

**Open Report on behalf of Andy Gutherson
Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	1 July 2019
Subject:	County Matter Application – 139426

Summary:

Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore LLP) to vary conditions 3, 4, 6, 12, 16 and 17 of planning permission Ref: 137302. The proposal seeks 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.

The principle of the development has been established and as a consequence the key issues in this case are to consider if any of the proposed amendments would materially change effects on amenity since the grant of this permission.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Planning permission was granted (ref: 137302) on 14 May 2018 to extend the period of time to carry out the temporary operations to drill an exploratory bore hole for conventional hydrocarbons, production testing, evaluation and subsequent restoration at land off Smithfield Road, North Kelsey Moor. This application amended an earlier planning permission (ref: W97/131952/14) granted December 2014. The development comprised of the construction of a new access track; temporary well site and flare pit; stationing of portable cabins for the storage of equipment and for staff office accommodation, and; drilling of an exploratory borehole, carrying out of production tests and retention of the site and wellhead valve assembly gear for subsequent evaluation. The purpose of the development was to test an identified underlying oil reservoir to determine whether there were

commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling only and would not involve the process of hydraulic fracturing (known as "fracking") which is associated with shale gas or oil development.

2. The original planning permission contained a number of pre-commencement planning conditions which required the applicant to submit for approval further details relating to the development and/or to carry out certain works before the development could lawfully commence. These included details relating to an archaeological investigation of the site, external lighting, fencing and bunding as well as details relating to biodiversity mitigation, the site access, signage and roadworks. The various details were all submitted, approved and (where required) site set-up works carried out before the expiration of the temporary three-year period. Consequently, although the drilling operations themselves have not been undertaken, the development has commenced and the permission has been lawfully implemented.

The Application

3. Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) to vary conditions 3, 4, 6, 12, 16 and 17 of planning permission Ref: 137302. The proposal seeks to amend the conditions in order to enable changes to 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.

Current Conditions

4. Condition 3 lists the approved documents and plans by which the development is required to be carried out in accordance with. The condition currently reads as follows:

Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the following documents and drawings:

Documents

Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017;

Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received 29 December 2017;

Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received 1 September 2014;

Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received 1 September 2014;

Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received 1 September 2014;

Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received 3 December 2014; and

Drawings

*Ref: 3336 P01 Site Location Plan (received 1 September 2014);
Ref: 3336 P02 Site of Application (received 1 September 2014);
Ref: 3336 P03 Rev A General Layout Plan (received 1 September 2014);
Ref: 3336 P04 Access Track – Existing Ground Plan (received 1 September 2014);
Ref: 3336 P05 Access Track – Proposed Layout (received 1 September 2014);
Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 1 September 2014);
Ref: 3336 P07 Proposed Site – Construction Mode (received 1 September 2014);
Ref: 3336 P08 Rev A Proposed Site – Drilling Mode (received 1 September 2014);
Ref: 3336 P09 Rev A Proposed Site – Lighting Layout (received 1 September 2014);
Ref: 3336 P10 Rev A Proposed Site – Testing Mode (Indicative) (received 1 September 2014);
Ref: 3336 P11 Rev A Proposed Site – Testing Lighting (received 1 2014);
Ref: 3336 P12 Section A-A Section through Track (received 1 September 2014);
Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 1 September 2014);
Ref: 3336 P14 Rev A Site Construction Sections (received 9 September 2014);
Ref: 3336 P15 Rev A Sightlines & Site Entrance Details (received 9 September 2014);
Ref: 3336 P16 Proposed Junction Works (received 1 September 2014);
Ref: 3336 P17 HGV Sweeps at Junction (received 1 September 2014);
Ref: 3336 P18 Drilling Rig Sweeps at Junction (received 1 September 2014);
Ref: 3336 P19 Cabin Plans and Elevations (received 1 September 2014);
Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014); and
Ref: 3336 T06 Proposed Access & Egress at Site Entrance (received 11 November 2014).*

Reason: To enable the Mineral Planning Authority to monitor and control the development

Condition 4 requires the development to be carried out in accordance with the approved Flood Risk Assessment which contains details of the measures to be adopted to manage surface water run-off. The condition reads as follows:

The development hereby permitted shall be carried out in accordance with approved Flood Risk Assessment dated 20 August 2014 (received 1 September 2014). In particular, the surface water run-off generated by the 100 year plus climate change critical storm shall be limited so that it will not exceed 5l/s, as recommended in section 4.15.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site

Condition 6 requires the fencing and bunding around the site to be carried out in accordance with details that have previously been approved. The condition reads as follows:

The fencing and bunding to be erected around the site as part of this development shall be constructed in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 6 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) and shall be maintained and retained for the duration of the development.

Reason: In the interest of visual amenity

Condition 12 references an approved site layout drawing which, given the changes proposed by this application, would be outdated. The condition as currently cited reads as follows:

The arrangements shown on the approved Drawing No. 3336 P07 dated July 2014 (received 1 September 2014) for the parking/turning/manoeuvring /loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: In the interests of the safety of users of the public highway and the safety of users of the site.

Condition 16 sets out the permitted working hours for the site including HGV movements and states:

The site shall only operate, including vehicle movements to and from the site, between the hours set out below:

HGV deliveries

	<i>Mondays to Fridays</i>	<i>Saturdays</i>	<i>Sundays, Bank Holidays and Public Holidays</i>
<i>Phase 1 – construction of the site</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>
<i>Phase 2 – equipment</i>	<i>07:00 – 19:00</i>	<i>07:00 – 19:00</i>	<i>none</i>

<i>assembly and demobilisation</i>			
<i>Phase 2 – HGV deliveries during drilling operation</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>
<i>Phase 3 – HGV movements</i>	<i>07:00 – 19:00</i>	<i>07:00 – 19:00</i>	<i>none</i>
<i>Phase 4 – restoration</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>

Operating Hours

	<i>Mondays to Fridays</i>	<i>Saturdays</i>	<i>Sundays, Bank Holidays and Public Holidays</i>
<i>Phase 1 – construction of the site</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>
<i>Phase 2 – equipment assembly and demobilisation</i>	<i>07:00 – 19:00</i>	<i>07:00 – 19:00</i>	<i>none</i>
<i>Phase 2 – drilling operations only</i>	<i>24 hours</i>	<i>24 hours</i>	<i>24 hours</i>
<i>Phase 3 – site preparation for production testing</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>
<i>Phase 3 – production testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends).</i>	<i>24 hours</i>	<i>24 hours</i>	<i>24 hours</i>
<i>Phase 4 – restoration</i>	<i>07:00 – 17:30</i>	<i>07:00 – 13:00</i>	<i>none</i>

Reason: To protect the amenity of the surrounding area

Condition 17 sets out the permitted noise level limits and states:

Noise levels as a result of the development hereby permitted measured at a height of 1.5 metres at the boundary of the properties at the identified locations shall not exceed the limits set out below:

