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## Appeal Decision

Inquiry Held on 5 – 7 November 2019

Site visit made on 7 November 2019

**by Phillip J G Ware BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> January 2020**

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**Appeal Ref: APP/Y2003/W/19/3221694**

**Lodge Farm, Clapp Gate, Appleby, Scunthorpe DN15 0DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Egdon Resources UK Limited against the decision of North Lincolnshire Council.
  - The application Ref PA/2018/1316, dated 4 July 2018, was refused by notice dated 29 November 2018.
  - The development proposed is the retention of the Wressle-1 wellsite and access track for the production of hydrocarbons, together with an extension of the site by 0.12ha for the installation of additional security facilities; site reconfiguration to facilitate the installation of a new impermeable membrane, French drain and surface water interceptor; construction of a new bund, tanker loading plinth and internal roadway system; installation of an additional groundwater monitoring borehole; well operation; installation of production facilities and equipment; installation of gas engine and electrical grid connection; oil and gas production for a temporary period of 15 years; and restoration to arable land.
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### Application for costs

1. At the Inquiry an application for costs was made by Egdon Resources UK Limited against North Lincolnshire Council. This application is the subject of a separate Decision.

### Decision

2. The appeal is allowed and planning permission is granted for the retention of the Wressle-1 wellsite and access track for the production of hydrocarbons, together with an extension of the site by 0.12ha for the installation of additional security facilities; site reconfiguration to facilitate the installation of a new impermeable membrane, French drain and surface water interceptor; construction of a new bund, tanker loading plinth and internal roadway system; installation of an additional groundwater monitoring borehole; well operation; installation of production facilities and equipment; installation of gas engine and electrical grid connection; oil and gas production for a temporary period of 15 years; and restoration to arable land all at Lodge Farm, Clapp Gate, Appleby, Scunthorpe DN15 0DB in accordance with the terms of the application, Ref. PA/2018/1316, dated 4 July 2018, subject to the conditions set out in the Schedule to this decision.

## **The appeal site and the proposal**

3. The appeal site is around 1.85 hectares in extent and is broadly level and rectangular in form. It is set in generally open countryside northeast of Broughton and north of Wressle. The site includes the existing wellsite, earth bunds, wellhead and other equipment (all enclosed by security fences) and an access track. The proposal includes a small extension (0.12ha) to the original site adjacent to the access, intended for security and related uses.
4. Access to the site is from the B1208, through a farmyard which includes a small residential enclave, and along an unmade track for a distance of about 530 metres. There are agricultural buildings and a slurry silo in the immediate vicinity of the site.
5. The proposal as submitted to the Council included a range of supporting documentation<sup>1</sup>. Of particular importance, for reasons discussed below, were a Hydrogeological Risk Assessment and a Civil and Structural Design Statement. The essential purpose of the proposal is to retain the existing infrastructure and undertake further works necessary to facilitate the production of oil and gas for 15 years. Following that period the intention is that the land would be restored to arable use.
6. The Council agrees with the appellant that the proposal does not involve High Volume Hydraulic Fracturing ('Fracking') within the definition in the Infrastructure Act 2015<sup>2</sup>. Although some local residents implied that they took a different view, the technical evidence was clear that the proposal does not constitute fracking. This was also the position of an Inspector dealing with a very similar proposal – explained below<sup>3</sup>. The 2019 Ministerial statement regarding Hydraulic Fracturing Consents does not apply to this proposal, and no party provided evidence that it did.

## **Relevant planning and energy policies**

7. The development plan comprises the saved policies of the North Lincolnshire Local Plan (LP) (2003)<sup>4</sup>, the North Lincolnshire Core Strategy (CS) (2011)<sup>5</sup> and the Appleby Parish Neighbourhood Plan (NP) (2019)<sup>6</sup>.
8. The full list of policies relevant to the appeal are set out in the Statement of Common Ground (SOCG)<sup>7</sup>. In particular the Council's reason for refusal alleged non-compliance with the following policies:
  - LP policies M23 (oil and gas production) and DS15 (water resources)<sup>8</sup>.
  - CS policy CS18 dealing with sustainable resource use and climate change.
9. The SOCG also sets out relevant policies in the National Planning Policy Framework (the Framework), and Planning Practice Guidance (PPG)<sup>9</sup>. Amongst

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<sup>1</sup> SOCG Section 5

<sup>2</sup> Statement of Common Ground (SOCG) 2.3a

<sup>3</sup> DL 15

<sup>4</sup> CD F1

<sup>5</sup> CD F2

<sup>6</sup> CD F3 The site is outside the NP boundary, save for part of the access road

<sup>7</sup> SOCG 7.3 – 7.5

<sup>8</sup> The reason for refusal also referenced LP policy DS13, but this refers to the level of water in the drainage system, and is not relevant

<sup>9</sup> SOCG 7.6 - 7.7

other matters these deal with water quality and ground conditions, pollution, and the sustainable use and extraction of minerals.

