

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
26 November 2015

WARDS: Mid Holderness

**Application for Variation of Condition 2 (time period) of planning permission 12/04193/STPLF to allow extension of time period for a further 36 months
At Land West Of High Fosham Cottage Fosham Road High Fosham East Riding
Of Yorkshire HU11 5DF by Rathlin Energy (UK) Ltd
Application Number: 15/03056/STVAR**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 15/03056/STVAR is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment

C. Application Type

Strategic - Variation of Condition(s)

D. Parish

Aldborough Parish Council

E. Applicant

Rathlin Energy (UK) Ltd

F. Target Date

25 December 2015

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the National Planning Practice Guidance it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **APPROVED** as detailed in section 12 of this report.

1. INTRODUCTION

- 1.1. This proposal is to vary condition 2 of planning permission reference DC/12/04193/STPLF/STRAT to allow a further 36 months in which to complete the approved operations on site.
- 1.2. The approved development consists of four principal phases – Site Construction, Drilling, Well Testing and Site Restoration.
- 1.3. Site construction commenced in March 2013, followed by the two stage drilling operation which was completed in September 2013. The well test commenced in July 2014 and was completed in November 2014.
- 1.4. The applicant has confirmed every effort has been made to complete the development within the 36 month timescale permitted by planning permission reference 12/04193/STPLF. However, the test results from the West Newton A well, combined with the evidence gathered during the 2014 3D seismic survey, has led to the need to retain the operation to drill and test the second well from the West Newton A wellsite.
- 1.5. If approved, this proposal would allow the applicant an additional 36 months to further explore and appraise the potential West Newton reservoir. Should the Applicant decide that the hydrocarbon reserves are economically viable then a further planning application would need to be submitted to seek planning permission to produce petroleum.

2. PLANS AND ILLUSTRATIONS

Appendix 1 – Site Location Plan

Appendix 2 – Site Layout Plan (approved under 12/04193/STPLF)

Appendix 3 – Elevation Plan (approved under 12/04193/STPLF)

3. KEY PLANNING POLICIES

Joint Structure Plan (JSP) (2005)

SP4 Landscape Character

ENV6 Built and Historic Assets

ENV7 Archaeological Remains

Joint Minerals Local Plan (JMLP) (January 2004)

DC1 Development Control Criteria
DC3 Buffer Zones
DC4 Ground Water and Surface Water Resources
DC5 Hazardous Installations
DC7 Areas of Landscape Quality
DC8 Trees, Hedgerows and Woodlands
DC12(a) Archaeological Sites
DC16 Grades 1, 2 and 3a Agricultural Land
DC19 Traffic Movements
DC21 Schemes of Working and Restoration
DC22 Biodiversity
DC23 Aftercare
DC25 Rights of Way
EM1 Exploratory Boreholes
EM2 Appraisal Boreholes

Holderness District Wide Local Plan (HDWLP) (April 1999)

G3 Sustainable environmental protection
G5 Landscape Protection
Env2 Trees and Hedgerows
Env22 Listed Buildings – Setting
Env27 Historic Gardens
Env35 Light Pollution
R13 Safeguarding of Footpath Network
Tr7 Car Parking Provisions
U1 Offsite Service Infrastructure e.g. water supply,
U6 Underground or Surface Water
U9 Drainage
U10 Impact on Existing Watercourses
U20 The Removal of Structures

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

National Planning Policy Guidance (PPG) (2014)

Climate change

Conserving and enhancing the historic environment
Design
Determining a planning application
Health and wellbeing
Light pollution
Minerals (including hydrocarbons)
Natural environment
Renewable and low carbon energy
Use of planning conditions
Water supply, wastewater and water quality

Overarching Energy National Policy Statement (EN-1)

East Riding Local Plan – Submission Strategy Document and Schedule of Modifications (March 2015)

S1 Presumption in favour of sustainable development
EC1 Supporting the growth and diversification of the East Riding Economy
EC5 Supporting the energy sector
ENV2 Promoting a high quality landscape
ENV3 Valuing our heritage
ENV4 Enhancing biodiversity and geodiversity
ENV6(B) Managing environmental hazards

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. RELEVANT PLANNING HISTORY

12/04193/STPLF Construction of a temporary drilling site, with associated access, to drill a borehole for the purposes of mineral exploration (petroleum)

Approved 17.01.2013

13/30064/CONDET Submission of details required by conditions 2 (commencement) 7 (traffic management plan) 9 (foul drainage) 12 (noise management) 13 (dust management) 16 (rig specifications) and 17 (landscape bunding) of planning reference 12/04193/STPLF

Discharged 30.04.2013

5. CONSULTATION REPLIES

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| Aldborough Parish Council | No response received. |
| Burton Constable Parish Council | No objection. |
| Ellerby Parish Council | Recommend Refusal. |
| Withernwick Parish Council | No response received. |
| Nature Conservation Officer (Biodiversity) | Further to my objection to the application dated 27 October 2015 it is noted that an Updated Ecological Appraisal (AECOM, November 2015) has been submitted in support of this planning application. The further information that has been provided in the report addresses the issues that were raised in the earlier response. Therefore the original objection is withdrawn. However it is recommended that the Biodiversity Enhancement and Monitoring Plan detailed in Appendix 4 of the Updated Ecological Appraisal is secured by an appropriately worded planning condition. |
| Beverley And North Holderness Drainage Board | No response received. |
| CAA - Safeguarding (Non Wind Turbines) | No response received. |
| Conservation Officer | No objection The temporary nature of the development has no significant impact on the setting of any listed building or conservation areas within the vicinity of the site. |
| Environment Agency (Planning Liaison) | No objection. Previous comments and conditions provided to the original scheme remain valid. |
| Humberside Airport | No objection. |
| Humber Archaeology Partnership | No objection. |

The Sites and Monument record has been checked and the application does not appear to affect any known archaeological sites.

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| Highway Control | A desk top assessment has been carried out by Highway Management to consider the consultation copy of the application in question. This has not identified any significant impact / material change on highway safety issues associated with the proposed development. The application can be determined without any further referral to the Highway Authority. |
| Landscape + Visual Impact Assessment | No objection. |
| Ministry Of Defence | No response received. |
| National Grid Plant Protection | No response received. |
| Public Protection | No objection. |

I have studied the original planning application (12/04193) and note that the response (dated 15th November 2012) was to recommend the following conditions:

1. Before the development hereby permitted commence a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall follow the principles set down in MPG 11 and BS5228 and shall include:
 - Activities during the construction and operation phases;
 - The hours of operation/use for each phase;
 - The nearest noise sensitive receptors and noise limits at each property for each phase;
 - Details of continuous noise monitoring to be used to demonstrate compliance with the noise management plan;
 - Details of noise mitigation measures to be employed;
 - An agreement of how complaints will be handled, specifically with regard to operator contact details and additional noise monitoring, where necessary.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

2. Before the development hereby permitted commence a dust management plan shall be submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

I can see from our records that we received ten complaints regarding noise in December 2014, two relating to odour in September 2014 and two relating to noise and light in respect of the lighting system in July 2014. However the Environment Agency is responsible for regulating the site under the environmental permitting regime. It is, therefore, the lead agency for the monitoring of the activities on site and ensuring that the applicant complies with the conditions stipulated in any permit granted. I can only request that the applicant makes all necessary efforts to protect its residential neighbours from the adverse effects of noise, odour and light.

NERL Safeguarding Officer No safeguarding objection to the proposal.

Trees and Landscape Section No objections, Comments as 14.11.12 for 12/04193/STPLF.

Yorkshire Water Services Limited No comments required.

Natural England No comments.

6. PUBLICITY

Neighbours/
Publicity Thirty Two (32) third party correspondence summarised as follows:

Pollution

- As a resident I have major concerns over Rathlin's ability to adhere to environmental constraints.
- Noise and light pollution produced by this operation seriously affects the ability of local residents to peacefully enjoy their living space.
- Risk to the environment is too high and Rathlin should be denied any extension to its permit to carry out further exploration.
- I live within 1200m of the site on the prevailing wind to the east. I have a wood and a pond very close to the site and I am concerned it will get contaminated if Rathlin proceed with their second well and then allowed to release the water from the site into Lambwath drain as noted.
- Noise and Disturbance – Noise and disturbance will be

immeasurable. Operating hours will be relentless, as me and my family are constantly kept awake and disturbed all day and throughout the night.

- Disturbance from smells – Vile odours have been witnessed from the original site and the EA came to assess the situation. The same will happen again if this permission is granted.
- Light disturbance – Relentless disturbance from lights shining into neighbouring residents homes. Numerous complaints lodged before action was taken.
- Extremely worried about contamination to the air and water and how this will affect human health.
- Holderness is a predominantly agricultural area and I would not buy my food if I knew it came from an area containing an industry that is potentially dangerous for human health and safety.
- Pollution Risk and Nuisance – Poor management cause odour, cold venting of gasses and other pollution incidents. Is Rathlin capable of safely managing a well site that is involved in the hazardous business of onshore exploration for oil and gas. The risk to the SSSI posed by the possibility of polluted water being run off from the perimeter ditches into Lambwath stream, must be considered by planners.
- The site during its testing phase cause light, sound and air pollution; it was unbearable for some residents.
- This operation will result in the surrounding area from becoming polluted. The proposal does not safeguard the land for future users.
- It only needs to have one problem, such as a spillage, that gets into the waterways or farmland and the damage will be widespread.