<i>Noise sensitive location</i>	<i>Construction Noise Limit dB LAeq, 1hr (hours as specified in condition 17)</i>	<i>Drilling Noise Limit dB LAeq, 1hr (07:00 – 23:00 hours)</i>	<i>Drilling Noise Limit dB LAeq, 1hr (23:00 – 07:00 hours)</i>
<i>Ellmore Farm</i>	<i>40</i>	<i>38</i>	<i>33</i>
<i>Paddock View</i>	<i>42</i>	<i>41</i>	<i>40</i>

<i>Coppice House</i>	42	41	40
<i>Station House</i>	40	39	36
<i>The Pines</i>	41	39	36
<i>The Gables</i>	40	37	33
<i>The Bungalow</i>	41	39	37
<i>The Willows</i>	39	36	28
<i>Big Wood Caravan Park</i>	39	36	28
<i>Eastgate</i>	39	37	32
<i>Smithfield House</i>	39	37	30

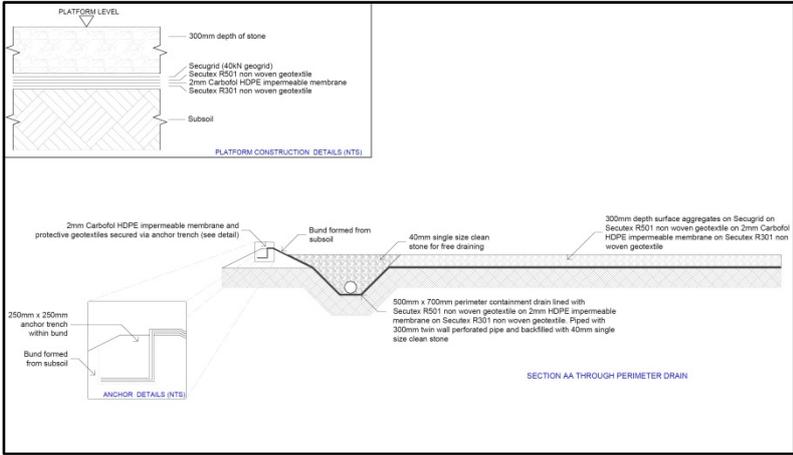
Reason: To protect the amenity of nearby residential properties

Proposed Amendments

5. Condition 3 lists the approved documents and plans which include details of the proposed site layout during the various phases of construction, drilling, production testing and restoration. A planning statement and revised site layout drawings have been submitted by the applicant which identify the changes now sought and sets out the reasons for those changes. These are summarised as follows:
 - Amendments sought in order to improve the performance of the well site during the construction, drilling and production testing stages;
 - The proposed amendments would enable the operator to manage potential protestor activity at the wellsite by improving security measures;
 - Proposed amendment so as to substitute the Bentomat geotextile clay liner (GCL) impermeable membrane for a high-density polyethylene (HDPE) impermeable membrane;
 - Proposed removal of a surface water interceptor during construction stage;
 - Proposed removal of referenced lighting layouts (as details relating to lighting were subsequently approved by condition);
 - To extend the permitted hours relating to HGV deliveries and site operations between Monday and Friday; and
 - To correct the noise level figures applied at the North Kelsey wellsite, so they are consistent with the same standard limits used at the Biscathorpe well site.

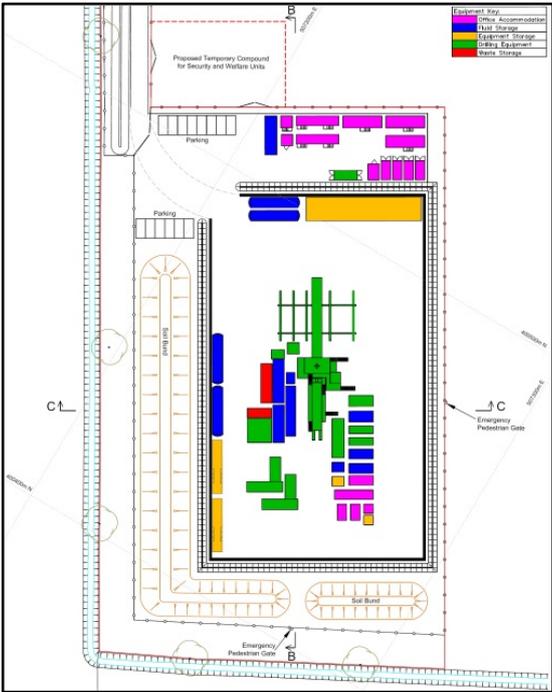
6. The revised details do not seek to extend the scope of the development permitted which remains for the exploration and evaluation of conventional oil and gas only. The works would also continue to be carried out in 4 separate phases with the changes to the approved plans simply made to reflect amendments to the site layout and aspects of the site construction materials. The site phasing would therefore be as follows:

Phase 1: Construction of the Drill Site (approximately 6-7 weeks). This would involve the construction and laying out of the main compound site including construction of perimeter bunds, construction of containment ditch and bund, the laying of the HDPE impermeable membrane, replacing the proposed Bentomat clay liner (refer to Plan 1) and installation of the well cellar and chamber.



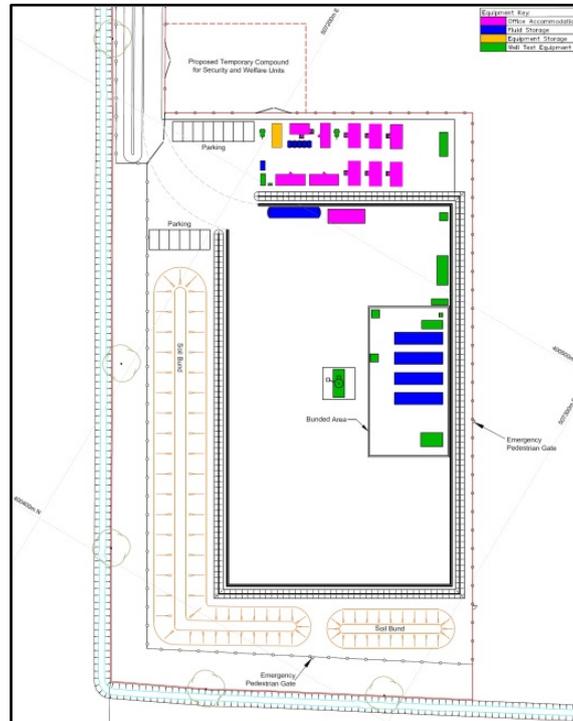
Plan 1 – Proposed Site Construction Sections

Phase 2: Operational Phase (approximately 8 weeks). During this phase the drill rig and all associated plant and equipment would be brought into the site which includes on-site water tanks, pipe stores, mud and fuel tanks and staff accommodation. Once commenced, drilling and associated operations would take place on a 24 hours per day, seven days per week basis over a period of up to six weeks (refer to Plan 2).



Plan 2 – Proposed Site Layout during Phase 2 Operational Drilling

Phase 3: Operational Phase (testing) (approximately 28 weeks). If the drilling provides evidence of hydrocarbon, the well would then be completed and made safe and a wellhead installed at surface level. Additional equipment including a beam pump, welfare unit/switchroom, generator, four fluid storage tanks, a compressor and two transfer/export pumps would be installed. An indication of the site set-up has been provided (refer to Plan 3).



