

# Agenda Item 5.1



## Regulatory and Other Committee

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>16 February 2015</b>
Subject:	<b>County Matter Application – (E)N59/2259/14</b>

**Summary:**

Temporary planning permission is sought for a period of three years for the construction of a new access track, temporary well site, with associated portable cabins for the storage of equipment and for staff office accommodation, the drilling of an exploratory bore hole, undertaking of production tests for conventional hydrocarbons and retaining the site and wellhead valve assembly gear for evaluation at land off High Street, Biscathorpe by Egdon Resources UK Ltd (Agent: Barton Willmore).

The key issues to be considered in this case are the principle and impact of the proposed development on the Lincolnshire Wolds Area of Outstanding Natural Beauty; the impact on the historic environment, in particular on the setting of the nearby Scheduled Monuments; noise and lighting impacts; highways issues; nature conservation impacts; flood risk and drainage; and the loss of agricultural land.

Whilst major developments in Areas of Outstanding Natural Beauty are generally not acceptable, it is concluded that exceptional circumstances exist in this case, that the development would be in the national interest, that any landscape and visual harm can be mitigated or minimised and that given the temporary nature of the proposals, any harm to the principle of such development in the Area of Outstanding Natural Beauty can be justified.

Amendments were made to the proposed development at the pre-application stage to minimise the impacts on the setting of the nearby Scheduled Monuments such that, again given the temporary period of the development, the short term impacts are considered to be acceptable. Subject to appropriate conditions, any impacts relating to noise, lighting, nature conservation and highways can be suitably addressed to ensure they are acceptable. The proposed development would include measures to ensure flood risk and drainage of the site was adequately secured and the restoration within three years would ensure that there was no long term loss of agricultural land.

Overall, it is therefore concluded that the proposed development does not conflict with planning policy and is acceptable.

**Recommendation:**

Following consideration of the relevant Development Plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

**Background**

1. In July 2013 an application was submitted to Lincolnshire County Council for an exploratory well site to the east of Biscathorpe House, Biscathorpe (reference (E)N59/01778/13). On 5 November 2013, following significant highways concerns having been raised by the local community and the Highways Authority, this application was withdrawn.

**The Application**

2. Temporary planning permission is now sought for a period of three years for the construction of a new access track, temporary well site, with associated portable cabins for the storage of equipment and for staff office accommodation, the drilling of an exploratory bore hole, undertaking of production tests for conventional hydrocarbons and retaining the site and wellhead valve assembly gear for evaluation at land off High Street, Biscathorpe. The purpose of the proposed development is to test the target reservoir for commercially viable reserves of conventional hydrocarbons involving conventional drilling for oil only and would not involve the process of hydraulic “fracking” for shale gas or oil.
3. Under the provisions of the Petroleum Act 1998 the area within which the application site lies has been designated as Petroleum Exploration and Production Licence PEDL253 which grants exclusive rights to the applicant to “search, bore for and get petroleum” within the boundaries of the licence. The applicant company, Egdon Resources UK Ltd assumed operatorship of PEDL253 in July 2008. The area identified as PEDL253 is located within the East Midlands hydrocarbon province which comprises several concealed Carboniferous sub-basins. Thirty-three fields have been discovered in this Carboniferous petroleum system, in a swathe extending from near Loughborough in the south to Saltfleetby on the Lincolnshire North Sea coast.
4. The current application follows the withdrawal of a previous application on a different site, to the east, in Biscathorpe. In relation to the initial application an area of search had been identified and five potential sites had been assessed. Whilst one of these sites was selected and formed the application site for the previous application, the other four sites were discounted due to reasons of visual impacts and impacts on nearby residential properties. None of the five potential sites is therefore put forward in this current application, which is approximately 1km west of the previous application site. Although outside the original search area, Egdon has confirmed that, based on geological and seismic data, it is both technically and commercially feasible to drill from this location.

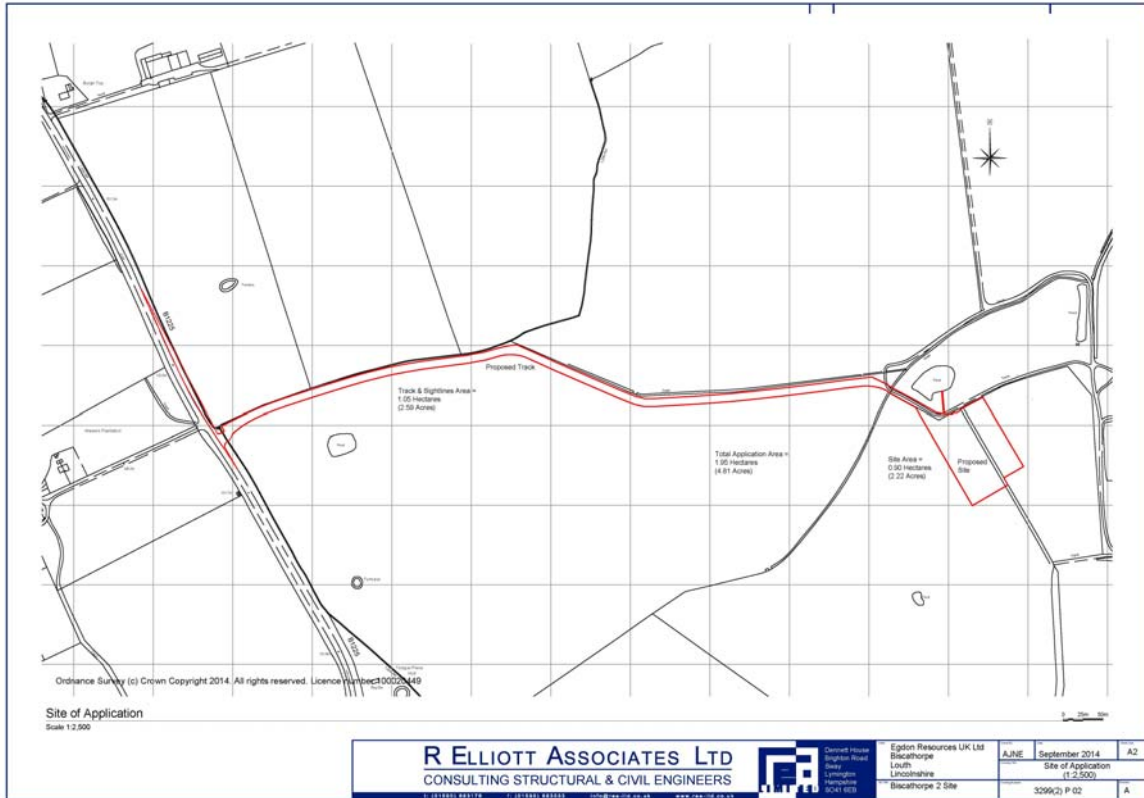
Consideration was also given to sites outside the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), however, from the drilling target, the closest point outside the AONB is stated to lie approximately 4km to the south west at South Willingham. The Planning and Sustainability Statement states that at a distance of 4km and given the structure of the underlying geology, it would be extremely unlikely that Egdon would be able to reach the target reservoir from this surface location, outside the AONB.

5. The Planning and Sustainability Statement states that the main benefits of locating a well site in this currently proposed alternative location are summarised as:

- direct access on to the strategic road network (B1225), avoiding the village of Gayton-le-Wold and the fords associated with the River Bain;
- a large part of the site forms part of a former sand and gravel quarry and therefore is less likely to be of high agricultural land value. Due to the quarrying process it is also highly likely that below ground archaeological evidence in this area has already been destroyed;
- the site is not overlooked by residential properties and is well screened from the wider landscape by mature blocks of woodland adjacent to the north and east;
- the site is not located within an area of high flood risk; and
- the site will not impact directly on any statutory or local nature conservation sites.

The principle elements of the proposed development are:

- construction of a well compound to enable drilling and testing of an oil exploration borehole;
- construction of a temporary access track, passing between the public highway (B1225) and the proposed well compound;
- security provision including well site fencing and security facilities;
- temporary installation of a drilling rig, associated equipment and facilities to enable drilling of a conventional oil exploratory borehole; and
- production testing phase of up to six months to establish commercial viability including installation of production testing equipment, including beam pump, storage tanks and associated facilities.



Proposed access to site



View north along B1225



View south along B1225

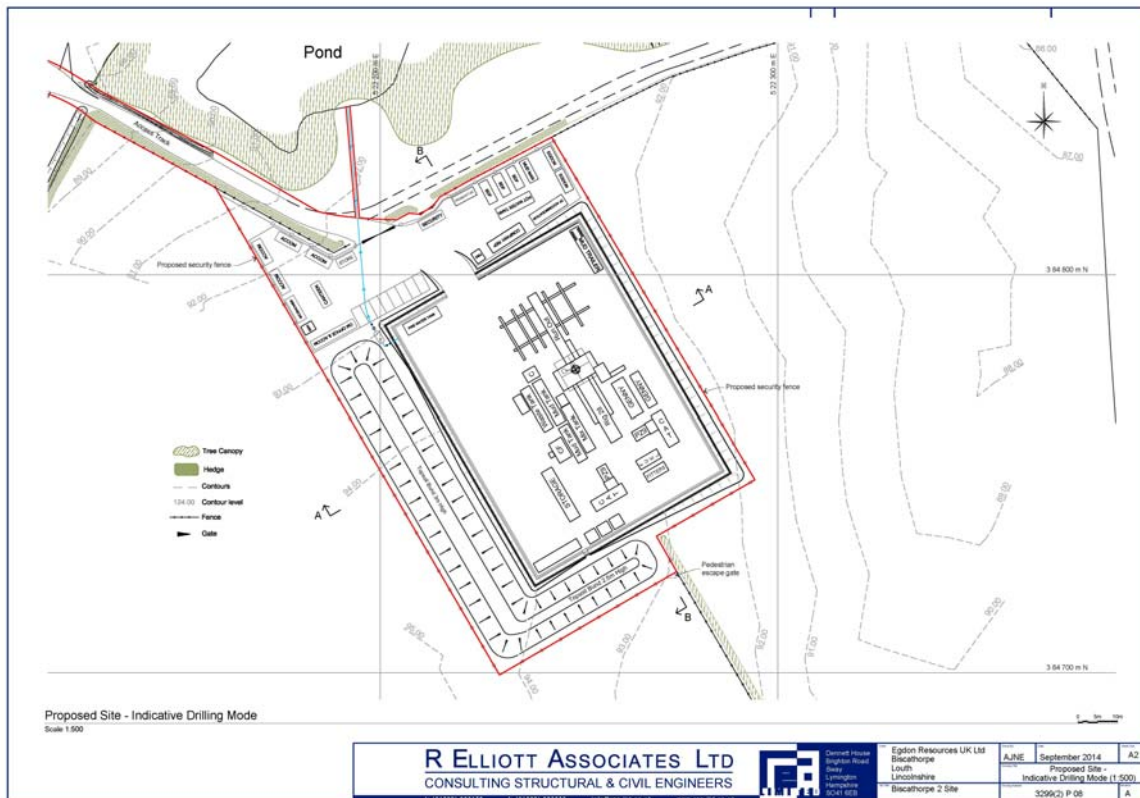
6. The submitted documents state that the proposed development is likely to take place in four phases as follows:

Phase 1: Construction of the Drill Site

7. The initial phase of the proposed development involves the construction of the drill site and is estimated to take place over approximately seven weeks. This would involve site clearance works, which are intended to be undertaken outside the bird nesting season. This phase would include the construction of the access to the site, which is proposed to be taken from the B1225 and then following the line of an existing field boundary to the main well compound, a distance of approximately 960 metres. The access track is proposed to be formed with 300mm crushed stone and to be gated at the entrance. It is expected that approximately 278 loads of crushed stone would be required and that these would be delivered over a seven week period. In addition, during this period, there would be the need for approximately 10 other ancillary loads to be delivered to the site by truck and three to four articulated low loaders for earthworks. Alongside these deliveries, access to and from the site would be required by personnel employed on the site generating an addition five to 10 movements per day by car or light van.
8. The proposed well site compound would be largely rectangular with a width of approximately 50 metres and a maximum length of approximately 70 metres. It is proposed to install an Environment Agency approved surface water interceptor, linking to a containment ditch system. This would enable management of surface water run-off from the site, with isolation valves that would remain closed during the drilling operation to prevent any potential for off-site contamination. The site is proposed to be constructed on an impermeable membrane protected by geotextiles. The site would be surrounded by a drain, comprising of a lined trench.
9. Due to the contours of the land, some soil moving operations would be required in order to create a level platform. The existing topsoil is proposed to be stripped and stored as a temporary screening bund around the boundary of the well site. Any surplus excavation material would be stockpiled in a bund alongside, but separate from, the topsoil bund on the western boundary of the compound.
10. A well cellar would be constructed at site level on the location of the proposed borehole. The cellar would comprise a reinforced concrete chamber sunk into the ground with the top surface level with the main site platform. An initial section of large diameter pipe work would be built into its base to provide a starting point for the drilling operations.
11. Construction, site preparation hours of operation and HGV deliveries within this phase are proposed to take place between 07:00 and 17:30 hours Monday to Friday, 07:00 and 13:00 hours on Saturdays and no working at night time or on Sundays and Bank Holidays. Approximately 15 staff would be employed during the construction of the well site and access road.

Phase 2: Operational Phase (includes equipment assembly, the drilling phase and demobilisation on completion of drilling)

12. Phase 2 of the development is proposed to take approximately eight weeks and operational traffic calculations have been based on a drill rig with a maximum height of 50 metres. As such it is anticipated that there could be a total of 126 heavy goods vehicle movements (approximately 63 deliveries) associated with the mobilisation of the site over a seven day period. A similar number of HGV movements would be associated with the demobilisation of the site, again over a seven day period.



13. The major components associated with this phase of the development include the drill rig, on-site water tanks, pipe store, mud and fuel tanks, 24 hour staff living accommodation including mess, shower, WC and car parking. Three cabins of 7.8 metres by 3 metres; two cabins measuring 6 metres by 3 metres; and one larger one containing the shower and WCs of 9.5 metres by 3.4 metres are proposed. All of the proposed cabins would have a maximum height of 3 metres.
14. During the main drilling period there would need to be deliveries of equipment alongside the removal of drilling mud and cuttings. This is likely to generate three to four vehicle loads (six to eight movements) per day over a four to five week period. This would be in addition to around 20 (10 in and 10 out) car and light van trips generated by site personnel. Water would be required for the drilling fluids whilst drilling the borehole, equating to

approximately 20 tankers per day for the first three days and reducing to two tankers per day thereafter. The Planning and Sustainability Statement states that Egdon would seek to connect to the mains water supply to obtain a stand pipe licence/meter and an access point and that a local farm run-off water collection point would be utilised on occasions when there is an interruption to the mains water supply. All water supply sources would be agreed with the Environment Agency in advance.

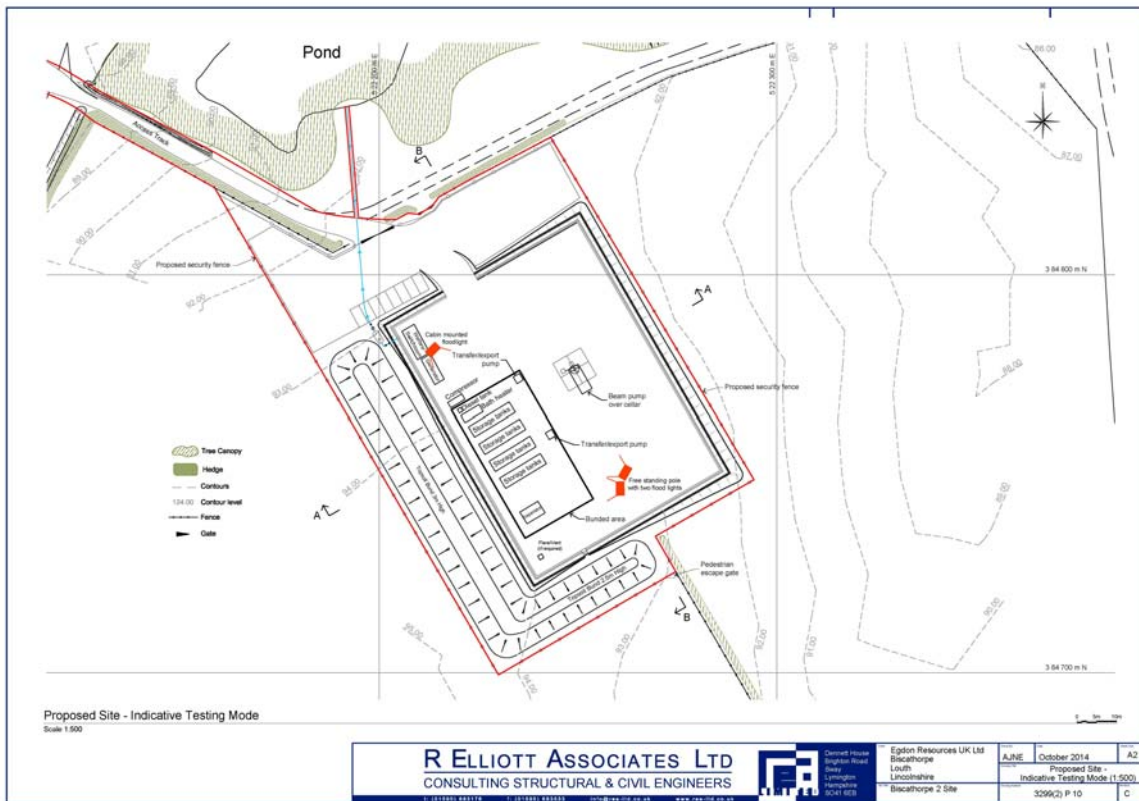
15. It is proposed that the equipment assembly hours of operation would take place between 07:00 and 19:00 hours Monday to Saturday and no working at night time or on Sundays or Bank Holidays.
16. The Planning and Sustainability Statement states that once commenced, the drilling and associated operations would take place on a 24 hours per day, seven days per week basis over a period of approximately six weeks. It states that drilling is necessary to prevent the open hole section of the well from collapsing and therefore lengthening the operations. It also states that the applicant plans to drill as fast as possible to the target sections, log the borehole and, if hydrocarbons are found, set production casing. In order to operate 24 hours a day lighting would be required. The proposed lighting is stated to be divided into two types, firstly, high level lighting such as aircraft anti-collision lights and rig lights; and secondly, low level lighting used to illuminate ground and intermediate level working areas. A red strobe light would be required at the top of the rig and then additional lighting at intervals along the height of the rig. At lower levels a range of lights are proposed including strip lights and freestanding 3 metre high fluorescent inward facing lights. The design of the lights is stated to minimise any obtrusive light and the lighting would be directed downwards.
17. During on-site drilling operations approximately 12 members of staff would be on site, working in two twelve hour shifts, with the proposed changeover times of 08:00 and 20:00 hours. Nine car parking spaces are proposed as it is anticipated that some of the staff would car share. During the drilling operation heavy goods vehicle movements are proposed to be restricted to between 07:00 and 17:30 hours Monday to Friday, 07:00 and 13:00 hours on Saturdays and not at all on Sundays and Bank Holidays.
18. It is proposed to dispose of waste, such as semi-dry drilling mud and rock cuttings, refuse collected in portable skips and the contents of the collection ditch and compound sump, to appropriate authorised waste disposal facilities as necessary.

### Phase 3: Operational Phase (testing)

19. If the drilling programme provides evidence of hydrocarbons in the target formations the well would be completed and made safe with compaction fluids and a wellhead would be installed at surface level. The drilling rig and associated equipment would then be demobilised from the site. The development would then move into the third phase which is expected to last approximately 28 weeks.



20. In order to progress with the production testing, further equipment would be required on site, including a beam pump, a welfare unit/switch room, a generator, up to four fluid storage tanks, a compressor and two transfer/export pumps. There may also be a need for a separator, an enclosed ground flare unit and a bath heater. The storage tanks are proposed to be situated in a temporary bund approximately 25 metres long by 20 metres wide and 0.3 metres high, which would be constructed with an impermeable membrane and sandbags. The Planning and Sustainability Statement states that the exact configuration of the equipment in this phase would not be known until the drilling programme is complete and the production test underway, however, an indicative site set up is provided. Electrical power on site is proposed to be provided through a super-silent diesel generator.



21. It is stated that until the drilling is complete and the production test is underway, the nature of recovered fluids cannot be confirmed. If hydrocarbons are confirmed, there may be associated quantities of water. These two would separate out naturally in the storage tanks. The separated fluids would be stored within separate storage tanks and oil would be collected by road tanker and sent offsite for processing, whereas the water would be collected by a licensed waste contractor and disposed of offsite at a licensed disposal facility.
22. The drilling process would indicate any presence of small volumes of associated natural gas. Provision would be made to manage this by means of a natural vent or via a small mobile ground flare. Any gasflow rates would



be quantified through an inline gasflow meter positioned within the gas vent line. If gas volumes are such that a small flare is required, a small separator unit would also be installed to ensure that any gas passing through to the flare is “dry” and devoid of any liquids.

23. During this phase of the development it is estimated that there would be six HGVs over a three day period for the site preparation; 10 HGV deliveries and one crane over days one to four and four light vehicles (cars and light vans) per day for the two week site set-up period. During the production test period, assuming 50 barrels of oil per day, six tankers would be required per month to export oil from site, assuming 10 barrels of water per day would require one to two waste tankers per month and additionally two cars and light vans per day and occasional light van deliveries for the remainder of the test period.
24. During the initial site set-up, no lights are proposed to be used on site as this would be undertaken during daylight hours only. During the production test itself, the initial two week period may be manned as a 24 hour facility in order to establish production, pressure and flow rates and lighting would be required during this period. For the remainder of this period, the site would be manned during daytime hours only. Three floodlights are proposed on the site, however, these would only be activated in the following scenarios:
  - for any emergency work requiring out-of-hours attendance; and
  - in the event of an intruder alarm when the lights would be activated if motion sensors are triggered, but will be managed via a timer system set to 15 minutes or less.
25. The main noise impact during this phase is stated to be HGV movements. Once in production, the main noise output would be from the generator at a rate of 53dBA at 7 metres. The other equipment is stated to be virtually silent when running.
26. It is proposed that the site preparation works for this phase of the development would be 07:00 to 19:00 hours Monday to Saturday and no working on Sundays. The production process itself would potentially operate 24 hours a day seven days a week, however, the site would only be manned during normal working hours Monday to Friday and the occasional monitoring visit over weekends.