Wildlife/Ecological Impact

- Major concerns over other pollution issues that will affect livestock, crops and natural habitats of local wildlife.
- Wildlife – Animals were affected by drilling at West Newton A, with several drowning in the drainage ditch due to there being no escape route. Noise and lights disorientated the night life such as bats and owls that forage in the countryside at night time.
- Concerns regarding wildlife in the area. Barn Owls breed and roost at the Hall and disturbance due to industrial operations will affect their hunting areas and drive them away. The Hall Park and Garden Management Plan (1999, University of York Department of Archaeology) indicates a presence of 16 breeding species, brown hares, greater crested newts, smooth newts, grass snakes, a diversity of aquatic invertebrate fauna, a

wealth of wild flowers including several ancient woodlands and water plants such as water-crowfoot and lesser water-parsnip. Continuing economic exploitation of the area in the event of successful exploration would no doubt lead to proliferation of well-sites and industrialisation which would surely damage this sensitive natural resource.

- Disturbance from industrialisation, heavy traffic, noise and bright 24 hour lighting will impact both on breeding and migrating birds.
- Loss of wildlife – Noise from drilling, seismic tremors and fugitive gas leaks have resulted in the loss of birds and small mammals from West Newton A. Gas burn off and foul odours cause irritation to the throat and breathing problems of local people.
- During previous drilling and hydraulic fracturing we have noticed local wildlife populations disappear (including deer, owls and birds).
- Loss of ecological habitat – Wildlife in the area has returned since the dispersal of the original well site. Residents do not want to see the wildlife disappear again. There is a SSSI next to Lambwath stream and this should be left alone.
- Danger to Wildlife – Whilst this application is for an extension there is no additional documentation provided relating to a wildlife survey of the site. It should be ensured that a thorough and complete wildlife survey of the area is completed prior to the granting of any extension to the period which work can be carried out on the site.

Applicant

- Applicant has demonstrated a high level of incompetence in carrying out previous work in the East Riding with serious infringements occurring.
- Operator's capability to respond in an appropriate and timely manner, to any malfunctions of their operation.
- The abandonment of this site following 14 breaches of the EA permit and investigations by the HSE suggests Rathlin should be refused an extension. Of particular concern are the reports of emissions of strong odours and gases due to cold-venting which contaminated air-quality.
- Rathlin has a poor track record with its operations in the East Riding with 14 breaches of the EA permit to date, leading to the shutdown of the West Newton site in 2014.
- What regulations will Rathlin ignore this time if planning permission is granted for the time extension?
- As the committee already know Rathlin at West Newton A breached environmental conditions 8 times in 3 months, failed

to meet deadlines for actions, faced criticism over record keeping and management systems failed to keep accurate records of flare temperatures.

- I have objected to previous applications by Rathlin and they have written a letter in response which is written in a threatening manner, which is totally unacceptable.
- Noise Management – Can a company that has poor management practises and poor training of site operators be permitted to damage the lives of residents of the East Riding and their right to live in peaceful enjoyment of their environment?

Highways/Traffic Management

- Poor road infrastructure
- Traffic – Volume of increased HGV's will be immense, up 2098 vehicle movements during construction of the well, on top of daily movements of staff. Do Hull City Council know about the HGV movements from and to the site through the city?
- This area was lovely 30 years ago; a nice peaceful place/area. Now once again local residents will be disturbed by the large volumes of traffic associated with the site on narrow country lanes which they were never designed for as well as polluting the air and destroying wildlife.
- Access and Highway Safety – The very narrow roads in the area are just not suitable for all the heavy good vehicles. The roads have no footpaths and are almost only suitable for one vehicle in places. The traffic that a site such as this one generated is huge and has previously displayed and I have witnessed huge convoys that were unbelievable and frightening.
- Road Transport and Traffic Management – Rathlin issued a letter to residents of villages along the transport route informing them it was implemented following the advice of Humberside police. However, Humberside police, following a FOI request, confirmed that there are no recorded instructions or information given by Humberside Police to Rathlin. Once again the management of Rathlin is brought into doubt regarding its veracity and its ability to properly manage its business.
- There were frequent road movements in an area not suitable for such frequent traffic patterns. This caused wear and tear, hazards to road users (such as cyclists) and generally changing the feel of the area.

Water/Ground Water

- Loss of water – This is the most precious resource of the planet. Water has no substitute. Every frack uses millions of gallons of water. Contaminated water cannot be cleaned.
- Risk to Water Supplies – ERYC should apply a precautionary principle to its decisions where the water supplies of its residents are concerned, there are known failure rates for the whole life of a well, it is almost inevitable that at some stage one of these failures will affect the aquifers and our water supply, will ERYC be shown to have failed to apply caution to its decision making when there are known risks?
- Water used to extract the shale will need to be removed from the area in many lorries due to the chemical content if it is not safe to dispose of in the drainage system. This is because it contains chemicals which are pollutants and by carrying out this operation pollution is taking place.
- The primary and most important argument against fracking is this very threat to health from the contamination of our water.

Aquifer

- Using hydraulic pressurised fracturing the rock is fractured with explosives at intervals along this horizontal bore to access gas. A vast quantity of water containing a cocktail of chemicals is introduced – both processes are inherently dangerous to the integrity of the aquifer which presents an unacceptable risk to the health of the population. Once lost it cannot be restored.
- Fracking poses a dual risk, for the initial drilling through the aquifer and into the Bowland Shale and then by drilling horizontally for approximately 1 mile.

Countryside/Wider Area Impact

- Farming – This part of the Country is known as the Bread Basket of England because of the amount of wheat produced. How can this continue when most of the countryside is overtaken by oil wells? Will the crops be contaminated by the wells? How can the land be safeguarded from waste water?
- Dangers to the countryside from the toxic chemicals used in the process, resulting in the pollution of the land and water courses are well documented in similar sites in America and Australia.
- Loss of landscape – rural areas of beauty and peace will become industrial wastelands. Wellheads and their sites sprawl across wide areas of the surrounding land.
- Loss of beauty – the despoliation of our countryside will deprive local people, walkers, cyclists and visitors the invaluable pleasure of “getting away from it all”.

- I live within 1200m of the site on the prevailing wind to the east. The industrialisation of agricultural land is not acceptable.
- Industrialisation of mid Holderness – ERYC must take account of the cumulative impact of the developments of this type on Mid Holderness countryside, planners and planning committees should not be lulled by statements issued by Rathlin that these sites are situated in isolated areas. They must take account of the number of sites and potential duration of developments of this nature, otherwise they risk ending up with a countryside that is industrialised beyond recognition.
- Loss of amenity to the area.
- The rural nature of the area and its tranquillity will be totally spoiled if oil and gas exploration continues; damaging the environment for visitors and residents (humans and wildlife) including protected species (barn owls, brown hares etc).

Tourism

- Tourism – Burton Constable Hall is a magnificent house and buildings. How will the proposal affect its trade? Tourist will not want to stay on the camp site with drilling wells/oil wells a few hundred metres away. Cycling – are the roads safe enough to travel with the additional heavy traffic? Will rambler’s walks ways disappear? Will rambler’s right to walk and ramble be affected? Horse riding – Horse riding schools will be affected too, have they been notified about the application.
- Burton Constable Hall is a precious historical and cultural site are overwhelmed by the proximity of an entirely unsuitable industry. Burton Constable Hall is open to the public and is a valuable resource for the Eat Riding and its tourism, being included in the Top One Hundred country houses in Simon Jenkins authoritative guidebook England Thousand Best Houses, 2009, Penguin Books Ltd, London.

Human Rights

- Implications affecting human rights of those local residents opposing on-shore drilling.
- Human Rights - This application is an infringement on me and my family’s human rights.
- Proposal is an infringement of the Human Rights Act Section 8. This development should be stopped now to stop more families from suffering.

Residential Amenity/Impact on Communities

- This proposal will considerably make life miserable for those of

us unfortunate enough to live near the site.

- Loss of silence – Well sites need access roads. Heavy Lorries moving through the countryside and villages transporting chemicals and plant in, and taking sediment out, damaging roads and verges, will be a constant presence creating noise and dust. These movements will continue for years until the well is exhausted.
- I live within 1200m of the site on the prevailing wind to the east. Noise levels are unacceptable for the operations which will be carried out here when background noise is so low the noise carries across Lambwath drain low area across to our house disturbing our sleep as our bedroom faces the site.
- The amount of light is unacceptable; it shines towards our house disturbing our sleep patterns.
- The hidden effect of this type of operation is the stress this causes when we are as near to the site as we are, often unaware of what is occurring.
- This application for the type of operation is totally unacceptable in the area as it impacts severely on its neighbours, for residents of Marton and Ellerby, with regards traffic and future operations cause.

Human Health

- Loss of the inalienable right to protection by the government of the health of the people and this should not be forfeited to any individual or company under any circumstance.

Health and Safety

- Applicant has incorrectly managed the control of substances hazardous to health. Staff would not have been able to identify what substances were involved, toxic level of the substance or how to correctly deal with the situation.
- Evidence of staff working at height with no safety equipment which is still been investigated by the health and safety executive.
- I do not believe that Regulations can safely manage Rathlin's operations in the East Riding of Yorkshire nor protect our quality of life.
- During much of 2014 through to the current 'clean-up' (beginning October 2015), I regularly joined other concerned local residents at the Crawberry site gates. I gave serious attention to Rathlin's activities. Some things might have been seen as minor transgressions, such as incidents of carelessness over the ignoring of the 'hard hats' rule; some were dangerous to the public, such as when vehicles left the site (and still do) to

the left of the gates, to travel through residential areas, rather than taking the agreed, less busy route.

- I believe I saw sloppy practices at Rathlin's Crawberry site, such as when in June 2014 I was able to walk the length of the unfenced perimeter and saw grey, foamy water flowing, probably from a nearby tank. If it wasn't dangerous, it certainly was not good management.