Plan 3 – Proposed Site Layout during Phase 3 Operational Testing

Phase 4: Site Restoration (6 weeks to complete). This phase would remain unchanged and involve filling the steel casing of the well with concrete, cut approximately 2 metres below the surface and capped with a steel plate. All on-site structures would be removed as would the well cellar and sump lining. Any remaining drilling mud and cutting waste would also be removed together with the pit liner and the perimeter ditch lining. It is proposed to re-grade and deep scarify the land in accordance with best agricultural practice. The stored subsoil and topsoil would be loose spread over the regraded ground and the site would be re-contoured and restored to agricultural use. This phase would take place over a 6 week period.

Site Security

- The approved plans show the layout of the site for each of the various phases of the development and include site security measures which include the provision of welfare cabins, fencing and lighting. Following recommendations from Lincolnshire Police further measures are now being proposed which are considered necessary to ensure the safety of staff and contractors visiting the site. These include the introduction of additional fencing and security gates around the site (which would also require

changes to details referenced by Conditions 6 and 12) along with the provision of two additional lighting columns/units and an additional mobile welfare unit near the entrance onto Smithfield Road for security personnel.

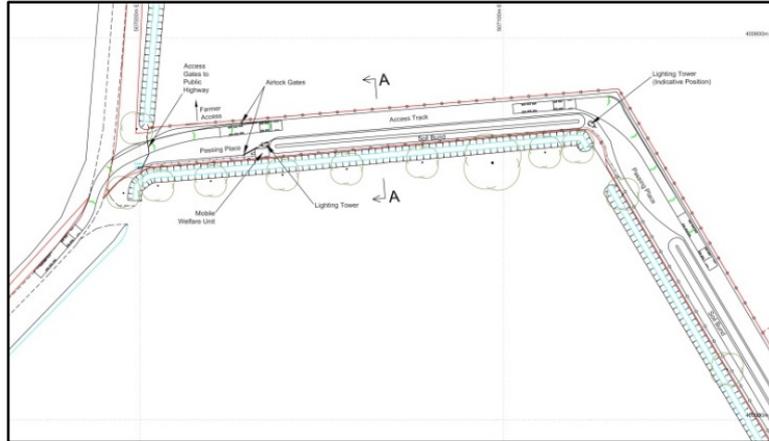
8. Details relating to the sites lighting have previously been approved (pursuant to Condition 5) and those details gave particular emphasis to health and safety of those working within the site and were designed to minimise light spillage outside of the site. The approved details supersede those which were originally shown and listed on the lighting layout plans cited in Condition 3. The applicant is therefore seeking to remove reference to those by amending Condition 3. The permitted lighting details approved by Condition 5 would remain in force however it is now proposed to add a further two lighting columns to the site in order to illuminate the access road and therefore increased security.

Surface Water Management

9. Condition 4 referenced the need to comply with the Flood Risk Assessment which contained details of the controls to be adopted to manage surface water. The current assessment proposed that a surface water interceptor would be installed during construction stage of the development and would be retained throughout the development with waters being discharged to a nearby watercourse. The applicant is no longer proposing to discharge waters off-site and instead would collect and retain these on site prior to being tankered off-site (as needed) for disposal elsewhere. Given this change, the applicant no longer considers it necessary to install an interceptor and therefore proposes that the Flood Risk Assessment be updated/amended to reflect this. An addendum has therefore been submitted detailing the precise changes sought and it is proposed that this form part of the approved documents/details.

Fencing

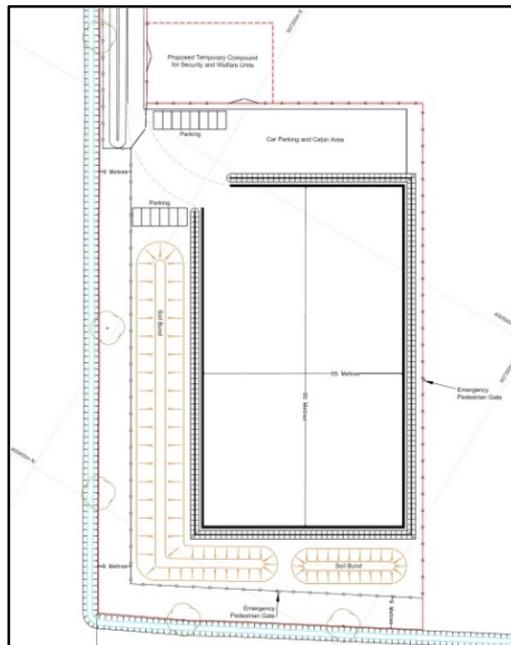
10. Condition 6 requires a 1.2 metre high stock proof fence to be erected along the access track from Smithfield Road to the site compound. Following the discussions with Lincolnshire Police the applicant has been recommended to revisit the security provision and as a consequence is seeking to change the fencing and security gates at the site so that they provide emergency escape routes for personnel. It is also proposed to erect a 2.4m high 'Meshmaster' fence and gates on the access track by and at the site entrance so as to create an 'air-lock'. The design and height of the proposed gates and fencing at the access would be consistent with that already approved for the drilling site itself as illustrated in Plan 4.



Plan 4 – Proposed Access Track Layout

Parking and Manoeuvring

11. Condition 12 required that parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times in accordance with a specified layout. As a consequence of the need to improve security at the site the applicant seeks to introduce in an additional set of gates Plan 5.



Plan 5 – Arrangement for parking etc.

Hours of Work

12. Condition 16 identifies the permitted hours of working for each phase of the development. With the exception of Phase 2 (drilling operations) and Phase 3 (production testing) which are permitted to operate 24 hours a day/seven days a week, the other hours are restricted to specified times. The applicant is seeking to amend the times specified for site operations between Monday

to Friday to those as set out below. These changes would not extend to Saturdays, Sundays, Bank Holidays and Public Holidays.

Phase	Existing Mon-Fri	Proposed Mon-Fri
1 Site construction	07:00 – 17:30	07:00 – 19:00
3 Preparation for testing	07:00 – 17:30	07:00 – 19:00
4 Restoration	07:00 – 17:30	07:00 – 19:00

13. Similarly the applicant is seeking to amend the hours controlling HGV movements for each phase to those as illustrated below.

Phase	Existing Mon-Fri	Proposed Mon-Fri	Existing Saturday	Proposed Saturday
1 Site construction	07:00 – 17:30	07:00 – 19:00	07:00 – 13:00	No change
2 Drilling	07:00 – 17:30	07:00 – 19:00	07:00 – 13:00	07:00 – 19:00
4 Restoration	07:00 – 17:30	07:00 – 19:00	07:00 – 13:00	No change

14. The applicant states that these extended hours are required given the impact of the increased security checks that would be necessary and based on experience gained elsewhere. The additional checks cause delays which affect the ability of the operator to meet the original schedule for the delivery of equipment and materials to the site.

