

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>14 March 2022</b>
Subject:	<b>County Matter Applications – 144203 and 144207</b>

**Summary:**

Planning permission is sought by Egdon Resources U.K. Limited (Agent: AECOM Limited):

To vary conditions 1 (development cease date) and 3 (approved documents and drawings) of planning permission 141306; and

To vary conditions 1 (development cease date) and 2 (approved documents and drawings) of planning permission 141307

Both applications seek to amend the date by which the restoration of the two sites need to be completed and to vary the direction of drilling to secure an optimal 'bottom hole target location' within the North Kelsey Prospect. The principle of both the developments subject of these applications has been established and consequently the key issue, in these cases, is to consider if the proposed extension of time and a revised direction of drilling would materially change effects on amenity, since the grant of these permissions. In considering these applications it is acknowledged that the effects of the COVID-19 pandemic have contributed to delays in securing contracts and services across many areas of industry and continued beyond initial expectations of how long the pandemic would last.

**Recommendation:**

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

## Background

1. In December 2014 a temporary planning permission (reference: 131952) 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. 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 131952 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 several conditions attached to permission 137302 which allowed changes to the layout of the site, the means for managing surface water run-off, and changes to fencing and bunding. In September 2020 a further planning permission (reference: 141306) extended the period within which to complete the restoration of the site. This is the permission currently controlling operations at the site and is the subject of the latest application. Condition 1 of permission 141306 currently states:

*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.*

3. Condition 3 of the planning permission also sets out a suite of approved documents and plans which the development is required to be carried out in accordance with. Condition 3 states:

*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 (01 September 2014);*
- *Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received (01 September 2014);*
- *Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received (03 December 2014); and*

#### *Drawings*

- *Ref: 3336 P01 Site Location Plan (received 01 September 2014);*
- *Ref: 3336 P02 Site of Application (received 01 September 2014);*
- *Ref: ZG-ER-NK-PA-03 - General Layout Plan (received 12 June 2019);*
- *Ref: 3336 P04 Access Track – Existing Ground Plan (received 01 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 01 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 01 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 01 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. In July 2019 approval for the construction of a security compound adjacent to the exploratory well site was granted (ref: 139434). This planning permission was subsequently varied in September 2020 (ref: 141307) to extend the period within which to complete the restoration of the site. This is the current permission relating to the security compound and is the subject of the latest application. Condition 1 states:

*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*

Condition 2 sets out the documents and plans that the approved development is required to be carried out in accordance with and states:

*The development hereby permitted shall be retained in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission:*

- *Planning Application Form (date stamped received 17 April 2019);*
- *Document Reference: 20271/A5/P7/VY/SO – 'Planning Statement' (date stamped received 17 April 2019);*
- *Drawing No: Drawing No: ZG-ER-NK-SWC-PA-03 – 'Security & Welfare Compound Layout' (date stamped received 12 June 2019); and*
- *Drawing No: ZG-ER-NK-SWC-PA-04 – 'Temporary Security & Welfare Compound Indicative Floor Space Plan (date stamped received 08 May 2019).*

*Reason: To ensure that the development is retained in all respects in accordance with the approved details.*

5. In resolving to grant a further period of 12 months to carry out the exploratory drilling, testing, retain security compound and restore both sites, the Planning and Regulations Committee minutes of the September 2020 meeting state *'The extension, if approved, should be the final extension given by the Council unless there were good reasons otherwise'*.
6. The applicant has made an application 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 implemented to be amended or varied and, in this instance, seeks to amend permission 141306. In addition, the applicant submitted a second application in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions to be amended or varied, and in this instance, seeks to amend permission 141307. Details of the proposed amendments and information supporting the application are set out in this report.

#### The Application

7. Two separate but inter-related planning applications have been submitted by Egdon Resources UK Ltd (Agent: AECOM) that seek permission to vary conditions 1

and condition 3 of planning permission reference: 141306 and conditions 1 and 2 of planning permission 141307. The proposed variations would:

- extend the period allowed to restore the site and identify the direction of drilling at land, and:

allow the retention of the security compound for a longer period by extending the date by which the land affected by that development is required to be restored.

#### Proposed Amendment – Extension of Time

8. Firstly, for both applications the applicant is seeking to extend the restoration period specified in Condition 1 attached to each permission. The extended period would allow a further period of 12 months to carry out the exploratory operations and complete the required restoration of the sites. The amended wording proposed for each Condition 1 would read as follows:

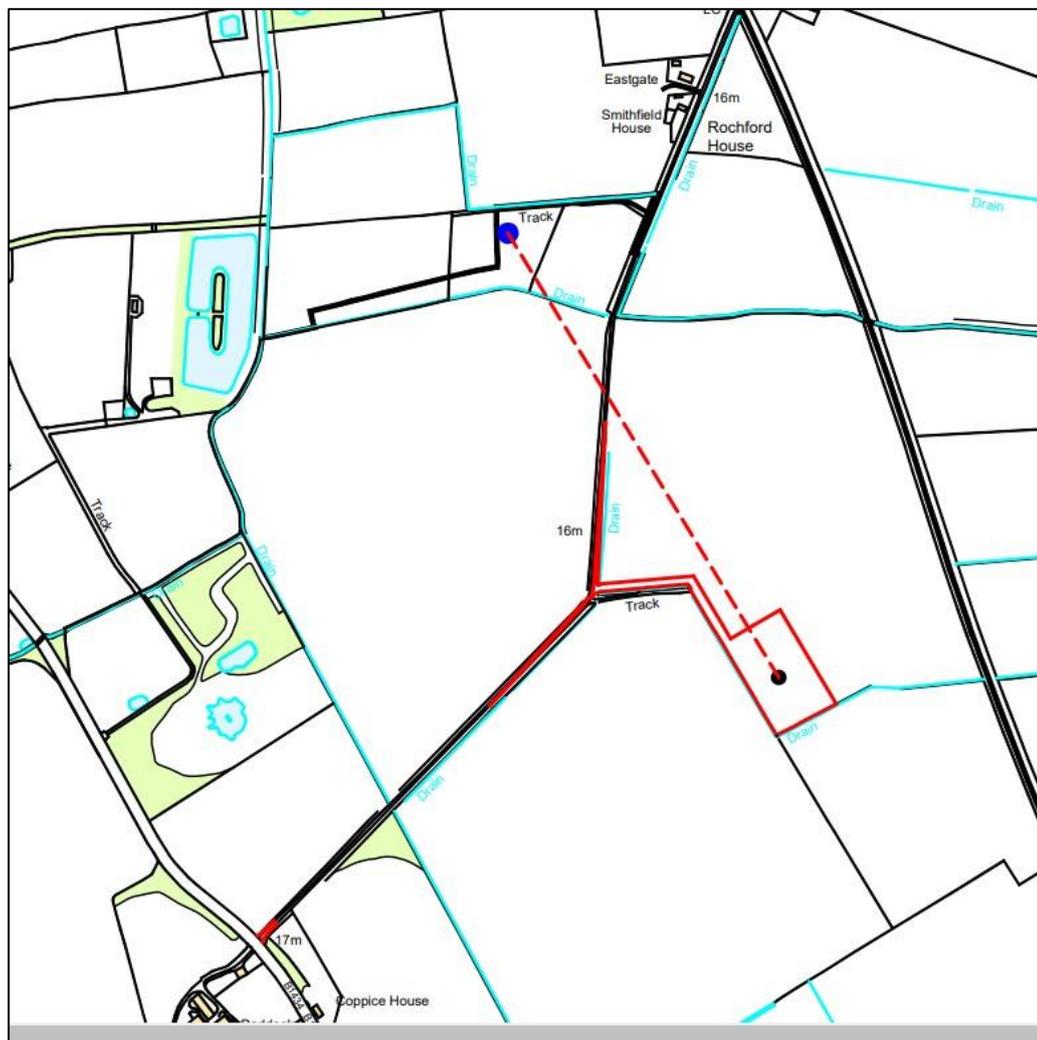
*The development hereby permitted shall cease on or before 12 months from the date of this decision and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.*

9. The extension of time is requested because, owing largely to the restriction of movements arising from the second wave of the COVID-19 pandemic, which had only been lifted from July 2021, has brought operational constraints in securing materials and personnel. The planning agent (AECOM) for the applicant states that there has consequently been insufficient time for the Site to be constructed, the well to be drilled and tested and therefore for the Site to be restored by 31st December 2021. The proposed amendments would not extend the scope of the development already permitted which remains for the exploration and evaluation of the North Kelsey Prospect, which has known reserves of conventional oil and gas only. The proposed works would still be carried out in four 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).

10. Additional information regarding the nature of the drill rig being proposed has also been provided as part of this application which confirms that the rig is expected to be the MDG Rig 18 which would have a maximum working height of 50m and includes (but not limited to) ancillary drilling equipment for construction of an exploratory borehole, including tool pusher cabin, tool house, generators and fuel tanks, matting board, blow out preventers and manifold.

11. Secondly, the applicant has now provided information as to the location of the bottom of the proposed exploratory well. Since September 2020 further detailed well planning has taken place to satisfy the Regulations overseen by the Health & Safety Executive and the Environment Agency and the existing three-dimensional (3D) seismic data over the area has been re-evaluated. This new interpretation has shown that the existing planned vertical well would not optimally test the prospect at the Ashover Grit reservoir interval at the most elevated depth in the sub-surface where oil is expected to be trapped. In simple terms, a vertical well from the North Kelsey Wellsite could miss the primary target. This re-evaluation has therefore identified that a change to the proposed 'bottom hole target location' is required, and that the proposed North Kelsey exploration well needs to be drilled directionally from the existing surface location to a bottom hole location approximately 700m in a north -west direction. The bottom of the hole would be at a depth more than 1.0 kilometres below ground level.



'Bottom Hole' Target Location

12. In order to reflect these changes amendments to the planning statements for each application and replacement plans referenced within condition 2 of permission 141306 and condition 3 of permission 141307 are proposed.

13. The applicant has provided further information advising that the original calculations in respect of HGV movements, timescale for carrying out all phases and volume of waste arising from the drilling operations had included a generous contingency to allow for any variations in drilling operations. The off-vertical drilling would equate to approximately 200 metres additional drilled borehole length, with a hole diameter of 216mm that would in turn equate to an additional 7 to 10 cubic metres of extracted rock. It is therefore confirmed that the carrying out of the eight-week drilling operations including mobilisation and demobilisation are sufficient to achieve the deviated well objective.

#### Site and Surroundings

14. The application site lies approximately 1.3 km north of Moortown, 2.8km southeast of North Kelsey and 4.5km southwest of Caistor. The sites are accessed off Smithfield Road.



Photograph 1 Site Entrance as constructed 2018

15. Smithfield Road is a single-track that has in accordance with approved details, been developed to create a passing place suitable to allow two HGV's to pass (Photograph 2).



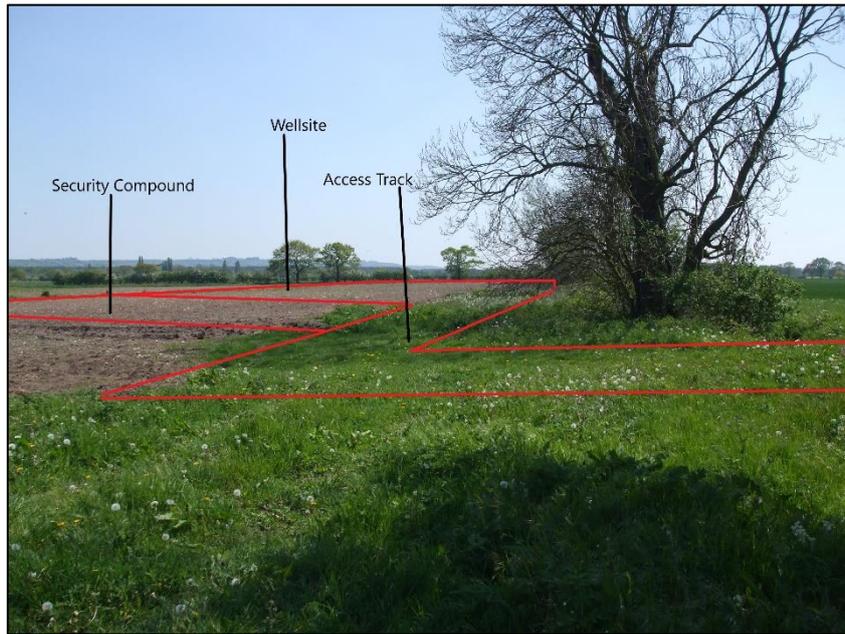
Photograph 2 Passing place

16. Additional widening works at the at the junction of Smithfield Road and the B1434 were also undertaken, to ensure that HGV's have sufficient space to manoeuvre into and out of Smithfield Road (Photograph 3).