#### Phase 4: Site Restoration

27. If insufficient or non-commercial quantities of hydrocarbons be determined upon completion of either the drilling operation or during the production test phases, plans would be progressed to plug and abandon the well in accordance with good practice. The steel casing would be concrete-filled, cut approximately 2 metres below the surface and capped with a steel plate. All on-site structures including any welfare and support buildings, the well cellar and sump-lining would be removed. Any remaining drilling mud and

cutting waste would also be removed from the site along with the pit liner and perimeter ditch-lining.

28. It is then proposed to regrade and deep scarify the land in accordance with best agricultural practice with the stored subsoil and topsoil loose spread over the regraded ground and subsoil to relieve compaction. The access track would be removed or retained depending on the requirements of the landowner. In additional information submitted, it is also clarified that the hedgerows removed to facilitate the development would be reinstated.
29. Whilst the duration of the development is expected to be 49 weeks, Egdon is seeking planning permission for a three year window to undertake the development to allow for the long lead in times for the drilling rig as they are not freely available and to undertake restoration works if required.
30. A Statement of Community Engagement has been submitted which sets out the consultations undertaken prior to the submission of this planning application, including newsletters and invitations to a public exhibition sent to the nearest 28 properties, advertisements in the local press, posters in the nearest villages, project website and specific engagement with relevant parish councils.
31. The following documents have been submitted in support of this application:
  - Archaeological Desk Based Assessment;
  - Assessment of Environmental Noise Emissions;
  - Assessment of Geology, Flood Risk and Pollution Control;
  - Assessment of Transport and Traffic;
  - Conditions of Land for Planning and Permitting;
  - Ecological Assessment;
  - Planning and Sustainability Statement; and
  - Statement of Community Engagement.

#### Site and Surroundings

32. The application site lies to the west of the settlement of Biscathorpe in the open countryside within the Lincolnshire Wolds Area of Outstanding Natural Beauty. Access to the site is proposed to be from the B1225 (High Street) which runs north to south to the west of the application site.
33. The proposed access to the site lies between two scheduled monuments which are the northern two in a series of four scheduled monuments located on a north-south line, approximately 950 metres apart in total. These scheduled monuments are Bronze Age barrows (burial mounds) all of which are associated with the valley of the River Bain and with High Street, which is known to have originated as a prehistoric trackway. To the north east of the application site is the site of the medieval village of Biscathorpe, including the Grade II\* listed Church of St Helen. The River Bain runs through this valley to the east.

34. Immediately to the north and to the east of the proposed site compound are areas of woodland. The surrounding area is in agricultural use and there are farm buildings to the east of the site. Beyond these farm buildings to the east are residential properties. Approximately 1km to the south west of the application site is the Belmont Transmitting Station, including the 350 metre high Belmont Mast.



Views from proposed access track looking east towards well site



View from proposed access track looking south with views of Scheduled Monument and Belmont Mast in background



Views across proposed well site from northern boundary



Views across proposed well site from northern boundary



View east of proposed well site



Wooded area to north of proposed well site

35. On the ridge line to the east of the application site is a mast and other equipment associated with the Ministry of Defence.

### Main Planning Considerations

#### National Planning Policy

36. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
- paragraph 103 seeks to ensure that flood risk is not increased on or off site as a result of development;
  - paragraph 109 seeks to conserve and enhance the natural environment;
  - paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty;

- paragraph 116 states that planning permission should be refused for major developments in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
    - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
    - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
    - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
  - paragraph 120 seeks to prevent unacceptable risks from pollution and protect general amenity;
  - paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
  - paragraph 125 relates to limiting the impacts of light pollution on local amenity and intrinsically dark landscapes;
  - paragraphs 126 to 141 require that the significance of heritage assets is taken into consideration, including any impacts on their setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;
  - paragraphs 142 to 148 set out the requirements for the consideration of minerals developments; and
  - paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance in relation to the Lincolnshire Minerals Local Plan and the East Lindsey Local Plan.
37. In addition to the NPPF, in March 2014 the Government published the web-based National Planning Policy Guidance (NPPG). The NPPG also sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise.

## Local Plan Context

38. The adopted development plan in relation to this application is the Lincolnshire Minerals Local Plan (1991, saved policies 2007) and the East Lindsey Local Plan (1995, saved policies 2007). A further consideration is the recently published Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (Pre-Submission Draft) January 2015, although little weight can be attributed to these policies due to the stage this plan is at.
39. The following policies of the Lincolnshire Minerals Local Plan are of relevance to this application:

Policy M4: Surface Mineral Working on Agricultural Land, states that particular regard will be had to

- (i) the agricultural quality of the land, in particular proposals involving Grades 1 and 2;
- (ii) the environmental and economic aspects;
- (iii) the continuing need to protect the countryside for its own sake; and
- (iv) the economic well-being of the local rural economy.

Policy M6: Surface Mineral Working in the Lincolnshire Wolds Area of Outstanding Natural Beauty, states that development will only be permitted after the most rigorous examination and where this demonstrates it is in the public interest to do so.

Policy M8: Surface Mineral Working and Archaeology, states that mineral working will not normally be permitted where it would have an adverse effect on areas of archaeological, historic, scientific or natural history interest and that regard will be had to impacts on nature conservation and wildlife.

Policy M10: Surface Mineral Working and Working Requirements, states that permission will be granted providing operations can be carried out in such a manner as to minimise disturbance during working and that satisfactory restoration to an appropriate after-use can be achieved.

Policy M12: Surface Mineral Working and Requirement for Adequate Local Highway Network to Accommodate the Traffic Generated, states that planning permission will only be granted for surface mineral working where the local highway network is adequate to accommodate the traffic that the proposed development is likely to generate.

Policy M14: Restoration of Surface Mineral Working, requires proposals to be accompanied by a detailed scheme of restoration for the site.

Policy M15: Surface Mineral Working Aftercare, states that conditions requiring the after-care of restored sites will be imposed.



Policy M21: Deep Exploratory Drilling, states that each application for deep exploratory drilling will be considered on its merits and where planning permission is granted it will be subject to a time limit, normally three years.

Policy M24: Criteria for Oil and Gas Development, states that applications for oil and gas development will be considered against the criteria set out in M4, M5, M6, M7, M8, M10, M12, M13, M14 and M15.

40. The following policies of the East Lindsey Local Plan are of most relevance in this case:

Policy A4: Protection of General Amenities. states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5: Quality and Design of Development, requires development proposals to not detract from the distinctive character of the locality and to retain features and characteristics which are important to the quality of the local environment including medium and long distance views.

Policy ENV3: Foul and Surface Water Disposal, seeks to ensure appropriate provision is made.

Policy C11: Lincolnshire Wolds Area of Outstanding Natural Beauty and Areas of Great Landscape Value, states that the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) will be protected by not permitting development which would:

- i) harm landscape features which contribute to the character of the area;
- ii) harm the distinctive character, role or regional or local historic significance of the area; or
- iii) inhibit the quiet enjoyment of the AONB.

It goes on to state that the following development will not be permitted in the AONB unless it is essential in the national or wider public interest and cannot be located elsewhere:

- i) major or large scale development;
- ii) exposed hilltop or "skyline" development;
- iii) hazardous installations;
- iv) telecommunications development of significant scale or height unless it complies with Policy EMP9;
- v) large scale formal recreation uses, or those which attract large numbers of visitors;
- vi) development involving the significant loss of road verge and hedgerows.

Where development proposals in the AONB are otherwise acceptable in principle, they will not be granted planning permission unless they have demonstrated how their layout, design, materials, scale, siting and

appearance have taken account of and complement – the locally distinctive characteristics of the landscape, settlements or buildings.

41. The following policies of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (Pre-Submission Draft) January 2015 are of relevance:

Policy M9: Energy Minerals which states that planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.

Policy DM1: Presumption in Favour of Sustainable Development sets out that the County Council will adopt a positive approach reflecting the presumption in favour of sustainable development set out in the NPPF.

Policy DM2: Climate Change sets out the matters which must be addressed by minerals development to reduce their travelling and carbon footprint; to promote new and enhanced nature conservation; and to encourage the most efficient use of primary minerals.

Policy DM3: Quality of Life and Amenity seeks to prevent unacceptable adverse impacts arising to occupants of nearby dwellings and other sensitive receptors.

Policy DM4: Historic Environment seeks to protect heritage assets and their settings and ensure the impacts are fully assessed.

Policy DM5: Lincolnshire Wolds Area of Outstanding Natural Beauty states that planning permission will only be granted for development within or affecting the character or setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) in exceptional circumstances where it can be demonstrated that:

- there is a proven public interest; and
- there is a lack of alternative sites not affecting the AONB to serve the market need; and
- the impact on the special qualities of the AONB can be satisfactorily mitigated.

Policy DM9: Local Sites of Biodiversity Conservation Value seeks to protect locally designated sites and habitats.

Policy DM11: Soils states that development should protect and wherever possible enhance soils.

Policy DM12: Best and Most Versatile Agricultural Land seeks to protect such land and states that development will only be permitted where it can be demonstrated that:

- no reasonable alternative exists; and
- for minerals sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM14: Transport by Road seeks to ensure the highway network is of an adequate standard for use by traffic generated by the development, the arrangements for site access and traffic generated would not have an unacceptable impact on highway safety and ensure a travel plan is in place.

Policy DM15: Flooding and Flood Risk seeks to ensure that development is located on land with the lowest probability of flooding and the development should avoid, and wherever possible, reduce flood risk.

Policy DM16: Water Resources sets out the requirement that development should not have an unacceptable impact on surface or ground water.

Policy R1: Restoration and Aftercare sets out the requirement for minerals workings to be restored to a high quality at the earliest opportunity.

#### Results of Consultation and Publicity

42. (a) Gayton le Wold Parish Council – consulted on 11 November 2014 but had not responded at the time of writing this report.
- (b) Burgh on Bain Parish Council – consulted on 11 November 2014 but had not responded at the time of writing this report.
- (c) South Willingham Parish Council – as a Parish Council bordering the proposed site, would not support a development of this nature in the AONB. Has a number of concerns:
- Possible traffic through South Willingham, including people going to work at the site as well as HGVs. At a consultation meeting earlier this year, given a number of reassurances about this but the volume of traffic cited in the application documents is significantly greater than told at the meeting.
  - Noise, light and visual pollution – the application refers to noise at 114 decibels compared to 20 – 23 decibels currently. According to the application this will be acceptable as there are no residences nearby. However, concerned about the impacts of noise on wildlife and people walking near the site. On the photograph showing the primary operational phase of the development the drilling rig stands out on the skyline which will have a significant visual impact, especially if a light is sited on top of the rig.
  - General concerns regarding the environmental impact on flora and fauna in the area as well as the possible effects on water courses in the area.
  - Archaeological and geological damage might be caused by the development. This concern is heightened by apparent differences

between the application questionnaire and the archaeological and geological reports.

- Concerns about how the site would be restored to its original condition after the development and any drilling has been finished.
- Wondered whether the access road was likely to become a public right of way to Biscathorpe once the development was over as very keen to open up the countryside to the wider public and a right of way connecting South Willingham to Biscathorpe would be welcomed.

