



PLANNING AND REGULATION COMMITTEE

14 MARCH 2022

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, S A J Blackburn, I D Carrington, C S Macey, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

Councillors: C E H Marfleet and S Bunney attended the meeting as observers

Councillor: A P Maughan attended the meeting via Microsoft Teams as observer

Officers in attendance:-

Robert Close (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Martha Rees (Solicitor) and Marc Willis (Applications Manager)

67 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors Mrs A M Austin, Mrs A M Newton, and A M Hall.

68 DECLARATIONS OF MEMBERS' INTERESTS

The Chairman acknowledged that he, and other members of the Planning and Regulation Committee, had received a number of pieces of correspondence from members of the public and community action groups in relation to applications PL/0167/21 and PL/0168/21.

The Chairman and Councillor I Carrington noted that, in relation to PL/0167/21 and PL/0168/21, the officers' report referenced the emerging Central Lincolnshire Local Plan (CLLP), while they were Members of the Central Lincolnshire Joint Strategic Planning Committee, they didn't feel that their opinions would be unduly influenced.

The Chairman noted that he was also the Chairman of West Lindsey District Council Planning Committee but hadn't had any involvement in the decision to object to applications PL/0167/21 & PL/0168/21.

69 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 14 FEBRUARY 2022

That the minutes of the previous meeting held on 14 February 2022, be approved as a correct record and signed by the Chairman.

70 COUNTY MATTER APPLICATIONS

71 TO VARY CONDITIONS 1 (EXPIRY DATE) AND 3 (APPROVED DOCUMENTS AND DRAWINGS) OF PLANNING PERMISSION 141306 AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR – EGDON RESOURCES U.K LIMITED, (AGENT AECOM LIMITED) – 144203

TO VARY CONDITIONS 1 (DEVELOPMENT CEASE DATE) AND 2 (APPROVED DOCUMENTS AND DRAWINGS) OF PLANNING PERMISSION 141307 AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR – EGDON RESOURCES U.K LIMITED, (AGENT AECOM LIMITED) - 144207

With the permission of the Chairman, applications PL/0167/21 and PL/0168/21 were considered first following significant public presence and delay in commencement

The Committee considered a report where planning permission was sought by Egdon Resources U.K. Limited (Agent AECOM Limited) seeking to amend the date by which the restoration of the two sites needed to be completed and to vary the direction of drilling to secure an optimal 'bottom hole target location' within the North Kelsey Prospect.

The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application. He also updated Members verbally on further comments, objections and a petition that had been received since the publication of the report.

The report recommended that, conditional planning permissions be granted.

Ms Amanda Suddaby was invited to address the Committee in objection to this application. Her comments were as follows:

- She stated that in seven years, eight different applications had been submitted and no real work had even begun. The application caused seven years of anxiety for local people to whom she didn't feel this development brought benefit. The claim that Covid had caused the delay she felt was disingenuous. She suggested that the seven-year delay was intentional and had been used to expand the project through numerous variations.
- Objections were received from seven councils, 150 individuals, three public groups and nearly 1200 petitioners. Raising numerous concerns, including adverse impacts on our well-being, amenity, local economy, environment, to the climate and ecological crisis, and, particularly, the credibility of the applicant's expanding plans and shifting deadlines.
- In the site's previous application, the Committee agreed that delays were becoming unacceptable, and she felt this new deadline was unrealistic. The applicant told the Committee they needed a three-year window to allow for contingencies and were granted two applicants. The applicant now claimed that 49 weeks was a worst-case scenario. It was observed that only 52 weeks would be allowed for a 49-week project.
- Ms Suddaby suggested bird-nesting had started and the vicinity housed protected species, therefore work wouldn't start until September if bird protection was appropriately observed. The applicant's tight timeframe also left no allowance for any hold-ups with equipment, staff, permits or bad weather. Moreover, this was not just an extension of time but also a last-minute change to the direction of drilling, based on data analysis that should have been done previously.
- Reports relating to traffic, ecology, flood risk and land condition she felt were dated and suggested a reassessment. A new ecological appraisal could have established a biodiversity baseline for Condition Eight before the construction phase began.
- She stated the applicant had failed to carry out road alterations to mitigate a dangerous site access on a narrow blind bend.