Photograph 3 Road Widening at Junction Smithfield Road and B1434

17. The sites themselves are agricultural land (Photograph 4) approximately 150 metres east of Smithfield Road (Photograph 5).



Photograph 4 Wellsite and Security Compound site

18. 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 route of the access track is a ditch and to the south of this ditch is a line of trees.



Photograph 5 View of sites from Smithfield Road

19. A railway line lies to the east of the application site and the distant landscape is delineated by the hills of the Lincolnshire Wolds AONB along the edge of which are

several telecommunications towers. The southern boundary of the site is lined by mature hedgerows and trees. The western boundary has several 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 (July 2021) 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 11 (Sustainable Development) directs planning authorities to consider the economic, social and environmental impacts of development and the presumption in favour of sustainable development.

Paragraph 119 (Making effective use of land) states that planning decisions should promote an effective use of land while safeguarding the environment and living conditions

Paragraph 152 and 157 (Climate change) states that the planning system should support the transition to a low carbon future

Paragraphs 174 to 182 (Natural Environment) states that planning decisions should contribute to enhancing and protecting the natural and local environment.

Paragraphs 183 to 187 (Ground conditions and pollution) states decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 209 to 215 (Facilitating the sustainable use of mineral including oil, gas and coal exploration and extraction) – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts

Paragraphs 218 to 220 (Implementation) states that policies in this Framework are material considerations and due weight should be given to existing plans according to their degree of consistency with this Framework.

Planning Practice Guidance 'Minerals' - in March 2014 the Government published a series of web-based Planning Policy Guidance (PPG). The PPG 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.

#### Environment Act 2021

Schedule 14 of the 2021 Act has been translated into Town and Country Planning Act 1990 Section 90 SCHEDULE 7A Biodiversity gain in England - PART 1 Biodiversity gain objective section 2(1) 'The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage'. The current relevant percentage being 10%.

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 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 DM9 (Local sites of Biodiversity Conservation Value) states that planning permission will be granted where the merits of the development outweigh the likely impacts and adverse impacts are mitigated and result in net gain in biodiversity

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 LP21 (Biodiversity and Geodiversity) states that all development should protect, manage, and enhance the network of habitats, species, and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site, minimise impacts on biodiversity and geodiversity, and seek to deliver a net gain in biodiversity and geodiversity and demonstrate any impacts are mitigated.

Policy LP26 (Design and amenity) states that proposals will be required to demonstrate, to a degree proportionate to the proposal, that they make effective and efficient use of land, respect the existing topography, landscape character and identity to the site and surroundings, retain as far as possible existing natural features, incorporate landscape treatment, and where applicable consider in relation to both the construction and life of the development compatibility with neighbouring land uses, increase in artificial light or glare and adverse noise and vibration

#### Emerging Local Plans

Following Lincolnshire County Councils decision to update the CSDMP, a new minerals and waste development scheme came into effect February 2021, which sets out the timetable for the preparation of a new plan. The new, updated plan will eventually replace the existing adopted Core Strategy and Site Locations Document. As the new plan has not yet been prepared for the first stage of public engagement, it is not considered further.

The Central Lincolnshire Local Plan (2012-2036) (2017) is under review at present. The consultation on the Draft Central Lincolnshire Local Plan ran for 8 weeks, from 30th June to 24th August 2021. This was the first opportunity to view and comment on the new Local Plan, which is proposed to replace the 2017 Local Plan. To date no evaluation of the representations received has been published and in line with the NPPF very little weight can be given to the proposed policies at this very early stage of plan development. However, in relation to the Proposed Development, it is considered that the following policies are relevant:

Policy S18: Fossil Fuel Exploration, Extraction, Production or Energy Generation

Policy S20: Flood Risk and Water Resources

Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains

#### Results of Consultation and Publicity

21. (a) Local County Council Member, Councillor T Smith – is a Member of the Planning and Regulation Committee so reserves his position until the date of the Planning and Regulations Committee.
- (b) South Kelsey and Moortown Parish Council – has objected stating that this application widens the scope of the original planning permission. This proposal is unfair to residents who will not benefit and highlights the adverse

amenity impacts e.g. traffic, lighting and Egdon has already had sufficient time to carry out the work.

