

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

Report to:	Planning and Regulation Committee
Date:	7 September 2020
Subject:	County Matter Application - 141306

Summary:

Planning permission is sought by Egdon Resources Ltd (Agent: AECOM Ltd) to vary condition 1 of planning permission 139426. The proposal seeks to amend the date by which the restoration would be completed at the site 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 issue, in this case, is to consider if the proposed amendment 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. In December 2014 a temporary planning permission (reference: W97/131952/14) was granted for the drilling of an exploratory borehole and carrying out of production tests at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. 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. The development granted by this permission was lawfully implemented and works carried out before the expiration of the temporary three-year period.
2. In May 2018 a further planning permission was granted (reference: 137302) which amended condition 1 attached to permission W97/131952/14 so as to extend the period of time to carry out the temporary operations and to drill the exploratory borehole at the site. A further planning permission

(reference: 139426) was granted 1 July 2019 which varied a number of conditions attached to permission 137302 which allowed changes to the layout of the site, the means for managing surface water run-off as well as changes to fencing and bunding. The application had also proposed changes to the hours of work and associated noise levels however this was not supported and as a consequence these remained as originally approved.

3. The applicant is now seeking permission to extend the time period required to complete the restoration of the site and has made an application that seeks to amend permission 139246 to allow this. Details of the proposed amendment and information supporting the application are set out in this report.

The Application

4. Planning permission is sought by Egdon Resources UK Ltd (Agent: AECOM) to vary condition 1 of planning permission 139426. The proposal seeks to amend the condition in order to extend the period to restore the site following the completion of the operations at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. A concurrent application (reference: 141307) has been submitted which similarly seeks to retain a security compound that was granted temporary permission to be stationed at the site (reference: 139434) in association with the drilling operations. Details of this application are subject of a separate report.
5. The site lies within Petroleum Exploration and Development Licence (PEDL) 241 of which Egdon Resources UK Ltd holds an 80% interest. The applicant had been preparing plans to build the North Kelsey site before the summer of 2020 however, like many industries, the impact and effects of the COVID-19 pandemic has resulted in delays to this planned activity. The oil and gas sector is reliant upon specialist skills and contractors to carry out drilling operations and the restrictions imposed by the national emergency have impacted upon the availability of key suppliers and contractors. Whilst there has now been a gradual lifting of restrictions, there will be an inevitable 'catch-up' period as the wider industry re-starts operations such as this rely on specialist skills and equipment and if drilling rigs stop operating, personnel go elsewhere and there is not a sufficient pool of available skilled personnel ready to replace them. Given the impact of the COVID-19 pandemic, it is therefore no longer possible to construct, drill, test and restore the site before the end of 2020 and so some additional time beyond the current operational end date is requested.

Current Condition

6. Condition 1 identifies the date by which the site is restored back to agricultural use. The condition currently reads as follows:

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.

Proposed Amendment

7. The applicant is seeking permission to amend the date set out in condition 1 to allow a further 12 months to achieve restoration (i.e. until 31 December 2021). This proposed amendment would not 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 which are as follows:

- Phase 1: Construction of the Drill Site (approximately 6-7 weeks);
- Phase 2: Operational Phase (approximately 8 weeks);
- Phase 3: Operational Phase (testing) (approximately 28 weeks); and
- Phase 4: Site Restoration (6 weeks to complete).

No other changes or amendments are sought to the development as previously permitted and therefore this application relates solely to an extension of time to complete the works.

Site and Surroundings

8. 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 passing places along its length (photograph 2). An area of land at the junction of Smithfield Road and the B1434 is also included within the application site.



1. Site entrance and access onto Smithfield Road



2. Passing place Smithfield Road

9. The site itself is agricultural land (photograph 3). 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.



3. Approximate position of exploratory well site, outlined in red

10. 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

11. 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 203 to 209* – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts.

*On 6 March 2019 Mr Justice Dove handed down his judgement in the case of *Stephenson vs SoS MHCLG* [2019] EWHC 519 (Admin) and a subsequent Court Order was issued which, in accordance with the terms of that Order, quashed paragraph 209(a) of the NPPF. Paragraph 209(a) of the NPPF had stated that mineral planning authorities should "*recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction*". The reference and inclusion to "*unconventional hydrocarbons*" had been successfully challenged as being unfair and unlawful as the Government had failed to take into account up-to-date scientific evidence on the climate change impacts of such development. This subsection of paragraph 209 was consequently quashed however a Written Ministerial Statement (HCWS1586) was issued on 23 May 2019 which stressed that despite paragraph 209(a) being removed, the Government remains committed to the safe and sustainable exploration and development of onshore shale gas resources and that the remainder of the NPPF policies, in particular, Chapter 17 on 'Facilitating the Sustainable Use of Minerals' remain unchanged and extant.