Climate Change/Global Warming

- This application should be turned down for the future benefit of our planet, as fossil fuel extraction must be curtailed in favour of renewable energy as soon as possible if we are to successfully combat climate change.
- Climate change – As a nation we should be looking at alternative sources of energy, not exploring for more carbon fuels.
- Global warming – I urge the East Riding of Yorkshire, its Officers and Councillors, to think globally in the matter of this planning application and to act locally in refusing permission for this well site.
- Consideration should be given to the dangers of climate change and to the fact that fossil fuels should be kept in the ground.
- The East Riding has a frail coastline and suffers from inland flooding too. All should be done to prevent extreme weather events caused by global warming.
- Officers and members of the Planning Committee should note that Rathlin have made no reference to the ERYC policy on Climate Change in their application. However the Planning Committee must consider how best to mitigate the impact of Climate Change on the East Riding in line with Council policy and should therefore consider whether it is rational to allow Connaught and Rathlin to continue to lay the foundations for 25-50 years of industrial gas production in Holderness.
- It is neither rational nor logical therefore that even more fossil fuel in the form of shale gas should be brought out of the ground.
- According to the latest information from Bloomberg New Energy “Wind power is now the cheapest electricity to produce in both Germany and the U.K., even without government subsidies.” The steadily falling price of oil means that Shale gas has lost the economic argument. In withdrawing from Crawberry Rathlin (and others) have obviously seen the future and are wheeling back as fast as they can. In the meantime if permission is given to this extension great harm will be done to the West Newton area.
- Should Rathlin etc. fail in the UK as they have done in the US

– who does the ERYC think will be picking up the pieces? The latest Government enactment stated that it would not be the responsibility of the owners to clean up abandoned wellsite’s – the responsibility must therefore rest on the council. The effect on council finances would be catastrophic.

Regulatory Framework

- Section 3.3. *The Need for Petroleum Development* relies on outdated DECC guidance and does not provide any current economic and political case for oil and gas exploration. The lack of an economic case for oil and gas production at West Newton should be balanced with the known realities of a local economy based on farming and tourism. In addition there are known risks to the East Riding Council taxpayer if Rathlin withdraw from their operations and declare bankruptcy or dissolve the Company. An elementary risk analysis shows that the application should be rejected.
- Section 3.5 *Regulatory Framework* fails to recognise the impossibility of safe regulation of onshore oil and gas exploration. Local Authority planning teams lack the expertise or capacity to monitor the industry. Similarly the other regulatory agencies do not have sufficient capacity to regulate an industry which aims to control unknown pressures deep beneath the ground. All oil and gas exploration involves high risks and recent experience in Lancashire and Yorkshire demonstrates the failure of the “heavily regulated” industry to manage them. An elementary study of the reports on Preese Hall and West Newton A will support the rejection of this application on grounds of safety and the longer term health and welfare of residents.

Police

- If this application is passed, there is an issue with the drain on the Police force resources which during the last set of operations was massive for absolutely no reason whatsoever as the threat from protestors, was so insignificant that it made the police presence a massive overkill which just upset local people.
- Due to presence of protectors at the site there were times that Humberside Police caused congestion on the surrounding roads by parking up and waiting for trouble, which I do not believe occurred during their operation.
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Other Matters

- Original West Newton A site has had a refusal on the last application.
- Company claim that test drilling was not fracking to extract shale gas. If any of the test drills sites are successful, then this information will be given to a company who are licensed and able to carry out extraction of shale gas.
- Original application should not have been granted.
- In West Newton itself there are four houses for sale. Why is that I wonder?
- The North of England is now the main target for the imposition of an industry which would, if the applications are successful, be responsible for the loss of many assets that those who live here and other threatened locations, take for granted.
- The government, industry and agencies say “risks can be effectively managed” but even if companies were compliant, the EA would not be available to cope since they have experienced vast cuts and do not have enough staff.
- Perhaps the committee will consider the events at Preece Hall in Lancashire despite these ‘robust’ regulations. Problems arose connected to ‘well integrity’ but Cuadrilla continued to drill for a further 6 weeks and failed to inform any of the regulatory authorities. Minor earthquakes were the reason that put a stop to further drilling – not regulations or regulators.
- Once permission is granted the industry is self-regulated, relying on the company to report problems that arise.
- There is a wilful determination somewhere to ignore all the evidence and press ahead with this insane promotion of the search for gas ‘at all costs’. Who will pay the price? Not Cuadrilla, Third Energy, Rathlin or any of the other big boys.
- This application is not temporary; it has been going on for three years already.
- I would be concerned if this planning is passed due to a catalogue of errors.
- You will be aware by now that Connaught, Rathlin's parent company, have recently announced that they are closing all their operations in Canada to concentrate on drilling in the UK. Rathlin have already said that their results from WNA are "encouraging", so you are likely to end up with many more applications to drill in this area from Rathlin/Connaught.
- The Planning Committee has a one-time opportunity to prevent the spread of industrial exploitation by refusing Rathlin's current application. If they find grounds to approve it, then it will be very difficult or almost impossible to find further grounds to refuse later applications.
- I ask you to make it clear to the Committee what this will mean for the future of this area and its residents. East Yorkshire could become an example to the rest of the UK as a promoter

of renewable energy projects, or an area stuck with redundant technologies which are incompatible with the need to mitigate climate change.

- The planning authority has insufficient expertise, and probably also resources, to regulate the matter effectively.
- A notice from the Department of Enterprise, Trade and Investment (Northern Ireland), Minerals and Petroleum Branch, dated 5th November 2015 underlines significant falls in world oil and gas prices have significantly undermined the extent to which onshore oil and gas, including shale gas, can be considered a secure basis for energy supply. It also demonstrates that Connaught's plan to dispose of assets in Canada in order to concentrate on UK operations does, in effect, mean they have a long term strategy of investment in the East Riding, which is not consistent with the claim that their operations will have temporary, limited impact on visual amenity, wildlife, traffic and possible water, air and soil pollution.

The Council has also been made aware of an online petition but this has not been submitted to the Council regarding this application.

7. CASE ON BEHALF OF THE APPLICANT

- 7.1 Ownership of the petroleum resources of the nation is vested in the Crown and the right to explore for and produce petroleum is controlled by DECC, under a licensing system. Companies are granted a Petroleum Exploration and Development License (PEDL) under the Petroleum (Production) (Lowland Areas) Regulations 1995. The licence grants the licensee the exclusive right “to search and bore for and get petroleum within the licence boundary”. The applicant has acquired the right to operate under PEDL 183.
- 7.2 The UK is heavily reliant on obtaining energy from fossil fuels and this will continue for a number of years. Oil and gas from the UK currently supplies 41% of the UK’s primary energy needs. The North Sea oil fields are gradually depleting. Therefore it is imperative that this supply is maintained and additional oil and gas reserves are found. As a result of the need for more reliable and secure sources of oil and gas, the exploration and development of onshore prospects is of ever increasing importance, to ensure the continued growth of the UK energy supply and security.
- 7.3 In 2004 the UK became a net importer of oil and gas for the first time; this has continued with increasing demand. The UK is currently importing, on an annual basis, more than 8% of oil demand and 32% of gas demand. On a typical winters day in 2013 the production of gas was over 60% of daily consumption. It is estimated that by 2020, import dependence will increase to 45-60% for oil and 70% or more for gas.

- 7.4 These significant increases in demand are also being seen in many other countries, consequently, there will be continued demand for mineral resources in the future.
- 7.5 The UK government wishes to ensure security of supply by exploring for indigenous oil and gas reserves onshore and offshore, where they can be exploited in a safe and sensitive manner having regard to the environment. This was highlighted in the recent National Policy Statement for Energy. If the UK does not maintain security it will become more susceptible to fluctuations in price and demand volatilities. Many of the countries which produce significant quantities of petroleum are political unstable. Therefore, there is an increasing risk that geopolitical interference could impact on the UK when trying to ensure demand is met.
- 7.6 A Planning Statement submitted with this and the previous permitted application provides a description of the application site and summarised the different stages of the proposal. It also provides further information on the petroleum licensing system, need for petroleum development, geological summary, health and safety, regulatory framework, Environmental considerations, statement of community involvement and planning policy.
- 7.7 Additional assessments were also submitted with the previous application including ecology, hydrogeological, flood risk, noise impact, landscape and visual impact, archaeological and heritage together with traffic management plan and a light management plan.
- 7.8 In terms of justification for this proposal, the applicant has confirmed every effort has been made to complete the development within the 36 month timescale permitted by planning permission reference 12/04193/STPLF. However, the test results from the West Newton A well, combined with the evidence gathered during the 2014 3D seismic survey, has led to the need to retain the operation to drill and test the second well from the West Newton A wellsite.