- (c) North Kelsey Parish Council (adjoining parish) – believe that this application has already impacted on the residents with 7-years of uncertainty as the drilling company has made no effort to begin work and appears they are still trying to source partners for the project. There has already been too much leeway granted for this project. Egdon are now stating that their intended drill bore would have missed the target so are now seeking to change their plans and drill horizontally right up to the North Kelsey Parish boundary. The Parish Council do not believe that the drilling direction won't change again once Egdon have permission to alter direction and this will directly affect nearby properties. The council believes that there will be serious noise and reverberation implications due to the amendment. A number of adverse amenity impacts are cited relating to traffic/safety, landscape, light and air quality on leisure activities and wildlife. There are no commercial benefits to the local community and question the sustainability of the proposal given the limited contribution to UK energy use. Concern has been expressed on the potential for proliferation of wells in the area, leading to the industrialisation of the countryside. Reference has been made to the international, national, and local policies relating to Climate Change and carbon emissions. Finally, it is acknowledged that whilst not a material consideration the proposed development has already affected the value of property locally.
- (d) Holton le Moor Parish Meeting (adjoining parish) - the applicant is now seeking to extend the timescale for the development. This introduces further uncertainty to residents in the immediate vicinity of the application site and for those on the main traffic route who will be affected by the development process. It is an abuse of the principles of the planning process to extend the period for the development simply because the applicant has not deemed it appropriate for them to commence the development. Residents noted that the UK Government is now actively pursuing a 'Green Agenda' with a concerted effort to reduce the population's reliance upon fossil fuels. Granting planning permission for the potential extraction of oil appears to be at odds with this. The recommendation of Holton le Moor Parish Meeting is that the applications are refused.
- (e) Anglian Water – states that the submitted plans are not drainage related therefore we are unable to make comments on the above application.
- (f) Caistor Town Council - noted that permission was originally granted seven years ago in 2014 with seemingly little progress made. Councillors expressed concern as to the extent and lack of progress with the exploration and councillors are not convinced with the justification for requiring yet a further extension to the time limit. With the increasing green agenda concern was expressed regarding the extraction of a finite resource of exploitation of

which is ultimately unsustainable, when there are more sustainable alternatives that are available.

- (g) Environment Agency (EA) – have no objection to these applications to vary conditions 1 and 3 of planning permission 141306 and to vary condition 1 and 2 of 141307
- (h) Natural England - is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process. An informative has been provided relating to Generic Advice.
- (i) Highway and Lead Local Flood Authority (Lincolnshire County Council) – Does not wish to restrict the grant of permission. The proposal is for minor amendments. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk. Having given due regard to the appropriate local and national planning policy guidance has concluded that the proposed development is acceptable and does not wish to object to this planning application. An informative has been provided in respect of Section 59 of the Highways Act 1980.
- (j) Lincolnshire Police (Force Designing out Crime) - do not have any objections to this application.

The following bodies/persons were also consulted on the application on the 30 December 2021, but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Public Health – (Lincolnshire County Council)  
Environmental Health (West Lindsey District Council)  
Historic Places (Lincolnshire County Council)  
Severn Trent Water  
Network Rail  
Lincolnshire Wildlife Trust  
Lincolnshire Police (Force Intelligence Bureau)  
Lincolnshire Fire and Rescue

22. The application has been publicised by notices posted at the site, the junction of Smithfield Road with the B B1434 and the level crossing Smithfield Road on 07 January 2022 and in the local press (Lincolnshire Echo on 07 January 2022) and 20 letters of notification were sent to the nearest neighbouring residents.

#### Representations

23. (a) 122 householder representations had been received (04/02/2022) 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 four categories:

- Climate Change

UK Climate Change Research/Commitment/Policy at world (COP26), national, county and district level, quoting LCC Green Masterplan 2020-2025 and Policies DM2 and DM15 of the CSDMP. The proposed development contradicts WLDC and LCC plans for carbon net zero. We are in a Climate Crisis and urgency is needed to stop pursuing fossil fuels. We have to consider the future of our children. Flood risk due to climate change.

- Residential, Historical and Environmental Amenity

Impacts on amenity visual, noise, air (methane/CO<sub>2</sub>) and light pollution. Industrialisation of the countryside our beautiful countryside is not for sale, and that the interests of local residents will always come first. The pollutants could be responsible for human diseases. No screening of the site. The construction, facilities and drilling sites require the use of heavy equipment and can destroy big chunks of pristine wilderness.

Impacts on aquifers, water boreholes and water courses (drains) by the injection of organic and inorganic chemicals into the subsoil, spillages and leaks. The use of unconventional drilling processes (acidization/hydraulic fracturing) using massive amounts of water. This area is close to a fault zone, as evidenced in Market Rasen.

Impact on the natural environment rich in biodiversity and Lincolnshire Wolds AONB and environmentally- sensitive farming initiatives. Visible from the Viking Way.

Misuse of farmland, neighbouring agricultural land is farmed to improve soil structure and foster soil biota and sequesters Carbon, planting areas to grow bird food and wild flower field margins.

Impacts on historic assets, including conservation areas and listed buildings. Egdon should have been asked to submit a heritage impact assessment for the application showing the level of harm to the nearby heritage assets,

mitigative measures and how any harm would be outweighed by public benefit.

- Sustainable Development

The proposal is unsustainable development that would not lead to jobs and negate the financial, social and environmental benefits brought to this area by tourism including cyclists, walkers and riders. Impacts on existing businesses that have holiday lets, spa and caravan sites within 0.5 miles of the site. Such a small site cannot produce enough oil to warrant the impact on local residents.

Taking an average of 15 years of production, according to Egdon's estimates (50-200bpd), the site would produce enough oil to supply the UK for approximately 4-16 hours. Fossil fuels are not needed, and we should switch to renewables. There is a risk that the company will be bankrupt, and the local community would have to pay for the mess. The applicant has lost credibility through repeatedly expanding and extending the proposal.

- Planning Creep

The timescales set are unachievable to complete the restoration by the end of 2022 and the planning authority have shown a great deal of leniency in agreeing the previous extension of time. In addition, this application is considerably different to the original by adding to the development with each of the previous extensions of time. The sidetrack drill would be directly under residential properties. Some houses do not have foundations and already have cracks in walls from large vehicles travelling through the villages. The proposal will make them worthless and at risk of damage. In the event of finding oil will lead to further applications for exploration in the area. Delays have given rise to unacceptable impacts on the wellbeing of local residents, impacts on Highway Infrastructure and Highway Safety.

- (b) Grasby Parish Council (a nearby parish) - object to a further extension to the time limit. There has been a lack of progress over the last 7 years and the council can see no justification in granting an extension.
- (c) Local District Councillor – expressed concern for the physical and mental wellbeing of residents in the ward arising from the repeated extensions of time granted for the exploratory drilling.
- (d) Caistor GO2 Environmental Group (including petition 37 signatures) – express concerns and object to the planning applications. Citing world, national and local Climate Change policy and provided evidence of the impacts of fossil fuel use. Stating that the new site would have little impact on UK energy security due to the small amount of oil to be extracted. There is no evidence that the oil extracted would be used in the UK. The submission of various

applications amending the original application including changes to site layout and now proposing a sidetrack drill constitutes “planning by stealth”. Further comment includes impacts reflecting those received above.

