

**PLANNING AND REGULATION
 COMMITTEE
 3 DECEMBER 2018**

PRESENT: COUNCILLOR T R ASHTON (VICE-CHAIRMAN, IN THE CHAIR),

Councillors B Adams, Mrs A M Austin, D Brailsford, T Bridges, Mrs P Cooper, Mrs J E Killey, D McNally, N H Pepper, S P Roe, P A Skinner, H Spratt and C L Strange

Councillors: R Wootten attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Planning Manager) and Mandy Withington (Solicitor)

56 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors L A Cawrey, I G Fleetwood and Mrs A M Newton.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors B Adams, Mrs A Austin and A Bridges to the Committee, in place of Councillors L A Cawrey, Mrs A M Newton and I G Fleetwood, respectively, for this meeting only.

57 DECLARATIONS OF MEMBERS' INTERESTS

It was noted that all members of the Committee had been lobbied in connection with minute 63, by residents, including a letter from David M Dennis, Stenigot Estate Company, dated 29 November 2018 and a letter from Mathilda Dennis, by email, dated 3 December 2018. Officers stated that they were aware of the correspondence.

Councillor T R Ashton requested that a note should be made in the minutes that he was the Executive Councillor for Planning at East Lindsey District Council and that he had had no input or involvement in connection with these planning applications in East Lindsey District Council's capacity as a consultee (minutes 63 and 64).

Councillor B Adams requested that a note should be made in the minutes that he was a member of South Kesteven District Council because the application was located in the District Council's area (minute 60).

PLANNING AND REGULATION COMMITTEE**3 DECEMBER 2018**

Councillor C L Strange requested that a note should be made in the minutes that he was a member of the Lincolnshire Wolds AONB Joint Advisory Committee (minutes 63 and 64).

58 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 NOVEMBER 2018

RESOLVED

That the minutes of the previous meeting of the Committee held on 5 November 2018, be agreed as a correct record and signed by the Chairman.

59 TRAFFIC ITEMS

60 MANTHORPE VILLAGE A607 - REQUEST FOR A SPEED LIMIT REDUCTION

The Committee received a report in connection with a request to reduce the existing 40mph speed limit to 30mph in Manthorpe Village, near Grantham, as shown in Appendix B of the report.

The report detailed the background to the request, the existing conditions and the proposals.

Councillor R Wootten, the local Division Member, commented as follows:-

- At the last road census 14,802 vehicles used the A607 at this location.
- Planning approval had been given to the construction of 480 residential homes in the vicinity of Belton Lane, near Manthorpe Village.
- The introduction of a 30mph speed restriction on Low Road, Manthorpe met the Department for Transport's guidance.
- Many parents with young children used Low Road.
- The local Parish Council had monitored the speed of traffic and had found that traffic was travelling in excess of 40mph.
- The proposals in the report were supported by the Executive Councillor for Highways, Transport and IT, Manthorpe Parish Council and the local District Councillor.
- There had been many accidents at the junction of Belton Lane and the A607.

Comments by Members and responses by officers, included:-

- The A607 was a dangerous road.
- A lot of development was planned in the vicinity of Manthorpe Village and a reduction in the speed limit should be examined before the development took place.
- It was noted that planning permission had already been given to the housing development and construction.

On a motion by Councillor B Adams, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

That a reduction in the speed limit from 40mph to 30mph on the A607 and Low Road, Manthorpe, as detailed in Appendix B of the report, be approved to enable the necessary consultation process to bring this into effect may be pursued.

61 WATERSIDE SOUTH, LINCOLN - PROPOSED RESTRICTED PARKING ZONE AND CHANGES TO PARKING AND LOADING RESTRICTIONS

(NOTE: Councillor H Spratt requested that a note should be made in the minutes that he was a member of the City of Lincoln Council)

The Committee received a report in connection with objections received to an experimental traffic regulation order brought into effect in July 2017 at Waterside South in the area of City Square, Lincoln. The order imposed a restriction on parking throughout the area, except where bays were provided for disabled parking and for loading/unloading by goods vehicles.

The report detailed the background, the proposal, consultations, objections received and the comments of officers on the objections received.