Noise

15. Condition 17 identifies a number of sensitive receptors together with the predicted noise levels which the operations are required to comply with. The applicant is seeking to amend the condition so as to reduce the number of identified sensitive receptors referenced and to instead simply reference the nearest residential property to the site and the maximum permitted noise level. The applicant argues that by identifying 11 locations with precise noise limits as is currently the case makes the monitoring and enforcement of noise limits unnecessarily complicated. Therefore rather than set limits at individual properties, some of which are further away from the site than the nearest receptor, it would be more practical to set a limit at the most noise-critical location as this would be the controlling factor for all noise sensitive receptors.
16. In addition to the above, the applicant is also seeking to increase the noise level limits imposed for the construction phase of the development. It is argued that the levels currently cited for each of the properties listed in the condition are low and unreasonable. It is suggested that a maximum noise level for all properties should be increased to 50dB LAeq as this was considered acceptable at the Biscathorpe site (which is within the AONB) and therefore stricter limits are not justified at this location. The existing noise levels limits for both the construction and drilling phases, along with

the revised levels now sought by the applicant, are set out below for comparison purposes.

Nearest noise sensitive locations	Construction Noise Limit dB LAeq, 1hr	Drilling Noise Limit dB LAeq, 1hr (07:00 – 23:00 hours)	Drilling Noise Limit dB LAeq, 1hr (23:00 – 07:00 hours)
Existing Coppice House	42	41	40
Existing Paddock View	42	41	39
Proposed	50	42	42

Site and Surroundings

17. The application site lies approximately 1.3 km north of Moortown, 2.8km south east of North Kelsey and 4.5km south west of Caistor. The site is accessed off Smithfield Road (Photograph 1) which is a single track road with a number of passing places along its length. An area of land at the junction of Smithfield Road and the B1434 is also included within the application site.



Photograph 1 – Smithfield Road from the junction with the B1434

18. The site itself is agricultural land (Photograph 2). The surrounding area is predominantly in agricultural use with trees and hedges along field boundaries ranging from sparse to dense planting. Immediately to the south of the proposed access track is a ditch and to the south of this ditch is a line of trees and an existing access track.



Photograph 2 – site of proposed exploratory wellsite

19. A railway line lies to the east of the application site and beyond this the landscape becomes rolling hills with the presence of a number of telecommunications towers. The southern boundary of the site is lined by mature hedgerows and trees. The western boundary has a number of individual trees, whereas the northern and eastern boundaries are completely open, being part of a wider field.

Main Planning Considerations

Planning Policy Context

20. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 13 – presumption in favour of sustainable development and core principles;

Paragraphs 38 to 50 – confirm that the planning system is a plan-led system and that application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Local Planning Authorities shall also apply a presumption in favour of sustainable development. It also confirms the position regarding the status of existing and emerging Local Plans and their policies and that due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with the NPPF and their stage of advancement to adoption;

Paragraphs 54 to 55 – advises on the use of planning conditions and states these should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development;

Paragraphs 108 to 111 – advises that development should consider impacts on the highway network and highway safety and seek to mitigate impacts to an acceptable degree.

Paragraphs 155 to 165 – meeting the challenge of flood risk;

Paragraphs 170 to 183 – seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity, prevent adverse impacts as a result of noise pollution;

Paragraphs 184 to 202 – requires that the significance of heritage assets is taken into consideration, including any impacts on their settings. Significance can be harmed or lost through alteration or destruction of heritage or development within its setting. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;

Paragraphs 203 to 209 – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts.

21. In addition to the NPPF, in March 2014, the Government published the web-based Planning Policy Guidance (PPG). The PPG also sets out the overall requirements for minerals sites that include exploration for hydrocarbons and provide direction in relation to assessing environmental impacts such as noise, light and visual amenity. The guidance also quantifies reasonable noise limits for operations during the day/evening [not exceed 55dB(A) LAeq, 1h (free field)] and night [not exceed 42dB(A) LAeq, 1h (free field)]. Temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work.
22. For avoidance of doubt, it should be noted that on 6 March 2019 a judgement in the case of *Stephenson vs SoS MHCLG* [2019] EWHC 519 (Admin) found in favour of the appellant and as a consequence on 14 May 2019 a Court Order was issued and in accordance with the terms of the Court Order, paragraph 209(a) of the NPPF (2018) has been quashed. However, Ministerial Written Statement HCWS1586 advises that Chapter 17 on 'Facilitating the Sustainable Use of Minerals' remains unchanged and extant and that for the purposes of the NPPF, hydrocarbon development is considered to be a mineral resource.

Local Plan Context

23. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – the key policies of relevance in this case are as follows (summarised):

Policy M9 (Energy Minerals) states that planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.

Policy DM1 (Presumption in favour of sustainable development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Policy DM14 (Transport by Road) states that planning permission will be granted for development involving transport by road where the highway network is of, or will be made up to, an appropriate standard and arrangements for site access and traffic would not have an unacceptable impact on highway safety, flow, residential amenity or environment.

Policy DM15 (Flooding and Flood Risk) states that proposals will need to demonstrate that they can be developed without increasing the risk of flooding both to the site and the surrounding area during and following the operations.

Policy DM16 (Water Resources) states that planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

Policy R1 (Restoration and Aftercare) states that proposals must demonstrate that restoration will be of high quality and carried out at the earliest opportunity; and

Policy R2 (After-use) requires that the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character, natural and historic environment of the area.

24. Central Lincolnshire Local Plan (CLLP) (2017) – the key policies of relevance in this case are as follows (summarised):

Policy LP2 (Spatial strategy and settlement hierarchy) identifies the site in the countryside;

Policy LP9 (Health and wellbeing) states that development must demonstrate satisfactory mitigation measures;

Policy LP13 (Transport) states that development must contribute towards an efficient and safe transport network;

Policy LP14 (Water Resources and Flood Risk) states that development must not increase the risk of flooding or adverse impacts on water resources;

Policy LP17 (Landscape) states that proposals must seek to protect and enhance the landscape value and character of the area;

Policy LP21 (Biodiversity and geodiversity) states that proposed development should seek to protect, manage and enhance habitat networks; and

Policy LP26 (Design and amenity) states that development must make effective and efficient use of land and should minimise adverse impacts on amenity.

Results of Consultation and Publicity

25. (a) Neighbouring County Council Member, Councillor L Strange – is a Member of the Planning & Regulation Committee and so reserves his position until the meeting.
- (b) South Kelsey and Moortown Parish Council – objects to the proposed increase in fence height from 1.2 metres to 2.4 metres; the proposed increase in noise thresholds, and; the proposed increase in operating hours.
- (c) North Kelsey Parish Council – object to the increase in noise thresholds, increased operating hours and consider the road is not suitable for increased traffic and the potential for accidents at the crossroads.
- (d) Holton le Moor Parish Meeting – commented that the residents of Holton le Moor expressed concern regarding climate change and considered the effects of increased vehicle movements and increased hours of operation during the construction and operational phases were likely to have the following adverse impacts on the village stating:

- A number of the properties over 100 years old are susceptible to damage from the effects of vibration from heavy vehicles using the B1434; and
- Increased vehicles and hours of work are likely to affect the amenity of residents and their enjoyment of their property.

