment and as such planning permission is merited.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: 3334 MB 01, 3334 MB 02, Figure 9a and Figure 9b.

Reason

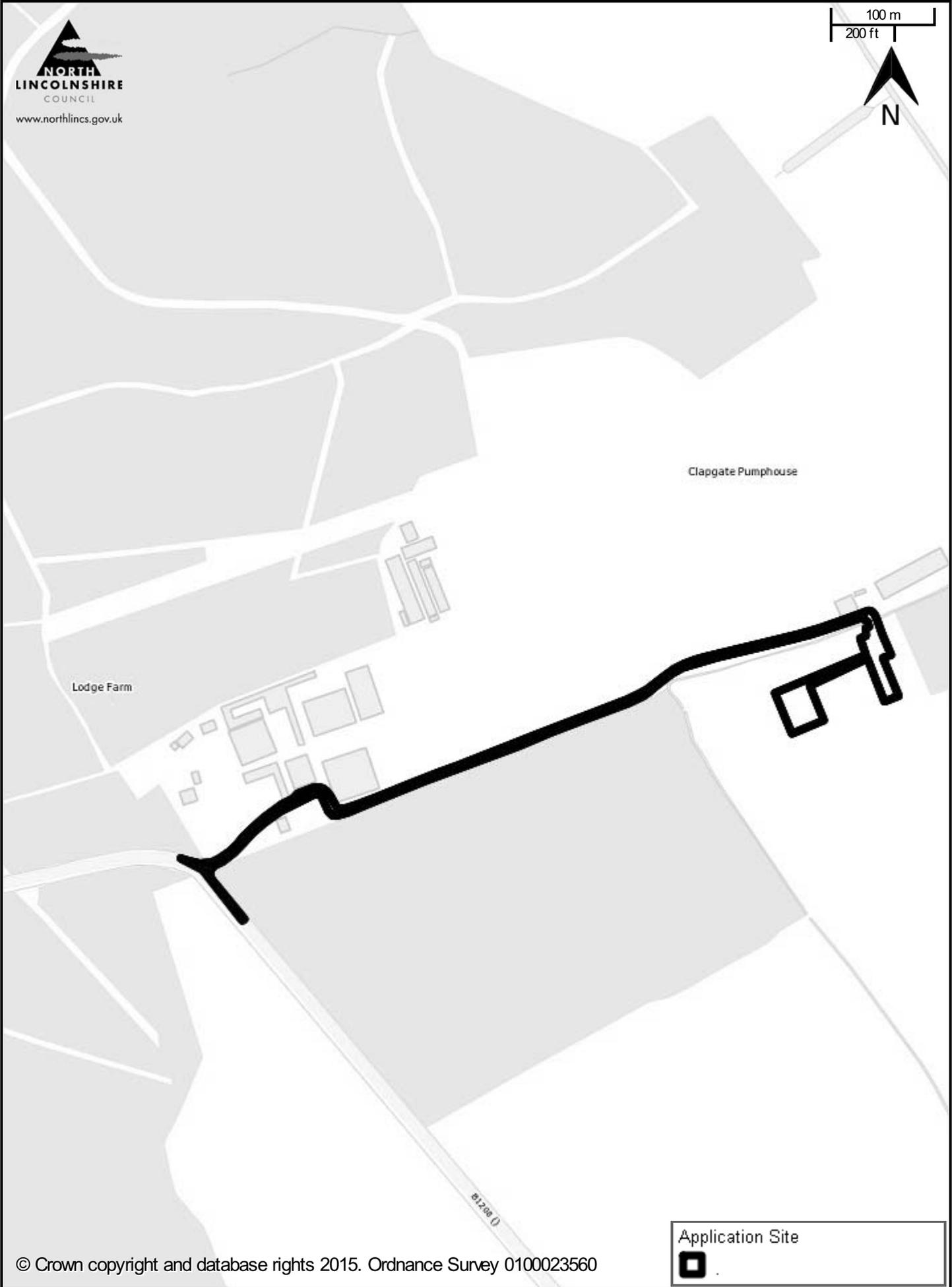
For the avoidance of doubt and in the interests of proper planning.

Informative 1

Prior to works commencing on site, the applicant is advised to contact National Grid, as per their consultation response, to discuss the potential impact of the development on their apparatus.