Planning Practice Guidance 'Minerals' - in March 2014 the Government published a series of web-based National Planning Policy Guidance (NPPG). The NPPG relating to Minerals sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.

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 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 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.

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

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

12. (a) South Kelsey and Moortown Parish Council - has no objection to the extension of time, however, supports the view of residents living near the site that another extension is not what they wish for or require as it would prolong the drilling operations for another year. The Parish Council therefore requests that a definite final date be agreed with the applicant and that this should not be allowed to be extended in the future.
- (b) North Kelsey Parish Council (adjoining parish) - object on the grounds of disruption and damage caused by excess traffic, noise and environmental pollution.
- (c) Holton le Moor Parish Meeting (adjoining parish) - residents of Holton le Moor objected to this development in the past and the parish has no reason to suspect that the residents' position has changed. The parish reminds elected members that in making a judgement all merits and demerits are assessed on a case by case basis, including the impact of the proposal on the amenity of local residents. The delay has introduced an element of uncertainty to residents in the vicinity of the site and on the main traffic routes. Timescales were set out in previous applications to mitigate the impact upon local residents and should this application be approved then a precedent will have been set whereby the applicant can continually submit applications to extend the time period with no regard to the impact upon local residents. The recommendation of the parish meeting is that the application therefore be refused.

- (d) Environment Agency (EA) - have no objection to the application.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) - has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (f) Natural England - has no comment to make on the proposed variation of condition 1.

The following bodies/persons were also consulted on the application on the 2 July 2020 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
 Environmental Health Officer (West Lindsey District Council)
 Anglian Water
 Countryside & Public Rights of Way (Lincolnshire County Council)
 Public Health (Lincolnshire County Council)
 Lincolnshire Fire and Rescue
 Lincolnshire Police (Counter Terrorism and Designing Out Crime)
 Lincolnshire Wildlife Trust
 Network Rail.

- 13. The application has been publicised by notices posted at the site entrance and three other locations including the site access, 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 9 July 2020) and 79 letters of notification were sent to residents.
- 14. Grasby Parish Council (a nearby parish) and 114 householder representations had been received by the time this report was prepared which raise concerns or objections to the proposal. A summary of the comments and objections received is as follows that fall within three categories:
 - Climate Change and Climate Emergency – this type of industry should not be promoted as it contributes to global warming through carbon emissions and results in pollution of watercourses and aquifers, flooding and sea level rising, crop failure, and impacts on wildlife. A number of academic, national and international reports and UK legislation have been cited including Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019, UKFIRES ABSOLUTE ZERO, Guidance on fracking: developing shale gas in the UK and The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

On shore oil/gas production is unsustainable and should be reduced, as is already happening in the North Sea. Councillors have a duty to

act on behalf of the general public and should be promoting renewables such as wind farms and solar farms and energy from waste and biofuels.

- Location, Environmental and Residents Amenity – the industrialisation of the countryside with high fencing, drilling rigs and flaring will have visual impacts on the open countryside and the site is also near the Lincolnshire Wolds AONB. The effects of, fracking, poor air quality, noise and light (24/7) pollution will impact on local residents. The loss of agricultural land should not be supported in the interests of food security and the proposed development will have a negative effect on wildlife in the area. The watercourses and drainage ditches will become polluted. The road access to the site is in a poor state of repair and narrow. Smithfield road is used by walkers, horse riders and cyclists and there are concerns about safety. The vibration caused by HGV's will cause damage to the foundations of historical and residential properties.

Another extension of time only contributes to the anxiety of the residents of the area, who have lived with uncertainty for six years. The applicant has cited COVID-19 as the cause of delay but they waited until this year to begin the work and even without COVID-19 they would not have been able to complete the development by the approved deadline of 31 December 2020.

- Proposed development and consultation – the description of the development is misleading as it only appears to relate to restoration. Consultation and notifications were not widespread and this is planning by stealth. This application does not deliver local employment and is only the beginning, as more sites will be inevitable. The applicant has been proved incompetent through the Wressle appeal and has had fires at other sites and will use hydraulic fracturing. The promised liaison group has not been set up.

District Council's Recommendations

15. West Lindsey District Council has made the following observations/comments in relation to the proposal:

- Planning permission for this development was originally granted some six years ago with seemingly little progress having been made. Concerns expressed as to the extent and lack of progress with the exploration and the Council's Planning Committee is not convinced of the justification for requiring yet a further extension to the time limit.
- With the increasing green agenda concern expressed in regard to the extraction of a finite resource, the exploitation of which is ultimately unsustainable, when there are more sustainable alternatives that are available.

- It is requested that any representations received from the local population around this site relating to the localised impacts on the local populace be taken into account when determining the application.