It is added that changes are proposed to the impermeable membrane and therefore seek reassurance that the necessary expert opinion be sought as to its appropriateness and that its integrity be monitored.

With regard to surface water management, the Council asks that a more environmentally sustainable method for the disposal of waste water be considered rather than tankering off site to be disposed of elsewhere.

Finally, the applicant is seeking to increase the noise levels but has failed to demonstrate why this is necessary and that any increased noise would have a detrimental effect on the amenity of the rural area and impact residents and visitors within the vicinity of the site. The Council therefore asks that the Committee limit noise levels to those previously approved and are monitored regularly.

- (e) Environment Agency (EA) – has commented that the proposed variations include improvements that were carried out on the Biscathorpe oil site and which are more protective to the environment and so meet their approval. Therefore they have no objections and no additional comments to make.
- (f) Environmental Health (West Lindsey District Council) – stated that having considered the information provided and the noise assessment report previously submitted have no further comments to make and no objections. Separately a recommendation has been made to attach an Informative, should planning permission be granted, with regard to the site being within a 250m area of potential contaminative use (Railway) which may have led to localised ground contamination.
- (g) Highway and Lead Local Flood Authority (Lincolnshire County Council) – initially requested that some amendments be made to the revised drawings so as to ensure the new gates and fencing are positioned on the line of the highway boundary and that a protruding barrier is omitted as it was shown mounted within the public highway. It was also commented that the additional vehicle trips associated with the revisions made are acceptable.

Following the comments made, the plans were subsequently revised and submitted to reflect the changes sought.

- (h) Caistor Town Council - wish to maintain its objection to the extension of the drilling exploration by reason of its disturbance to the neighbourhood through noise and vehicle movements.

26. The following bodies/persons were also consulted on the application on the 10 May 2019 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor A Turner
Network Rail
Anglian Water Services Ltd
Lincolnshire Public Health
Lincolnshire Police
Lincolnshire Wildlife Trust
Ministry of Defence (Safeguarding)

27. The application has been publicised by notices posted at the site entrance and three other locations including the junction of Smithfield Road and the B1434, the junction of B1434 and Easthall Road and the crossroads in Moortown. It has also been advertised in the local press (Lincolnshire Echo on Thursday 16 May 2019) and 21 letters of notification were sent to the nearest neighbouring residents.

28. 42 representations from 38 residential addresses had been received by the time this report was prepared. A summary of the objections received is as follows:

- The application is very different to the original 2014 application and represents a significant expansion of the original proposal;
- Climate Change policies should be adhered to with the reduction in the production of fossil fuel, due to the irreversible damage done to the biosphere. It is recommended that the applicant invests in renewable/green technology;
- The application represents large-scale industrialisation of a rural area especially in close proximity to the Viking Way and the Wolds;
- The introduction of eight foot high fencing contributes to an already unacceptable visual impact on the area. There are no proposals for planting to screen the site;
- Increasing hours will result in disturbance to local residents for longer periods including those living on the route to the site;
- Increased noise levels over and above those already permitted would be unacceptable, the area is backed by hills creating an amphitheatre that increases the effects of noise and a new noise assessment should be required. The residents in the area around the junction of Smithfield Road and B1434 were not taken into account in the existing noise assessments;
- The noise levels and times proposed are not consistent with the Planning Practice Guidance recommendations and a recommendation that a noise standard that conforms to ISO 226:2003 should be adopted;
- Vibration from the continuous drilling will disturb local families and affect their ability to sleep and affect their health and wellbeing;

- The impacts of dust, the plumes of fumes of diesel generators and the escape of Volatile Organic Compounds arising from the proposed operations and the consequential adverse impacts on human health has not been addressed;
- Increased lighting would result in unacceptable light spill in an area noted for dark skies, would have an adverse impact on local residents and could cause distraction to drivers using Smithfield Road and the Lighting Mitigation Assessment is flawed and even where reduced in number they would still produce significant light pollution outside of the drilling site;
- Highways – Smithfield Road, especially at the junction with the B1434 and the B1434 itself, particularly where it passes through Holton le Moor, is unsuitable for the proposed increased number and size of the lorries using the route to the site. Particular concern, with regard to the formation of potholes, damage to verges, vibration damage to property and highway safety, was expressed;
- There is a significant increase in the number of vehicles making extra deliveries to set up the site (particularly the extra security fencing) and the proposal to tanker waste water away from the site all of which are considered unnecessary and unacceptable;
- Concern that the HDPE liner along is not sufficient protection to stop pollution escaping the site;
- Proposed fencing interferes with the IDB Drain;
- Wildlife will be adversely impacted by the increased hours of work, noise levels, lighting and overall activity at the site, insufficient consideration has been given to the impacts on the ecology of the area;
- Reassurance is needed that boreholes are properly filled in and not merely covered to prevent children falling in; and
- There is insufficient evaluation of the cumulative effects when considered with the application for additional security at the site.

29. Two representations were received in support of the application stating:

- that the proposal was reasonably small-scale and similar to other oil/gas sites already operating in the county; and
- pleased to see the safeguarding measure of replacing the Bentomat liner with an HDPE liner.

District Council's Observations

30. West Lindsey District Council (Planning Authority) – have no objections to the development.

Conclusions

31. The development authorised by the original planning permission was granted in December 2014 and has now been lawfully implemented and the development commenced. The principle of the development in this location has previously been assessed and considered acceptable and so too have

various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated and considered consistent with Policies M9 and DM1 of the CSDMP. However, the applicant is now proposing to change, remove or make amendments to some of the permitted operations.

32. The application is seeking 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.
33. As a Section 73A application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition(s) and so is not required to reconsider the principle or acceptability of the development itself. In determining this application it would therefore only normally be necessary to consider whether the proposed amendments in relation to the approved development are justified. Since the grant of the planning permission in 2018 there has been a change to the NPPF and in carrying out this assessment, and in line with the direction given in Ministerial Written Statement HCWS1586 the relevant paragraphs contained within the NPPF and the PPG have been considered where material.

Issues Raised by Respondents

34. A number of representations have been received which have repeated concerns and issues that were raised and addressed when the development was re-considered and granted permission in 2018. These representations include questions over the need for the development of onshore oil and gas production and their contribution to climate change and concerns about the potential adverse impacts of the development on the environment and residents health.
35. As stated previously, the development authorised by the permission has been lawfully implemented and as a Section 73A application it is not therefore normally necessary to reconsider the need or principle of the development again. Notwithstanding, this application seeks to amend certain elements of the approved development that may have impacts over and above those considered acceptable when the proposed development was previously evaluated. As a consequence the relevant issues expressed through the representations received are as follows:
 - Traffic/Vibration;
 - Hours of Operation/Deliveries;
 - Noise/Vibration;
 - Lighting;
 - Visual Impact;
 - Wildlife; and
 - Pollution.