10. National policy, particularly the Overarching NPS for Energy (EN-1)<sup>10</sup> is directly relevant, as are other documents related to climate change and the government's commitment to a net zero carbon economy by 2050<sup>11</sup>.

### **Planning history and the Council's position**

11. It is important to summarise<sup>12</sup> the planning background to the appeal in order to understand the Council's position, which was to not oppose the appeal.
12. In June 2013 planning permission was granted for the construction of a temporary wellsite for an exploratory borehole<sup>13</sup>. (Subsequent planning applications for the retention of the wellsite were refused by the Council in 2017.)
13. On 4 January 2018 two proposals were dismissed on appeal<sup>14</sup>. The development proposed in these cases (which were virtually identical) was "The retention of the existing wellsite and access road for the long-term production of hydrocarbons". (At the same time the Inspector allowed the retention of the temporary wellsite for a limited period. In January 2019 an appeal decision<sup>15</sup> extended the temporary period for a further year.)
14. The main reasons for the dismissal of the appeals related to "...the absence of a ground conditions survey report and of sufficient evidence on the adequacy of the geosynthetic clay liner (GCL)". The Inspector was concerned with potential adverse impacts on groundwater resources and watercourses (this reflected the Council's concerns at that stage). The Inspector also considered the effect on local residents, the community and the local economy but, aside from the water resources issue, concluded that there would be no material harm in any other respect.
15. The application which has led to this appeal was submitted in July 2018. In response to this the Council commissioned a review<sup>16</sup> by JBA Consulting into the appellant's Hydrogeological Risk Assessment and their Civil and Structural Design Statement. This concluded that the main weaknesses identified by the previous Inspector had been addressed or could be addressed by planning conditions<sup>17</sup>.
16. With that background, the application was recommended for approval by officers, but permission was refused by the Council in November 2018<sup>18</sup>. The reason for refusal related to potential ground contamination from water runoff and infiltration, and consequent effects on local residents, the community and the local economy.
17. Following the Council's production of its Statement of case, indicating that the appeal would be opposed, a special Planning Committee meeting was held on

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<sup>10</sup> CD E3

<sup>11</sup> SOCG 7.8 – 7.9

<sup>12</sup> The full history is at SOCG Section 6

<sup>13</sup> CD D1

<sup>14</sup> CD D6

<sup>15</sup> CD D8

<sup>16</sup> CDA 16

<sup>17</sup> SOCG 2.3

<sup>18</sup> CD B3

17 July 2019. Subsequently the Council advised (22 July 2019) that it would not be presenting evidence at the Inquiry and was withdrawing its case in respect of the appeal. The authority considers that the proposal meets all relevant development plan policies<sup>19</sup>. This withdrawal was on the condition that there would be acceptable planning conditions. The authority took no part in the Inquiry other than to assist on the matter of conditions.

18. A SOCG was produced which explains and reflects this position.

### **Main issue**

19. There is one main issue in this case. That is the effect of the proposal on groundwater and watercourses.

### **Reasons**

20. The appellant's uncontested evidence explains that the activity which has taken place to date on the site has established a significant and viable reserve of oil and gas. The principle of hydrocarbon development on the appeal site is set out in the planning history and is accepted by the Council<sup>20</sup>. What was at odds between the Council and the appellant, before the authority changed its position, was the detail of the proposal and any consequent pollution risk.

21. The 2018 Inspector's concerns related to the lack of a ground conditions survey report, and uncertainty about the adequacy of the GCL liner. These matters led him to conclude that the appeal should be dismissed on the basis of the potential effect on groundwater and watercourses. The approach adopted by the appellant following the dismissal of the January 2018 appeals was to prepare a new and more comprehensive system of containment and environmental protection, with an updated range of technical documents explaining the new provisions.

22. The appellants have sought to address the first of the previous Inspector's concerns by the submission of a Ground Conditions Investigation Report. This has not been contested. The geology of and around the site near the surface is set out, and shows the existence of capping layers to the aquifers beneath. Overall, this persuasively demonstrates that the ground conditions are acceptable and that there is no risk of settlement. This new material was then used as part of the new design of the scheme as set out in the Civil and Structural Design Statement.