- (d) Local County Council Member, Cllr Marfleet – consulted on 11 November 2014 but had not responded at the time of writing this report.
- (e) Environmental Health Officer (East Lindsey District Council) – initially responded to state that having reviewed the assessment of environmental noise emissions consider that, in light of guidance notes such as BS4142 and the World Health Organisation and the short duration of the project, agree that a level of 42dBLAeq, 5min at night would be acceptable, even though this level would be 7–12dB above normal background levels.

Given that the predicted noise levels from drilling are to be below 42dBLAeq suggest you may also wish to consider that this level is a condition for the day time periods as well, as opposed to the suggested 55dBLAeq, 1hr limit. Whilst there may be references to 55dBLAeq, 1hr as a suitable day time noise level, would highlight that the background levels for noise receptors 1 to 3 range between 29 and 37dBLA90, therefore a noise source of 55dBLAeq, 1hr is significantly greater than the noise level people in this area are used to and would be likely to cause complaint and adverse reaction. Note that the noise predictions have been modelled using soft ground, whilst this may be considered reasonable as soft ground can include grassed areas, areas under crops etc, disagree that the worse case has been modelled as stated in paragraph 2 of 4.1 and suggest that mixed ground would provide a more robust noise prediction.

Cannot comment on the details of the background noise survey positions/data removal as photographs and the full data set have not been provided, however, the resulting levels provided in Table 2 appear reasonable for this area.

The report advises that drilling rigs have directional characteristics and it has been modelled with the pipe racks towards the North North West.

Overall no objection subject to conditions being placed on any permission as follows:

- a noise limit of 42dBLAeq, 5 min at night and a limit of 42dBLAeq, 1hr during the day for the drilling;

- a noise limit of 50dBLAeq, 1hr for site construction noise with construction works only being undertaken between the hours of 07:30 and 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays and no working on public holidays and bank holidays;
- in the event of a reasonable complaint the operator shall employ a competent acoustic consultant to undertake noise monitoring to ensure compliance with the stated conditions (alternatively, the report suggests compliance checking soon after the drilling work starts);
- orientation of the drilling rig?

Further to receipt of the additional information requested, the Environmental Health Officer responded to recommend the imposition of the conditions previously proposed (as above).

(f) Environment Agency – no objection but raise a number of information comments:

- Several aspects of the development will need to be permitted by the Environment Agency.
- An enclosed flare will be required for the flaring of gas.
- All waste removal from the site should be carried out by a registered waste carrier and sent to a suitably authorised facility.
- The submitted Flood Risk Assessment states that the site will be sealed and all surface water will be intercepted and used on site or tinkered away, resulting in no discharge from the site. This is acceptable and suitable storage arrangements should be made for the surface water.
- Recommend that the access track is formed from permeable material to reduce run-off.

(g) Natural England – having assessed this application and consulted the Lincolnshire Wolds Countryside Service, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

The location of the current application is less sensitive than the site previously proposed (in the withdrawn application) and the Landscape and Visual Impact Assessment (LVIA) provided in support of this application has been produced in accordance with the Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013. This assessment has led to the conclusion of major adverse effect on viewpoint 1 from the public footpath northwest of the site during the 8 week operational phase and a moderate adverse effect on the Hainton to Toyton All Saints Wold Farmland Landscape Character Area for the whole proposal.

However, in view of the improved site location (which includes being adjacent to a working farm), the temporary nature of the four phases of work and the economic constraints that have driven a clear site selection process, Natural England is satisfied with the conclusions drawn within the LVIA in support of this application. Therefore satisfied that there will not be an adverse effect on the special qualities for which the Lincolnshire Wolds AONB is designated which includes peace and tranquillity and scenic beauty and rural charm.

However, believe that there are parts of the landscape mitigation that could be amended in order to further mitigate the impact of the proposal. Although this is an improved application, advise that your authority should liaise closely with the Lincolnshire Wolds Countryside Service who will be able to advise on small scale changes that could be made around the site. For example, negating hedgerow loss and providing hedgerow planting on sensitive boundaries such as that adjacent to the public footpath running south of the site.

The application has not been assessed in relation to protected species and it is recommended that Natural England's Standing Advice is referred to. Also expect the local authority to assess and consider impacts on local sites, landscape character and habitats and species. Further to the receipt of a "Method Statement for Avoidance of Harm to Great Crested Newts" made additional representations stating that the potential risk and impact is upon individual great crested newts which may be foraging in the area of the proposed access track and adjacent hedgerow. The ecological rationale as to the status of pond 4 and the reasonable avoidance methods all appear satisfactory enough to ensure that individual great crested newts will be protected during the development phases. Therefore, this negates the need for a pre-commencement condition requiring a method statement to be submitted.

- (h) Lincolnshire Wildlife Trust – no comments.
- (i) English Heritage – the proposed temporary access track would pass between two scheduled monuments of a series of associated Neolithic and Bronze Age burial mounds monuments associated with the valley of the River Bain and with High Street (the B1225) which originated as a prehistoric trackway and which is situated c.100m to the west.
- Neolithic long barrow 280m south of Burgh Top Farm (SM 27877; NHLE 1013904);
  - Bowl barrow 420m east south east of South Walk Farm (SM 27878; NHLE 1013925);
  - Bowl barrow in Tongue Piece Holt (SM 27899; NHLE 1018586);
  - Bowl barrow 730m south south east of South Walk Farm (SM 27875; NHLE 1013924).



The relationship between these monuments, and with the prehistoric trackway now formalised as High Street, is key to their significance and indicative of the ritual significance of this location. The frequency of these monuments also poses wider questions concerning settlement patterns and demography during the prehistoric period.

Since these monuments are all visible as substantial earthworks and prominent in views from the adjacent public highway, that relationship can clearly be perceived within the landscape today despite alterations to their settings such as through the encroachment of cultivation. The proposed route of the access track also follows in part the parish boundary. This is itself a historic boundary line.

English Heritage provided pre-application advice and are satisfied that those elements of the proposals which were considered to be the most harmful to the significance of the scheduled monuments have been removed from the scheme – namely the construction of fencing and a soil bund alongside the temporary access track which would have detracted from the significance of the existing historic boundaries and access routes in relation to the nationally important scheduled monuments and in the structure and organisation of the landscape.

Consider that there is a substantial difference in the level of impact on the significance of the scheduled monuments between that arising from the installation of an access track on a temporary basis and that were this access to be left permanently in situ. Since it is considered that the access track in itself has the potential to be visually intrusive within the settings of and to interrupt the relationships between the scheduled monuments listed above, resulting in harm to that significance, it is recommended that it should not be retained as is indicated may be a possibility in the Planning Statement.

The applicants have indicated a positive commitment to ensure that any works to create the temporary access track would be conducted under archaeological supervision but a specification for such works is not included within the application. Recommend that the authority is guided by the advice of your Historic Environment Officer as to the level of supervision and recording required.

The applicants have also indicated an intention to construct the temporary access track above the archaeological horizon and to attempt to preserve any archaeological features *in situ* which might make a positive contribution to the significance which the scheduled monuments derive from their settings. No clear specification for how this will be achieved during the construction process, during operation under the temporary access track and during site reinstatement has as yet been submitted. Again recommend guidance is taken from the Historic Environment Officer and in the event that the depth of topsoil should be insufficient for the installation of a 300mm layer of crushed

stone to create the temporary access track without loss of or damage to any identified non-designated archaeological features.

Reference is made to the NPPF and *The Setting of Heritage Assets* (English Heritage 2011) regarding the need to sustain and enhance the significance of heritage assets and the great weight which should be attributed to their conservation. Any development which would lead to harm to designated heritage assets needs to be adequately justified in relation to the public benefits.

- (j) Historic Environment Officer (Lincolnshire County Council) – no objections.
- (k) Public Rights of Way (Lincolnshire County Council) – whilst there are no Public Rights of Way directly affected by this proposal, the view from Public Footpath 352 is likely to be marred somewhat by this proposal. Must question whether the scale of this development is appropriate within the Lincolnshire Wolds AONB, Lincolnshire's main rural tourist attraction. This development will detract from the beauty of one of the most attractive, rolling countryside vistas in the AONB.
- (l) Lincolnshire Wolds Countryside Service (Lincolnshire County Council) – had been very concerned regarding the first (now withdrawn) application, with a siting in one of the most picturesque parts of the nationally recognised and protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). In the first response had requested to see an assessment of potential drilling sites beyond the AONB area, but within the operating licence area of PEDL253 which extends some distance to the west of the AONB boundary. This position is still the case. However, understand and appreciate that, as detailed within the Planning and Sustainability Statement report, the focus of this application is on the Biscathorpe hydrocarbon bearing deposits as identified from previous BP drilling operations in 1987 and that the operators search for a test drilling location for this potential reserve must be from a site within the AONB – on the basis of geology but also no doubt commercial constraints.

Welcome the decision not to proceed with the original application site that was very much in the heart of Biscathorpe valley and close to the deserted medieval village, Viking Way and Lindsey Trail. The new proposed location, 500 metres to the west of Biscathorpe Farm and 1km from Biscathorpe House, would look to be an undoubted improvement, both in terms of the site's location, albeit still within the sensitive landscape of the AONB, improved transport connections and minimal disturbance to the heritage resource of the Lincolnshire Wolds – one of the outstanding special qualities of the area.

Welcome the accompanying Landscape and Visual Impact Assessment (LVIA) report which strives to assess the landscape character of the site and its surroundings and to review the landscape

and visual qualities of the site, its functions in the landscape and its contribution to the wider landscape. Note the relevant planning context at national and local levels as detailed within the LVIA and acknowledge the specific references to the Lincolnshire Wolds AONB Management Plan 2013 – 18, ELDC Saved Policy C11 – Lincolnshire Wolds and the national protected landscapes context as detailed within the NPPF. The photographs provided within the LVIA are clear and well annotated, although it is surprising that the photographs taken from one of the closest points of public right of way (PRoW GAYW/146/1) is for context only, and does not appear to have been included as a viewpoint for more detailed LVIA assessment. In general terms concur with the conclusions of the LVIA, that the screening of the site to the north and east is very reasonable, with the presence of a number of modest woodland blocks. The LVIA does appear to downplay the importance and longer term benefits of younger hedgerows, for example those located within the proposed site boundary. We would not wish to see any net loss of hedgerows as these are an important landscape and biodiversity component of the Ridges and Valleys of the South West, Local Landscape Character Area (AONB Management Plan). Due to the proximity of the public rights of way to the west of the site we would recommend that further thought be given to appropriate hedgerow maintenance, clipping to an A shape where possible to encourage further height and screening.

Additional to impacts upon landscape character, take the opportunity to highlight the nationally important Lincolnshire Chalk Stream resource and hope that in consultation with the Environment Agency all safeguards will be undertaken to avoid any contamination of the aquifer, both through direct drilling operations and ancillary uses of the site. Note that the site's location is not within the current local floodplain, however, it is in close proximity to an irrigation ditch (80 metres) which feeds directly into the River Bain. The Bain is an important and sensitive catchment, and is a high priority for river restoration projects as part of the Lincolnshire Chalk Streams Project's commitment to delivery of the Water Framework Directive. Note that an Environment Agency approved surface water interceptor system will be put in place and assume that this will be managed and monitored closely to avoid any off-site pollution.

