



**PLANNING AND REGULATION  
COMMITTEE  
9 APRIL 2018**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, S R Kirk, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, S P Roe, P A Skinner, H Spratt, M J Storer and R A Renshaw

Councillors: W J Aron, C L Strange and A H Turner MBE JP attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Marc Willis (Applications Team Leader) and Mandy Wood (Solicitor)

**58 APOLOGIES/REPLACEMENT MEMBERS**

The Head of Paid Service reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw to the Committee, place of Councillor Mrs J E Killey, for this meeting only.

**59 DECLARATIONS OF MEMBERS' INTERESTS**

The Chairman stated that all members of the Committee had been lobbied by objectors in connection with minute 62.

The Chairman reminded the Committee that only those Members who had attended the site visit on 28 March 2018, could speak and vote on the application. (Minute 63)

**60 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 MARCH 2018**

**RESOLVED**

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

61 MINUTES OF THE SITE VISIT BY THE PLANNING AND REGULATION COMMITTEE HELD ON 28 MARCH 2018 TO ANAEROBIC PLANTS AT WRANGLE AND EAST KEAL

RESOLVED

That the minutes of the site visit held on 28 March 2018, be agreed as a correct record.

62 TO VARY CONDITION 1 OF PLANNING PERMISSION W97/131952/14 GRANTED IN DECEMBER 2014 TO EXTEND THE PERIOD OF TIME TO CARRY OUT THE TEMPORARY OPERATIONS TO DRILL AN EXPLORATORY BORE HOLE FOR CONVENTIONAL HYDROCARBONS, PRODUCTION TESTING AND EVALUATION AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR, MARKET RASEN - EGDON RESOURCES LTD - 137302

(Note: Councillor R P H Reid arrived in the meeting during consideration of this application)

Amanda Suddaby, an objector, commented as follows:-

- The original application was temporary and Condition 1 gave a date to cease and restore the site. Yet, questionably, it was being treated as if the work had only to commence in that time frame.
- The request to extend was received after the permission had lapsed. The planning department had stated that this was a new planning application.
- Very few people were aware of the application when it was submitted three years ago.
- Lack of clarity regarding activities at the site by the applicant.
- The Committee should re-consider the whole application again as this was an entirely new application.
- The Committee should consider the shortcomings of Egdon's failed application in North Lincolnshire and avoid repeating the same errors at this site.
- At Egdon's North Lincolnshire site, the applicant had used 300mm of stone over the protective layer. The Public Inquiry for Egdon's North Lincolnshire site found that 600-800mm would be required to ensure adequate protection yet at the North Kelsey site the applicant was proposing to use only 300mm. This would mean the need for more HGV movements on the local highway.
- Doubted the applicant's ability to withstand any accidents and therefore was a bond required from the applicant to offset the public's financial risk.
- Uncertainty for the local community as the application had been on-going for three years and now the community could face another three years of uncertainty.
- Requested that the Committee should not let this application proceed due to the industrialisation of agricultural land and effects on wildlife habitat.
- 83, not 67, online objectors including three villages and Caistor Town Council had requested refusal of the application.

- Photographs of the site and surrounding area were circulated to the Committee.

Amanda Suddaby responded to questions from the Committee as follows:-

- Did the objector want the Committee to make a site visit to the site or did they want the Committee to refuse the application as it was unclear from the objector's comments? Amanda Suddaby stated that this was a decision for the Committee to make and while a site visit would help ideally refusal of the application was the most favoured option.
- How many properties were in the vicinity of the application site as the area looked sparsely populated? Amanda Suddaby stated that there were about six properties near the junction of the B1434 and Smithfield Road. She stated that Smithfield Road was well used by the public and that local villages were concerned about the increased traffic passing through their villages.
- A Member commented that the photographs submitted by the objector clearly showed rutted and flooded roads.