- (e) Bigby Parish Council (a nearby parish) – The planning applications are no longer acceptable when aiming for a carbon neutral environment.

#### District Council’s Recommendations

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

West Lindsey would like to re-iterate the comments previously made in respect of applications refs: 141303 and 141307:

- *It was noted that planning permission was originally granted some 6 years ago in 2014 with seemingly little progress made. Concern was expressed as to the extent and lack of progress with the exploration and the Committee is not convinced of the justification for requiring yet a further extension to the time limit.*
- *With the increasing green agenda concern was also 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 also requested that any representations received from the local population around this site relating to the localised impacts on the local populace, can be taken into account when determining these applications.’*

In addition, a further representation was submitted as follows:

It should be noted that permission was originally granted more than seven years ago. Permissions to extend the period have previously been granted and yet no commencement has taken place during this considerable period. This leads to considerable prolonged uncertainty for members of the public who were first notified of proposals more than seven years ago. LCC should carefully consider representations from local people who could face the prospect of living with the impacts of this site for up to 20 years if exploration leads to production.

Following on from the above observations and comments WLDC now object to the above applications on the following grounds:

1. Incremental expansion through multiple planning applications. This is not just an extension of time. Since the original approval in 2014, this development has been expanded through subsequent planning applications and Egdon are now asking to widen the scope of the permitted activities by requesting that sidetrack drilling be added. Yet, there is a complete absence of detail in the Planning Statement as to whether this change will have any

consequential impacts (eg. take longer to complete, produce more drilling waste / more HGVs).

2. High risk of over-run requiring yet further time extensions. The project (without the introduction of sidetrack drilling) was predicted to take 49 weeks. Egdon's request is for 52 weeks. The slightest hitch means that they will run out of time and then request yet another extension. Also, the original permission carries a condition that precludes construction work during the bird-nesting season (Mar-Aug incl.). Therefore, without dispensation to work during the bird-nesting season, Egdon could not reasonably start construction work until September, raising whether December 2022 is a realistic prospect. There are serious questions as to whether the timescales being put forward by the applicant are realistic, particularly following the lack of progress so far, and this may further prolong uncertainty and anxiety for the local population.
3. Ecological Appraisal (2017). Conditions on the permission have previously referred to the "Updated Ecological Appraisal document (originally approved pursuant to condition 7 of planning permission 131925) and confirmed by the decision notice dated 15 December 2017", which is also referred to in the applicant's Planning Statement. Whilst it is noted that the applicant considers that "given the nature of the proposed development... and the continuation of mitigation measures... the findings of the 2017 assessment remain valid" it is now over four years old (and was itself an update on the 2014 survey three years earlier). Consequently, it is likely that the surveys are now out of date, and the Appraisal in any event pre-dates up to date legislation brought in with the Environment Act 2021. An up-to-date survey and appraisal should be required.
4. Climate Change and emerging policy. There is rapidly growing public concern and recognised need to address climate & ecological concerns with urgency. In particular this is reflected in the Draft Central Lincolnshire Local Plan under Policy S18: Fossil Fuel Exploration, Extraction, Production or Energy Generation which states that 'any proposal for fossil fuel based exploration, extraction, production or energy generation for the determination by a Central Lincolnshire authority will be refused on the basis that any remaining fossil fuels in Central Lincolnshire should remain under the ground as part of the areas commitment to a net zero-carbon society and economy. Should any such proposal be for the determination of another body, then the presumption of the applicable Central Lincolnshire authority(s) will be opposition to such a proposal as a matter of principle.' As the supporting text states, "Indeed, the remaining carbon budget, at both a local and a global level, cannot be met if fossil fuels continue to be extracted and consumed. The economy needs to move to low carbon energy, and Policy M9 is not compatible with that need. As such, the Joint Committee is against any form of fossil fuel exploration, extraction, production or energy generation in its

area.” Weight should be accorded the emerging policy, as per paragraph 48 of the NPPF.

## Conclusions

25. These applications have been submitted in accordance with Section 73 and Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions be amended or varied. The development of an exploratory well site was first granted permission in December 2014 (Ref: 131952) that permission was lawfully implemented, and the development commenced. In 2018 a subsequent planning permission was granted which extended the period allowed to restore the site following exploration and testing operations together with a second planning permission to construct a security compound adjacent to the exploratory well site. Four further planning permissions in 2019 (Refs: 139426 and 139434) and 2020 (Refs: 141306, and 141307) secured some amendments to physical aspects of the wellsite and again extended the period to allow for restoration.
26. Firstly, the applicant is seeking to vary condition 1 of planning permission 141306 to extend the date by which the site is required to be restored and enable the operations associated with the drilling of an exploratory borehole, production and evaluation testing and restoration of the site 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 had passed. In addition, the applicant is seeking to inform the location of the bottom of the proposed exploratory well by way of amending a plan approved subject to condition 3. Secondly, the applicant is seeking to vary conditions 1 and 2 of planning permission 141307 to extend the date by which the security compound site is required to be restored. Therefore, these are valid applications which the Mineral Planning Authority is required and able to determine.
27. As these are Section 73 applications, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied conditions. It 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 considered in determining such applications.

## Objections

28. A considerable number of representations have questioned 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, and the wider environment as well as general residential amenity due to the industrialisation of the countryside, emissions, noise and light). The local residents have again

expressed their continuing anxiety due to the uncertainty as to when the exploratory operations would begin.