Highway and Highway Safety

36. A number of representations and concerns have been raised regarding an increased number of HGV movements associated with the proposed development and their effect on highway infrastructure and highway safety. Many of these consider that insufficient information has been provided and that a new Transport Assessment should have been provided as additional movements would now be required which are directly attributable to specific changes sought (e.g. more materials will be required for construction in Phase 1 and again during Phase 4 and the proposed tankering of waters off-site would increase movements. Concerns have also been expressed regarding the vibration impacts of transportation on older properties on the B1434.
37. Whilst the above objections are noted, the Highways Officer has considered the information provided and whilst additional vehicle trips may arise they are considered acceptable and would not pose any greater adverse impacts in terms of the highway capacity or safety and therefore the revised proposals would not conflict with the aims and objectives of the NPPF and Policy DM14 of the CSDMP nor compromise Policy LP13 of the CLLP.

Hours of Operation

38. In part linked to the concerns expressed in relation to traffic movements, concerns have also been raised regarding the proposed amended hours of operation which residents feel would be likely to cause unacceptable disturbance in respect of noise and vibration, to residents over a longer period each day. Whilst it has already been considered acceptable for drilling and testing operations to be carried out 24 hours a day/seven days a week all other operations are currently restricted.
39. The applicant has proposed to change the hours cited for Phases 1, 3 and 4 so as to allow site operations to finish at 1900 hours rather than 1730 hours Monday to Friday. Similarly it is proposed to extend the hours for HCV movements during Phases 1, 2 and 4 from 1730 hours to 1900 hours Monday to Friday and for Phase 2 Saturday to also allow movements to finish at 1900 hours rather than 1300 hours. All other restrictions would remain unchanged and therefore no operations (excepting drilling and testing) would be permitted on Saturdays, Sundays, Bank/Public Holidays. The extended hours are sought as experience gained elsewhere has indicated that longer security checks at the site have caused delays in turning around deliveries and thereby impacted on vehicle schedules. These delays consequently also have potential implications on the overall timeframe for carrying out and completing the operations within the prescribed timeframe.
40. Whilst the objections of local residents are noted, no objections have been received from the Highway Officer regarding the impact of additional traffic and noise conditions would continue to apply on the site activities which would ensure that noise arising from any extended site activities fall within

acceptable limits. No objections have been received from the Environmental Health Officer or District Council either and therefore the extended hours are considered acceptable and unlikely to have any material adverse increased impact.

Noise

41. The applicant is seeking to revise and simplify the existing noise condition which currently cites specified noise levels at 11 noise sensitive receptors. The applicant argues that the current condition is unnecessarily complicated and that it is only really necessary to reference the two nearest residential properties and cites the required noise level limits to be met at these properties. This is because properties further away from the nearest properties would experience noise levels lower than those closest to the site and therefore it is not necessary to specify exact limits for those further afield. The applicant proposes that the condition therefore be revised and that the maximum noise level of 42dB LAeq be applied for the night-time operations for all properties and that the daytime construction phase noise level is increased from 42dB LAeq to 50dB LAeq.
42. The Environmental Health Officer has raised no objection to the proposed amendment however a number of representations have been received which express concerns that any increase in noise levels would cause unacceptable disturbance particularly when considered in conjunction with the increase hours of operations and deliveries.
43. Having taken into account the information contained in the application and the comments received, your Officers accept and agree that the current wording of the noise condition is overly complicated and could be simplified. The purpose of the condition is to ensure that the noise experienced at the nearest noise sensitive receptors fall within acceptable limits (as set out in national guidance). The current condition however includes references to a number of properties and cites noise levels that are not strictly necessary in order to achieve this purpose. The noise levels cited in the condition are based on the findings of the noise assessment which supported the original application and which took into account background noise levels and the noise arising from the proposed operations and activities. That assessment concluded that noise levels during the construction and drilling operations (both daytime and night-time) would not exceed 42dB LAeq at the nearest noise sensitive property. Given this, the wording of the condition could be simplified so as to remove reference to properties further away from the site as the noise levels experienced at those properties would be lower than those closest to the site. Removing reference to these properties would not therefore reduce any existing protection afforded to them or weaken the enforceability of the condition. Whilst Officers therefore agree a simplified condition would be reasonable they do not agree to the justification or basis given for seeking to increase the daytime limit to 50db LAeq (i.e. that this is the limit set at another site and so should be applied here). The noise assessment has demonstrated that the noise levels from the construction/daytime operations would fall below 42dB LAeq and therefore

there is no reason to apply a higher limit in this case. Therefore whilst it is agreed and recommended that the condition be simplified, the noise limits cited should not be increased over and above 42dB LAeq for all operations - daytime and night-time. Therefore a revised condition is recommended but maximum noise limits should be set at 42dB LAeq, at the boundary of the two closest noise sensitive properties, namely Coppice House and Smithfield House.

44. Finally, in addition to the above revision, it is also recommended that an additional condition be imposed which would require the applicant to carry out a programme of noise monitoring. This requirement will ensure that the noise levels experienced comply with those which were predicted in the original assessment and therefore that the development does not have any adverse noise impacts as was predicted.

Lighting

45. The proposed development includes the introduction of two additional flood-lighting towers. These are identified by the applicant as being necessary to ensure safety and security along the access track and at the entrance off Smithfield Road. Concern has been expressed that this will result in light spillage beyond the boundary of the site and light pollution. Although the Environmental Health Officer (West Lindsey) has not recommended that a condition be attached requiring a light mitigation assessment, your Officer recommends that a scheme in relation to the additional security lighting be secured prior to commencement of Phase 2 (equipment assembly). This would give Officers an opportunity to ensure that the lighting does not have any increased adverse impact over and above that already accepted. All other lighting at the site would remain as permitted and unchanged from that which has already been approved.

Overall Amenity

46. Having considered matters relating to hours of operation, noise, lighting and the proposed amendments and additional condition, your Officers are satisfied that should the application be granted permission the revised development would still be consistent with the aims and objectives of the NPPF, Policy DM3 of the CSDMP and would not compromise or conflict Policy LP9 of the CLLP which seeks to ensure development that demonstrates satisfactory mitigation measures in relation to the health and wellbeing of local residents.

Visual Impact

47. With regard to landscape impacts, the proposed development has already been assessed with regard to the installation of the drill rig and it is acknowledged that it is likely to have a significant impact during day and night, however, there are no proposals for the construction, operation and demobilisation of the rig to continue longer than the period that was accepted when the original application was approved (e.g. approximately 8

weeks). The revisions sought by this application would amend the bunds and fencing by extending the perimeter bunds and replace the approved stock fencing on the access road with a 2.4 metre high weld mesh and gates. Representations have suggested that the extra fencing and gates on the access track and entrance would be visually unacceptable and intrusive. Whilst these comments are noted, when considered in the context of the existing site, I am satisfied that the fencing and gates are acceptable. The access road route is generally defined by a mature line of native trees grown to heights exceeding 8 metres and so only glimpses of the fencing would be afforded from the nearest residential properties. All other aspects of the development are generally unchanged and as a consequence the landscape and visual impacts of this development would be no greater than that which were accepted previously. I am therefore satisfied that there would be no long term adverse impact on landscape character as a result of this proposal and so the development would continue to comply with the NPPF and Policies DM6, R1 and R2 of the CSDMP and would not conflict with nor compromise Policies LP2, LP26 and LP17 which seek through design to protect and enhance the landscape value, character and biodiversity in the open countryside.