Hope that a robust set of planning conditions will be used to ensure that other amenity impacts, in terms of the new access track, well site fencing, noise, vehicle movements, flaring operations and light pollution can all be kept to a minimum – although initially of a temporary nature, the development would introduce an industrial component to the local character of the area. Whilst the Planning and Sustainability Statement recognises the local presence of the Viking Way, there appears to be limited notice to the Lindsey Trail, a multi-purpose route prepared in partnership with the Local Access Forum. This route is also in close proximity, including the road section from Biscathorpe to the High Street. Although note that the application is for a drilling derrick of up

to 50 metres hope that every effort can be made to secure a smaller drilling rig, as indicated may be the case in paragraph 4.4 of the Planning and Sustainability Statement.

If the proposed exploratory well site proceeds and the initial drilling indicates a potentially viable commercial reserve recommend that a full Environmental Impact Assessment is conducted due to the sites location in a nationally protected landscape.

- (m) Highways (Lincolnshire County Council) – recommend that a number of conditions are imposed relating to the gates being set back from the highway a minimum of 15 metres; the radii and width of the access; the clearance of obstructions of the land between the highway boundary and the visibility splays; and the requirement for a full Construction Traffic Management Plan.
  - (n) Campaign to Protect Rural England – consulted on 11 November 2014 but had not responded at the time of writing this report.
  - (o) Anglian Water – consulted on 11 November 2014 but had not responded at the time of writing this report.
  - (p) Ramblers Association – consulted on 11 November 2014 but had not responded at the time of writing this report.
  - (q) Police (Oil and Gas) – consulted on 11 November 2014 but had not responded at the time of writing this report.
43. The application was publicised by three site notices, an advertisement in the Louth Leader on 19 November 2014 and nearby residential properties were individually notified. As a result of this publicity seven representations were received from households objecting to the proposals, raising the issues set out below:
- question how sensible it is to bring up more hydrocarbons from the earth;
  - given what is known about climate change, suggest it would be responsible to focus on renewable energy solutions and keep the remaining fossil fuels in the ground;
  - concerns regarding environmental destruction and pollution;
  - concerns that there is a lack of evidence based studies on the safety of the procedure;
  - research denotes this will have adverse effects on the local environment, cause health problems for the population and cost more long term than it will bring into the region;
  - suggests should read Naomi Klein “This Changes Everything” and have a conscience and be informed about climate change, otherwise it is irresponsible;
  - concerns regarding the access point and the impact on their drive;
  - concerns regarding the telegraph pole, the impacts of vehicles entering and leaving the site and the safety of the telegraph pole;

- query the adequacy of the noise assessment;
  - concerns that there has been an increase in the volume of traffic proposed since the pre-application consultation;
  - concerns regarding traffic hazards and the number of accidents on the B1225 given the number which have occurred in the past and question whether this would be worse, and the consequences of such accidents greater, if HGVs are crossing the highway on a regular basis;
  - strong objections due to the site being in an Area of Outstanding Natural Beauty;
  - many people walk and enjoy untouched nature in the area;
  - if the site isn't a Conservation Area it should be and Policies C1 and A2 are relevant;
  - impacts on biodiversity and geological conservation need to be very seriously considered;
  - the drain on the plan is a chalk stream feeding into the River Bain, Lincolnshire chalk streams are rare and UK BAP priority habitats so should not pollute or destroy them;
  - query whether any studies on plants or creatures have been undertaken;
  - query whether any trees are worthy of protection and so Policy ENV23 applies;
  - need to consider the impact on the medieval village;
  - interested in what Lincs Trust have to say; and
  - the uniqueness of the area is not looked at all.
44. An objection was also received from Transition Town Louth and East Lincolnshire Green Party who state that in the foreword to the World Bank's November 2014 report Turn Down the Heat: Confronting the New Climate Normal, Dr Jim Yong Kim, President, World Bank Group wrote: "Many of the worst projected climate impacts outlined in this latest report could still be avoided by holding warming below 2°C. But, this will require substantial technological, economic, institutional and behavioural change. It will require leadership at every level of society." Leadership from the councillors of Lincolnshire County Council is stated to be required and similar calls are stated to have been made by the Head of the United Nations Framework Convention on Climate Change and the Secretary General of the United Nations.
45. The representation states that the Intergovernmental Panel on Climate Change has made it clear that most of the fossil fuel already discovered must be left underground and unburnt if catastrophic climate change is to be avoided. There can be no justification for searching for further sources of oil and gas.
46. It is argued that the planning rules under which this application is being considered were designed for a purpose other than climate change mitigation and if they are interpreted narrowly planning permission is likely to be granted. These rules are stated to be not fit for purpose and planning permission should be refused for the benefit of future generations and in response to Jim Yong Kim's call for leadership.

## District Council's Recommendations

47. East Lindsey District Council considers that the proposed development would cause harm to the landscape character of the Lincolnshire Wolds Area of Outstanding Natural Beauty and the visual amenities of those within it contrary to Policies A4, A5 and C11 of the East Lindsey Local Plan Alteration 1999 and that it would cause harm to the setting of the Church of St Helen in Biscathorpe contrary to Policy C2 and to other designated heritage assets in the area.
48. However, it is also the view of the District Council that this development would bring national benefits by way of oil production and security of supply. The development would last for an extremely short time on site, particularly as the most harmful element of the proposal, the drilling rig, would only be on site for up to eight weeks.
49. It is considered that all other issues, for example, highways, ecology, noise and drainage could be dealt with by condition in line with specialist advice.
50. Overall, when the short term harm is balanced against the national benefits this scheme would bring it appears that the benefits would outweigh the harm caused. As such, the District Council do not object to the application subject to the imposition of conditions to keep any potentially harmful impacts to a minimum.

## Conclusions

51. Temporary planning permission is sought for a period of three years for the construction of a new access track, temporary well site, with associated portable cabins for the storage of equipment and for staff office accommodation, the drilling of an exploratory bore hole, undertaking of production tests for conventional hydrocarbons and retaining the site and wellhead valve assembly gear for evaluation at land off High Street, Biscathorpe. The total timeframe within which the development is proposed to take place is 49 weeks, however, a temporary permission for three years is sought to allow for the necessary lead in times for the type of rig required.
52. The NPPF acknowledges that minerals can only be worked where they are found and that they are essential to support sustainable growth and quality of life. The importance of ensuring a steady and sufficient supply is also stated. Paragraph 147 of the NPPF states that Minerals Planning Authorities should clearly distinguish between the three phases of development associated with on-shore oil and gas development, that is, exploration, appraisal and production. This application proposes the exploration and testing of the site for conventional hydrocarbons and is not an application for production. In cases where production is proposed following exploration and testing, a separate planning permission is required.



53. Policy M21 of the Minerals Local Plan states that applications for deep exploratory drilling will be assessed on their individual merits and that if planning permission is granted it will be subject to a time limit which will usually be three years. Given the temporary nature of oil and gas exploration, such proposals can be treated differently to applications for production and the longer term impacts of production do not need to be taken into consideration at the exploration stage. Policy M24 states that proposals for oil and gas development will be considered against the criteria set out in a number of other policies of the Minerals Local Plan, as discussed below.
54. The application site lies in the open countryside within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The NPPF clearly states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The impacts of the development on the AONB and the appropriateness of it in this location are discussed in detail below.

Principle and Impact of the Development on the Lincolnshire Wolds Area of Outstanding Natural Beauty

55. As stated above, the application site lies within the Lincolnshire Wolds Area of Outstanding Natural Beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (AONB). This applies to Minerals Planning Authorities in the determination of planning applications and so is of relevance in this case.
56. The NPPF and NPPG directly reflect this duty and Policy M6 of the Minerals Local Plan and Policy C11 of the East Lindsey Local Plan seek to ensure that the AONB is protected and any development proposal is subject to the most rigorous examination. Paragraph 116 of the NPPF states that planning permission should be refused for major developments in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

57. The NPPG, in setting out how major development is defined in AONBs for the purposes of the consideration of planning applications in these areas states that whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. It goes on to state that the Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.
58. The proposed development in this case is defined as "major development" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as it falls within the categories of mineral working and the site is over 1 hectare in area.
59. Whilst there is a national commitment to provide energy through renewable sources, the NPPG clearly states that in determining planning applications, Mineral Planning Authorities should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources, including oil and gas. The Government's Annual Energy Statement (October 2013) states that oil and gas will remain key elements of the energy system for years to come and the Government is committed to maximising indigenous resources, onshore and offshore, where it is cost-effective and in line with safety and environmental regulations to do so in order to help to ensure security of supply. It is therefore concluded that the proposed development would be in the national interest.
60. In the information submitted with this application, the applicant has stated that consideration has been given to whether there is a suitable site outside the AONB from which the oil exploration could take place, however, the closest point outside the AONB to the target reservoir lies approximately 4km to the south west at South Willingham. It is stated that given this distance and the structure of the underlying geology, it would be extremely unlikely that they would be able to reach the target reservoir from this surface location, outside the AONB. Therefore, if exploration and testing of this target reservoir is to be achieved then it needs to be undertaken from a location within the AONB. As such, it is necessary to ensure that the location chosen does not have unacceptable impacts on the AONB.
61. The application documents clearly set out that a number of locations were considered prior to the current proposal site being chosen. These were discounted for a number of reasons, including impacts on the landscape. The current proposals are considerably less harmful to the landscape and scenic beauty of the AONB than the previous application for an exploratory bore hole in relation to this target reservoir, which was withdrawn. Whilst there would inevitably be some landscape and visual impacts of the proposed development, not least due to the siting of a drilling rig of up to 50 metres in height, the area within which the proposed drill site would be located is lower than the ground to the west and is very well screened from the landscape to the east by the existing mature woodland belt.

62. The application site lies within the Hainton to Toyton All Saints Wolds Farmland Landscape Character Area, as defined in the East Lindsey Landscape Character Assessment (2009). This area is described as having a very variable landscape pattern reflecting the complex geology, with some parts gently rolling, some flat and elevated and others descending steeply. The Landscape Character Assessment states that there are many scattered small blocks of deciduous, mixed deciduous and coniferous woodlands, plantations and parkland. The settlement pattern is described as being generally sparse with small nucleated villages settled into the small valleys or on the sides of the wider valleys. The rich heritage of the landscape is acknowledged and overall it is said to be a very intact and distinctive rural area. Whilst it is stated that there are few detractors in this landscape, the Belmont communications tower, which lies approximately 1km to the south west of the application site, is highlighted. The application site lies within an area which would be described as rolling countryside.
63. A Landscape and Visual Impact Assessment has been submitted with the application. This states that the significance of the landscape effects during the construction phase of the development would at most be “minor adverse”. However, it acknowledges that during the primary operational stage of the proposed development, the introduction of the drilling rig would give rise to a “moderate adverse” significance of effect on the Hainton to Toyton All Saints Wolds Farmland Landscape Character Area. During this phase, it is also stated that the impacts on the Public Right of Way GAYW/146/1, lying to the south of the application site, would be “major adverse”. The landscape effects during the third phase, that is the operational testing phase, are stated to be of “negligible” significance, reducing to “neutral” following the establishment or reinstatement of farmland and hedgerows during the restoration phase.
64. Natural England and the Lincolnshire Wolds Countryside Service have been involved with the development of this proposal from pre-application stage and whilst both highlight the need for the special qualities and character of this part of the AONB to be protected, both also conclude that this proposal is considerably better in terms its impact on the landscape than the previous proposals and state that given the temporary nature of the development, there would not be an adverse effect on the special qualities for which the Lincolnshire Wolds AONB was designated. The Lincolnshire Wolds Countryside Service stated that they would not wish to see any net loss in hedgerows as these are an important characteristic. In further information submitted by the applicant, it is stated that they intend to reinstate the hedgerows during the restoration phase of the development.
65. The County Council’s Public Rights of Way officer has raised concerns regarding the impacts of this proposal on the views from the nearby public footpath and has questioned whether this type of development should be permitted in this location due to its impact on the AONB. It is also the view of East Lindsey District Council that the development would be harmful to the landscape character of the AONB, although they do not raise objections

to the development as they consider that the short term harm is outweighed by the national benefits of the scheme.