23. As was explained in written evidence and at the Inquiry, the proposal which has been produced is for the site to be developed using a triple barrier approach – unrelated to the existing GCL liner (to which I return later):

- The first level contains liquid (oil and water) in pipes and tanks
- As a second line of defence these pipes and tanks would be contained in sealed bunded areas
- The third level of containment is the provision of a new barrier under the entire operational site. This is the most significant change to the previous proposal and involves the installation of a high-density polyethylene impermeable membrane over the site – with the existing

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<sup>19</sup> SOCG 2.2

<sup>20</sup> SOCG 2.3d

aggregate removed and replaced. This membrane was explained in detail in evidence and at the Inquiry, and its efficiency was not contested.

24. The existing GCL liner, the exposed edges of which I saw on site in a somewhat degraded condition (probably due to exposure to the elements), would be repaired and retained. From what I read, saw and heard, I can well understand the previous Inspector's concerns about placing much reliance on this liner. However in the scheme before me the GCL liner is not relied on or included in the Risk Assessment, and is no longer an integral part of the proposal. Given that it is already in place, the appellants have taken the reasonable approach that it should be repaired and retained, but not relied on.
25. It is important to note that the construction would be undertaken in accordance with a Construction Quality Assurance (CQA) plan which the Council and the Environment Agency (EA) would have to approve. (I will return to this dual approval below). This would include a wide range of matters, as explained in the evidence, and would be an independent verification scheme dealing with the robustness and engineering standards of the lining to provide short, medium and long term protection.
26. The proposal already benefits from Environmental Permits<sup>21</sup> issued by the EA covering regulated activities, and some of these matters would be additionally covered by planning conditions<sup>22</sup>. The EA raised no objections to the proposal and considers that the current scheme would enhance the previously agreed protection measures or represents such a low risk that no permit is required. I give the EA's views considerable weight especially as they form an important part of the overall scheme of regulation which would control the site and operations.
27. Some residents appeared to suggest that the Environment Agency were either unaware of the detail of the proposal or had not properly considered the position. However there is nothing to justify that suggestion. In line with the NPPG on Minerals<sup>23</sup> I am entitled to assume that other regulatory regimes will operate effectively and that it is not necessary for me to carry out my own assessment because I can rely on the assessment of the other regulatory bodies. There is no evidence that other regimes are incapable of operating effectively and adequately regulating the development.
28. The Council's position, as stated above, was to withdraw its objection to the proposal and take no part in the Inquiry. This is obviously an important material consideration. In addition, JBA Consulting, who wrote the report on the current proposal for the Council, were the company who appeared for the authority in opposition to the previous proposal at the 2018 Inquiry. Their depth of knowledge of the site and the proposal cannot be faulted. Their conclusion was that in comparison with the previous schemes the new documentation addresses the main weaknesses identified by the previous Inspector, or could do so by way of conditions.
29. There are minor differences related to some inputs to the risk assessment as between the appellant's and the Council's consultants. However I do not need

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<sup>21</sup> CD G1/G2

<sup>22</sup> SOCG 2.3g

<sup>23</sup> CD E2

to consider these detailed matters as, even if the Council's consultant's more cautious approach were adopted, the residual risks would be low or less. There is no suggestion from any party that the appellant's risk assessment was in any way deficient.

30. Development plan policy is generally permissive of minerals extraction, provided certain criteria and safeguards are met. For example LP policy M1, which deals with applications for mineral working, sets out this permissive approach subject to four criteria dealing with visual and other amenity impacts, the method of working, restoration and after-care, and highways matters. These criteria are all met by the appeal scheme, as discussed below, and the overall thrust of the policy is favourable to the appeal. The same approach is adopted specific to oil and gas boreholes by LP policy M23, which deals with environmental protection measures.
31. LP policy DS15, dealing with water resources, provides that development will not be permitted which would (amongst other matters) adversely affect the quality of water resources by pollution. The same approach is adopted by CS policy CS18. For the reasons set out above the proposal complies with these policies.
32. In coming to my views on this issue I have considered groundwater supplies, local watercourses (including the adjacent Ella Beck) and the British Steel abstraction borehole at Clapp Gate<sup>24</sup>. Overall, the proposal would not harm groundwater and watercourses and would comply with the relevant policies of the development plan.

