



**PLANNING AND REGULATION
COMMITTEE
1 JULY 2019**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange

Councillors: attended the meeting as observers

Officers in attendance:-

Neil McBride (Head of Planning) and Rachel Wilson (Democratic Services Officer)

6 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor Mrs M J Overton MBE.

7 DECLARATIONS OF MEMBERS' INTERESTS

The Chairman advised that all members had received e-mails from various people in regard to both applications that were due to be considered at the meeting including correspondence and photos. All members had also been handed a leaflet which related to the speech due to be given by the objector. It was also reported that Councillor C L Strange would be addressing the Committee as the local member rather than a committee member, and therefore would not be taking part in the vote.

The Chairman highlighted that he was also Chairman of the Planning Committee for West Lindsey District Council, and all Councillors had received training on how to deal with these applications.

**8 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 3 JUNE 2019**

It was highlighted that in relation to minute number 2, the name of the resident who had sent letters to the Committee was Mr Sparkes, spelt with an 'e'. I was also commented that the letters were in relation to the 50mph speed limit in Shepeau Stow, not the Spalding Western Relief Road. Similarly, it was clarified that Cllr N H Pepper had received a number of letters regarding the speed limit in Shepeau Stow and not the Spalding Western Relief Road as stated.

RESOLVED

That the minutes of the meeting held on 3 June 2019 be signed by the Chairman as a correct record, subject to the above corrections.

9 COUNTY MATTER APPLICATIONS

- 9a To vary conditions 3, 4, 6, 12, 16 and 17 of Planning Permission Ref: 137302 to amend the site layout, the management of surface water run-off, the materials for the tertiary containment system, hours of deliveries and operations and security provision at Land to the east of Smithfield Road, North Kelsey Moor, Market Rasen - Barton Willmore LLP - 139426

The Committee received a report which sought planning permission to vary conditions of 3, 4, 6, 12, 16 and 17 of planning permission ref: 137302. The proposal sought to amend the conditions in order to enable changes to the site layout; to reflect changes for the management of surface water run-off; to amend the materials to be used in the tertiary containment system and to amend the hours of working associated with deliveries and site operations and security provision at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen.

It was reported that two further comments from local residents had been received since the agenda pack had been circulated and were set out in the update which had been circulated to the Committee the previous Friday.

Officers guided members through the report and set out the main issues to be considered in the determination of this application.

Amanda Suddaby, a local resident, spoke as an objector to the application and made the following points:

- She realised that the Committee could not revoke the 2014 permission, but asked the Committee to think carefully before allowing further concessions, contrary to continued opposition from local communities and growing environmental concern.
- Once again, four villages and one parish council had objected, and over 100 objections had been received against this and the next item.
- There was a rapidly diminishing social licence for fossil fuels, and with very good reason as it was not sustainable either environmentally or economically.
- Record heatwave temperatures had just been witnessed across Europe. Last month, Lincolnshire suffered extreme flooding – hundreds of farming livelihoods lost. Thousands of acres of land, damaged (that may not recover) – here, in our own county, the breadbasket of England. Food & water security would be far more important than security of fuel in the future.
- These variations heaped yet more adverse impacts on the local community in terms of well-being and amenity.
- It was anticipated the local community would see increased noise levels, lighting pollution, hours of traffic, working hours, traffic movements, disturbance to wildlife and greater visual impact on the countryside due to security fencing, gates & 24 hour lighting, and on a bigger site if the next item went ahead, and still with no benefit to the local community.

- As previously, inconsistent drawings and information had been seen and requests for scrutiny had been ignored – as they were when residents warned of the shortcomings of the Bentomat Liner and the Interceptor.
- To justify increases in traffic, lighting and working hours, Egdon had greatly exaggerated the protests at Biscathorpe which were small, good humoured and utterly peaceful. Not nearly enough of a threat to warrant relaxing of conditions that were previously deemed necessary to protect us as required by planning law.
- The proposal was now far away from the one that was approved in 2014, and given current environmental awareness it was hard to imagine that permission would even be granted today.
- A recent court ruling had shown that Councils could vote against officer recommendations on the basis of emerging climate change.
- The Committee was requested to refuse these variations, and ask for lighting and noise monitoring during all phases, including phase 1.
- The Committee was asked to request an accurate survey of the site entrance to see if it was workable with fencing & gates
- The Committee was asked to seek clarification on how the Drainage Board would access the dykes for maintenance.

Members were provided with the opportunity to ask questions to the objector and the following was noted:

- The objector was asked how the increased traffic would affect local people and responded that it would have a huge impact on the amenity of local people, as this road was used by cyclists and dog walkers, as well as farm traffic. It was felt that the increased amount of traffic which would be travelling up and down the lane would be unworkable. There had previously been a load limit of 7.5 tonnes, but this was now being ignored. It was not felt that the highways issues had been properly considered, as there was a blind bend as well as dykes and verges at either side of the road.