8. KEY ISSUES

- Principle of the Development and Planning Policy
- Landscape and Visual Amenity
- Groundwater Protection and Drainage
- Highways Considerations
- Residential Amenity
- Historic Assets
- Ecology
- Technical Explanation of the Development

9. OFFICER COMMENTS

- 9.1.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

- 9.1.2 The Development Plan for the area comprises the Joint Structure Plan (“the JSP”), the Joint Minerals Local Plan (“the JMLP”) and the Holderness District Wide Local Plan (“the HDWLP”). The National Planning Policy Framework (“the NPPF”) and its associated Planning Practice Guidance (“the PPG”) are material considerations which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. Saved policies in the JSP, the JMLP and the HDWLP can be given due weight according to their degree of consistency with the NPPF (paragraph 215). The emerging East Riding Local Plan (“the ERLP”) is also a material consideration in decision making, with weight given in accordance with the guidance in paragraph 216 of the NPPF.
- 9.1.3 Paragraph 216 of the NPPF identified that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of such policies with the NPPF.
- 9.1.4 The JSP and the HDWLP will be replaced in due course by the emerging ERLP. It will comprise three documents:- the Strategy Document, the Allocations Document and the Bridlington Town Centre Area Action Plan. The Submission Strategy Document (“the SSD”), Submission Allocations Document (“the SAD”) and Submission Policies Maps (“the SPM”) were published for consultation last year. These, together with a schedule of proposed changes and all responses received to the consultation, were submitted to the Secretary of State and public hearing sessions have finished. Consultation on proposed modifications to the plan was held between 30 March and 11 May 2015, with additional hearing sessions taking place in July 2015.
- 9.2. Principle of the Development and Planning Policy
- 9.2.1. Central Government policy recognises and is highly supportive of the role of renewable energy in increasing its contribution to the UK’s energy requirements. It also acknowledges the role that fossil fuels will continue to play in meeting the UK’s energy requirements. The 2007 Energy White Paper highlighted significant demands for oil and gas, and how this will meet the UK’s energy requirements in part into the future. The White Paper highlighted fossil fuels are to be supported by appropriate Government policies to ensure a continuous supply and to maintain competitiveness. The Department of Energy and Climate Change (DECC) reported in 2013 that oil and gas is supplying approximately 41% of the UK’s primary energy needs (DECC, 2013, Annual Energy Statement).
- 9.2.2. The NPPF is clear that mineral planning authorities should take account of Government energy policy and is clear that energy supplies should come from a variety of sources including onshore oil and gas. It also states that mineral planning authorities should use appropriate planning conditions, having regard to the issues for which they have responsibility, to mitigate against any adverse environmental impact.

9.2.3. The NPPF specifically considers minerals development in England including oil and gas, reiterating the Government's commitment to minerals development by setting out the aim of giving great weight to the benefits of the mineral extraction, including to the economy, seeing minerals as essential to support sustainable economic growth and our quality of life.

9.2.4. The NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life. Whilst this application is for exploration over a relatively short period, it will sustain 20 jobs for that period. The NPPF emphasises that as a key aspect of minerals exploration, minerals can only be worked where they are found, rather than other sites potentially being available to accommodate the development, unlike most other land uses. The NPPF also sets out planning permission might be granted for wells that are environmentally acceptable and subject to satisfactory safeguards. The NPPF offers advice regarding noise from minerals developments in paragraph 143 of the NPPF which states *“when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction”*.

9.2.5. The NPPG on Minerals specifically ‘Planning for Hydrocarbon extraction’ states in paragraph 99-100;

“The appraisal phase takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. The appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site.”

This addresses this proposed variation which proposes a well test and potentially drilling a second well.

9.2.6. The Joint Minerals Local Plan is similarly supportive of such wells for oil and gas, subject to the protection of the environment, through policy EM2. The Joint Minerals Local Plan also provides a number of detailed environmental policies on matters such as landscape, groundwater, restoration, archaeology and restoration, as well as general Development Control policy DC1. Relevant detailed considerations are assessed in the sections below. The Joint Structure Plan and Beverley Borough Local Plan do not provide specific guidance about this type of development although they are generally supportive of minerals exploration subject to environmental standards not being compromised.

9.2.7. In summary, it can be concluded that national and local policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.

9.3. Landscape and Visual Amenity

9.3.1. Third party correspondences raised several grounds of objection to this application,

including landscape and visual amenity.

- 9.3.2. The visual impact of the previous application was considered to be acceptable subject to a 36 month time limited consent. In order that the harm caused to the landscape qualities and visual amenity remains temporary, a condition is proposed limiting the whole site operation to a further 36 months to allow the development to proceed without allowing a longer potential time gap between the site preparation and the drilling.
- 9.3.3. If a second well is drilled, the drilling rig would be on site itself a considerably shorter time than 36 months, a maximum of five to ten weeks. The equipment required for a well test would be required for a longer period - approximately 3 months. In terms of visual impact, the tall equipment would only be on site for a limited period of time. Although it is accepted that there will be an increased visual impact compared to a restored site, the site is screened by existing tree and hedge planting alongside the road and the use of the site is of a temporary nature. Neither the Council's tree officer nor landscape and visual impact officer raised an objection to the proposed variation which will be subject to a restoration condition.
- 9.3.4. There are not considered to be any landscape or visual amenity reasons why the application could not be approved.

9.4. Groundwater Protection and Drainage

- 9.4.1. Third party correspondences have raised several grounds of objection including drainage from the site and protection of the aquifer.
- 9.4.2. However, there are no changes proposed to groundwater protection and drainage arrangements that were agreed as part of the previous permission.
- 9.4.3. In addition there are no objections from either Yorkshire Water or the Environment Agency to the proposed variation. Furthermore the operation can only take place under the provisions of an Environmental Permit issued by the Environment Agency of which groundwater monitoring is a key requirement.
- 9.4.4. There are not considered to be any drainage or groundwater protection reasons why the application could not be approved.

9.5. Highways Considerations

- 9.5.1. Third party correspondence raised several grounds of objection to this application, including access and highway safety.
- 9.5.2. However, the impact of the previous application in terms of traffic generation, access and highway safety was considered to be acceptable. This application does not propose any changes to the sites access arrangements.
- 9.5.3. No objections have been received from the Council's highways officer.

9.5.4. Thus there are not considered to be any highway safety reasons why the application could not be approved.

9.6. Residential Amenity

9.6.1. Third party correspondence raised several grounds of objection to this application, including residential amenity.

9.6.2. The impact of the previous application in terms of residential amenity including noise, lighting, dust and vibration was considered to be acceptable.

9.6.3. The Council's Public Protection officer was consulted on this scheme and is satisfied that concerns regarding air quality and potential nuisance will be effectively addressed through a noise and dust management plan conditions attached to the previous permission (which will be retained and remain unaltered should permission be granted for this application), as well as the Environment Agency's permitting procedure. Since the last application was permitted Public Protection, within their response stated 10 complaints have been received, two of which were regards noise and 2 with regards light. All of the complaints have been jointly investigated by the Councils Public Protection and Planning Enforcement Teams. However, they could not be substantiated and there was no breach of condition. Consequently the planning enforcement file opened for each complaint has been closed.

9.6.4. In regulation terms the process will operate in accordance with an Environmental Permit, issued, monitored and enforced by the Environment Agency, and this would regulate various forms of potential pollution from the site including odour, noise and dust.

9.6.5. There are not considered to be any residential amenity reasons why the application could not be approved subject to conditions protecting residential amenity specifically regarding noise, dust and lighting impacts.

9.7. Historic Assets

9.7.1. Third party correspondence raised several grounds of objection to this application, including a detrimental impact to heritage assets including the Grade I Listed Burton Constable Hall and Registered Park and Garden.

9.7.2. The impact of the previous application on historic assets was considered to be acceptable.

9.7.3. Furthermore the Councils Conservation Officer and the Humberside Archaeology Partnership have not raised any objections to this proposal.

9.7.4. The impact of the proposal is considered not to cause harm to historical assets, therefore, it is considered to be acceptable

9.8. Ecology

- 9.8.1. Third party correspondences raised several grounds of objection to this application, including a detrimental impact to ecology/biodiversity.
- 9.8.2. The impact of the previous application in terms of ecology/biodiversity was considered to be acceptable.
- 9.8.3. Initially the Councils Nature Conservation and Ecology Officer placed a holding objection on this proposal because updated ecological surveys were required. This is because the ecological surveys undertaken as part of the previous application are more than three years old and required updating. Updated ecological surveys have been undertaken and submitted to the Council for consideration. The Councils Nature Conservation and Ecology Officers have assessed the updated ecological surveys and have not raised any objections to them.
- 9.8.4. The impact of the proposal to ecology/biodiversity is considered to be acceptable.

9.9. Technical Explanation of the Development

- 9.9.1. Ownership of petroleum resources is vested in the Crown and the right to explore for and produce petroleum is controlled by the Department of Energy and Climate Change (DECC) under a licensing agreement. Rathlin Energy was awarded such a licence by DECC, which gives exclusive rights to licensees, for much of the East Riding, including around Beverley and Holderness.
- 9.9.2. Rathlin Energy had to seek further approvals from DECC and the Health and Safety Executive (HSE) including submitting a Petroleum Operations Notice to DECC detailing the proposed notifications and notification to the HSE before any operations could commence at the site.
- 9.9.3. The drilling proposed is of a 'conventional' nature in that it involves drilling down to potential reservoir(s) of petroleum. 'Fracking', involving the use of hydraulic fracturing of rock to obtain the mineral, is not involved.

10. CONCLUSION

- 10.1. This development proposes a 36 month extension to the temporary well site that was granted planning permission in January 2013 for the purposes of testing for petroleum. National and local planning policy supports development which enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.
- 10.2. Whilst it's accepted that the drilling rig, in particular, would introduce a feature generally uncharacteristic to this landscape, it would only be on site for a relatively short period of time. It is also accepted that such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject to a

further 36 month temporary consent period including full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, and also assists in negating the impact of noise on the nearest residential properties.

- 10.3 The design of the well and the operation along with control provided by planning conditions and the requirements of the Environmental Permit will ensure ground water and the aquifer are protected from harm. Updated ecological surveys have been submitted and assessed by the Councils Nature Conservation and Ecology Officer who has not raised any objections to them. The development is considered acceptable from a highway safety, access and parking prospective, whilst heritage assets will be safeguarded from harm subject to conditions. The proposal is a very heavily regulated on technical and environmental grounds by a number of other public organisations. It is therefore considered that subject to planning conditions the proposed extension to the time period for a further 36 months is acceptable.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The construction, drilling and testing activities approved by this permission shall be carried out for a limited period of 36 months from the date of this permission. The applicant, or their agent, shall notify the Local Planning Authority a minimum of 14 days prior to the commencement of activities on site. The drilling rig shall only remain on site for a maximum period of twelve weeks unless otherwise agreed in writing with the Local Planning Authority. The Local Planning Authority shall be notified in writing within one week of the drilling rig arriving on site. At the end of the 36 month period, all drilling and test activities shall have ceased and all equipment, access, structures and buildings shall have been removed from the site, the borehole shall have been plugged and abandoned, the bunding and perimeter fences and ditches removed, the site levels re-graded and the site shall have been restored to agriculture in accordance with the details set out in Appendix 10 of the planning statement received October 2012 to the satisfaction of the Local Planning Authority.