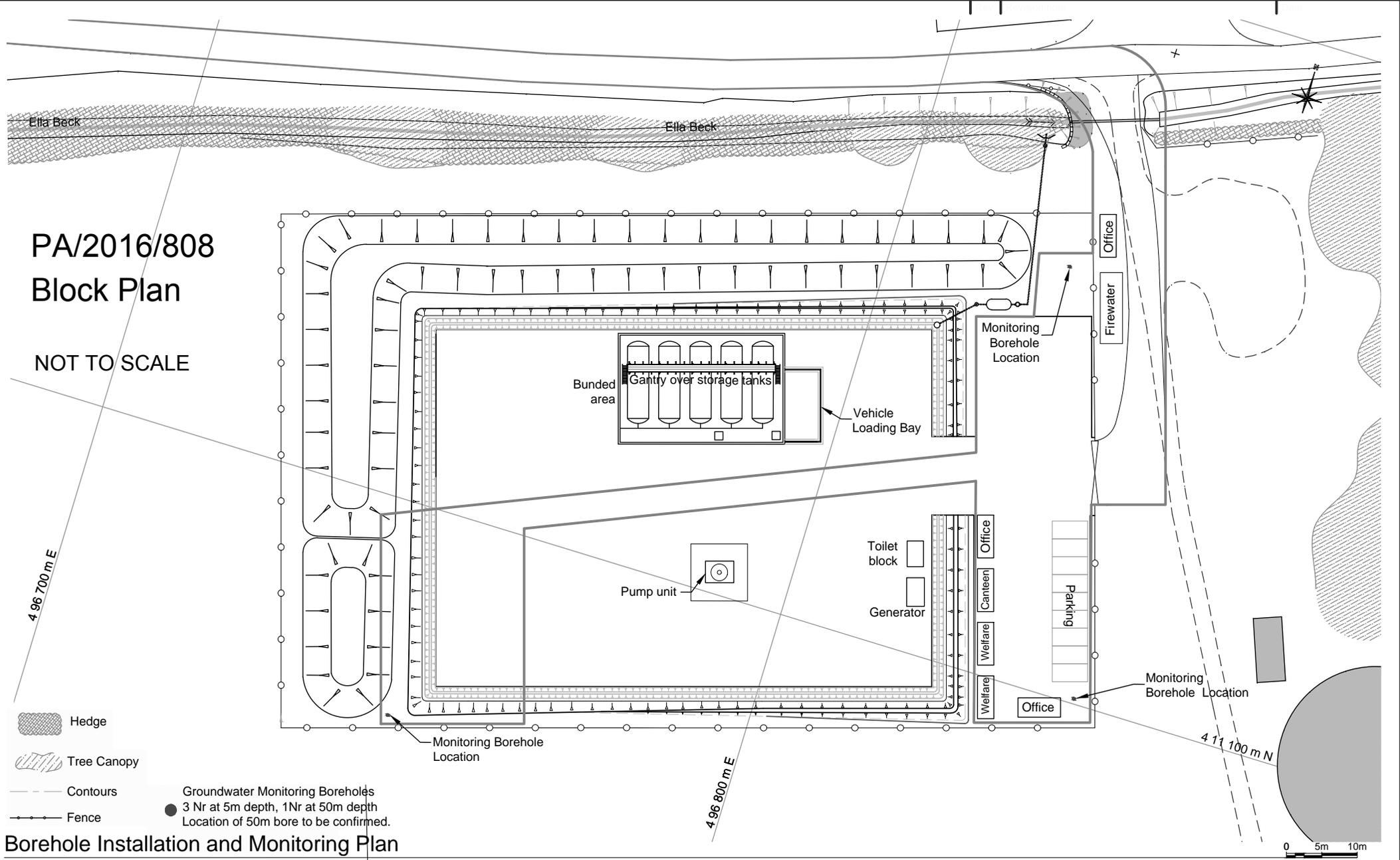
Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



PA/2016/808
Block Plan

NOT TO SCALE



- Hedge
- Tree Canopy
- Contours
- Fence
- Groundwater Monitoring Boreholes
3 Nr at 5m depth, 1Nr at 50m depth
Location of 50m bore to be confirmed.

Borehole Installation and Monitoring Plan
Scale 1:500

R ELLIOTT ASSOCIATES LTD
CONSULTING STRUCTURAL & CIVIL ENGINEERS



Dennett House
Brighton Road
Sway
Lymington
Hampshire
SO41 6EB

Client: Egdon Resources UK Ltd
Wressle
Brigg
Lincolnshire
Job Title: Wressle Site

Drawn By: AJNE	Date: June 2016	Sheet Size: A3
Drawing Title: Borehole Installation & Monitoring Scale 1:500		
Drawing Number: 3334 MB 01	Revision: A	