Wildlife

48. Comments have also been received with regard to potential impacts on wildlife. Again such matters were considered at the time of the original application and conditions were imposed to address and mitigate or minimise any such impacts. These included the need to carry out an ecological survey in advance of the commencement of the development and to secure mitigation/compensation measures in the event of the loss of habitat. A further ecological survey has been completed (2018) and the details and schemes previously approved pursuant to the conditions would continue to apply to the development if permission for these changes is granted. Notwithstanding, the proposed amendments to hours of operations, lighting and noise are not considered to represent a significant increase in impact on wildlife and as a consequence the development would continue to comply with the NPPF and Policies R1 and R2 of the CSDMP and would not conflict with nor compromise Policy LP21 which seek to protect and enhance biodiversity.

Pollution

49. Concern has been expressed regarding the management of waste water and potential pollution of ground water and water courses, given the proposed amendments being sought as part of this application. The site layout has been designed to ensure that there would be a separation of surface water and wastes arising from the development as well as any water that may become contaminated with pollutants. The Environment Agency has raised no objection to this application and supports the proposed improvements that would provide for a more protective environment. The Environmental Health Officer (West Lindsey) has identified that the site lies within a contaminated land buffer zone relating to the Railway and has

requested that an Informative be attached to a decision should the permission be granted advising the operators of their obligation to protect their employees during the development of the site. An Environmental Permit would place additional controls and conditions on the operations in respect of pollution control and the safe disposal of all wastes. Taking this into account, I am satisfied that the proposed replacement of the Bentomat liner with an HDPE liner and the removal of interceptor with discharge to a watercourse, replacing it with a collection point for tankering collected surface water for disposal off site, would not pose a risk to water resources and therefore would comply with the objectives of the NPPF and Policy DM16 of the CSDMP and Policy LP14 of the CLLP.

Human Rights

50. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.
51. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which recites and updates (where relevant) the conditions that were originally included and attached to the previous planning permission.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 31 December 2020 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

Reason: To provide for the completion of the exploratory operations in the interests of the amenity of the area.

2. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission W97/131925/14 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

3. Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the following documents and drawings:

Documents

Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017 as amended by Addendum to Planning and Sustainability Statement received 17 April 2019;

Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received 29 December 2017;

Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received 1 September 2014;

Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received 1 September 2014;

Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received 1 September 2014;

Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received 3 December 2014; and

Drawings

Ref: 3336 P01 Site Location Plan (received 1 September 2014);

Ref: 3336 P02 Site of Application (received 1 September 2014);

Ref: ZG-ER-NK-PA-03 - General Layout Plan (received 12 June 2019);

Ref: 3336 P04 Access Track – Existing Ground Plan (received 1 September 2014);

Ref: ZG-ER-NK-PA-05 Access Track – Proposed Layout (received 12 June 2019);

Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 1 September 2014);

Ref: ZG-ER-NK-PA-07 Proposed Site – Construction Mode (received 17 April 2019);

Ref: ZG-ER-NK-PA-08 Proposed Site – Drilling Mode (received 17 April 2019);

Ref: ZG-ER-NK-PA-10 Proposed Site – Testing Mode (Indicative) (received 17 April 2019);

Ref: ZG-ER-NK-PA-12 Section A-A Section through Track (received 17 April 2019);

Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 1 September 2014);

Ref: ZG-ER-NK-PA-14 Site Construction Sections (received 17 April 2019);

Ref: ZG-ER-NK-PA-15 Sightlines & Site Entrance Details (received 12 June 2019);

Ref: 3336 P19 Cabin Plans and Elevations (received 1 September 2014);

Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014);

Ref: ZG-ER-NK-PA-16 Proposed Access & Egress at Site Entrance (received 12 June 2019); and

Ref: ZG-ER-NK-PA17 – Proposed Site Retention Mode (received 17 April 2019)

Reason: To enable the Mineral Planning Authority to monitor and control the development.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated 20 August 2014 received (1 September 2014) as amended by 'Addendum to Assessment of Geology, Flood Risk and Pollution Control' date stamped received 17 April 2019 and shall be maintained and retained for the duration of the development.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.

Amenity

Lighting

5. The lighting to be employed as part of this development shall be implemented and carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission W97/131925/14 (as set out in the decision notice dated 21 December 2017) and shall be implemented in full and be maintained and retained for the duration of the development.

Security Lighting

6. Prior to any drilling plant and equipment being brought to the site (Phase 2) hereby permitted, a full security lighting scheme, including details of light spillage and all mitigation measures shall be submitted to and agreed in writing by the Mineral Planning Authority. The lighting shall be maintained and retained in accordance with the approved details for so long as security is required or on completion of Phase 4 whichever may be earlier.
7. The fencing and bunding to be erected around the site as part of this development shall be constructed in accordance with the details Drawing No. ZG-ER-NK-PA-20 'Access Track Fence Layout Plan' date stamped received 11 June 2019 and Drawing No. ZG-ER-NK-PA-21 'Proposed Site – Fence Layout Plan' date stamped received 17 April 2019 and shall be maintained and retained for the duration of the development.

Reason: In the interest of visual amenity.

Ecology

8. Prior to any drilling plant and equipment being brought to the site, bird and bat boxes shall be provided in the vicinity of the well site as recommended in the Updated Ecological Appraisal document (originally approved pursuant to condition 7 of planning permission W97/131925/14 and confirmed by the

decision notice dated 15 December 2017). Following the completion of the development and restoration of the site a barn owl box shall also be erected within the site in a location to be agreed with the land owner.

Reason: To ensure the ecological and biodiversity enhancements previously approved are secured and carried out as part of the development.

Archaeology

9. In relation to archaeology:

Part 1

The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 8 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017).

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to above. The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Mineral Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Mineral Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any archaeological interest.

Highway Network and Safety

10. The vehicular access onto Smithfield Road shall be retained in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 9 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) and maintained at all times for duration of the development.
11. At the cessation of the development hereby permitted any structural/constructional damage caused to Smithfield Road between the B1434 junction and the site access by vehicles carrying out the development shall be made good to the satisfaction of the highway authority to ensure

that where such damage has occurred the carriageway and the verges are restored to no lesser structural/constructional standard than they were prior to the development commencing.

12. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Smithfield Road and the minimum width of the access shall be 5 metres.
13. The arrangements shown on the approved Drawing No. ZG-ER-NK-PA-07 date stamped received 17 April 2019 for the parking/turning/manoeuvring/loading/ unloading of vehicles shall be available at all times when the premises are in use.
14. At all times HGV deliveries are hereby permitted to visit the site, except during the period of production testing, a banksman shall be used to control the access to and egress from the site at the junction with Smithfield Road.
15. Prior to any drilling plant and equipment being brought to the site, the temporary signage previously approved by the Mineral Planning Authority pursuant to condition 16 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) shall be erected at the junction of Smithfield Road and the B1434. All signage shall thereafter be maintained and retained for the duration of the development.

Reason: In the interests of the safety of users of the public highway and the safety of users of the site.