Conclusions

16. The application has been submitted in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions for developments that have been carried out to be amended or varied. The development was first granted permission in December 2014 and that permission was lawfully implemented and the development commenced. In 2018 a subsequent planning permission (reference: 137302) was granted which extended the period allowed to restore the site following exploration and testing operations. A further planning permission in 2019 (reference: 139426) secured some amendments to physical aspects of the site.
17. The applicant is seeking to vary condition 1 of planning permission 139426 so as to extend the date by which the site is required to be restored and so therefore enable the operations associated with the drilling of an exploratory borehole and subsequent production and evaluation testing to be completed. The development authorised by the permission has been implemented and this application has been received before the date cited in condition 1 has passed. Therefore this is a valid application which the Mineral Planning Authority is required and able to determine.
18. As a Section 73A application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition and so is not required to reconsider the principle or acceptability of the development itself. Nevertheless the advice provided by statutory and non-statutory consultees as well as the views expressed by other bodies, groups and individuals should still be taken into account in determining such applications.

Objections

19. A considerable number of representations have been submitted from residents both local and from the wider Lincolnshire area. A significant proportion of the submissions questions the need for oil/gas, given the current discourse and legislative changes relating to climate change, and the local community have reiterated their earlier objections to both the principle of the development and in terms of its impacts on the environment and general residential amenity (e.g. highways and highway safety, landscape, wildlife and the wider environment as well as general residential amenity due to the industrialisation of the countryside, emissions, noise and light). Additionally they have expressed their continuing anxiety due to the timescales being extended and lack of communication from the applicant on when the exploration development would commence.

20. As stated previously, the development authorised by the permission has been lawfully implemented and as a Section 73A application, it is not therefore necessary to reconsider the need or principle of the development again. The principle of the development, in this location, has previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Notwithstanding this, the local parish councils/meetings have either objected to this proposal or commented that they support local resident's objections and encourage elected members to refuse the application as it would be contrary to the aims and objectives of tackling climate change and moving towards a low carbon future.
21. Although these objections and comments are acknowledged, it should be noted that when the previous application was considered and assessed in 2019 (which resulted in the permission now sought to be amended) this took into account changes that had been made to the NPPF and the subsequent direction contained within the Written Ministerial Statement. Having taken into account the impact of this decision and the changes made to the NPPF, it was still concluded that the development was compliant with the NPPF and local planning policies in place and as such as duly approved. Other than seeking an extended period of time to complete the restoration, the applicant is not proposing any changes or amendments to the permitted operations. It is only necessary to consider whether the grant of an extended period of time to complete the development is justified rather than re-examine the principle of the development again as this has already been accepted.

Extension of time

22. In relation to the proposed extension of time, the applicant has previously secured an extension of time to complete the operations and the timeframe given was set at 31 December 2020 (granted by permission 137302). However, as a consequence of the current COVID-19 pandemic, all plans to commence the exploration operations this year had to be suspended and therefore additional time is now required in order to construct, drill, evaluate and ultimately restore the site by the date required. The impact of the COVID-19 pandemic on the national economy and the operations and activities of businesses across all sectors is well-known and reported. As a result of the restrictions and actions taken by the Government to try and address the pandemic it is therefore accepted that this has had a negative impact on the planned operations for the site and that this was out of the control of the applicant. Despite the impacts of the pandemic the Government has made it clear that authorities should prioritise decision-making as it is important to keep the planning system moving so that it is able to play its full part in the economic recovery at both national and local levels. In this case, a further extension of time would enable the development that has already been deemed acceptable in all other respects to be completed. The Government in recognising the difficulties in progressing approved planning permissions, as a consequence of the

pandemic, introduced legislation in July 2020 in the form of the Business and Planning Act 2020. This provided an automatic extension of time, where unimplemented permissions, due to lapse on or before 31 December 2020, could be extended to 1 May 2021. This demonstrates that the Government has recognised that the Covid situation will cause developers a delay to the implementation of permissions and provided this automatic extension of time. Whilst in this case the developer is seeking to extend the time for the completion of the development the circumstances are similar in that the applicant has not been able to construct the drilling pad and carrying out the exploratory drilling operations due to the Covid situation. Therefore it is considered that the application is in line with Government legislation to provide developers more time to implement planning permissions due to the delays caused by Covid-19.

23. Although local residents have speculated as to the future plans for the area and expressed their anxiety as a result of the delays incurred, this application only relates to the existing site and I am satisfied that any extension of time and continuation of the development for a longer temporary period would not cause greater impacts than those already considered acceptable. As a consequence it is considered that the proposal, to extend the period to restore the site back to agriculture, does not conflict with nor compromise the aims and objectives of policies M9, DM3, R1 and R2 of the CSDMP or Policy LP26 of the CLLP that requires good design of development that addresses the health, wellbeing and amenity of the local community.