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

- The applicant wished to complete the construction of the site, drill an exploratory borehole and carry out production testing. Therefore, a variation of Condition 1 of the planning permission granted in December 2014 was required to allow this to take place, taking account of any restrictions in relation to the bird nesting season.
- The application was temporary and if oil was discovered then the applicant would be required to submit another planning application for this to take place.
- A number of residents had repeated issues which were raised and addressed back in 2014 when planning permission was granted.
- This application was not proposing fracking for shale gas or oil but was about exploring for conventional oil reserves. There were no shale gas or oil rocks beneath this site or indeed beneath the local area.
- Lincolnshire had a proud history of oil exploration and production, with many conventional oil fields in the county providing direct and indirect employment, local business rates and national tax revenues.
- Some residents had concerns about HGVs using Smithfield Road to access the wellsite. The necessary improvements had been made to the local highway network in accordance with the request from highways, there was excellent visibility on Smithfield Road and there was sufficient room to accommodate HGVs coming to and from the site.
- The price of oil had fallen from 100 dollars at the time of the original application to less than 30 dollars in 2016, which meant that exploration was expensive to undertake. The recent increase in the price of oil to 60-70 dollars a barrel had enabled operators like Egdon to resume their plans on sites like North Kelsey.
- With regard to the refusal of a planning application for the exploration of oil in North Lincolnshire there was no evidence whatsoever to indicate that there had ever been any impacts on groundwater supplies, aquifers and watercourses at any of Egdon's UK sites.

Paul Foster responded to questions from the Committee as follows:-

- The price of oil was not a planning material consideration. How long had the applicant had equipment available in the last three years of their permission to go on site? The applicant stated that they had a licence to make a borehole during the period of the licence. The cost of exploration was expensive and the reason for the delay was the reduced price of oil. The applicant stated that the Council was aware of the reasons for the delay.
- Would the applicant carry out exploration if the price of oil came down again? The applicant stated that in current market conditions oil exploration would take place as it was commercially viable.
- It was noted that some of the local highway network was rutted. Was there sufficient width to allow HGVs to pass? The applicant stated that passing places had been installed on Smithfield Road to allow two HGVs to pass.
- Some residents had queried the quantity of aggregate transported to the site by the applicant. The applicant stated that the professional HGV drivers had abided by the conditions and the transport of 300mm to the site was acceptable to the Environment Agency.

Councillor A H Turner MBE, the local Member and Councillor C L Strange, the neighbouring local Member, commented as follows:-

- Unacceptable mud on the road and noisy for local people.
- Should the Committee be minded to approve the application then asked the Committee to make a site visit.
- Stated that if the application generated adverse impacts, e.g. vibration, noise, dust, etc, then it should not proceed in accordance with Policy DM3 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Plan Policies (CSDMP). It should also be noted that Smithfield Road was only three metres wide and not designed for HGVs.
- The B1434 was unable to cope with an increase in traffic with the road used now in the main by agricultural traffic and local people.
- Referred to a similar application north of Scunthorpe which had been turned down by the Secretary of State.
- Noted the assurance from the applicant that fracking would not take place at this site.
- Urged the applicant to address the concerns raised by the public and to address the planning Policies in the CSDMP.

Officers responded to the comments made as follows:-

- The applicant only required the use of Smithfield Road to enable him to bring his equipment in to start exploration. The applicant had carried out the necessary highways works to meet the requirements of the development. The other traffic using Smithfield Road was mainly farm traffic.
- The applicant had followed the planning conditions granted in December 2014, there had not been a time lapse as suggested by the objectors, the application was compliant with the Policies in CSDMP and the applicant was only seeking

an extension of the period of time to carry out exploration in accordance with the planning permission granted in December 2014. Should the applicant be successful in finding oil then a separate planning application would be required.

- The applicant intended to carry out conventional drilling and no fracking was proposed.