66. Whilst the specific matters in relation to the key issues of the historic environment, noise and lighting impacts upon the AONB are discussed below, it is considered that there are exceptional circumstances which justify the siting of this development within the Lincolnshire Wolds AONB, the development would be in the public interest and although there would be some adverse impacts on the landscape and scenic beauty of the AONB, these would primarily be during the second phase of the development, whilst the drilling rig is in position, would only last for approximately eight weeks and would be totally reversible. It is therefore concluded that the proposed development meets the requirements of paragraph 116 of the NPPF in relation to the consideration of major developments in AONBs and does not conflict with the provisions of Policy M6 of the Minerals Local Plan or Policy C11 of the East Lindsey Local Plan.

### Historic Environment

67. Whilst there are no designated heritage assets within the boundary of the application site, it does lie within a sensitive historic landscape setting which is an important element of the character of the Lincolnshire Wolds AONB in this area. Paragraphs 126 to 141 of the NPPF seek to conserve and enhance the historic environment and Policy M8 of the Minerals Local Plan also seeks to prevent adverse impacts on heritage assets. The importance of the setting of heritage assets is recognised in the planning policy context.
68. An Archaeological Desk-Based Assessment has been submitted with the application and this highlights that the area within which the well site would be sited has previously been quarried and so any archaeology present on the site would have been removed or destroyed in association with that operation. Within 1km of the site, it is stated that there are four scheduled monuments and one listed building. The proposed access track from High Street (B1225) lies between two of the four scheduled monuments, with the other two being located further south. One of the scheduled monuments is approximately 100 metres to the north of the access track and the second is approximately 200 metres south of the access track. The scheduled monuments are identified as a series of Bronze Age barrows (burial mounds) associated with the valley of the River Bain and the prehistoric trackway, now formalised as High Street. The Listed Building is a Grade II\* listed Church of St Helen and is located approximately 700 metres east of the proposed well site and approximately 800 metres east of the proposed access track. This Listed Building is described as a parish church in a fanciful Gothic style which stands beside the site of a deserted medieval village.
69. Pre-application discussions took place between the applicants, English Heritage and Lincolnshire County Council's Historic Environment officer in light of the historic landscape within which the proposed development is located. As a result of these discussions, the details of the proposed

scheme were amended such that the originally proposed bunding and fencing around the access track do not now form part of the submitted scheme. In the vicinity of the scheduled monuments the only development other than the access track now proposed is a gate to the site which is proposed to be set back 15 metres from the junction with High Street (it is set back to this distance in order to comply with Highway Authority requirements). The proposed gate would be agricultural in character and therefore not be out of keeping or intrusive in the overall setting.

70. In response to the current application, English Heritage have highlighted the importance of the scheduled monuments and the relationship between them, given that they are all visible as substantial earthworks and prominent in views from the adjacent public highway. English Heritage also make the point that they consider there to be a substantial difference in the level of impact on the significance of the scheduled monuments between that arising from the installation of an access track on a temporary basis and that should this access be a permanent installation, due to it being visually intrusive within the setting of, and interrupting the relationship between, the scheduled monuments. As such, they recommend that if planning permission is granted it is subject to the access track not being retained, as is suggested is a possibility in the submitted Planning and Sustainability Statement.
71. English Heritage is satisfied with the approach outlined in the application documents to construct the temporary access above the archaeological horizon and recommend that the advice of the County Council's Historic Environment officer is taken in relation to further archaeological supervision. The Archaeological Desk-Based Assessment states that a watching brief during the construction of the access route would allow any below ground features immediately below the topsoil to be recorded in plan and would also allow for the recovery of anything of historic interest present within the topsoil. Whilst the details of a watching brief have not been submitted with this application, it is considered that this is an acceptable approach towards archaeology on the site, particularly in light of the historic quarrying and minimal ground disturbance elsewhere and it is therefore recommended that if planning permission is granted it is subject to a condition requiring the submission, approval and implementation of such a watching brief.
72. Whilst the proposed access track would have an impact on the setting of the scheduled monuments, the extent of the impacts have been minimised and the temporary nature of the development ensures that the impacts would not be permanent or long lasting. As such, it is concluded that the impacts on the scheduled monuments would be acceptable and would not be of sufficient magnitude to justify the refusal of planning permission in this case, subject to a condition being imposed if planning permission is granted that the access track shall be reinstated within three years of the date of the permission.
73. English Heritage make no specific reference to the setting of the Grade II\* Listed Building in their response to this application. East Lindsey District

Council has, however, stated that the proposed development would be harmful to the setting of this Listed Building. One local resident also highlights the need to consider the impact on the site of the medieval village. Notwithstanding East Lindsey District Council's comments, it is considered that given the distance between the application site and the church, the intervening woodland areas and the lack of views between the two, the proposed development would not have a detrimental impact on the setting of this Listed Building. This is also applicable to the site of the medieval village as there are no direct impacts upon this from the proposed development and no detrimental impacts on its setting.

74. Overall, it is therefore concluded that the impacts of the proposed development on the historic environment, subject to the recommendation that a condition is imposed if planning permission is granted requiring an archaeological watching brief to be submitted, approved and implemented and that the access track must be reinstated are acceptable and would not conflict with the NPPF or Policy M8 or be detrimental to the historic character of the AONB in this area.

#### Noise

75. The NPPF, NPPG, Policy M8 and Policy A4 of the East Lindsey Local Plan seek to protect amenities and ensure no adverse impacts in relation to noise. In relation to noise associated with minerals development, the NPPG specifically states that noise levels at night time, that is between 22:00 and 07:00 hours should not exceed 42dB(A)LAeq, 1hr (free field) at a noise sensitive property. It also states that the total noise from operations should not exceed 55dB(A)LAeq, 1hr (free field) and for operations during the evening, that is between 19:00 and 22:00 hours the noise limits should not exceed the background noise level (LA90,1hr) by more than 10dB(A) and should not exceed 55dB(A)LAeq, 1hr (free field) at noise sensitive properties.
76. An Assessment of Environmental Noise Emissions was submitted with the application and additional information was supplied by e-mail on 15 December 2014. Background noise readings were undertaken adjacent to a number of properties during an afternoon, evening and at night, although only night time readings were undertaken in relation to one property as the Noise Assessment states that the effect of daytime road traffic during the day in this location was misleading. The afternoon and evening noise levels at the two dwellings closest to the well site range from 34dBLAeq to 36dBLAeq, whereas the noise levels during the afternoon at the dwelling closest to the site entrance off the B1225 was between 46dBLAeq and 51dBLAeq. The night time noise levels for all four dwellings involved in this assessment was between 23dBLAeq and 25dBLAeq, which is very quiet.
77. Seven locations around the site, including the four used in the background noise readings, were chosen to assess predicted noise levels. The drilling phase would be the most likely source of problems due to noise as it is proposed to operate 24 hours a day. During this phase, the Noise



Assessment predicts that noise levels at the nearest property “Yard Cottage” would be 41dBLAeq. Following concerns raised by East Lindsey District Council’s Environmental Health officer as to whether the predicted noise levels in the Noise Assessment were based on the worst-case scenario, as stated, further noise assessments were undertaken using different ground condition modelling. The results of this would raise predicted noise levels at Yard Cottage to between 42 and 43dBLAeq. Nevertheless, the applicant still proposes a noise limit during this phase of 42dBLAeq. The additional information also states that noise levels at other properties would increase by up to 3dB but that these all remain within the 42dBLAeq limit. No specific details of these revised predictions have been provided.

78. The construction phase of the development is likely to generate the most noise, although this is proposed to only take place during day time hours. It is predicted that noise levels at the nearest property during the construction phase would be 44dBLAeq, 1hr. The Noise Assessment states that no specific mitigation measures are proposed in relation to this phase of the development, although it does state that noise monitoring could be carried out during site construction to verify that any limit imposed by planning conditions are met at all times.
79. During the production testing phase, the equipment proposed to be used is stated to result in no significant increase in night-time noise levels at the neighbouring dwellings. Examples of this equipment include a diesel generator which would be a packaged “silenced” unit resulting in a maximum noise level at the nearest property of no more than 25dB(A) and a beam pump driven by an electric motor which is stated to be inaudible at all times, even at the nearest noise-sensitive property.
80. The Noise Assessment concludes that a condition limiting noise to 42dBLAeq, 5min is appropriate for evenings and night-time for the exploratory drilling and production testing phases of the project and that although a daytime limit is considered unnecessary, a limit of 55dBLAeq, 1hr would be appropriate. In addition it states that this higher limit would be appropriate during times of construction activity. The Environmental Health Officer disagrees with the conclusion that 55dBLAeq, 1hr is acceptable and states that this is significantly greater than the noise level people in this area are used to and that at that level it would be likely to lead to complaints and an adverse reaction, as at most properties this is more than 10dB above background noise levels. Instead, it is recommended that a noise limit of 50dBLAeq, 1hr is imposed for site construction noise and that construction works should be limited to taking place between 07:30 and 19:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays, with no working on Sundays, public or bank holidays.
81. The Noise Assessment states that the need for noise mitigation measures can only be fully assessed after the exact drilling rig has been confirmed and recommends that a programme of noise survey would ensure that any need for noise reduction is swiftly identified and mitigation measures implemented. It adds, however, that no additional noise mitigation is

expected to be necessary for the proposed noise limits to be met comfortably at all noise-sensitive locations. It is therefore recommended that if planning permission is granted it is subject to a condition requiring the surveys specified in the Noise Assessment to be undertaken and any necessary mitigation measures taken to ensure that the noise limits are not breached.

82. In light of the rerunning of certain parts of the noise assessments undertaken, there is now a clear breakdown of predicted noise levels at all of the selected noise sensitive locations during both the construction and drilling phases of this development. In order to control noise emissions from this development, and in accordance with the recommendations of the Environmental Health Officer, it is recommended that if planning permission is granted it is subject to a condition which sets maximum noise levels for these two phases of the development, together with a condition limiting the hours within which construction activities can take place, although it is considered that a start time of 07:00 hours, as applied for, is acceptable, despite the recommendation of the Environmental Health Officer that this should be 07:30 hours Monday to Friday and 08:00 hours on Saturdays.
83. Providing that the above recommended conditions are imposed if planning permission is granted, the proposed development would not cause adverse impacts in relation to noise at the nearest noise-sensitive properties or on the Lincolnshire Wolds AONB.