This condition is imposed because this is a temporary permission to allow a period of exploration and testing in the search for hydrocarbons to take place. At the end of the period the site needs to have been restored to its former use in the interests of protecting the visual amenities of the area.

2. Unless otherwise agreed in writing with the Local Planning Authority or as specifically required by a condition of this permission this site shall be developed, operated, de-commissioned and restored in accordance with the details proposed in Appendix 10 of

the planning statement received October 2012.

This condition is imposed because the supporting statement proposes a form of development that is acceptable and departures from that programme could give rise to unacceptable effects that have not been considered by this application.

3. The development hereby approved shall only be commenced in accordance with the following points 1-10.
 - 1a) Based drilling methods should be used in strata shallower than, and including, the Chalk Group aquifer.
 - 1b) No oil-based drilling methods should be used in strata deeper than the Chalk Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.
 - 1c) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR - 11 form.
 - 2) No potentially contaminating substances should be allowed to enter groundwater in strata shallower than, and including, the Chalk Group aquifer.
 - 3) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.
 - 4) The borehole should be constructed in such a way so as to cause no contamination between, and including, any overlying drift deposits and Chalk Group aquifer. The borehole should be steel-cased through these deposits.
 - 5) The borehole should be constructed in such a way so as to cause no contamination between, and including, the Chalk Group aquifer and any underlying deposits.
 - 6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells'.
 - 7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Maclean Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs
 - 8) Under The Borehole Sites and Operations Regulations 1995 HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define 'mining area' as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.
 - 9) There shall be no discharge of foul or contaminated drainage from the site into

either the groundwater or any surface waters, whether direct or via soakaways.

- 10) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

This condition is imposed to ensure the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer.

4. No development shall take place unless in strict accordance with the Biodiversity Enhancement and Monitoring Plan detailed in Appendix 4 of the Updated Ecological Appraisal (AECOM, November 2015). Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in the interest of protecting ecological and biodiversity interests.

5. The development shall be carried out only in accordance with the following approved plans submitted with the planning application:

Drawing Numbers:

RE-05-SD-WNA-PA-SP-001 Site Location Plan
MDC/REUK/ WP/PA/002 Rev: 0 Red Line Boundary Plan
MDC/REUK/ WP/PA/003 Rev: 0 Site Construction Layout
MDC/REUK/ WP/PA/004 Rev: 0 Drilling Rig Layout
MDC/REUK/ WP/PA/005 Rev: 0 Well Testing Layout
MDC/REUK/ WP/PA/006 Rev: 0 Access Layout
MDC/REUK/ WP/PA/007 Rev: 0 Topographical Cross Section
MDC/REUK/ WP/PA/008 Rev: 0 Drilling Cross Section West to East
MDC/REUK/ WP/PA/009 Rev: 0 Drilling Cross Section West to East North to South
MDC/REUK/ WP/PA/010 Rev: 0 Extended Well Test Cross Section - East to West
MDC/REUK/ WP/PA/011 Rev: 0 Access Point
MDC/REUK/ WP/PA/012 Rev: 0 Drilling Rig Lighting Plan

This condition is imposed for the purposes of clarity and to ensure the development is acceptable and departures from those plans could give rise to unacceptable effects that have not been considered by this application.

6. Unless in accordance with the details agreed under 13/30064/CONDET, no development shall take place until a Traffic Management Plan and photographic highway condition survey have been submitted to and approved in writing by the Local Planning Authority. No development shall be commenced until the Traffic Management Plan has been implemented in accordance with the approved details.

This condition is imposed in accordance with Section 35 of the National Planning Policy

Framework to secure a safe and adequate means of access to the proposed development.

7. No part of the development shall be brought into use until the vehicular access to it and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details and the vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained for the duration of the works.

This condition is imposed in order to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load or un-load or manoeuvre on the public highway would adversely affect the safety of other highway users.

8. Unless in accordance with the details agreed under 13/30064/CONDE'T, the development hereby permitted shall not be commenced until such time as details for the foul drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to prevent pollution of the water environment prior to the installation of the geomembrane protection layer.

9. Development shall not begin until details of any improvements to the existing site access and the adjacent public highway network have been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the site curtilage until the highway improvement works have been carried out in accordance with the approved details.

This condition is imposed because it is considered that the existing public highway is inadequate at present to safely accommodate the traffic, which the development is likely to generate. However, it is considered that the development can be allowed to proceed if the road is first improved in the manner described.

10. Tree and hedge protection measures are recommended, at the outer extent of the canopy spread/rooting areas are recommended for the mature hedgerow/trees adjacent to the western site boundary.

This condition is imposed to ensure no damage occurs from the construction and operational activities which could adversely impact on the long term viability of this landscape feature.

11. Unless in accordance with the details agreed under 13/30064/CONDE'T, before the development hereby permitted commences, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall follow the principles set down in BS5228 and shall include:

- Activities during the construction and operation phases;
- The hours of operation/use for each phase;

- The nearest noise sensitive receptors and noise limits at each property for each phase;
- Details of continuous noise monitoring to be used to demonstrate compliance with the noise management plan;
- Details of noise mitigation measures to be employed;
- An agreement of how complaints will be handled, specifically with regard to operator contact details and additional noise monitoring, where necessary.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

12. Unless in accordance with the details agreed under 13/30064/CONDE'T, before the development hereby permitted commences a dust management plan shall be submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

13. Prior to commencement of development the applicant/agent must inform the operator of Garton Airfield of the following information:

- The proposed date when construction will start and the projected completion date
- The maximum height of proposed construction equipment
- The latitude and longitude of the drilling rig

This condition is imposed because the information will be plotted on flying charts to make sure that aircraft avoid this area.

14. The approved drilling rig shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration; the lighting must be installed at the highest practicable point. If other aviation lighting is proposed then details of the lighting along with a scheme for implementation shall be submitted to and approved in writing prior to the commencement of development.

This condition is imposed in the interest of aviation safety.

15. Unless in accordance with the details agreed under 13/30064/CONDE'T, before the development hereby permitted commences, the specification of the rig to be used shall be submitted to and approved in writing by the Local Planning Authority. The rig shall not exceed 49m in height.

This condition is imposed in order to protect the visual amenity of the area.

16. Unless in accordance with the details agreed under 13/30064/CONDE'T, no development shall commence until a scheme of site preparation and temporary landscape bunding for the site has been submitted to and approved in writing by the Local

Planning Authority. The approved shall set out the restoration and landscape reinstatement plan. The approved scheme shall be implemented.

This condition is imposed in order to protect the environment and the visual amenities of the area.

Note for Applicant/Agent

- By reference to the details relating to the size of vehicles etc. in connection with the transportation of the drilling rig some of the vehicles may be classified as abnormal loads. Accordingly the applicant/agent should contact/liaise with the Council's abnormal loads officer, Mr Kirk Lister (tel. 01482 395676) regarding the movement of such loads.
- The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) at The Highways Building, Grovehill Depot, Annie Reed Road, off Grovehill Road, Beverley, HU17 0LF (tel: 08456-001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway. It is noted the existing field access falls away from the carriageway towards the site. The applicant/agent is reminded the proposed vehicular crossing within the public highway must be suitably constructed to prevent surface water run-off from the public highway discharging to the adjacent field and must agree a suitable arrangement/ construction with Street scene Services.
- The Traffic Management Act in terms of access to the Public Highway requires formal notification to be given by any parties intending to carry out any works within the Public Highway. The Applicant/Agent must comply with these requirements of the Act and the necessary periods of such notification may significantly impact on an intended start date/programme if this matter is not dealt with at an early stage. Further advice on this requirement is available from Lester Burton, Streetscene Services (Maintenance Operations) at Grovehill Depot, Annie Reed Road (tel: 08456-001666).
- A photographic dilapidation survey of the proposed haul route is required for the proposal prior to works commencing. Accordingly the applicant/agent must inform Streetscene Services when the survey is to be undertaken (5 working days required) to enable the survey to be witnessed. Similarly the applicant/agent should contact Streetscene Services should they have any queries regarding the temporary signage required along the route.

The developer must submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement should be submitted alongside the Form WR - 11. Drilling should be carried out to an approved drilling method statement.

No oil based drilling muds can be utilised during the drilling process until an appropriate depth below the aquifer has been reached and the section has been cased and tested.

No discharges of foul or contaminated drainage can be made to either surface or groundwater. Any spillages of liquids/materials likely to cause pollution of the environment need to be dealt

with to prevent losses offsite or to ground. Any wastes generated need to be removed and disposed of at an appropriately permitted site.

If water from the local environment is to be utilised for on-site operational needs an abstraction licence will need to be applied for from the Environment Agency, if the amount is in excess of 20 cubic metres per day. A licence may be granted if the local resource is available and the abstraction does not derogate the rights of existing users. Further measures to protect the environment may be included in the terms of the licence if granted.

As indicated in the Planning Statement, if the applicant intends to use a private water supply for the drilling requirements and potable water on-site, they should be advised to contact the Environment Agency directly as it is likely that an abstraction licence will be required (to abstract from a surface water source such as a river, or from groundwater via a borehole).