Comments by Members included:-

- It was noted that the new nearby City of Lincoln car park was now open and an enquiry as to the level of take up by blue badge holders within the disabled bay allocation here was made. Officers stated that they did not have this information available but could get it from the City of Lincoln Council.
- There had been extensive building improvements made in this area in recent years by the City of Lincoln Council and the restrictions were welcomed.
- It was noted that limited car park provision was still provided for blue badge holders.

On a motion by Councillor J E Killey, seconded by Councillor D Brailsford, it was –

RESOLVED (unanimous)

That the objections be overruled and the restrictions imposed by the experimental order be made permanent.

62 COUNTY MATTER APPLICATIONS63 RETROSPECTIVE APPLICATION FOR THE TEMPORARY
INSTALLATION OF SIX SITE SECURITY AND WELFARE CABINS, FOUR
WATER BOWSERS, GENERATOR AND ASSOCIATED FACILITIES AT
LAND NORTH-WEST OF BISCATHORPE HOUSE, BISCATHORPE,
LOUTH - EGDON RESOURCES UK LIMITED (AGENT: BARTON
WILLMORE LLP) - N/059/02114/18

Since the publication of the report correspondence had been received from Donnington and Bain Parish Council, local residents together with the Planning Manager's response to the correspondence, as detailed in the update, which had been circulated to the Committee and published on the Council's website.

Since the receipt of the update, officers reported the receipt of further correspondence from Mathilda Dennis, received by email, dated 3 December 2018 and from Councillor C E H Marfleet, local Division Member, dated 3 December 2018, both objecting to drilling in an Area of Outstanding Natural Beauty (AONB). Councillor C E H Marfleet's comments were read out to the Committee and included the following:-

- He was against proposals of industrialising the Lincolnshire Wolds with planning permissions that in this case was not sustainable or providing a solution that would have an impact on the UK's future solution for power and energy.
- There was a lot of dismay amongst local people, local communities and further afield.
- No Environmental Impact Assessment was required as championed by Natural England, a national organisation yet recommended by the Lincolnshire Wolds with local knowledge.
- Currently there was an issue of some form of contamination regarding the River Bain within the Horncastle area catchment yet there seemed little response by the Environment Agency to solve the issue.
- There had been a lack of respect to planning conditions by Egdon Resources regarding access and traffic and we were now seeing a lack of proper planning and organisation, hence retrospective planning and this was meant to be a professional drilling company.
- Main concerns currently were about correct and on-going monitoring, starting with an appropriate base line in which to monitor against.
- Leadership and professionalism needed to be seen that gave public confidence, not conditions being broken or breached or not enforced or retrospective planning showing lack of organisation.
- It seemed from a public perspective that Egdon Resources could set its own agenda re: approach, attitude and monitoring, with national organisations such as the Environment Agency and Natural England which gave the public image of not interested or bothered.
- This was a sensitive area, an AONB with a chalk stream with great communities and tourism links, not an industrial site.

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

Nick Bodian, representing objectors, commented as follows:-

- Spoke on behalf of many local residents who had formally expressed their concerns about the Biscathorpe oil exploration critically situated in the Wolds AONB.
- Highlighted the risks to health and to the local environment, especially to the River Bain, an exceptionally rare chalk stream located adjacent to the oil pad.
- The applicant, despite their boasts of expertise and experience, seemed unable to plan ahead. They had failed to complete a proper risk and security assessment of the site as they had now installed an extra six cabins to accommodate an increase in security personnel without prior consent from this Committee.
- This had involved additional impact in terms of noise, lighting, waste and vehicles.
- The background to this unauthorised action referred to “the potential threat of protestors gaining access to the site”. Typically, 2 or 3 local villagers had protested peacefully and lawfully at the site entrance - expressing their genuine concerns about the drilling in their neighbourhood. The response by Lincolnshire Police (presumably at Egdon’s behest) to these low level protests had been disproportionate - 8 police officers in 4 vehicles to engage with 3 local ladies at the gate.
- The security cabins and ancillary equipment were delivered on a narrow lane next to Biscathorpe park and the chalk-stream and not by the designated access track off the B1225.
- Construction of the drill pad had been undertaken prior to the completion of the designated track, with construction traffic again entering the site by the narrow lane - a clear breach of planning.
- Would the Committee impose sanctions against the applicant in response to these breaches?
- Breaches of working hours and absence of proper warning signage on the dangerous B1225 (important conditions detailed in your planning consents) were reported to the Council in the early days of construction. The Council’s response included a request that local residents log vehicle registration numbers and timings.
- Who was the regulatory body here? Where was the scrutiny and control that the community were promised? Was the onus to rest with local residents to monitor the activities of the applicant who had demonstrated from the start a cavalier disregard for planning conditions.
- Given this situation on what basis do the Committee trust Egdon Resources to safely carry out high risk, deep drilling that posed such a threat to the ecology of the Bain Valley?
- In evaluating Egdon’s competency, the Committee was asked to note that last week North Lincolnshire Council, who with the advantage of having seen Egdon’s exploratory drilling in action, again refused permission for Egdon to