- Conflicts in the Ukraine had been used by the applicant to justify this project, but Ms Suddaby suggested the application site may produce 50-200 barrels of oil a day. Ten times less oil than a recently refused application by the Committee. Onshore represented less than two per cent of UK production and this site would be a tiny fraction of that. It could be two to three years before production may begin. The possibility of finding such a small reserve of oil she felt outweighed the adverse impacts.
- While it was nationally recognised that the dependence of foreign oil needed to be broken, Ms Suddaby suggested this should be done through the use of renewable energy. During the transition the North Sea offered sufficient supply. The climate emergency remained a constant threat. Ms Suddaby reminded the Committee of national and local commitments to reach Net Zero including the Council's own Green Masterplan.
- Ms Suddaby urged the Committee to consider policies R1 and DM14 which required early restoration to protect amenity and road safety when determining this application.

Mark Abbott, CEO of Egdon Resources, was invited to address the Committee as applicant of this proposal. His comments were as follows:

- The representations from local residents, the parish and town councils and community groups were taken into account. Mr Abbott apologised for any impact that the delay in construction and drilling had on the residents in the vicinity of the wellsite.
- Initial preparations were made to construct the wellsite before the summer of 2020, but because of the Covid-19 plans changed significantly. Following a further extension in September 2020 he was confident that this would be sufficient. However, the second wave of Covid and the impact of Omicron left insufficient time for works to be undertaken.
- Over this period, the seismic data was re-evaluated to verify the target location of the well in the sub-surface. This work identified a better target, situated 700 metres to the north west of the wellsite surface location.
- The North Kelsey prospect had potential to recover 6.5m barrels from four different reservoir units. Therefore, a directional borehole steered to this location, rather than a vertical well, was now proposed. He stated there would be no change to surface activity or in the number of approved Heavy Goods Vehicles (HGVs) movements or the drilling timescale.
- He stressed there would be no other change to the scheme that was approved by the Committee in July 2019 and a set of draft conditions had been agreed with officers. Before development started, a lighting assessment and further ecological survey would be undertaken, and a biodiversity net gain assessment would be explored to deliver a minimum 10 per cent increase in biodiversity.
- Representations questioned the need for this development in view of the transition to Net Zero carbon emissions by 2050, oil would continue to be needed and used up to and beyond 2050 and was key to manufacturing everything from medicines to wind turbines. Paragraph 209 of the National Planning Policy Framework (NPPF) stated that it was essential that there was a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the Country needs. When determining applications, the NPPF went on to say that great weight should be given to the benefits of all mineral extraction, including to the economy.
- He suggested that the conflict in the Ukraine, and subsequent impact to global oil supply, should be taken into account when considering the necessity of this scheme. Moreover, consumers faced a notable increase in fuel and manufacturing costs. Maximising domestic opportunities to search for indigenous fuel he felt was key to becoming less dependent on

imports. Moreover, he stated independent studies had indicated that indigenous oil supplies had a significantly lower carbon footprint than imported oil.

- If no oil was found at the site, or there were insufficient reserves, then the site would be restored to farmland as quickly as possible.
- The principle and location of the site had already been established by the Committee, but he stressed the site sat outside the Lincolnshire Wolds Area of Outstanding Natural Beauty AONB and was 650m from the nearest residential property. It was well screened by existing vegetation which would be enhanced with additional planting.
- Smithfield Road was a single carriageway, and improvements had already been made including a passing place and improvements at the junction with the B1434.
- The site could support the local economy through the use of local contractors, suppliers and services during the site works and exploratory activities.
- He reiterated officers' comments that the proposals were in line with the aims and objectives of the NPPF and would not conflict with the relevant policies of the Core Strategy or Policy LP26 of the CLLP, as the extension of time would not have an adverse impact either on amenity or the highway network.
- The objections raised by West Lindsey District Council had been thoroughly addressed in the officers' report. The change in the bottom hole target did not constitute new development as the surface operations were all contained within the application boundary. Sub-surface drilling operations were a matter for the OGA, HSE and the Environment Agency and did not constitute development.

Members of the Committee asked Mr Abbott how he intended to complete this 52-week project without the need to seek permission for a further extension. Mr Abbott advised the Committee that the initial part of the works would be to undertake an ecological survey. As a minimum, Mr Abbott suggested that up to three months would be required for the well site and access then up to eight weeks to mobilize the drilling operations.

Noting the change in drilling location, the Committee asked what impact the change may have on the surface. Mr Abbott stressed there wasn't expected to be any impact to the surface operations at all. The site would remain the same, but the drilling operations may take an additional two or three days.