#### Lighting

84. The NPPF, Policy M8 of the Minerals Local Plan and Policy A4 of the East Lindsey Local Plan seek to protect amenities and paragraph 125 of the NPPF specifically seeks to prevent pollution as a result of light on local amenity and intrinsically dark landscapes. The application site lies in an open countryside location with very few sources of light at night.
85. The proposed development includes an element of external lighting, particularly during the drilling phase when the site would be operational 24 hours a day in order to light the rig itself and the working areas. Lighting is proposed on the top of the rig and at intervals along its height. In addition to this, freestanding 3 metre high fluorescent lighting is proposed around the well site together with strip lights, bulkhead lights and lighting around the cabins and equipment areas. The lighting is proposed to be directed downwards to minimise any obtrusive light. This phase of the operation is proposed to last for six weeks.
86. The next phase when external lighting is proposed to be used is during the first two weeks of production testing when the site may be manned for 24 hours a day. During this phase three floodlights are proposed to be located within the site. These floodlights are proposed to be retained on site for the remainder of the production test phase, however, the lighting would only be used in one of the following scenarios:

- for any emergency work requiring out-of-hours attendance; or
  - in the event of an intruder alarm , when the lights would be activated if motion sensors are triggered, but would be managed via a timer system set to 15 minutes or less.
87. Whilst indicative lighting layouts have been submitted with this application, including examples of the types of lights proposed to be used, a comprehensive lighting scheme, including details of light spillage has not been submitted.
88. Whilst there are very few sources of light at night within the AONB in this area, the continuous lighting of the site at night is only proposed to take place over an eight week period. Mitigation measures can be put in place to limit light spillage and the lower ground level on which the proposed rig site would be located would help to ensure that the impacts from lighting are kept to a minimum. In addition, it is accepted that it is necessary to light the site during these times for operational reasons. In terms of the impacts of the lighting on the AONB, it is considered that due to the very temporary nature of these proposals, the location of the rig site and the mitigation measures which can be used (and should be secured through a planning condition), the development would not have an unacceptable impact in relation to lighting on the AONB.
89. The Environmental Health Officer has not raised any objections in relation to the impacts of lighting from this development, however, in order to ensure that the impacts are minimised, it is recommended that if planning permission is granted it is subject to a condition requiring full details of the external lighting scheme to be submitted and approved, including details of light spillage and all mitigation measures.

### Highways

90. The NPPF and Policy M4 of the Minerals Local Plan seek to ensure that proposed development does not have an adverse impact on highway safety or highway capacity. The proposed development would involve the formation of a new access point onto the B1225 and a new access track, approximately 960 metres in length, to the well site.
91. The vehicle movements associated with this development would vary considerably over the four proposed phases. The highest volumes of vehicle movements are proposed to be during two separate seven day periods in phase two associated with the mobilisation and subsequently the demobilisation of the site. During each of these seven day periods a total of 126 HGV movements (63 deliveries) are proposed. During phase one, approximately 278 HGV loads of crushed stone are proposed to be required over a seven week period. The remaining elements of the proposed development would generate fewer vehicle movements, a number of which would be cars and light vans associated with the personnel on site.

92. One representation has been received from the residents of the dwelling sited opposite the proposed new access. This raises concerns regarding the safety of the proposed access and states that the access is unsuitable for the turning of HGVs safely onto the B1225; raises concerns that the area at the end of their drive would be used as a pull-in or lay-by under certain traffic conditions; and that the existing telegraph pole, which provides the phone lines to three properties at South Walk Farm, presents a real hazard to the safe turning of HGVs. The submitted application documents include drawings of the proposed access arrangements to the site which clearly show a passing place within the entrance of the site and indicate the location of the telegraph pole, illustrating that this has been taken into account.
93. South Willingham Parish Council have raised concerns regarding the possibility of traffic travelling through South Willingham and state that the currently proposed vehicle movement figures are significantly greater than those they were informed of at a pre-application consultation meeting. This latter point is also raised by a local resident.
94. The Highways Officer raises no objections to the proposed development but recommends that a number of conditions be imposed if planning permission is granted to ensure that the access can be constructed to an appropriate standard and to allow for the safe access and egress of vehicles to and from the site. In addition, a full Construction Management Plan is stated to be required which would ensure that the movement of vehicles is appropriately managed. This Plan also needs to provide information regarding the route vehicles would take and hence the concerns raised by South Willingham Parish Council can be addressed through this.
95. Subject to the imposition of the recommended conditions, it is concluded that the proposed development would not have a detrimental impact on highway safety or highway capacity and as such would be in accordance with the NPPF and Policy M4 of the Minerals Local Plan in this regard.

#### Flood Risk and Drainage

96. The NPPF and Policy ENV3 of the East Lindsey Local Plan seek to ensure that development proposals do not have any adverse impacts in relation to flood risk and that surface water disposal is adequately addressed.
97. The application site lies within Flood Zone One. The Lincolnshire Wolds Countryside Service and one local resident highlight that the site is in close proximity to an irrigation ditch which feeds directly into the River Bain, which is described as an important and sensitive catchment and is a high priority for river restoration projects as part of the Lincolnshire Chalk Streams Project. The River Bain and the drain close to the site are referenced in the Flood Risk Assessment which has been submitted with this application.
98. It is proposed that the exploratory drilling site would have a sealed membrane passing under the site and a perimeter catchment drain to

prevent water or any other fluids from flowing into or out of the site. An oil interceptor is proposed to be installed during construction to enable the discharge of surface water from the site when there are no drilling or associated activities taking place. A cut-off valve is proposed to be located at the discharge point from the site perimeter catchment drain, upstream from the oil interceptor, and another isolation valve located downstream from the interceptor to provide an additional means of control. A sampling chamber between the oil interceptor and downstream valve is proposed to allow the quality of the discharged water to be checked. It is also stated that an application to discharge water will be made to the Environment Agency. It is concluded that the proposed development would not have a detrimental impact on flood risk during any of the phases.

99. A cesspit is proposed and it is stated that this would be emptied as necessary, although it would have adequate capacity to void frequent emptying and thus avoiding generating additional traffic.
100. The Environment Agency has raised no objections to the proposed development and has stated that the proposed sealing of the site and the interception of all surface water resulting in no discharge from the site is acceptable.
101. It is therefore concluded that the proposed development would not have a detrimental impact in relation to flood risk or drainage, providing that the mitigation measures set out in the Assessment of Geology, Flood Risk and Pollution Control report are implemented.

### Ecology

102. The NPPF and Policy M8 of the Mineral Local Plan set out the requirement to protect the natural environment. An Ecological Assessment has been submitted with this application which includes a desk-based study, an extended Phase 1 Habitat survey and a great crested newt survey.
103. The Ecological Assessment states that there are no statutory designated sites within a 2km radius of the site boundary. It does, however, identify 11 Local Wildlife Sites, one Local Grassland Site and four Sites of Nature Conservation Importance within 2km of the site. The majority of these sites are stated to be associated with the watercourses, valleys and other habitats of the River Bain to the east and Gayton le Wold Beck to the north east of the proposed site and no adverse impacts on these sites are identified.
104. In the assessment of protected and notable species, four ponds were identified within 500 metres of the application site and were assessed for great crested newt potential based on a habitat suitability index. Great crested newts are a European protected species. As a result of this one of the ponds was selected for a great crested newt population survey, with the other three ponds scoring too low for the potential for great crested newts to be investigated further. Six great crested newt survey visits were carried out between 4 May and 9 June 2014, in accordance with best practice. The

highest number of great crested newts recorded in any single visit was two. The Ecological Assessment concludes that the terrestrial habitat immediately surrounding this pond, Pond 4, provides high quality foraging and shelter for great crested newts and it is possible, but the risk is considered to be very low, that the great crested newts breeding in Pond 4 may use the arable land as a route to access alternative foraging and hibernating habitats. As a result of this, further information was sought from the applicant in relation to mitigation measures to be put in place to protect the great crested newts during the proposed development. Subsequently, the applicant has submitted a Method Statement for Avoidance of Harm to Great Crested Newts. Natural England have confirmed that the potential risk and impact from the development is upon individual great crested newts which may be foraging in the area of the proposed access track and adjacent hedgerow and that the avoidance methods set out in the Method Statement would be satisfactory to ensure that individual great crested newts will be adequately protected. It is therefore recommended that if planning permission is granted it is subject to a condition requiring the implementation of the Method Statement for Avoidance of Harm to Great Crested Newts.

105. Given that the proposed development would involve the removal of vegetation, including hedgerows, the application documents state that this would only be undertaken outside the bird nesting season. If planning permission is granted it is recommended that this is made a condition of the permission.
106. In representations received by local residents to the proposed development, concerns are raised regarding the ecological impacts of the proposals. The Ecological Assessment does not identify any potential detrimental impacts of the proposed development, other than those specified above. In relation to any potential impacts on the chalk stream, which is a UK Biodiversity Action Plan Priority Habitat, as stated above in relation to flood risk and drainage, the whole well site is proposed to be covered by an impermeable membrane with a perimeter ditch to prevent any water or other fluids leaving the site, hence, there would be no detrimental impact on the surrounding watercourses. It is therefore concluded that, subject to the recommended conditions, the proposed development would not have a detrimental impact on nature conservation.

#### Agricultural Land

107. The NPPF and Policy M4 of the Minerals Local Plan seek to protect the best and most versatile agricultural land. Policy M4 specifically states that particular regard will be had to developments involving agricultural land of Grades 1 and 2. The proposed development would involve the temporary loss of approximately 1.95 hectares of agricultural land. Whilst the application documents do not specify what grade this land is, they do state that the majority of the site has been subject to quarrying in the past and therefore is unlikely to be of the highest quality. On the basis of the information available to the Council it is likely that it is Grade 3 land.

108. In order to create an access track and well site it is proposed to strip the soils and store them at the site in bunds around the well site. In the restoration phase of the development it is proposed to regrade the land and deep scarify it, in accordance with best agricultural practice. The stored subsoil and top soil would be loose spread over the regraded ground and subsoil to relieve compaction. The site is then proposed to be recontoured and restored to agricultural use. Whilst the Planning and Sustainability Statement states that the access would be removed or retained dependent upon the requirements of the landowner, in order to meet the requirements of English Heritage, if planning permission is granted it would be subject to a condition requiring the reinstatement of this access track. As such, all of the land would be restored to an agricultural use.
109. Overall, the proposed development would not have any impact on any Grade 1 or 2 agricultural land and would only result in a short term loss of Grade 3 agricultural land.

#### Other Issues Raised by Respondents

110. A number of local residents and the representation received from Transition Town Louth and East Lincolnshire Green Party stated that applications for fossil fuels should not be supported and draw attention to the need to take climate change seriously and to behave responsibly in this regard. As stated above, there is a national commitment to provide energy through renewable sources, however, as the NPPG clearly states that the Government's policy is that energy supplies should come from a variety of sources, including oil and gas and that this needs to be taken into consideration with oil and gas remaining key elements of the energy system for years to come. It is therefore necessary to ensure an adequate supply of these resources and planning applications relating to such development should therefore not be refused purely on the basis that they relate to fossil fuels as they need to be considered as part of a package of methods to maintain the energy supply.

#### Human Rights Implications

111. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

#### Overall Conclusion

112. Overall, whilst major developments in Areas of Outstanding Natural Beauty are generally not acceptable, it is concluded that exceptional circumstances exist in this case, that the development would be in the national interest, that any landscape and visual harm can be mitigated or minimised and that

given the temporary nature of the proposals, any harm to the principle of such development in the Area of Outstanding Natural Beauty can be justified.