Paul Foster spoke on behalf of the applicant and made the following points:

- There were five changes for which Egdon were seeking approval:
 - 1. The Bentomat geotextile clay liner which would act as an impermeable membrane below the surface of the wellsite would be substituted for a 2mm thick high-density polyethylene impermeable membrane. The main benefits of which were that the new membrane could be continuously monitored electronically to ensure it was fully impermeable, and it could be more easily recycled compared to the geotextile clay liner at the end of the life of the wellsite.
 - 2. The surface water interceptor was no longer required as all surface water would be retained within the closed containment system and then removed by tanker.
 - 3. Egdon wished to improve security measures to ensure the safety of visitors and contractors. The potential likelihood of protester activity remained, and as a responsible operator Egdon had a duty of care to those working or visiting the site. The approved fencing and gates around the site would be increased in height with tow lighting towers

and a mobile welfare unit installed at the entrance to help prevent trespass.

- 4. Egdon wished to extend the hours of operation and HGV movement for site construction, testing and restoration between Monday and Friday from 5.30pm to 7.00pm. These slightly extended hours were necessary given the impact of increased security processes which could cause delays when vehicles left the site at the end of the working day. Increasing the additional hours during the working week for HGV movements and deliveries would also help ensure that operations were completed as quickly as possible.
- 5. Egdon were also asking for the same noise thresholds that were approved by this Committee on 14 May 2018 for the Biscathorpe wellsite to be applied to the North Kelsey wellsite. Noise levels were monitored by independent third-party specialists during the construction and drilling phases of the Biscathorpe site and no noise complaints were recorded. Egdon was willing to accept a noise limit of 42dB for all operations at North Kelsey, day and night.
- The proposed changes would have no impact on the wellsite, and the Committee was encouraged to support the officer's recommendation and grant permission.

Members were provided with the opportunity to ask questions to the applicant, and the following was noted:

- Concerns were expressed regarding the increase in noise levels from 42db – 50db, and justification for this was requested. It was noted that 50db for construction was the same level that was approved for Biscathorpe, and for consistency were looking for the same level. However, Egdon were happy to accept 42db across all types of activity day and night.
- It was queried why security lights were necessary, and was Egdon really concerned that there would be a danger to the site without them. Members were advised that Egdon were acting responsibly, as there were protests earlier in the year, and there were at least three arrests at Biscathorpe for obstruction of the highway. Therefore, the security lighting at been requested on the advice of Lincolnshire Police.
- In terms of the hours of operation, it was noted that one member objected to the increased hours of operation on Saturday, and could not recall that being mentioned. It was clarified that the longer hours on a Saturday had been approved in the original conditions.
- It was highlighted that the local police had seen the protesters at Biscathorpe on a daily basis, and the protests had been peaceful, but it was the Mablethorpe police who had made the arrests.
- It was queried whether the proposed 2.4m barrier would be a chain link fence or an acoustic barrier, and it was confirmed that this would be a mesh fence as it was to prevent trespass rather than to act as an acoustic barrier.
- It was queried what measures would be brought in to mitigate any light pollution caused by the lighting towers, and to limit any light that might escape into the sky. It was noted that a detailed lighting assessment would be submitted by the applicant which would need to be approved by the Council.

- In relation to the noise issues, it was confirmed that the applicant did initially seek to increase the noise level, but following discussions between the Council and the applicant, had accepted a level of 42db.

Councillor C L Strange addressed the Committee as the Local Member and made the following points:

- He was very concerned about this and attended parish council meetings on a regular basis and listened to the views of local people. It was commented that they just wanted to be able to get on with their lives without being affected by anything that wasn't necessary.
- He advised that he had attended 10-12 parish meetings in the last 10 weeks, and the opposition to the scheme was that it would affect the quality of life for many people.
- Egdon was granted planning permission on 14 May 2018 for exploration, and since then the company had asked to change a number of aspects of the permission. However, it was acknowledged that if changes to permission had been requested on the advice of the Police that was difficult to object to.
- He was pleased to see that a noise limit of 42db had been accepted.
- He could not agree with the proposed increase in traffic movements until 7.00pm, and Egdon needed to try and fit around local people and understand what they needed.
- He requested that the application for extra lighting be refused.
- It was hoped that suitable monitoring and enforcement of the planning permission would be undertaken.
- He was supported of the officer recommendations on noise levels, but asked the Committee to back the residents on the timing of traffic movements and also that the request for two additional lighting towers be refused.