Human Rights Implications

24. The committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.
25. 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 2021 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 – 17:30	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 – 17:30	07:00 – 13:00	none
Phase 3 – HGV movements	07:00 – 19:00	07:00 – 19:00	none
Phase 4 – restoration	07:00 – 17:30	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 – 17:30	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 – 17:30	07:00 – 13:00	none
Phase 3 – production	24 hours	24 hours	24 hours

testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends)			
Phase 4 – restoration	07:00 – 17:30	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

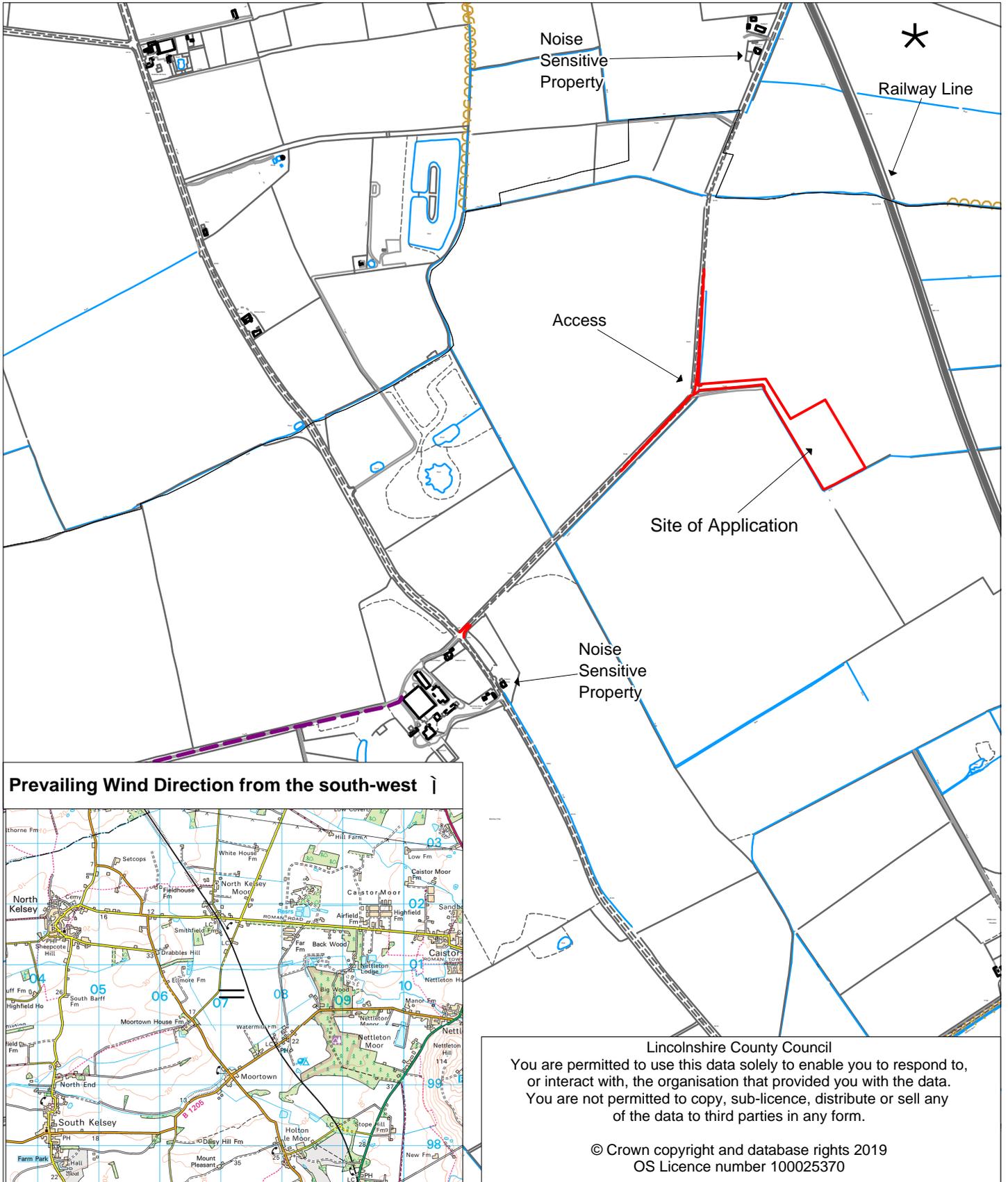
Attention is drawn to:

- (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-androadmarkings>;
- (v) E-mail from Environmental Health, West Lindsey District Council dated 6 June 2019 relating to contaminated land; and
- (vi) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by processing 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



Location:
Land of the east of Smithfield Road
North Kelsey Moor

Description:
To vary condition 1 of planning permission
139426 to extend the period to restore the site

Application No: 141306
Scale: 1:10,000