## **Other matters**

### *National energy policy*

33. National energy policy, most succinctly set out in NPS EN-1 and the Framework, is aimed at reducing demand by end users, and in that way reducing both demand and consumption. It is no part of national policy to attempt to reduce emissions by restricting the production of hydrocarbons in the UK, as was implied or stated by some objectors. Nor was such an approach suggested by the Committee on Climate Change<sup>25</sup> when dealing with the net zero 2050 position – and there is no policy which provides that a net zero carbon economy in 2050 would be hydrocarbon-free.
34. With that background and given the continuing role of fossil fuels in providing for UK energy needs during the transition to a low carbon economy, the proposed extraction of hydrocarbons is consistent with national energy policy. Furthermore, in that context a domestic supply has obvious security advantages and reduces the need for imported gas and oil<sup>26</sup>. In coming to that conclusion, I share the views of the 2018 Inspector<sup>27</sup>.
35. At the regional level, this approach accords with the regional strategy which is to foster the growth and diversification of the Humber chemical and energy cluster<sup>28</sup>. These industries rely heavily on hydrocarbons, and a local supply has obvious transportation and sustainability benefits. There is no suggestion that

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<sup>24</sup> SOCG 2.3n

<sup>25</sup> CD H6

<sup>26</sup> SOCG 2.3c) and e

<sup>27</sup> DL 39 and 41

<sup>28</sup> As in the Economic growth Plan for North Lincolnshire



this proposal would increase the use of hydrocarbons, and the evidence demonstrates that the effect would be simply to transfer production to a more local source.

36. I fully accept the desire of some objectors to seek changes in national policy and legislation, in the light of urgent climate change issues. However such matters are well outside the remit of the appeal. This point was accepted at the Inquiry by a number of objectors putting forward these views.

*Other potential material considerations*

37. A range of other matters were raised by objectors<sup>29</sup>. These have, on the face of it, the potential to be material considerations in planning appeals. Very limited technical evidence was given by objectors in relation to these matters. I will deal with each in turn.

- Thornholme Priory is a scheduled ancient monument lying some way to the north of the site. The Council and the appellant consider that there may be a visual and setting impact on the Priory arising from the proposed drilling rig, but that the impact will be of slight/moderate scale and for a short temporary period only. They do not consider that any mitigation measures are necessary<sup>30</sup>. Given the distance from the appeal site to the Priory, I am far from persuaded that there would be any such impact but, even if there were, it would be very limited in scale and for a finite duration. The public benefits of the proposal would significantly outweigh any effect on the setting. On that basis the proposal complies with LP policy HE8, dealing with ancient monuments.
- The appellant's Transport Statement demonstrates that there would be significant HGV movements only for short periods, for example during site mobilisation. Otherwise vehicle movements would be low. No objection has been received from the Highway Authority and, subject to appropriate controls and mitigation, there is nothing to support concerns over highway safety. The scheme would comply with LP policy T2, dealing with access to developments.
- The effect on the landscape and the visual impact of the proposal would be limited both in scale and duration. The site is in close proximity to agricultural buildings and in this context would have very limited impact. It would comply with LP policy LC7, dealing with landscape protection.
- The site is acknowledged to be in a low flood risk area and the scheme is designed with a capacity to accommodate rainwater equivalent to that from a 1 in 100 year storm event. No technical evidence has been put forward to demonstrate risk from flooding, and the proposal is acceptable in relation to CS policy CS19, which deals with flood risk.
- The SOCG notes that there would be unlikely to be any impact on protected species or habitats<sup>31</sup>, and Natural England have no objections to the proposal. I have no persuasive evidence to take a different view, and the proposal does not conflict with LP policy DS15 and LC5, dealing

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<sup>29</sup> The first matter is also a statutory consideration

<sup>30</sup> SOCG 2.3j

<sup>31</sup> Additional mitigation in relation to water voles is proposed to deal with the low residual risk that they may be present in Ella Beck adjacent to the site.

with nature conservation and species protection, or CS policy CS17 dealing with biodiversity.