113. Amendments were made to the proposed development at the pre-application stage to minimise the impacts on the setting of the nearby Scheduled Monuments such that, again given the temporary period of the development, the short term impacts are considered to be acceptable. Subject to conditions as recommended above, any impacts relating to noise, lighting, nature conservation and highways can be suitably addressed by appropriately worded condition to ensure they are acceptable.
114. The proposed development would include measures to ensure flood risk and drainage of the site was adequately secured and the restoration within three years would ensure that there was no long term loss of agricultural land.
115. It is therefore concluded that, subject to the recommended conditions, the proposed development is acceptable and does not conflict with the provisions of the NPPF, Policies M4, M6, M8, M10, M12, M14, M15, M21 and M24 of the Lincolnshire Minerals Local Plan, Policies A4, A5, ENV3 and C11 of the East Lindsey Local Plan or the policies of the emerging Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies.

## **RECOMMENDATIONS**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 28 February 2018 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, including the access track, returned to its previous use as agricultural land.
2. Written notification of the date of commencement of hydrocarbon exploration shall be sent to the Mineral Planning Authority seven days prior to the commencement of operations.
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 submitted details and recommendations and the following drawings:
  - a. 3299(2) P 01 Rev A "Site Local Plan" (received 20 October 2014);
  - b. 3299(2) P 02 Rev A "Site of Application" (received 20 October 2014);
  - c. 3299(2) P 03 Rev A "Site Overview Plan" (received 20 October 2014);
  - d. 3299(2) P 04 "Proposed Site – Existing Ground Plan" (received 20 October 2014);
  - e. 3299(2) P 05 Rev A "Site Entrance Detail & Sightlines" (received 20 October 2014);



- f. 3299(2) P 06 Rev A “Site Entrance – Proposed Layout” (received 20 October 2014);
  - g. 3299(2) P 07 Rev A “Proposed Site – Construction Mode” (received 20 October 2014);
  - h. 3299(2) P 08 Rev A “Proposed Site – Indicative Drilling Mode” (received 20 October 2014);
  - i. 3299(2) P 09 Rev A “Proposed Site – Drilling Mode – Indicative Lighting Layout” (received 20 October 2014);
  - j. 3299(2) P 10 Rev C “Proposed Site – Indicative Testing Mode” (received 20 October 2014);
  - k. 3299(2) P 11 Rev C “Proposed Site – Retention Mode” (received 20 October 2014);
  - l. 3299(2) P 12 Rev C “Site Drain Details” (received 20 October 2014);
  - m. 3299(2) P 13 Rev B “Sections – Existing” (received 20 October 2014);
  - n. 3299(2) P 14 Rev B “Sections – Indicative Drilling Mode” (received 20 October 2014);
  - o. 3299(2) P 15 Rev B “Sections – Indicative Testing” (received 20 October 2014);
  - p. 3299(2) P 16 Rev C “Sections – Retention” (received 20 October 2014);  
and
  - q. 3299(2) P 17 Rev C “Cabin Layouts and Elevations” (received 20 October 2014).
4. The avoidance and mitigation measures to protect Great Crested Newts set out in the approved Method Statement for Avoidance of Harm to Great Crested Newts shall be implemented in full.
  5. Prior to the commencement of development a full lighting scheme, including details of light spillage and all mitigation measures shall be submitted to, and approved in writing by, the Mineral Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.
  6. Prior to the commencement of development full details of all fencing and bunding around the site shall be submitted to, and approved in writing by, the Mineral Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.
  7. In relation to archaeology:
 

Part 1

No development shall take place until a written scheme of archaeological investigation regarding an archaeological watching brief has been submitted to and approved by the Mineral Planning Authority. This scheme should include the following:

    1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
    2. A methodology and timetable of site investigation and recording.
    3. Provision for site analysis.

4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

#### 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.

8. 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.
9. 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 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 deliveries during testing	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 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 operation only	24 hours	24 hours	24 hours
Phase 3 – Site preparation for production testing	07:00 – 19:00	07:00 – 19:00	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

10. Noise levels as a result of the development hereby permitted measured at a height of 1.5 metres at the boundary of the properties at the identified locations shall not exceed the limits set out below:

Noise sensitive location	Construction Noise Limit dB LAeq, 1hr	Drilling Noise Limit dB LAeq, 1hr between 07:00 and 23:00 hours	Drilling Noise Limit dB LAeq, 5min between 23:00 and 07:00 hours
Yard Cottage	50	42	42
Biscathorpe House	50	42	42
Church Cottage	50	42	42
West Lodge	50	42	42
South Walk Farm	50	42	42
Burgh Top	50	42	42
Baxter Square Farm	50	42	42

11. Prior to the commencement of development a scheme detailing noise monitoring and mitigation measures to ensure compliance with the noise limits specified in condition 10 shall be submitted to, and approved in writing by, the Mineral Planning Authority. The approved scheme shall thereafter be implemented in full.
12. Prior to the commencement of development a full Construction Traffic Management Plan to cover all phases of the development shall be submitted

to, and approved in writing by the Mineral Planning Authority. This shall detail:

- the size, type and numbers of vehicles likely to visit site;
- the route the vehicles will take;
- how vehicles will be managed both accessing and egressing the site;
- the measures to be taken to ensure safe egress and access; and
- the measures to be put in place to ensure the B1225 will be kept clean and clear of any mud and debris from the site.

The approved scheme shall be implemented in full.

13. Any gates to the vehicular access shall be set back a minimum of 15 metres from the nearside edge of the carriageway of the B1225 High Street and shall not open over the highway.
14. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of the B1225 High Street and the minimum width of the access shall be 7.3 metres.
15. Prior to the access to the site from the B1225 High Street being brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 3299(2) P 05 rev A dated September 2014 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

#### Reasons

1. To provide for the completion of the exploratory operations in the interests of the amenity of the area.
- 2 & 3 To enable the Mineral Planning Authority to monitor and control the development.
4. To prevent harm to Great Crested Newts, a European protected species.
- 5 & 6 In the interest of visual amenity.
7. To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any archaeological interest.
8. To protect breeding birds during the nesting season.
- 9, 10 & 11. To protect the amenity of the surrounding area and nearby residential properties.

12, 14 & 15

In the interests of the safety of users of the public highway and the safety of users of the site.

13. To enable calling vehicles to wait clear of the carriageway of High Street in the interests of safety.

#### Informatives

Attention is drawn to the letter from the Environment Agency attached to the decision notice dated 28 November 2014

#### Appendices

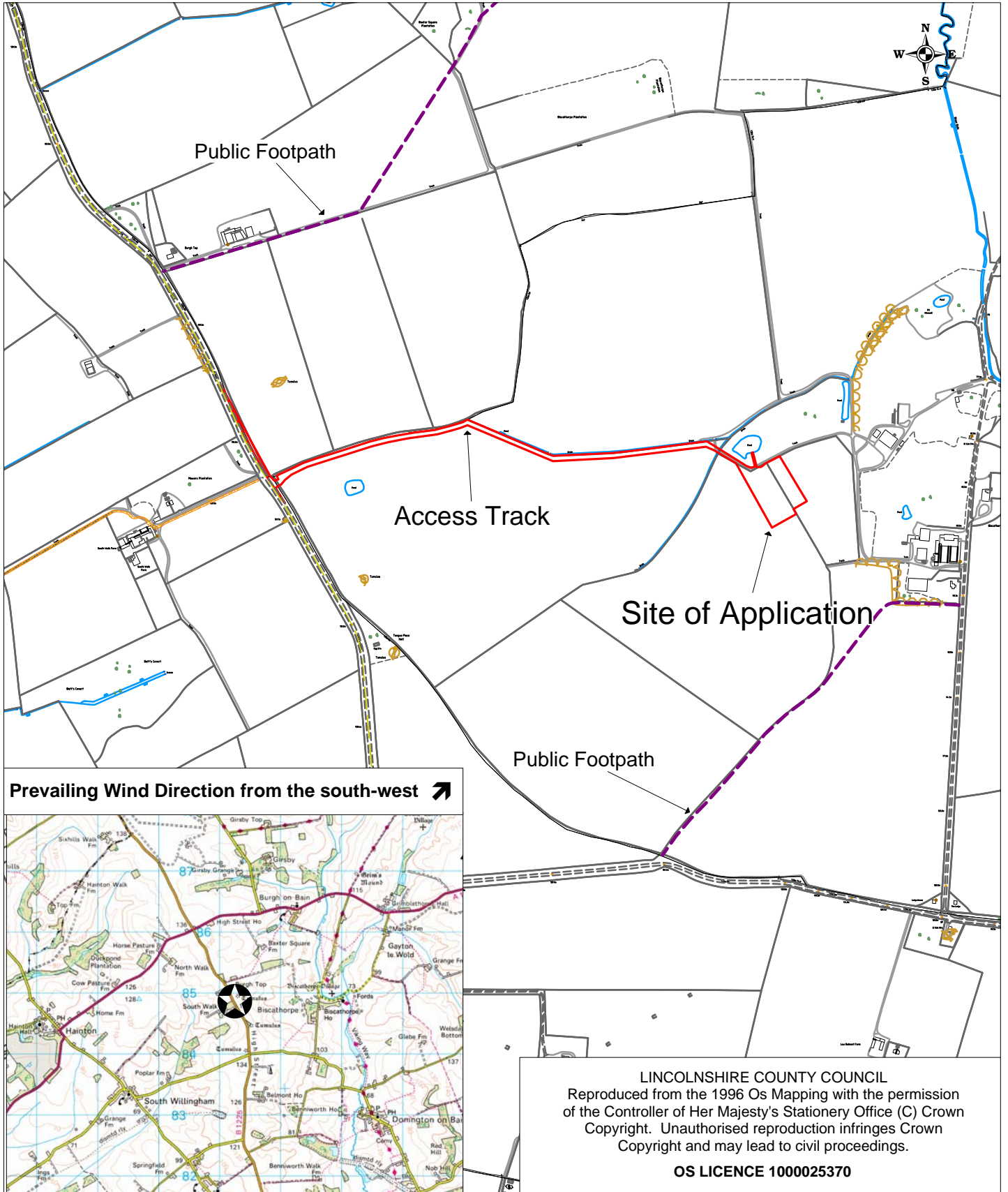
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

#### 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 File (E)N59/2259/14	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance	Communities and Local Government website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals Local Plan 1991	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (Pre-Submission Draft) January 2015	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
East Lindsey Local Plan (1995, saved policies 2007)	East Lindsey District Council website <a href="http://www.e-lindsey.gov.uk">www.e-lindsey.gov.uk</a>

This report was written by Natalie Dear, who can be contacted on 01522 782070 or [dev\\_pcg@lincolnshire.gov.uk](mailto:dev_pcg@lincolnshire.gov.uk)



**Location:**  
 Land off High Street  
 Biscathorpe

**Application No:** (E)N59/2259/14  
**Scale:** 1:10 000

**Description:**

Temporary planning permission for the construction of a new access track, temporary well site, with associated portable cabins for the storage of equipment and for staff office accommodation, the drilling of an exploratory bore hole, undertaking of production tests for conventional hydrocarbons and retaining the site and wellhead valve assembly gear for evaluation.

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