29. Other comment has been made suggesting that this and previous applications, to extend the period, have lacked the submission of a heritage assessment. Evaluation of the landscape impacts have already been addressed in earlier applications and there are no proposals to change the external appearance of the proposed sites would therefore give rise to any increased impact in terms of visual amenity in relation to the landscape characteristics of the area or historic assets within that landscape. Finally, local residents have speculated as to the future plans to develop other wellsites in the area however, this application only relates to the existing sites and speculation as to future developments, not yet proposed, cannot be material considerations in determining these applications. In respect of the heritage assessment the original planning permission included a comprehensive landscape and historical/archaeological assessments and the setting of historic assets have not changed since that time and it is therefore considered that no further assessment relating to heritage and landscape are necessary.

#### Ecology and Restoration

30. Representations received from local residents have been repeated by the District Council who have indicated that it is also considered necessary for the Mineral Planning Authority to revisit previously considered impacts of the proposed development in relation to ecology in the locality, insofar as the last Ecological Appraisal is now out of date and pre-dates the recent legislation brought in with the Environment Act 2021.
31. It was stated previously that the developments authorised by permission reference 141306 and 141307 has been lawfully submitted as Section 73 applications and it is not therefore necessary to reconsider the need or principle of the developments again. The principle of the developments, in this location, have 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. Such measures include a condition that would be re-iterated in any further permission granted to provide a barn owl box following completion of the development and restoration of the wellsite. Such mitigation would represent biodiversity net gain (BNG) and would consequently be consistent with the objectives of the Environment Act 2021. Schedule 14 of the 2021 Act has been translated into Town and Country Planning Act 1990 Section 90 SCHEDULE 7A Biodiversity gain in England - PART 1 Biodiversity gain objective section 2(1) *'The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage'*. The current relevant percentage being 10%.

32. An existing condition relating to ecology would be re-iterated, requiring that no wellsite preparation works involving the destruction or removal of vegetation shall be undertaken during the bird nesting season without the prior agreement of the Mineral Planning Authority. In respect of the ancillary security compound an existing condition would also be re-iterated, which would require a Phase 1 habitat survey to be undertaken, that would include a scheme to mitigate and ameliorate any undue adverse effects. Such a survey by its nature looks at an area greater than that of the application site and would include those areas covered by the exploratory wellsite permission. Whilst it has been considered that the ecological sensitivity of the area subject to these applications, has been adequately addressed through the reiteration of the existing conditions, it is considered appropriate and reasonable that a condition could be attached to both decision notices requiring the applicant to submit a biodiversity gain plan demonstrating, using the Biodiversity Metric 3.0, that the proposal would meet the BNG 10% requirement.
33. The proposal does not seek to make changes to the overall requirement to restore the site back to agricultural use following cessation of the exploratory drilling and it is therefore considered that the proposed development would meet the objectives of the NPPF and Policies DM9, R1 and R2 of the CSDMP and does not conflict with nor compromise Policies LP21 and LP26 of the CLLP or Policy S60 of the emerging Draft Local Plan that seeks to mitigate adverse impacts on the natural environment and supports development that would result in biodiversity net gain and protect agricultural land.

#### Fossil Fuels and Climate Change

34. The local parish councils/meetings have either objected to these proposals 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. This position is supported by the District Council who identified that the emerging Draft Central Lincolnshire Local Plan proposes Policy S18 Fossil Fuel Exploration, Extraction, Production or Energy Generation stating that 'any proposal for fossil fuel based exploration, extraction, production or energy generation for the determination by a Central Lincolnshire authority will be refused on the basis that any remaining fossil fuels in Central Lincolnshire should remain under the ground as part of the areas commitment to a net zero-carbon society and economy.' It should be noted that West Lindsey District Council is not the Mineral Planning Authority and in addition the emerging Draft Local Plan is at an early stage of development and in accordance with the NPPF very little weight can be given when determining this application. Notwithstanding Climate Change legislation acknowledges that hydrocarbons will continue to be necessary to ensure fuel security whilst achieving a transition to a 'Zero Carbon Future' therefore the proposal remains consistent with the aims and objectives set out in the NPPF subject to the development being in accord with the Development Management Policies set out in the Plan.

## Extension of time

35. The applicant has cited the second wave of the COVID-19 pandemic has resulted in operational constraints. The gradual lifting of restrictions has led to a 'catch-up' period, which arose as a consequence of the reliance on external contractors and supply chains to facilitate the proposed exploratory drilling and evaluation. Whilst the economic outlook has improved, issues relating to material and personnel availability have directly impacted on the company's plan to carry out all the proposed operation phases before the end of 2021. This situation with regards to COVID-19 and the incidental impacts on delivery of the project has now stabilised and the applicant does not anticipate any further barrier to carrying out the proposed exploration and evaluation. This application therefore seeks to permit a further 12-month period to allow for all the proposed operations to be carried out in full including the capacity to complete the restoration of the site. Although it is acknowledged that the local community have been aware that the proposal was extant the residents most likely to be affected have not been exposed to any activity at the site excepting the construction of the site access. Your officer therefore considers that the applicant has justified the delay to carrying out the operations in 2021 and demonstrated a reasonable expectation to be able to complete the proposed developments within a 12-month period without increased impacts on amenity on the local community, transport network and other land-users already addressed both separately and cumulatively. Consequently, it is recommended that the applications be granted permission subject to the existing suite of conditions being re-iterated with an amendment to the dates to reflect a 12-month period from the date that the decisions are issued. The proposals are therefore in line with the aims and objectives of the NPPF and Policies DM3, DM14, R1 and R2 of the CSDMP and would not conflict with nor compromise Policy LP26 of the CLLP which seeks development that would not adversely impact on amenity or the highway network.