- Some local residents were concerned with the effect on air quality resulting from the flaring of gas from the site. The need for and frequency of this was explained by the appellant<sup>32</sup>. This is one of the matters which is covered by another regulatory regime and is dealt with in the Environmental Permit<sup>33</sup>. The Environment Agency explain that they have carefully considered emissions to air that will arise from flaring and that an air quality assessment has been carried out<sup>34</sup>. Whilst there would be some very localised and occasional effect on air quality it would be regulated and overall would not conflict with LP policy DS11.
- Noise issues could be controlled by conditions to an acceptable level.
- A number of objectors opposed the proposal on the basis of potential seismic risks. In particular this concern related to 'proppant squeeze' which involves pumping a mix of fluids and beads at pressure through holes in the wellbore casing. This activity, if successful, would open fine fractures in the rock, allowing hydrocarbons to flow. The detail of this operation was explained by the appellant, and it was also explained that, if it were necessary, it would only be used once. It is clearly different in both scale and purpose from fracking, and the evidence is that the likelihood of proppant squeeze inducing a seismic event is extremely remote. The Council and the appellant agreed that there is no evidence to suggest that the development will give rise to induced seismicity<sup>35</sup>. This was also the position of the previous Inspector<sup>36</sup>, and I have no reason to disagree.
- Some objectors also expressed concern related to the consequences of acidization. This process, as was clearly explained by the appellant, involves the injection of a combination of diluted acids (hydrochloric and hydrofluoric) through the wellbore. It was explained that this operation, which would be performed once and not repeated, is routinely employed following the drilling of boreholes and wells, to remove any 'skin' effect and to enhance natural permeability. It would be injected at a pressure well below that which would actually fracture the rock. It was suggested by objectors that this would be the first onshore application of the technique. But the appellant explained that this is not the case and gave a specific example of its use at the nearby Crosby Warren site in the 1980s (at higher pressures). Some objections focussed on the various names for the process – however that does not assist as the nature of the activity, however described, is clear. The Environment Agency is satisfied with this aspect of the scheme, and there is nothing to lead me to disagree.

#### *Other matters raised by objectors*

38. There were four matters raised by objectors<sup>37</sup> to which, after careful consideration, I cannot accord any weight – for reasons I set out below.

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<sup>32</sup> Including CD A4 paragraphs 27/28

<sup>33</sup> CD G1

<sup>34</sup> CD G2

<sup>35</sup> SOCG 2.3q

<sup>36</sup> DL 32

<sup>37</sup> Largely Mr McLeod



- Reference was made to the 2019 case of *Stephenson v. SSHCLG [2019] EWHC 519 (Admin)*. This was a challenge to the Government's decision to adopt the (former) paragraph 209(a) of the Framework. However that paragraph is no longer part of national policy and the Court's decision was concerned with the lawfulness of the government's decision-making process and not with the merits of the policy.
- There was also a reference to court decisions in Australia. However that country has its own laws dealing with decision making in relation to development proposals. It is not possible to read across from one system to the other, nor was any evidence presented to explain how the Australian cases affected English law.
- One objector<sup>38</sup> relied on what he described as a "precedent" set by the Planning Inspectorate in rejecting proposals for the re-powering of turbines at Drax power station. However, as was revealed later in the Inquiry (not by the objector) the Secretary of State granted consent for the scheme in October 2019, rejecting the examining authority's recommendation. So the actual decision in that case was the opposite of the position put by the objector.
- Finally there was a decision, said to have been made by Michael Gove MP. However little evidence was submitted regarding this case, and what was submitted was confusing. What could be gleaned was that this was not a land use planning decision, but rather a decision taken on behalf of the government as the landowner of the site.

## Conditions

39. A set of planning conditions was agreed by the appellant and the Council in the SOCG<sup>39</sup>. I have made only minor changes in the interests of precision.
40. In the interests of clarity, a condition is needed to confirm the approved plans (Condition 2).
41. For highway safety reasons, the development must be carried out in accordance with the submitted highway documents (3).
42. Although the nearest dwellings are some distance away (though facing the access road) it is important that a suite of conditions controls noise. A Noise Management Plan is to be submitted for approval and noise limits imposed (4, 8 – 11). Similarly in the interests of residents' amenity details of the drilling rig should be submitted for approval (5) and the hours of its assembly and demobilisation should be controlled (6). In addition, the hours during which the reconfiguration of the site would take place need to be controlled (7). All machinery should be silenced and maintained in accordance with the manufacturers' recommendations (12).
43. In the interests of residential amenity a Construction Quality Assurance Plan, including some documentation already submitted, should be approved (17). I appreciate that to a large extent this would duplicate other regulatory regimes however (as the appellant accepts) this would add an additional element of confidence for the authority and local residents.

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<sup>38</sup> Mr McLeod

<sup>39</sup> SOCG Section 8)

44. The lighting of the site needs to be controlled, also in the interests of residents' amenity (13).
45. To protect air quality, the dust mitigation measures already submitted should be adhered to during the reconfiguration, production and restoration phases (14).
46. In relation to the protection of water quality, borehole installation and monitoring details need to be submitted for approval (15). Load testing, including plate testing across the site, needs to be submitted for approval (16).
47. In order to minimise impact on biodiversity, the development needs to be undertaken in accordance with the updated Ecological Appraisal (18).
48. Finally, in line with the application, the permission should be limited to 15 years from the start of production (20) and restoration should commence within 6 months of the cessation of production (19). This is in the interests of the local environment.