Relevant Planning Policies

Joint Structure Plan (JSP) (2005)

- SP4 Landscape Character
- ENV6 Built and Historic Assets
- ENV7 Archaeological Remains

Joint Minerals Local Plan (JMLP) (January 2004)

- DC1 Development Control Criteria
- DC3 Buffer Zones
- DC4 Ground Water and Surface Water Resources
- DC5 Hazardous Installations
- DC7 Areas of Landscape Quality
- DC8 Trees, Hedgerows and Woodlands
- DC12(a) Archaeological Sites
- DC16 Grades 1, 2 and 3a Agricultural Land
- DC19 Traffic Movements
- DC21 Schemes of Working and Restoration
- DC22 Biodiversity
- DC23 Aftercare
- DC25 Rights of Way
- EM1 Exploratory Boreholes
- EM2 Appraisal Boreholes

Holderness District Wide Local Plan (HDWLP) (April 1999)

- G3 Sustainable environmental protection
- G5 Landscape Protection
- Env2 Trees and Hedgerows
- Env22 Listed Buildings - Setting
- Env27 Historic Gardens

Env35 Light Pollution
R13 Safeguarding of Footpath Network
Tr7 Car Parking Provisions
U1 Offsite Service Infrastructure e.g. water supply,
U6 Underground or Surface Water
U9 Drainage
U10 Impact on Existing Watercourses
U20 The Removal of Structures

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

National Planning Policy Guidance (PPG) (2014)

Climate change
Conserving and enhancing the historic environment
Design
Determining a planning application
Health and wellbeing
Light pollution
Minerals (including hydrocarbons)
Natural environment
Renewable and low carbon energy
Use of planning conditions
Water supply, wastewater and water quality

Overarching Energy National Policy Statement (EN-1)

East Riding Local Plan - Submission Strategy Document and Schedule of Modifications (March 2015)

S1 Presumption in favour of sustainable development
EC1 Supporting the growth and diversification of the East Riding Economy
EC5 Supporting the energy sector
ENV2 Promoting a high quality landscape
ENV3 Valuing our heritage
ENV4 Enhancing biodiversity and geodiversity
ENV6(B) Managing environmental hazards

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Reason for Decision

This development proposes a 36 month extension to the temporary well site that was granted planning permission in January 2013 for the purposes of testing for petroleum. National and local planning policy supports development which enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.

Whilst it's accepted that the drilling rig, in particular, would introduce a feature generally uncharacteristic to this landscape, it would only be on site for a relatively short period of time. It is also accepted that such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject to a further 36 month temporary consent period including full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, and also assists in negating the impact of noise on the nearest residential properties.

The design of the well and the operation along with control provided by planning conditions and the requirements of the Environmental Permit will ensure ground water and the aquifer are protected from harm. Updated ecological surveys have been submitted and consideration by the Councils Nature Conservation and Ecology Officer who has not raised any objections to them. The development is considered acceptable from a highway safety, access and parking prospective, whilst heritage assets will be safeguarded from harm subject to conditions. The proposal is a very heavily regulated on technical and environmental grounds by a number of other public organisations. It is therefore considered that subject to planning conditions the proposed extension to the time period for a further 36 months is acceptable.

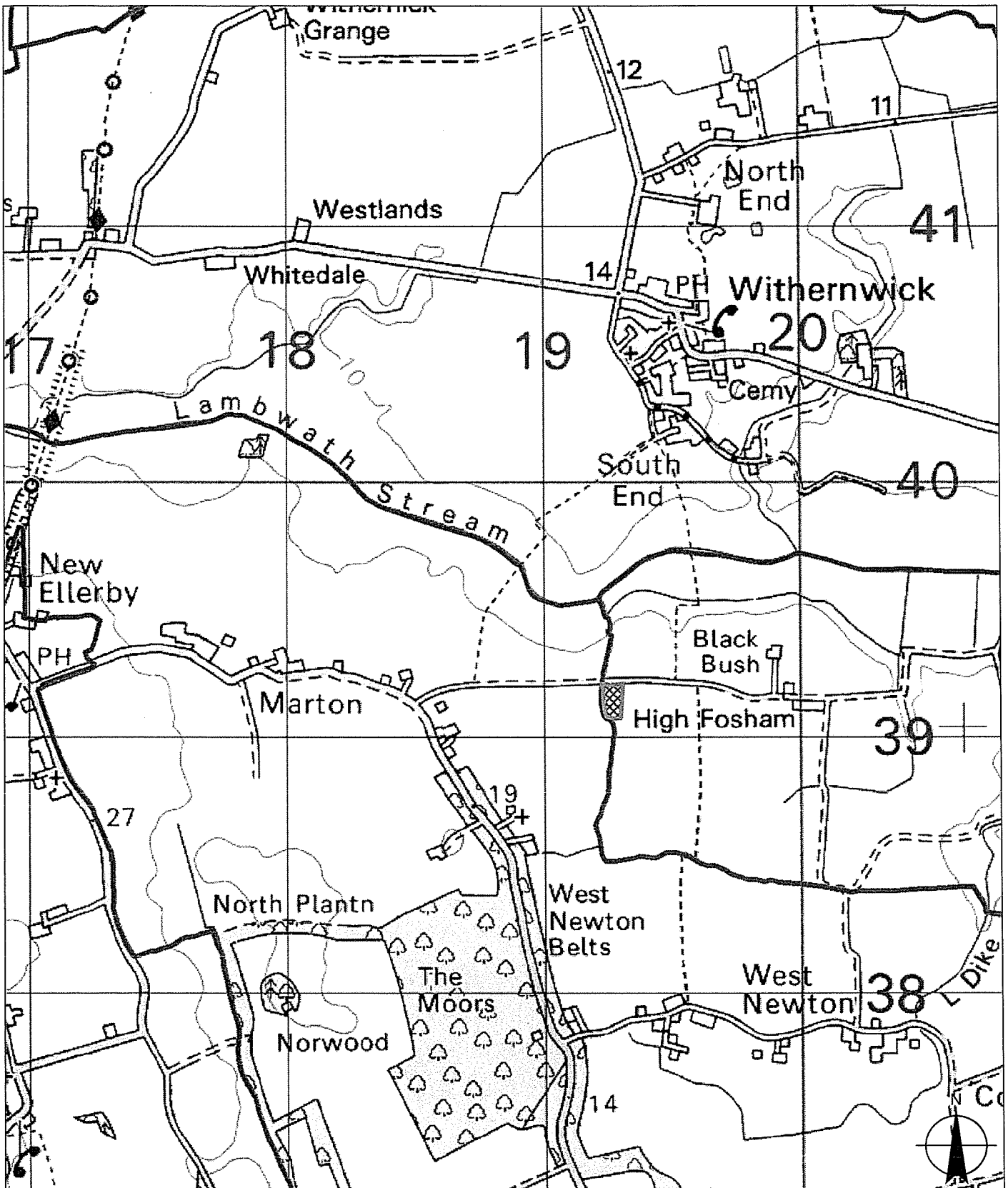
Alan Menzies
Director of Planning and Economic Regeneration

Contact Officer

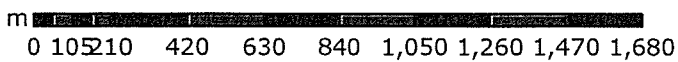
Mr Matthew Sunman

Background Papers

Committee Plan



Scale 1:20,320



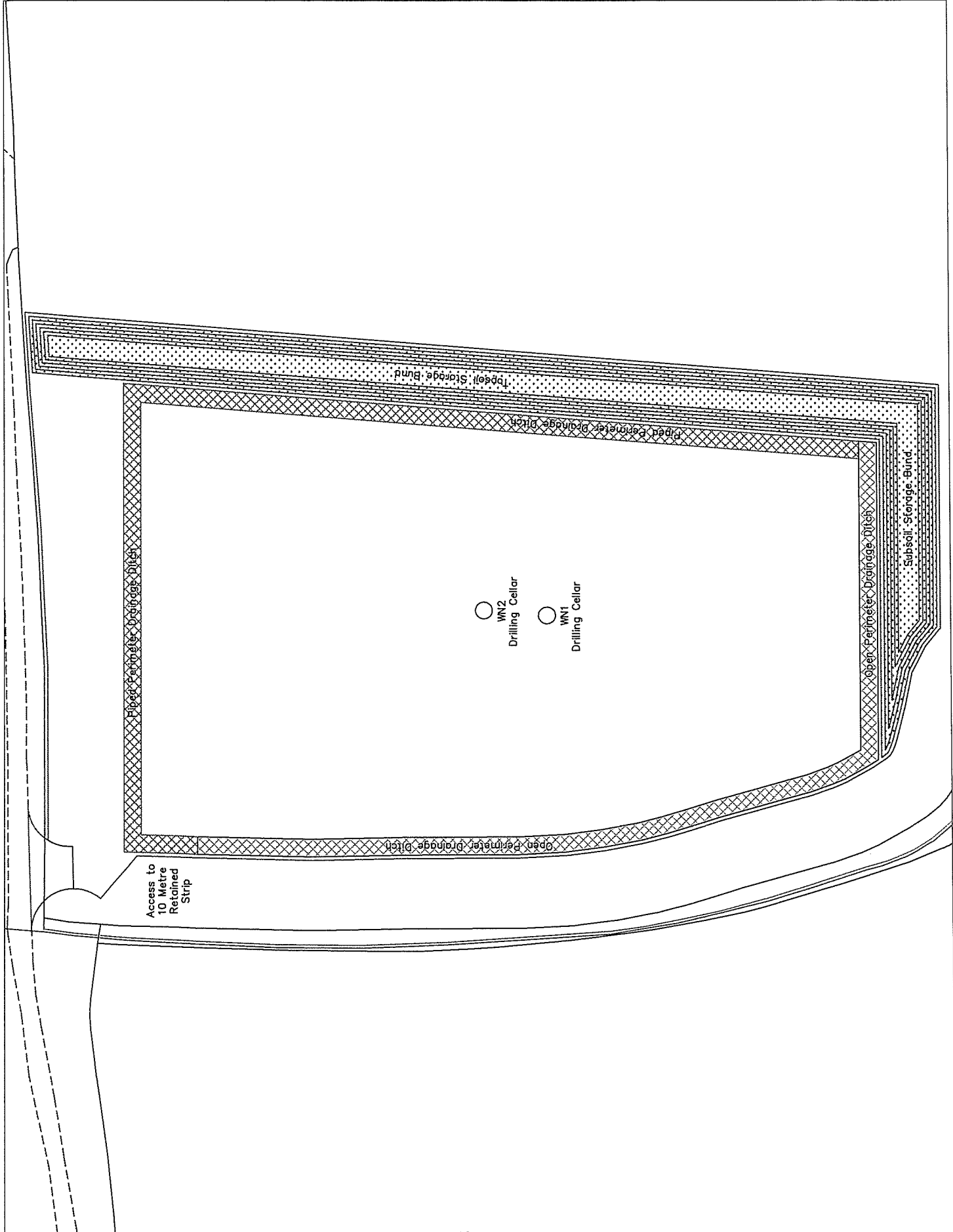
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|--------------|------------------|
| Organisation | ERYC |
| Department | Planning |
| Comments | Not Set |
| Date | 16 November 2015 |
| PSMA Number | 100023383 |