## Bottom Hole Target Location

36. West Lindsey District Council consider that aspects of the proposal represent new development. Specifically, regarding the identification of the 'bottom hole target location' for the exploratory well, being geographically located beyond the boundary of the application site.
37. It is considered by your officers that the proposal to drill off the vertical, to a now identified 'bottom hole target location', does not constitute new development insofar as the surface operations are wholly contained within the application boundaries and sub-surface drilling operations have always fallen within the remit of both the HSE and the EA and do not constitute development, insofar as well design and the control of drilling are not land-use planning matters, which is stated at Paragraph 185 of the NPPF *'that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution*

*control regimes) and that there should be an assumption that these regimes will operate effectively’.*

38. West Lindsey District Council have also speculated that, in seeking to drill off the vertical, the proposed timescale for the proposal is unachievable. In addition, surmised that there would be increased volumes of drill waste, that would require an equivalent increase in the number of HGV's necessary to remove the waste from site to licensed waste disposal facilities.
39. The applicant had not indicated in the supporting documentation with these applications that the variation to drilling programme would give rise to an increased timescale. The applicant has now clarified that the original timescales given were worst case scenario that included contingency for delays in completing the drilling. Equally, the applicant had made provision for a greater volume of drilled material being brought to surface, than would normally be expected, in carrying out a vertical drill.
40. As previously stated, well design must be submitted to the HSE and EA at least 28 days prior to commencement of drilling. In preparing this design submission, the applicant has re-evaluated the seismic data collected ahead of submission of the original planning application (ref: 131952) hence an optimal ‘bottom hole target location’ has now been identified. It should be noted that the North Kelsey Prospect covers a large geographical area, and the choice of drill site was initially made based on how best to minimise impacts on residential property and railway infrastructure, rather than the nearest point to develop a wellsite over the best ‘bottom hole target location’ available.
41. In identifying the ‘bottom hole target location’, Lincolnshire Highways and Lead Flood Authority Officer sought confirmation as to the depth of drilling at the point where the path of the well crosses under Smithfield Road. The applicant advised that the depth, at that point, would be greater than 1 kilometre and that the diameter of the hole would measure 216mm. Given that the ‘bottom hole target’ would be at a greater depth still, there would be no perceptible vibration at surface and therefore it unlikely that the sub-surface drilling would have adverse structural impacts on either the road or the nearest residential property to the west of Smithfield Road. It is therefore considered that the proposed variation to submitted documentation identifying the ‘bottom hole target location’ does not represent exceedance of the scope of the original application and given the information provided regarding depth of target the proposal is consistent with the aims and objectives of the NPPF and Policies DM3, DM14 and DM16 of the CSDMP and does not conflict with nor compromise Policies LP14 and LP26 of the CLLP or Policy S20 of the emerging Draft Local Plan that requires development to make effective and efficient use of land and requires good design of development, highways and highway safety and protection of water resources and flood risk.

## Human Rights Implications

42. 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 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.
43. 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 permissions.

<b>RECOMMENDATIONS</b>
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That planning permission be granted for:

- 1) To vary conditions 1 (development cessation date) and 3 (approved documents and drawings) of planning permission ref – 141306 subject to the conditions set out in Appendix B
- 2) To vary conditions 1 (development cessation date) and 2 (approved documents and drawings) of planning permission ref 141307 subject to the conditions set out in Appendix C.

## Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Application Ref: 144203 – Conditions
Appendix C	Application Ref: 144207 – Conditions

## Background Papers

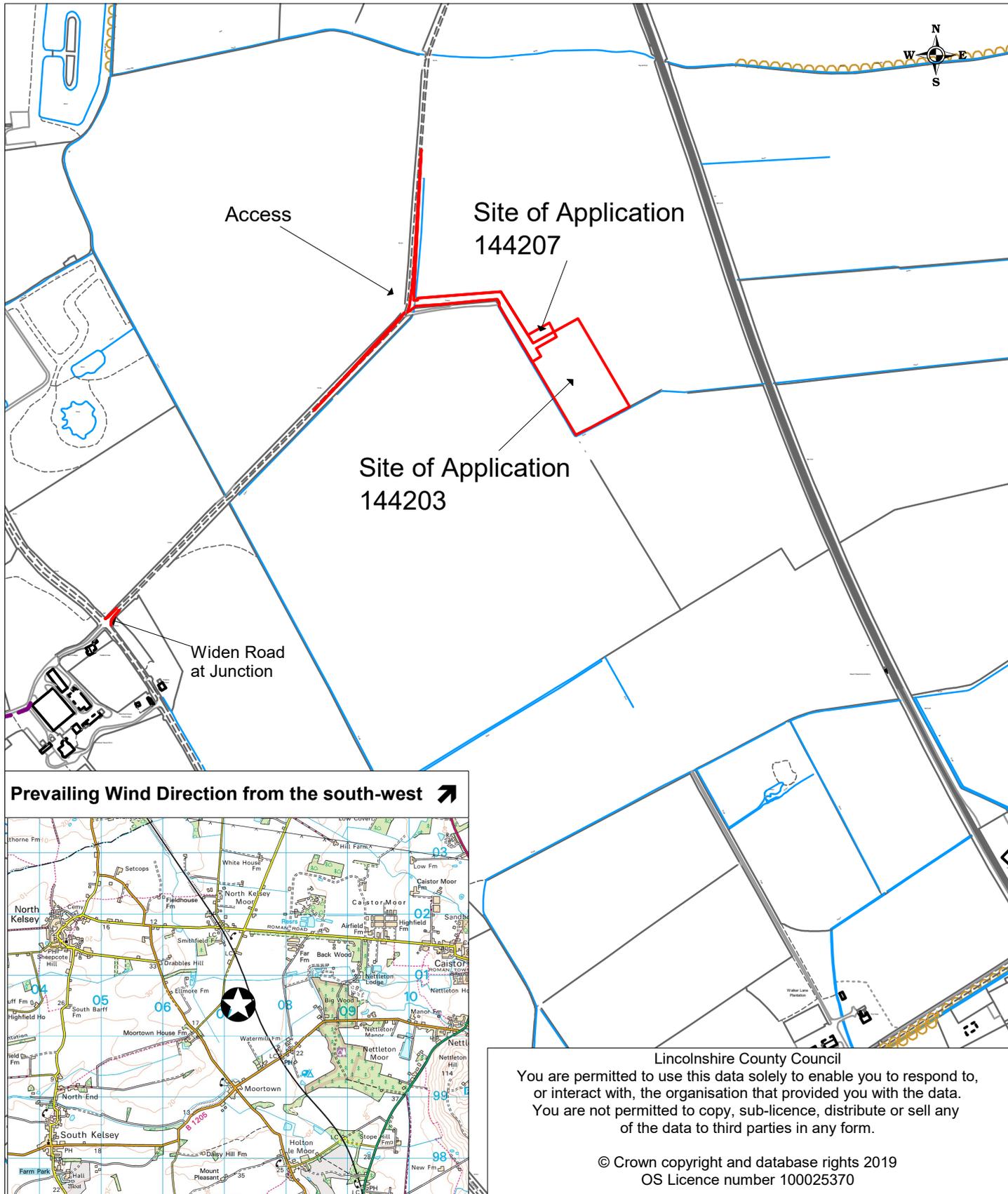
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files 131952, 139426, 141306, 141307, 144203 and 144207	Lincolnshire County Council's website <a href="https://lincolnshire.planning-register.co.uk/">https://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2021)  National Planning Policy Guidance (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Environment Act (2021) which includes a link to the Town and Country Planning Act (1990) as amended	The Government's Legislation website <a href="https://www.legislation.gov.uk">Environment Act 2021 (legislation.gov.uk)</a>
Lincolnshire Minerals & Waste Local Plan – CSDMP (2016)  Lincolnshire Minerals and Waste Development Scheme (2021)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)  Draft Central Lincolnshire Local Plan (2021)	West Lindsey District Council's website <a href="http://www.west-lindsey.gov.uk">www.west-lindsey.gov.uk</a>