Appreciating that the Pandemic was cited as a reason for delay, the Committee sought further detail on the lack of activity. Moreover, Members sought detail of any work that had actually been carried out. Mr Abbott appreciated that, whilst movements would be possible during the period of the Pandemic, capacity and supply chain issues hindered the application's progress. Work had been carried out in relation to the access track, design works and the environmental permits. Mr Abbott acknowledged that during the first four years, work on the site hadn't been as extensive as was hoped for, however subsurface work, site security, initial operation and access track and road improvements were implemented.

Councillor H Marfleet, adjacent local member to the application site division, was invited to address the Committee. His comments were as follows:

- He questioned the applicant's competence to effectively deliver this scheme, noting that no ground works had been carried out.
- The site was close to the Lincolnshire Wolds and offered a great deal of aesthetic quality, therefore he feared this proposal would, by proximity, negatively impact an AONB.

- Councillor Marfleet suggested that the seven-year delay in the applicant's delivery in the project was unacceptable.
- Making reference to the CPRE report, he raised concerns that an up-to-date screening opinion wasn't available and that, more generally, the current application was now obsolete due to the progression in convention.
- He suggested that the impact of the Pandemic to the progress of this application was questionable, given the six years prior with no progress. Generally, he felt the applicant had been given sufficient opportunity to deliver the scheme and continuously failed to do so.
- Offering his sympathy to local residents, he stressed that there was no appetite for this development within the community.
- The quantity of oil potentially provided by this application would be nominal and would have little to no impact on the UK's supply. To have such a detrimental effect on this rural area he felt was unacceptable.

Councillor S Bunney, adjacent local member to the application site division, was invited to address the Committee. His comments were as follows:

- He explained that the applicant was informed by the Committee in 2020 that their then approval, would be their last opportunity to commence this application unless they could provide convincing arguments on why they could not complete the project. The reasons given for this further extension, Councillor Bunney felt, weren't convincing.
- The applicant was able to maintain other operations function effectively during the Pandemic, he questioned why they had failed to progress this development.
- Alterations had been made with each application, in this instance, a change in drilling location. He noted officers felt that this change only insignificantly effected surface plans. A report compiled by the Campaign to Protect Rural England disagreed, arguing that the side drilling could result in surface disturbance over a wider area than that identified by the vertical bore.
- This application as it stood differed greatly from the original 2014 submission, something which Councillor Bunney felt the Committee should scrutinise.
- The no work during nesting periods would result in a delay in progress until September 2022, substantially limiting work time available in this 12-month extension. While the 42-week work schedule allowed for delay, he feared this would lead to overrun and a further extension application.
- Since the original 2014 submission, perceptions of the climate change and environment had changed significantly with both national and local commitments to net zero and green agendas with further policy decisions being explored. He emphasised that particular avoidance was being made to fossil fuels and geopolitical events only increased necessary the shift to renewable energy.
- He stated that the potential energy gained from this application site was insignificant but would have a dramatic effect to residents' amenity and the rural environment.

In response to comments made by the speakers the Head of Planning advised the Committee that no objections were received to this application from Highways and the initial works were signed off as being acceptable. Furthermore, he referred the Committee to the planning update addendum, which confirmed that a screening opinion had been issued in relation to the exploratory drilling application and the application for the security cabin falls outside of the scope for an Environmental Impact Assessment.

Speculating that differing drilling locations would result in a change in traffic activity, Members asked if an update Highways assessment was carried out. The Head of Development Management had stated in his consultation response that Officers assessed the application but concluded that no significant increased traffic activity was expected, and the current highway improvements were satisfactory.

Observing the change in timescales, Members questioned why such a change could be considered acceptable. The Head of Planning stated that the directional drilling would only extend drilling for a further few days difference and, when considered in relation to the overall time allocated to the project, was considered insignificant.

Some Members referenced the CLLP, citing policy that they felt relevant. The Head of Planning stressed that the CLLP review was still in a very early stage of implementation. Moreover, the draft policy took into account that the Plan would observe the requirements of the Lincolnshire Minerals and Waste Local Plan in respect of applications for hydrocarbons.