### **Planning balance and conclusion**

49. Beginning with the policy position, it is common ground between the parties that the proposal complies with all the relevant policies of the development plan, and there is no suggestion that the policies are out of date. I agree with that position.
50. s38(6) of the 2004 Act is therefore engaged, and planning permission should be granted unless material considerations indicate otherwise. In addition, the Council agrees that the proposed development is sustainable within the meaning of paragraph 8 of the Framework<sup>40</sup>. I agree with that position and the presumption in favour of sustainable development in paragraph 11c of the Framework is triggered. This adds further weight in favour of the proposal in the overall balance.
51. The appellant's approach has been to consider the issues which led to the two 2018 appeals being dismissed, and to amend the scheme and provide further evidence to overcome the problems identified by my colleague. They have done this in a comprehensive fashion, as the Council have accepted, following a thorough review of the material.
52. The Council agrees with the appellant that the proposal would deliver economic benefits nationally and locally through taxation, business rates and direct and indirect jobs<sup>41</sup> and would reduce the need for imported fuel. I give great weight to these and other benefits. In particular the proposal would make a significant contribution towards the provision of secure energy supplies and be consistent with the use of a mix of energy sources during the transition to a low carbon economy.
53. Any very limited residual adverse effects of the proposal would not be significant and could be properly controlled, and mitigated. This can be done by way of planning conditions as part of this appeal, and by way of the other regulatory regimes – to which I give significant weight. There are no material considerations which, even taken together, come close to outweighing the

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<sup>40</sup> SOCG 2.3b

<sup>41</sup> SOCG 2.3f

presumption in favour of the development and the benefits which it would bring.

54. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

**Lodge Farm, Clapp Gate, Appleby, Scunthorpe**  
**Schedule of conditions**

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ZG-ER-W1-PA-01; ZG-ER-W1-PA-02; ZG-ER-W1-PA-03; ZG-ER-W1-PA-04; ZG-ER-W1-PA-05; ZG-ER-W1-PA-06; ZG-ER-W1-PA-07; ZG-ER-W1-PA-08; ZG-ER-W1-PA-09; ZG-ER-W1-PA-10; ZG-ER-W1-PA-11; ZG-ER-W1-PA-12; ZG-ER-W1-PA-13; ZG-ER-W1-PA-14; ZG-ER-W1-PA-15; ZG-ER-W1-PA-16; ZG-ER-W1-PA-17; ZG-ER-W1-PA-18
3. The development hereby approved shall be carried out in accordance with the Traffic Management Plan and Mitigation Measures set out in Chapter 7 of the submitted Transport Statement and the Traffic Management Plan.
4. Prior to the commencement of development, a Noise Management Plan (NMP) shall be submitted for written approval to the local planning authority. The NMP shall clearly set out all potential sources of noise and techniques to be used to prevent and mitigate noise which shall demonstrate compliance with noise conditions 8 - 11 below. The NMP shall also include methods to deal with noise complaints from the general public. The approved NMP shall be implemented in full for the duration of the development.
5. Prior to the commencement of drilling operations or well stimulation on site, the name, make, model and technical noise specification for the drilling rig shall be submitted for approval to the local planning authority. The approved rig shall not be substituted without the prior written approval of the local planning authority and all approved noise mitigation measures shall be implemented in full throughout the duration of drilling.
6. Assembly and demobilisation of drilling rig equipment at the production well site shall only take place between the hours of 0700 and 1900 Monday to Saturday.
7. Site reconfiguration, site production setup and associate HGV deliveries shall only take place between the hours of 0700 and 1900 Monday to Saturday.
8. Noise from the site shall not exceed 42dB  $L_{Aeq5min}$  when measured at any noise sensitive dwelling between 1900 and 0700 hours Monday to Sunday inclusive.
9. Noise from the site shall not exceed 60dB  $L_{Amax}$  when measured at any noise sensitive dwelling between 1900 and 0700 hours Monday to Sunday inclusive.
10. Noise from the site shall not exceed 55dB  $L_{Aeq 1h}$  when measured at any noise sensitive dwelling between 0700 and 1900 hours Monday to Sunday inclusive.