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# LINCOLNSHIRE COUNTY COUNCIL

## PLANNING AND REGULATION COMMITTEE 14 MARCH 2022



Lincolnshire County Council  
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**Location:**  
 Land to the east of Smithfield Road  
 North Kelsey Moor

**Description:**  
 To vary conditions

**Application Nos:** 144203 & 144207  
**Scale:**

144203 – Conditions

1. The development hereby permitted shall cease on or before 31 March 2023 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) and further amended by Planning Statement (received 3 December 2021);
- 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 Rev A - Site Location Plan (received 3 December 2021);
- 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.*

#### 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 a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall demonstrate utilising the Biodiversity Metric 3.0 (or as amended by subsequent versions) that the net gain in biodiversity would be equal to or in excess of 10% and include a timetable for implementation. Any proposed net gain shall be implemented in full in accordance with the approved timetable and shall be retained in accordance with the relevant sections of the Environment Act 2021.
9. 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 net gain enhancements previously approved are secured and carried out as part of the development.*

## Archaeology

10. 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

11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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 see informative (ii).*

17. 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.*

18. 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 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 – 17:30	07:00 – 13:00	none

*Reason: To protect the amenity of the surrounding area.*

#### Noise control and monitoring

19. 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.
20. 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 five days of commencement of monitoring. For avoidance of doubt noise monitoring shall commence within 12 hours of Phase 2 - equipment assembly commencing.
21. 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.
22. 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.*

## Informative

Attention is drawn to:

- (i) Letter from Environment Agency dated 13 October 2014;
- (ii) Comments from Highways letter dated 19 November 2014. 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>; and Highways Letter 25 January 2022;
- (iii) E-mail from Jan Allen, Lincolnshire County Council Historic Environment dated 19 November 2014;
- (iv) E-mail from Environmental Health, West Lindsey District Council dated 6 June 2019 relating to contaminated land;
- (v) Anglian Water Planning Applications – Suggested Informative Statements and Conditions Report Reference: 14750/1/0059041 dated 5 June 2019
- (vi) Natural England letter ref: 379844 dated 13 January 2022 relating to protected species and Biodiversity Net Gain; and
- (vii) 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.

144207 – Conditions

1. The development hereby permitted shall cease on or before 31 March 2023 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. The development hereby permitted shall be retained in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission:
  - Planning Application Form (date stamped received 17 April 2019);
  - Document Reference: 20271/A5/P7/VY/SO – 'Planning Statement' (date stamped received 17 April 2019) as amended by Planning Statement (received 3 December 2021);
  - Drawing No: Drawing No: ZG-ER-NK-SWC-PA-03 – 'Security & Welfare Compound Layout' (date stamped received 12 June 2019); and
  - Drawing No: ZG-ER-NK-SWC-PA-04 – 'Temporary Security & Welfare Compound Indicative Floor Space Plan (date stamped received 08 May 2019).

*Reason: To ensure that the development is retained in all respects in accordance with the approved details.*

Lighting

3. No development shall commence until a full security lighting scheme, including details to minimise light spillage and any mitigation measures shall first been submitted to and approved in writing by the Mineral Planning Authority. The lighting shall be maintained and retained in accordance with the approved details for so long as the development hereby permitted is required or on completion of restoration of the site whichever may be earlier.

*Reason: In the interest of visual amenity.*

HGV deliveries

4. The construction and restoration of the site hereby permitted shall only be carried out during the following hours:

Monday to Friday 07:00 to 17:30 hours;  
Saturday 07:00 to 13:00 hours; and

No construction or restoration operations shall occur on Sundays, bank holidays and public holidays.

#### Noise

5. All plant and machinery including the diesel generator 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.*

6. Prior to the commencement of development, a Phase 1 habitat survey shall be undertaken a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall demonstrate utilising the Biodiversity Metric 3.0 (or as amended by subsequent versions) that the net gain in biodiversity would be equal to or in excess of 10% and include a timetable for implementation. Any proposed net gain shall be implemented in full in accordance with the approved timetable and shall be retained in accordance with the relevant sections of the Environment Act 2021.

*Reason: To ensure adequate protection for nature conservation interests and biodiversity net gain enhancements are secured and carried out as part of the development.*

#### Informative

Attention is drawn to:

- (i) E-mail from Environmental Health, West Lindsey District Council dated 7 June 2019 related to contaminated land;
- (ii) Anglian Water Planning Applications – Suggested Informative Statements and Conditions Report Reference: 14750/1/0059041 dated 5 June 2019;
- (iii) Lincolnshire Fire and Rescue letter received 24 January 2022 and dated November 2020;
- (iv) Natural England letter ref: 379856 dated 13 January 2022 relating to protected species and Biodiversity Net Gain; and
- (v) 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.

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