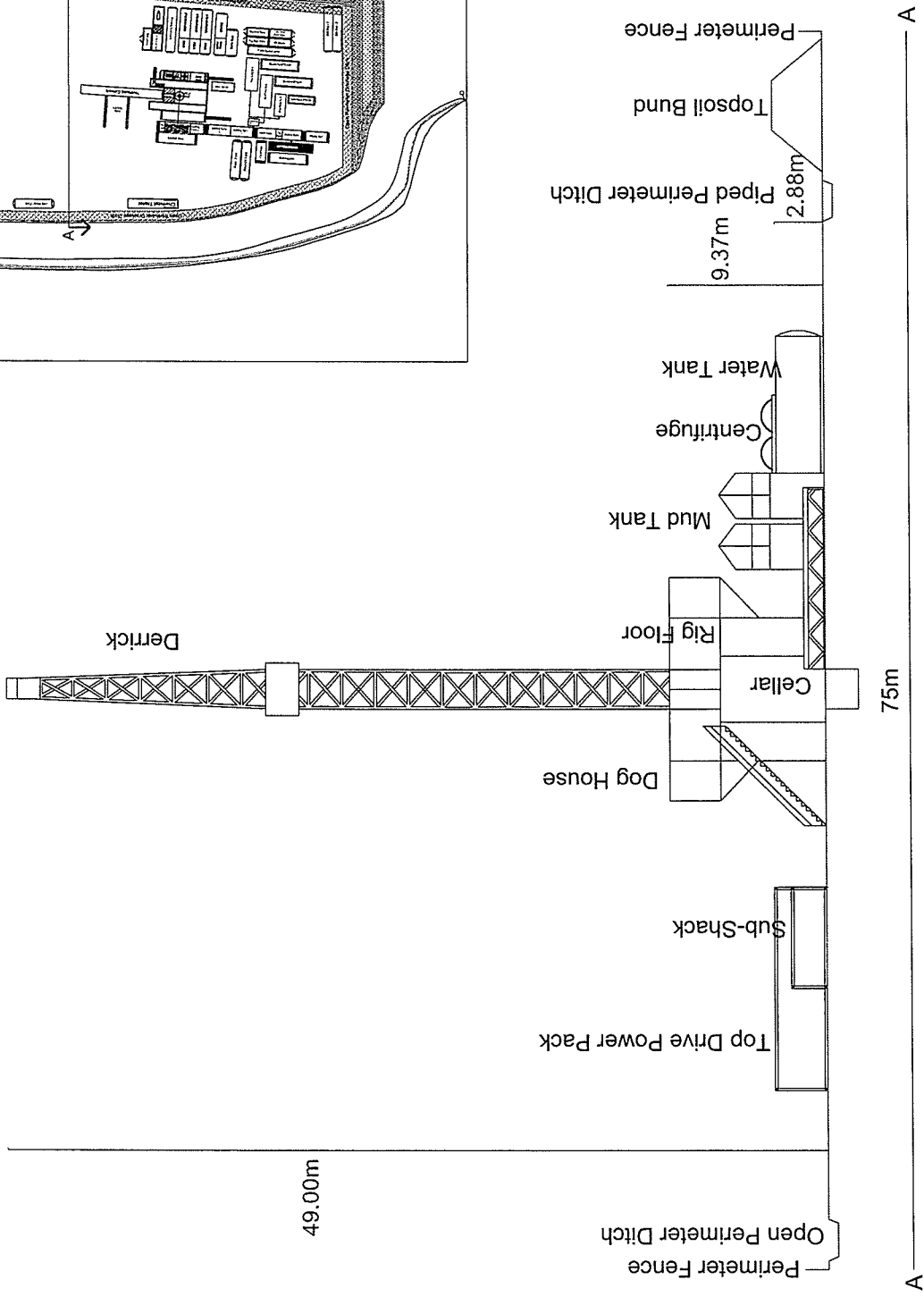
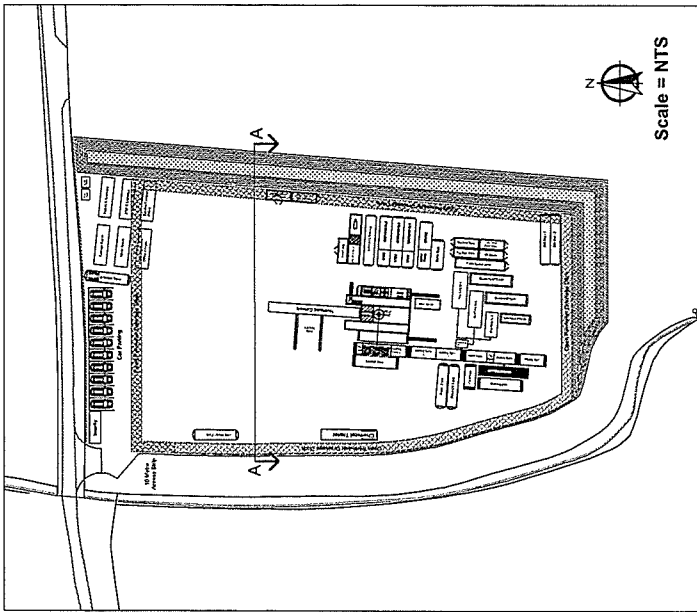
| Key: | |
|------|--------------------------------|
| | Planning Application |
| | Red Line Boundary |
| | Topsoil Screening Bund |
| | Open Perimeter Drainage Ditch |
| | Piped Perimeter Drainage Ditch |

| | |
|-----------------------|-----------------------------|
| Client: | Ratplin Energy (UK) Limited |
| | Moorhouse D & C |
| | Beasingby Industrial Estate |
| | Beasingby Way |
| | Bridlington, YO16 4SJ |
| Job Title: | West Newton Exploration |
| | Woolfite |
| Drawing Title: | Construction Layout |
| Scale: | 1:500 (Printed A3) |
| Drawn By: | Philip Silk |
| Date: | 25th July 2012 |
| Approved By: | Jonathan Foster |
| Date: | 25th July 2012 |
| Drawing No: | MDC/REUK/WN/PA/003 |
| Rev: | 0 |