11. Noise from the site shall not exceed 70dB  $L_{Amax}$  when measured at any noise sensitive dwelling between 0700 and 1900 hours Monday to Sunday inclusive.
12. All plant and machinery shall be maintained and silenced in accordance with the manufacturer's recommendations at all times.
13. Lighting of the site shall be carried out in accordance with the lighting plan set out in the Lighting Assessment written by Strenger and dated July 2018. The mitigation measures described in Section 8 of the Lighting Assessment shall be implemented in full for the duration of the development.
14. The dust mitigation measures set out in Appendix C of the approved Air Quality Dispersal Modelling Assessment produced by AECOM and dated 4 July 2018 shall be adhered to for the duration of site reconfiguration, site production setup and site restoration. There shall be no burning of waste on site at any time.
15. Prior to the commencement of development, a borehole installation plan for the deepening of three existing groundwater monitoring boreholes and the installation of an additional groundwater monitoring borehole within the Unconsolidated Sands Aquifer shall be submitted to and approved in writing by the local planning authority. The borehole installation plan shall include details of the design, logging and construction of the boreholes. No development shall take until the additional monitoring borehole is in place. Both the existing and the additional groundwater monitoring boreholes shall be constructed and monitored in accordance with the approved borehole installation plan.
16. Prior to the commencement of development, a scheme for undertaking on-site load bearing testing shall be submitted to and approved in writing by the local planning authority. The scheme shall include plate testing across the site where additional protection is not proposed (that is, those locations not referred to at paragraph 3.6, page 13 of the Civil and Structural Design Statement prepared by Alan Wood and Partners, dated 25 May 2018), and additional cylinder testing with final screened aggregate and repeated loading cycles. The results of the plate bearing tests and cylinder tests shall be submitted to the local planning authority and the depth of aggregate cover over the areas of the site where additional protection is not proposed shall be agreed in writing with the local planning authority, prior to any production operations taking place.
17. No development shall commence until a construction quality assurance (CQA) report has been submitted to and approved in writing by the local planning authority. The CQA shall include the documentation listed in paragraph 3.11, page 16 of the Civil and Structural Design Statement prepared by Alan Wood and Partners, dated 25 May 2018.
18. Works and biodiversity enhancements shall be carried out strictly in accordance with section 7 of the submitted document, "Wressle Well Site – Updated Ecological Appraisal" dated July 2018. The management

prescriptions and measures set out in table 6.1 and sections 7.1, 7.2 and 7.3 of the document shall be carried out in their entirety in accordance with the timescales set out in Table 7.1. All biodiversity features shall be retained thereafter.

19. The restoration shall commence within six months of the cessation of production, and the site shall be restored in accordance with the approved restoration scheme and aftercare programme set out in Appendix 5 (Site Closure and Restoration Procedure) of the submitted Planning and Sustainability Statement produced by Barton Willmore dated July 2018. The aftercare period shall commence from the date the local planning authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.
20. The use hereby permitted shall be for a limited period being the period of 15 years from the date of the commencement of production.

\*\*\*\*\*End of conditions\*\*\*\*\*



**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Law (Strategic Development Officer)

Who assisted the Inquiry particularly in relation to conditions

FOR THE APPELLANT:

Mr Hereward Philpot QC, instructed by Mr R Glover, Squire Patton Boggs

He called

Mr Mark Abbott

BSc(Hons) FGS

Egdon Resources plc

Mr Mark Barwood

BSc(Hons) CEng MICE

Alan Woods and Partners

Mr Jonathan Foster

Zetland Group Ltd

Mr James Dodds

BSc(Hons) DUC MSc CGeol FGS

Envireau Ltd

Mr Paul Foster

BSc(Hons) DipTP MRTPI MRICS

AECOM

INTERESTED PERSONS:

Mrs J Turner

Local resident

Mrs K E Williams

Local resident

Ms R Fawcett

Local resident

Mr A McLeod

Environmental campaigner

Mr D Roberts

Local resident

**INQUIRY DOCUMENTS**

1	Statement and documents of Mrs Turner
2	Statement and documents of Mrs Williams
3	Statement and documents of Mr McLeod
4	Statement and documents of Ms Fawcett
5	Crosby Warren Appraisal testing report (Mr Abbott)
6	Crosby warren document regarding hydrofluoric acid use (Mrs Turner)
7	NAUE performance tables
8	Consultation on siting criteria and process for a new national policy statement for nuclear power with single reactor capacity over 1 gigawatt beyond 2025 (DBEIS) (2018)
9	Drax power station decision
10	Appellant's closing submission and attached table addressing third party issues.