16. No site preparation works involving the destruction or removal of vegetation shall be undertaken during the months March to August inclusive, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To protect breeding birds during the nesting season.

17. The site shall only operate, including vehicle movements to and from the site, between the hours set out below:

HGV deliveries

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 19:00	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – HGV deliveries during drilling operation	07:00 – 19:00	07:00 – 19:00	none
Phase 3 – HGV	07:00 – 19:00	07:00 – 19:00	none

movements			
Phase 4 – restoration	07:00 – 19:00	07:00 – 13:00	none

Operating Hours

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 19:00	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – drilling operations only	24 hours	24 hours	24 hours
Phase 3 – site preparation for production testing	07:00 – 19:00	07:00 – 13:00	none
Phase 3 – production testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends).	24 hours	24 hours	24 hours
Phase 4 – restoration	07:00 – 19:00	07:00 – 13:00	none

Reason: To protect the amenity of the surrounding area.

18. Noise levels as a result of the development hereby permitted shall not exceed 42dB Laeq, 1hr free field at any time when measured at a height of 1.5 metres at the boundary of the nearest noise sensitive properties those being Coppice House and Smithfield House.

Noise control and monitoring

19. Prior to any drilling plant and equipment being brought to the site (Phase 2) hereby permitted, a detailed noise monitoring scheme shall be submitted to, and approved in writing by the mineral planning authority. The scheme shall include the locations for noise monitoring to be carried out commencing from the start of Phase 2 operations. Noise monitoring shall thereafter be carried out in accordance with the approved noise monitoring scheme and the results of noise monitoring shall be made available to the Mineral Planning Authority within 5 days of commencement of monitoring. For avoidance of doubt noise monitoring shall commence within 12 hours of Phase 2 - equipment assembly commencing.
20. In the event that the noise monitoring scheme (approved pursuant to condition 19) indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 12 hours and until such

time that further noise mitigation measures which shall be firstly approved in writing by the mineral planning authority have been installed and employed within the site.

21. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: To protect the amenity of nearby residential properties.

Informatives

Attention is drawn to:

- (i) Letter from Environment Agency dated 13 October 2014;
- (ii) Comments from Highways dated 19 November 2014;
- (iii) E-mail from Jan Allen, Lincolnshire County Council Historic Environment dated 19 November 2014;
- (iv) Decision Notice W97/131952/14 dated 15 December 2017 Condition 16 – The design and size of the signs shall conform to the Traffic Signs Regulations and General Directions 2016 <https://www.gov.uk/government/collections/traffic-signs-signals-and-roadmarkings>; and
- (v) E-mail from Environmental Health, West Lindsey District Council dated 7 June 2019 relating to contaminated land;
- (vi) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

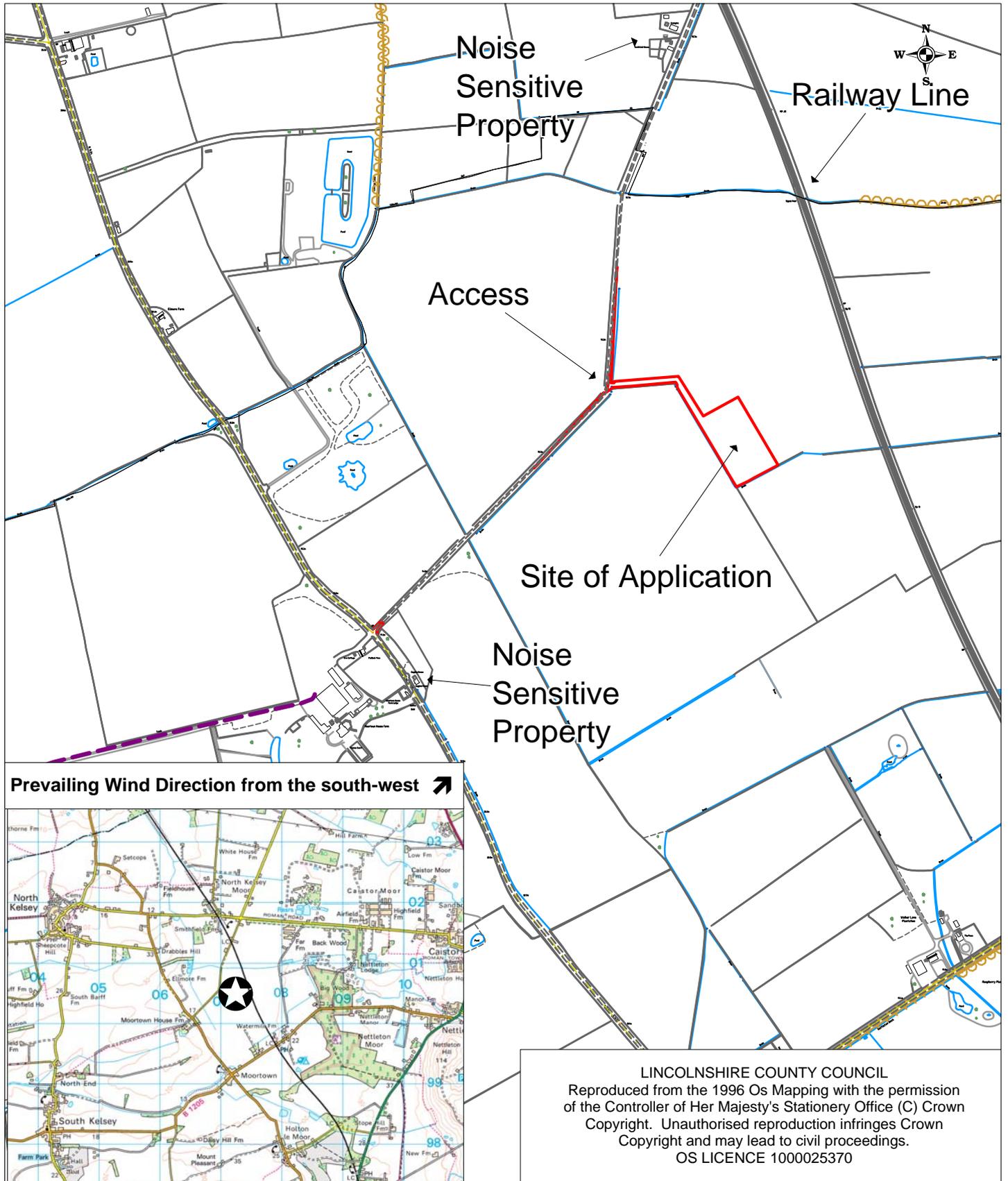
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files: W97/131952/14; 137302 and 139426	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019) Planning Policy Guidance (2014) Written statement HCWS1586 (May 2019)	The Government's website www.gov.uk
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016) Central Lincolnshire Local Plan (2017)	Lincolnshire County Council website www.lincolnshire.gov.uk Central Lincolnshire Local Plan website www.n-kesteven.gov.uk

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk



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Location:
 Land to the east of Smithfield Road
 North Kelsey Moor
 Market Rasen
Application No: 139426
Scale: 1:10,000

Description:
 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

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