continue at Wressle, due to ongoing doubts relating to the very serious safety issues raised at the Public Inquiry into their activities there.

- Please acknowledge our concerns and rule in favour of the local interest. Reject this and all further applications and remove the real risks to our health and to the local environment.

Nick Bodian in response to a question from the Committee on whether the cabins were intrusive, stated that the Applicant had breached planning conditions and had shown a lack of professionalism.

Paul Foster, representing the applicant, commented as follows:-

- This application sought retrospective planning permission for the temporary installation of six site security and welfare cabins, water bowsers, generator and some associated facilities adjacent to the Biscathorpe wellsite.
- Egdon worked closely with the police at both the national and regional level to ensure that its well sites were as secure as possible from illegal trespass by protestors. As plans progressed to build the Biscathorpe site, Lincolnshire Police advised Egdon that its intelligence indicated that the site would be targeted by protestors during the construction stage. The police expected the well site to be 'target hardened' to a high standard during all phases of development when protestor activity could arise. As a responsible operator, Egdon had to identify and implement all security options to ensure that the well site, personnel and assets were given a high degree of protection, on the advice of the police.
- Six security and welfare cabins, together with water bowsers and a generator were brought to site on Monday 1 October. The units enabled up to six personnel to patrol and manage the main access track and the site works, 24 hours a day. The cabins had been located on an existing hardstanding surface, beside a large steel portal building used as part of the Biscathorpe Farm, in order to minimise the impact on the wider landscape. Egdon acted quickly to regularise the installation of the cabins by arranging for placing public notices within the parish of Gayton le Wold and in the local newspaper for the minimum statutory period of 7 days before submitting the application to the County Council on 9 October.
- The need for the site cabins on site had been fully justified. Protestors had been present on a daily basis at the main entrance off the High Street in Biscathorpe and they continued to approach the rear entrance close to Biscathorpe Farm.
- Although the number of protestors was small, there had been, and continued to be, daily attempts to obstruct and prevent HGVs getting to and from the site. There were a number of sub-contractors, suppliers and third parties on site daily.
- Officers from this Council and the Environment Agency had been on site on a weekly basis to inspect and ensure that planning and permitting conditions were met and Egdon had a duty of care to ensure their safety.
- In addition, Egdon had a responsibility to the landowners, his property and his land to ensure that there was no damage, trespass or unlawful incursion that occurred as a result of Egdon's activities.

PLANNING AND REGULATION COMMITTEE
3 DECEMBER 2018

- Site construction was now near completion and the security cabins had been removed from the site for which this planning application applied and relocated to the well site for the drilling stage of operations. Planning permission already existed for the site security cabins and ancillary facilities to be onsite during drilling and production testing.
- None of the statutory consultees had raised an objection.
- A number of objectors had tried to tie the application to the existing permission for the wellsite. These were irrelevant and had no bearing on the current application which simply sought a temporary permission for security cabins. The accusation that Egdon should have included these in the approved plans was unfair. We needed to respond to concerns raised by the Police and cater for security facilities when advised to.
- In summary, the justification for installing the security units, based on the advice of the Police, had been proven. There had been no adverse impact upon the AONB as the units were in place for a temporary period of two months. We ask the Committee to follow your officers' advice and approve this temporary application.