While Members appreciated that the principal of development had been established, they felt that the reasons cited for delay by the applicant weren't acceptable as they felt that, despite the Pandemic and subsequent professional pressures, other developments and similar industries continued to progress. Referencing the previous decision of the Committee, made in September 2020, which indicated that it was the final extension unless a good reason otherwise was provided, the Committee weren't convinced that the reasons offered by the applicant were sufficient to warrant further extension. Generally, the Committee had great sympathy with residents whom they felt had endured significant anxiety as a result of the uncertainty this application was likely to bring.

In relation to PL/0167/21, on a motion proposed by Councillor T J N Smith and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous) It be confirmed that planning permission be refused for the reason set out below:

'That due to the detrimental impact of prolonged uncertainty of development progression causing anxiety on local residents' quality of life, this application was considered to be contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP26 of the Central Lincolnshire Local Plan and is thereby refused.'

In relation to PL/0168/21, on a motion proposed by Councillor T J N Smith and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous) It be confirmed that planning permission be refused for the reason set out below:

'That due to the detrimental impact of prolonged uncertainty of development progression causing anxiety on local residents' quality of life, this application was considered to be contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP26 of the Central Lincolnshire Local Plan and is thereby refused.'

72 TRAFFIC ITEMS

73 A607 MAIN STREET, CARLTON SCROOP - PROPOSED 30MPH SPEED LIMIT

The Committee considered a report which detailed a request for the existing 40mph speed limits through Carlton Scroop to be reduced to 30mph. Investigations had indicated that conditions to the south of the village may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

On a motion proposed by Councillor N H Pepper and seconded by Councillor Mrs M J Overton MBE, it was:

RESOLVED (Unanimously)

That the Committee approved the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may take place.

74 SWINESHEAD, DRAYTON, A52 ABBEY LANE - PROPOSED 50MPH SPEED LIMIT

The Committee considered a report which detailed a request for the existing 60mph speed limits on the A52 at Drayton to be reduced to 50mph. The scheme has been justified against the policy in terms of accident rate and a number of objections were received, which requested a lower limit and an extension to that proposed.

On a motion proposed by Councillor P A Skinner and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimously)

That the objections are overruled so that the Order, as advertised, may be introduced.

75 CAYTHORPE, HIGH STREET - PROPOSED WAITING RESTRICTIONS AND BUS STOP CLEARWAYS

The Committee considered a report in connection with a report which came to the Planning and Regulation Committee in July 2020, outlining objections to the introduction of proposed waiting restrictions and bus stop clearways on Caythorpe, High Street. Six objections were received citing impact to local business, residents' street parking and property prices, furthermore objectors request that the proposed extent of the restrictions be reduced to mitigate these effects. A further request had been received for an additional length of restriction to be introduced further south beyond the proposed bus stop clearway opposite private driveways to aid vehicular access in and out of them, as currently parking opposite these accesses reduces the available width to carry out these manoeuvres. It was officers' view that the proposed restrictions were the minimum required which would improve traffic flow for general traffic, and in particular for buses, whilst minimally impacting on the availability of on street parking.

As local Member for Hough, Councillor A P Maughan was invited to address the Committee via Microsoft Teams. His comments were as follows:

- This proposal actually formed part of a package of measures that were agreed with highways some years ago to reduce traffic congestion and improve safety on High Street.
- This second phase would help free up the High Street, remove parked vehicles from it and allow buses to safely pass through without getting stuck and having to turn around.

- The junction was currently not a safe place to park and there was ample parking further down the high street.
- He noted that he, the local parish council, and school strongly supported the scheme.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That the objections are overruled so that the Order, as advertised, may be introduced.

76 OTHER REPORTS

77 SEEKING AUTHORITY TO MAKE A PROHIBITION ORDER TO PREVENT ANY FUTURE MINERAL DEVELOPMENT TAKING PLACE AT TETFORD HILL QUARRY, TETFORD.PERIODIC REVIEW - PERMISSION (E)\$177/933/93 – JEG FARMS (AGENT SLR CONSULTING LTD) - (E)\$177/0833/14

The Committee considered a report where their agreement was sought to make a Prohibition Order which would prevent any future mineral development taking place at Tetford Hill Quarry, Tetford.

The Applications Manager guided members through the report and set out the main issues to be considered.

On a motion proposed by Councillor T R Ashton and seconded by Councillor I G Fleetwood, it was

RESOLVED (unanimous)

That the Committee were satisfied with the reasons set out and authority be given to officers to prepare and issue a Prohibition Order

The meeting closed at 12.46 pm