Comments were received by e-mail from Councillor C E H Marfleet as a neighbouring councillor as follows:

- This application neighboured his division, but also had links through Egdon Resources application at Biscathorpe.
- His concerns were the "Industrialisation of Rural Areas" with communities connected with small country lanes which were not fit for the HGV's which were needed to service the site. This coupled with the noise and light pollution in rural areas was not acceptable to local communities and in a world which required sustainable and new approaches for energy, this application was not going forward on the right path.
- There was a lot of dismay amongst local people, local communities and further afield. They needed to see leadership and professionalism that gave the public confidence, not conditions being broken, breached or not enforced that also required variations or retrospective planning, which showed lack of organisation.
- His main concern was that this was another application from Egdon Resources which needed altering, in this case a varying of conditions, but in other applications within Lincolnshire, retrospective planning.

- He urged the Committee to acknowledge the concerns of the communities in relation to the lack of professionalism and respect when taking into account their decision regarding this application.

Members of the Committee were provided with the opportunity to discuss the application and some of the points raised included the following:

- Officers were asked to clarify where in the report it was proposed to extend the hours on a Saturday. Page 14 and 15 of the agenda pack set out the times for HGV deliveries and operating hours in the original planning permission. It was understood that the applicant was seeking to increase these hours. One member commented that if the proposed changes had been put forward originally it was suspected that the Committee would not have allowed it.
- Whilst there was a need to have regard to the professional recommendation of the officers and under planning law this was allowable, there was also a need to have regard to the quality of life of residents, and one member felt they could not impose the impact of the additional operating hours on these residents.
- It was queried what evidence there was from transport plans etc. that Egdon Resources would not be able to achieve the vehicle movements as set out in the original conditions. Members were advised that this was following the experience at the Biscathorpe site where and increased need for security had increased the time it took for vehicles to enter and exit the site. The additional security meant that things did not go as quickly as expected when the application was first put in.
- It was commented that at the Biscathorpe site, delays had been caused by people walking slowly in front of lorries attempting to deliver to the site.
- In terms of the lighting structure, it was queried whether they would be switched off after 7.00pm and how many more vehicle movements were expected. It was clarified that the applicant was not seeking to amend the number of vehicle movements. The additional hours were being requested to deal with the delays.
- It was clarified that for certain phases of the development permission already permitted that HGVs could visit the site until 7.00pm on a Saturday.
- One member commented that as the extended hours were being requested for increased security checks due to protest activity, if he was a resident, he would stop protesting and make sure the site was closed down at 5.30pm.
- It was commented that vehicle movements should not be allowed after 5.30pm.
- The current and proposed hours for operating and HGV deliveries were set out on page 21 of the report pack.
- It was commented that it was important to keep a sense of proportion on this, and it was appreciated that it was an emotive subject for a rural area. However, farmers would be on the move with large tractors and were unlikely to stop at 17:30 or 19:00 hours. There was nothing that planning could do about this.
- Clarification on the route that the traffic would take from the site to the main road was sought, and how this would affect residents. It was noted that traffic would follow the B1434 from the site before joining the A46. There were three

sets of residential property along this route. It was also noted that many of the members of this Committee had undertaken a site visit the previous year.

- In relation to the lighting columns, they had been requested following advice from the Police, and they would be on 24 hours a day for security reasons.

An amendment was proposed and seconded to remove the proposed amendment to the hours of operation and HGV deliveries condition from the recommendation.

The Committee voted on approving all conditions as set out in the planning report, except for that proposing an extension to hours of operation and HGV deliveries.

RESOLVED (8 in favour, 2 against, 2 abstentions)

That the planning permissions be granted excluding the proposed increase to the hours of operations and HGV deliveries.

- 9b For the temporary installation of 12 site security and welfare cabins, five water bowsers, generator and associated facilities at Land to the east of Smithfield Road, North Kelsey Moor, Market Rasen - Barton Willmore LLP - 139434

The Committee received a report which sought planning permission for the temporary installation of 12 site security and welfare cabins, five water bowsers, generator and associated facilities at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen.

It was reported that two further comments from local residents had been received since the agenda pack had been circulated and were set out in the update which had been circulated to the Committee the previous Friday.

Officers guided members through the report and set out the main issues to be considered in the determination of this application.

Amanda Suddaby, a local resident, spoke as an objector to the application and made the following points:

- The Committee were asked to also consider the motivation and reasoning behind this application.
- Egdon sought to enlarge the site, and add 12 more cabins and other infrastructure, double the number they had at Biscathorpe. All of which would be brought on site (in winter) without a proper access track or groundwork. Yet more unsuitable loads on a county lane.
- The peaceful rural landscape was being industrialised and eroded piece by piece. This site was beginning to resemble a prison compound with its high fencing and lighting towers.
- To justify this, Egdon cited protests at Biscathorpe and Laughton. At Laughton there were no protests – only observers, and the protests at Biscathorpe were small, good natured and utterly peaceful, only ever taking place during daylight hours, with only two arrests and as yet no convictions.
- She was on occasion one of those protestors and never witnessed anything untoward.