**CORE DOCUMENTS**

	<b>CDA APPLICATION DOCUMENTS</b>
CDA1	Application Form, Notices and Covering Letter
CDA2	Planning and Sustainability Statement
CDA3	Hydrogeological & Flood Risk Assessment
CDA4	Air Quality Dispersion Modelling Assessment
CDA5	Lighting Assessment
CDA6	Assessment of Environmental Noise Emissions
CDA7	Assessment of Traffic and Transport
CDA8	Updated Ecological Appraisal Report
CDA9	Archaeological Desk Based Assessment and Heritage Impact Assessment
CDA10	Landscape and Visual Appraisal
CDA11	Civil and Structural Design Statement
CDA12	Supporting Plans and Drawings
CDA13	EIA Screening Report and Covering letter
CDA14	EIA Screening Opinion
CDA15	Memo – Further Information for Broughton Far Wood SSSI
CDA16	JBA Review of the Hydrogeological and Flood Risk Assessment and Civil and Structural Design Statement
CDA17	Response to the JBA Review of the Hydrogeological and Flood Risk Assessment and Civil and Structural Design Statement
	<b>CDB DECISION DOCUMENTS</b>
CDB1	Planning Committee Report PA/2018/1316
CDB2	Minutes and resolution of the Committee Meeting re PA/2018/1316
CDB3	Decision Notice (PA/2018/1316)
	<b>CDC APPEAL DOCUMENTS</b>
CDC1	Appeal Form and Notices
CDC2	Appellant's Statement of Case
CDC3	LPA's Statement of Case
CDC4	Draft Statement of Common Ground
CDC5	Emails to Planning Inspectorate confirming NLC's withdrawal of evidence
	CDC6 Statement of Common Ground
	<b>CDD OTHER PLANNING DECISIONS</b>
CDD1	Decision notice granting consent for the construction of a temporary wellsite for drilling of an exploratory borehole with associated structures and works (ref: MIN/2013/0281)
CDD2	Decision notice refusing consent for the retention of the Wressle-1 wellsite and access road for the long-term production of hydrocarbons (ref: MIN 2016/0810)
CDD3	Decision notice granting consent for the installation of four groundwater monitoring boreholes at the existing Wressle-1 site (ref: PA/2016/0808)
CDD4	Decision notice refusing consent for the retention of the existing Wressle-1 wellsite and access road for the long-term production of hydrocarbons (ref: PA/2017/696)
CDD5	Decision notice refusing consent for a variation of condition 24 of planning permission ref: MIN/2013/0281 (ref: PA/2017/268)
CDD6	Inspector's decision letter against the refusal of planning permission for the retention of the existing 'Wressle-1' wellsite and access road for the long term production of hydrocarbons ref: MIN/2016/0810 (ref: APP/Y2003/W/17/3173530) ("Appeal A"); Appeal against the refusal of

	planning permission for the retention of the existing 'Wressle-1' wellsite and access road for the long-term production of hydrocarbons ref: PA/2017/696 (ref: APP/Y2003/W/17/3180606) ("Appeal B"); Appeal against the refusal of planning permission for a variation of condition 24 of planning permission ref: MIN/2013/0281 (ref: APP/Y2003/W/17/3182879) ("Appeal C")
CDD7	Decision notice refusing consent for a variation of Condition 11 of planning permission APP/Y2003/W/17/3182879
CDD8	Inspector's decision letter against the refusal of variation of condition 11 of planning permission ref: APP/Y2003/W/17/3182879 (ref: APP/Y2003/W/18/3212137)
	<b>NATIONAL PLANNING POLICY DOCUMENTS</b>
CDE1	National Planning Policy Framework
CDE2	On-line Planning Practice Guidance
CDE3	Overarching National Policy Statement for Energy EN-1
	<b>NORTH LINCOLNSHIRE PLANNING POLICY DOCUMENTS</b>
CDF1	North Lincolnshire Local Plan (extracts)
CDF2	North Lincolnshire Core Strategy (extracts)
CDF3	Appleby Neighbourhood Local Plan
	<b>ENVIRONMENTAL PERMIT</b>
CDG1	Environmental Permit ref EPR/AB3609XX/V003
CDG2	Permit Decision Document
CDG3	Water Resources Act 1991
CDG4	Onshore Oil and Gas Sector Guidance
CDG5	Conservation Notice 9 June 2014 Environment Agency
	<b>OTHER DOCUMENTS</b>
CDH1	Planning and Sustainability Statement accompanying Original Planning Application for Exploration
CDH2	The Lifting Operations and Lifting Equipment Regulations 1998 Health and Safety Executive
CDH3	The Offshore Installations and Wells (Design and Construction, etc) Regulations 1996 Health and Safety Executive
CDH4	Borehole Sites and Operations Regulations 1995 Health and Safety Executive
CDH5	The Petroleum Act 1998 (as amended by the Infrastructure Act 2015)
CDH6	Committee on Climate Change Net Zero: The UK's contribution to stopping global warming
CDH7	Press Release May 2019 UKOOG
CDH8	CIRIA -C736 Containment systems for the prevention of pollution 2014 CIRIA