Paul Foster responded to questions by Members as follows:-

- He stated that the site cabins had been brought on to the applicant's site by the rear entrance as the access road from the B1225 had not been constructed on 1 October. The cabins had needed to be in place before construction started and following police advice it was necessary to bring the cabins in by the narrow C road.
- He stated that he was not aware of any breach of conditions of either this application or the application in May.
- He stated that the siting of welfare cabins had been approved by the Committee in May and it had been necessary to submit a retrospective application for the siting of security cabins on the advice of the police and the County Council.
- There were no environmental considerations arising from the application and the Environment Agency had raised no concerns.

Comments by Members and responses by officers, included:-

- Officers confirmed that a meeting between the applicant and the officers had taken place at the end of September and the applicant had forewarned the Council that an application would be submitted. While officers had concerns at the time it was noted that the security cabins had been requested by the police.
- It was noted that the applicant had stated that the site had been cleared before "31 January 2019" as detailed in condition 1. Officers stated that they were not sure if the site had been reinstated but were due to visit the site this week.
- If these cabins had been required for farm workers this would not have caused any issues and the security cabins had now been removed.
- Although not illegal retrospective applications were becoming more common and caused more work for the public. Developers needed to be aware of the social and psychological impact of planning applications on the public.
- The setting up of a Community Liaison Group was welcomed.

- Officers stated that there would be no significant impact of refusing the application as the security cabins had been removed from the site and the applicant was required to reinstate the site in accordance with condition 1.
- The comments by the local Division Member were supported.
- Natural England was a statutory consultee and it was difficult to uphold an objection as they had not objected when the application was submitted in May.
- Lessons needed to be learnt from this case to avoid public hostility in the future and, where appropriate, to liaise with the police.
- Officers were aware of the breaches in conditions arising from today's application but did not take any action as they were aware that the application would be submitted to the Committee. The setting up of a Community Liaison Committee was welcomed.
- Officers would submit an update on the monitoring of the site to the next meeting.

On a motion by Councillor D McNally, seconded by Councillor D Brailsford, it was –

RESOLVED (11 for, 0 against and 1 abstention)

That planning permission be granted subject to the conditions detailed in the report.

64 PRIOR NOTIFICATION TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2016 UNDER SCHEDULE 2, PART 17, CLASS KA FOR THE DRILLING OF GROUNDWATER MONITORING BOREHOLES AT LAND OFF HIGH STREET, BISCATHORPE, LOUTH - EGDON RESOURCES UK LTD (AGENT: BARTON WILLMORE LLP) - PL/0124/18

The Committee received a report in connection with a prior notification received under the provisions of Schedule 2, Part 17, Class KA of the Town and Country Planning (General Permitted Development) (England) Order 2016 (Amendment) Order 2016 from Egdon Resources UK Ltd who had notified the Minerals Waste Authority of its intention to drill preparatory groundwater monitoring boreholes associated with the petroleum exploration operations at land off High Street, Biscathorpe.

Since the publication of the report a total of 34 objections had been received and the Planning Manager's response to the objections was detailed in the update which had been circulated to the Committee and published on the Council's website.

Since the publication of the report officers reported that the Environment Agency (EA) had provided comments about on-site monitoring of water quality confirming that the applicant had decided to go beyond the requirements of the environmental permit with the installation of three shallow groundwater quality monitoring boreholes which the EA fully support. In addition, officers from the EA had commenced background water sampling from the River Bain. The samples taken were analysed in their own fully accredited laboratory.

Members welcomed this information and stated that this should be welcomed by the local community.

On a motion by Councillor P A Skinner, seconded by Councillor T R Ashton, it was –

RESOLVED (unanimous)

(a) That the applicant be informed that the Mineral Planning Authority will not be issuing a direction under Article 5 of the Town & Country Planning (General Permitted Development) (England) Order 2016 (as amended) as the proposed groundwater monitoring boreholes constitute permitted development as granted under the provisions of Schedule 2, Part 17, Class KA.

(b) That the development be carried out in accordance with the details as described and set out in the prior notification received 5 November 2018 and subject to the conditions (as specified by Class KA), detailed in the report.

The meeting closed at 11.55 am