- Were they (Egdon Resources) worried about being observed and monitored? Was this an issue of secrecy rather than security? Monitoring by the public was very often the only way that breaches came to light.
- Egdon claimed to be an experienced operator, they claimed that there were protests at Laughton, but had not mentioned them before now. These provisions could have been last year in their last variation, so why didn't they?
- Why had Egdon so exaggerated the threat from protestors at Biscathorpe. It was queried whether security issues were being used to enlarge the site so they can house all of their staff. This application revealed that Egdon knew they had no social license for this scheme.
- Peaceful protestors were not villains, as history had proved.
- We are in a climate emergency, facing the sixth mass extinction, caused largely by fossil fuels, we cannot afford to burn existing known reserves, let alone seek out more. We must move away from this retrogressive industry. It was time to take a leap forward and send a message to the fossil fuel industry.
- The protests at Biscathorpe had been misrepresented to allow Egdon to expand the site, this was not sustainable development and these measures were not justified. Please refuse this application.

Paul Foster spoke on behalf of the applicant and made the following points:

- Members would be only too aware that in recent years, onshore oil and gas exploration in the UK had attracted considerable interest from a small number of active protestors. Egdon had a duty of care to ensure that its employees and subcontractors, deliveries, visitors and, indeed, protestors were protected from risk of injury, and that its lawful operations were allowed to proceed unhindered.
- The improvements in the existing fencing which Members had just agreed would help to prevent protestors gaining access to the site. However, the nature and scale of protestor activities at Biscathorpe in January and February had raised the prospect of similar activities at North Kelsey. Egdon had been advised by Lincolnshire Police to install security and welfare facilities prior to the start of construction works.
- The application before the Committee sought temporary planning permission for 12 security and welfare cabins – the same number as at Biscathorpe – five water tanks, a silenced generator and fuel tank and two mobile lighting towers. The cabins would be located on a site area of less than a fifth of an acre immediately adjacent to the wellsite. The changes to the site would be minimal – there would be no need for any topsoil to be stripped or removed as the units would be stationed on track matting. This would allow for natural percolation of surface water run off at existing greenfield rates.
- All the units would be single storey in height. Egdon Resources was happy to agree to a condition requiring a security lighting scheme to be submitted and approved before works commenced.
- All external views would be largely obscured by mature trees and hedges. As a result, the temporary compound would not have a significant visual impact on the local landscape, the setting of any heritage asset or distant views from the Wolds AONB and the Viking Way.

- There would be a small number of vehicle movements associated with the installation and removal of the security facilities. Traffic volumes generated by the proposal would be negligible and would not have an unacceptable impact on the road network.
- The proposal was not intensifying the exploration operations of North Kelsey. The units would be there purely to provide a secure and safe environment for the personnel carrying out approved wellsite operations.
- In summary, the proposal by Egdon was a prudent and measured approach to the active opposition to the onshore oil industry in relation to the extraction of fossil fuels. There was a need for such facilities, on the advice of Lincolnshire Police, whilst any effects would be temporary and reversible. It was also highlighted that the proposed facilities were detailed as a "worst-case scenario" and may – if circumstances allowed – be far fewer in number in reality. The Committee was asked to accept the recommendation of officers and grant planning permission.

Members were provided with the opportunity to ask questions to the applicant, and the following was noted:

- In terms of recommendation 1 – that all portable building, plant and machinery would be removed and the land returned to its previous use as agricultural land on or before 31 December 2020, it was queried whether this was possible, and the Committee was assured that the site would be restored to agricultural land on or before that date.
- In view of the evidence of continuous applications over a period of time, it was queried how sure the Committee could be that Egdon would not come back asking for extensions. However, members were reminded that it was for the Committee to determine the application which was before them.

Councillor C L Strange, as the Local Member, made the following points:

- Biscathorpe was a very different case, and was granted planning permission even though the site was located near very sensitive chalk streams.
- There had not been a good relationship between Egdon and local people for Biscathorpe. This was different altogether.
- There was surprise that it needed to be such a large development.
- The police had been involved and had provided advice.
- It was requested that the moment that the land could be restored to agricultural land it should be and that the enforcement team would encourage them to leave the site as soon as possible.
- It was important to keep in proportion what the Committee was dealing with. A similar and retrospective application came forward at Biscathorpe, but on this occasion it was foreseen rather than retrospective, which one member commented that they welcomed.
- The conditions stipulated that the land would be returned to its present state once the works had completed.
- It was clarified, that the 6th mass extinction which had been referred to by the objector in their speech, was not being caused by fossil fuels as stated, but instead by increasing population levels.

- It was commented that it was right that people working at the site had appropriate facilities.

On a motion proposed and seconded, it was

RESOLVED (11 in favour, 1 abstention)

That planning permission be granted.

The meeting closed at 12.14 pm