Comments made by the Committee and the response of officers included:-

- An enquiry was made about the start date on the applicant's site. Officers stated that there were two dates – the date for lawful implementation which was three years from the date permission was given and initial work had started. The second date was December 2017. The application before the Committee today sought to extend the December 2017 date by three years to enable them to complete the work granted by the permission granted in 2014.
- There had been some adverse impact from the application which was against Policy DM3 of the CSDMP. Officers stated that the application did not change the nature of the operation, only sought an extension of time and the application was consistent with the NPPF and the CSDMP.
- A Member stated that since the application had been granted permission in 2014 new planning Policies had come into force which were more stringent than those that existed at the time of the original permission.
- An enquiry was made in connection with imposing a condition to ensure that Smithfield Road was returned to its original condition if the application was approved. Officers stated that the applicant had already carried out the necessary improvements works to Smithfield Road in accordance with the original planning permission given. However, it would be possible to consider this should a new application be submitted.
- There was nothing stated in the report about the number of HGVs visiting the site. Officers gave details of traffic movements for the site adding that most of the traffic movements took place in phase one (drilling phase) with a reduction in the testing phase all of which was acceptable to highways.

The Committee agreed that the application should be deferred for a site visit to view the application site, the surrounding area and the local highway network.

On a motion by Councillor D Brailsford, seconded by Councillor Mrs M J Overton MBE, it was –

RESOLVED (12 votes for and 1 against)

That consideration of the application be deferred pending a site visit.

- 63 FOR THE ERECTION OF A GAS TO GRID ANAEROBIC DIGESTION PLANT, ON LAND CURRENTLY USED FOR THE STORAGE OF FARM WASTE PLASTIC, TO COMPRISE 5 DIGESTION TANKS; GAS BAG; GAS FLARE; OPERATIONS BUILDING; WEIGHBRIDGE; PROPANE TANKS; FEEDSTOCK STORAGE AREA AND THE UPGRADING OF CURRENT ACCESS FROM FEN ROAD AT LAND ATTACHED TO GLEBE FARM, FEN ROAD, EAST KEAL - ALAN HAWKES (FARMS) LTD - S45/2093/17

(Note: Councillors S R Kirk, Mrs M J Overton MBE and M J Storer left the meeting before consideration of this item and did not return. Councillor D Brailsford left the meeting during consideration of this item and returned during consideration of this item)

William Hawkes, representing the applicant, commented as follows:-

- Anaerobic Digesters were now common.
- The report was balanced and the conditions were satisfactory.
- The gas to grid plant proposed was more efficient than an electricity to grid plant.
- It was proposed to upgrade the access to the site from Fen Road from gravel to concrete.

Responses by the applicant to questions from the Committee included:-

- How much agricultural land was set aside for the Anaerobic Digester? The applicant stated his plant would in the main use waste products not crops. Straw from land growing wheat would also be used. He was unable to provide statistics in connection with the use of silage.
- It was noted that the applicant proposed to store pig slurry in a lagoon near to the application site and that odour could be caused when the lagoon was refreshed. The applicant stated that there was only an odour when the lagoon was disturbed. The applicant understood that the extra pig slurry came from a nearby farm.

Councillor B Aron, the local Member, stated that he had been requested to attend this meeting by East Keal Parish Council and sought reassurance that there were suitable conditions in place to address the highways issues including a reduction in HGVs using Fen Lane, the need to maintain Fen Lane, the need for footpaths for pedestrians on Fen Lane and that there were sufficient passing places for vehicles. He stated that East Keal Parish Council preferred any slurry to be transported by pipeline to the site which would help to reduce the number of HGVs using Fen Lane. He stated that the landscaping of the northern boundary of the site was welcomed.

Officers stated that Condition 4 addressed the provision of landscaping, Condition 5 addressed the issue of odour and Condition 7 ensured the provision of passing places for HGVs.

The Chairman stated that the Committee had visited the site on 28 March 2018, noted the number of HGVs using the site and added that the highway concerns were addressed in the conditions.

On a motion by Councillor I G Fleetwood, seconded by Councillor N H Pepper, it was  
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RESOLVED (10 votes for and 0 votes)

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

The meeting closed at 12.05 pm

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