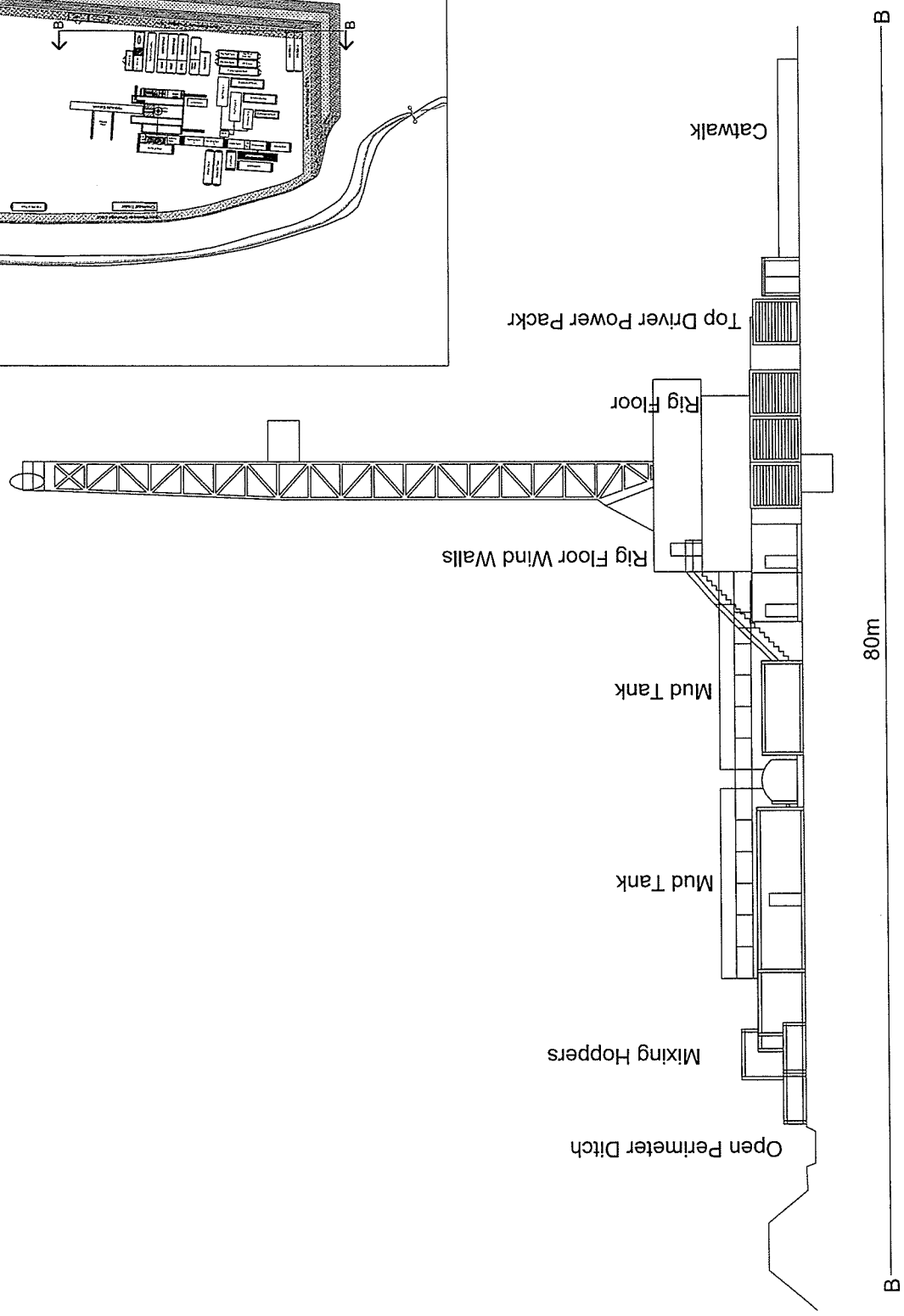
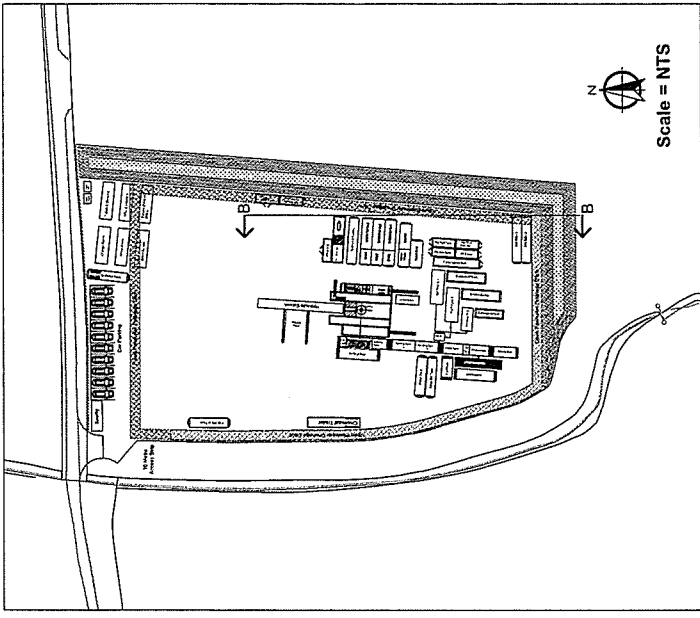
| Key: | |
|------|--------------------------|
| | Hatching Specification |
| | Red Line Boundary |
| | Topsoil Screening |
| | Bund |
| | Open Perimeter |
| | Drainage Ditch |
| | Piped Perimeter |
| | Drainage Ditch |
| | Drilling Rig & Equipment |

| | |
|--------------------|--|
| Client: | Rathlin Energy (UK) Limited |
| Responsible D & C: | Wentworth D & C |
| Address: | Wentworth Agricultural Estate Bassingby Way Bridlington, YO18 6J |
| Job Title: | West Newton Exploration Website |
| Drawing Title: | Drilling Area Section West to East |
| Scale: | 1:100 (Printed A0) |
| Drawn By: | Philip Gill |
| Date: | 26th July 2012 |
| Approved By: | Jonathan Foster |
| Date: | 26th September 2012 |
| Drawing No: | WENTWORTH/RA/2009 |
| Rev: | 9 |



| | |
|-----------------------|--|
| Key: | |
| Flashing Application | |
| Red Line Boundary | |
| Topsoil Screening | |
| Green Perimeter | |
| Open Perimeter | |
| Top Driver Power Pack | |
| Rig Floor | |
| Rig Floor Wind Walls | |
| Mud Tank | |
| Mixing Hoppers | |
| Open Perimeter Ditch | |
| Equipment | |

| | |
|------------------------------|------------------------------|
| Client: | Ratpin Energy (UK) Limited |
| Moat House B & C | Bessingby Industrial Estate |
| Bessingby Way | Grimsby, Lincolnshire |
| Grimsby, Lincolnshire | DN14 4LS |
| Job Title: | Visualisation of Exploration |
| Visualisation of Exploration | Wellheads |
| Drawings Title: | Drilling Cross Section |
| Drilling Cross Section | North to South |
| Scale: | 1:100 (Printed A0) |
| Drawn By: | Philip Silk |
| Date: | 20th July 2012 |
| Approved By: | Jonathan Peater |
| Date: | 20th September 2012 |
| Drawing No: | HD02REUNWHPA009 |
| Rev: | 0 |



| | |
|--------------------------|------|
| Planning Application | Key: |
| Red Line Boundary | □ |
| Topsoil Screening | ▨ |
| Bund | ▩ |
| Open Perimeter | ▧ |
| Drainage Ditch | ▦ |
| Piped Perimeter | ▤ |
| Drainage Ditch | ▥ |
| Drilling Rig & Equipment | □ |

Client: Ratfin Energy (UK) Limited
 Mochlan, S.A.C.
 Brassey Education Estate
 Basingley Way
 Biddington, Tots 452

Job Title: West Herten Exploration
 Ventilation

Drawing Title: Piped Perimeter Cross Section

Scale: 1:100 (Printed A0)

Drawn By: Philip Silk

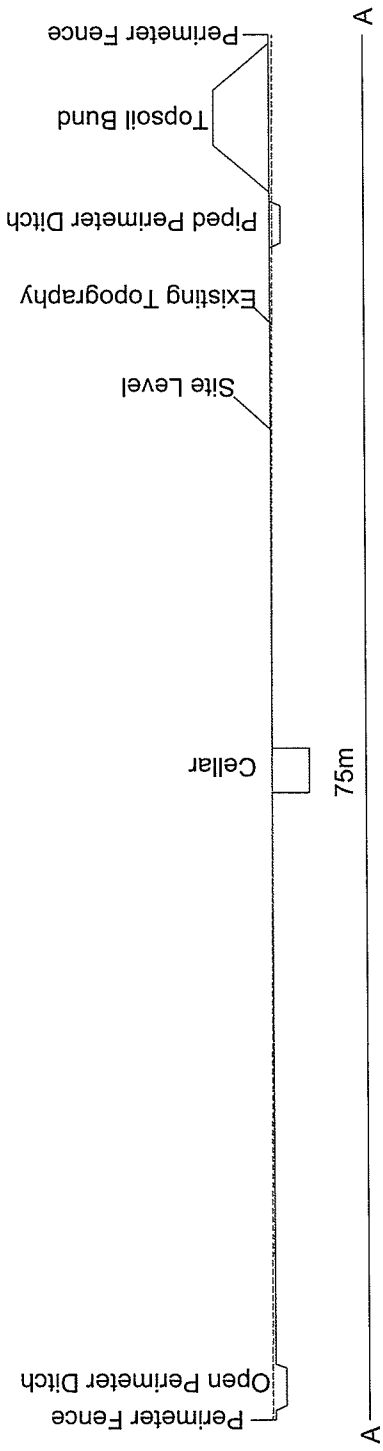
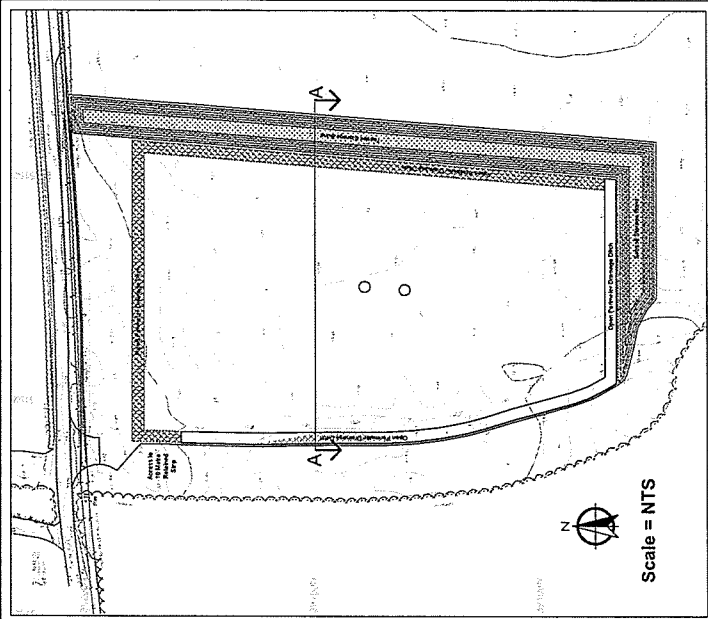
Date: 20th July 2012

Approved By: Jonathan Foster

Date: 20th September 2012

Drawing No: HD02REUKWHPA007

Rev: 0



Key:

| | |
|--|--------------------------|
| | Patching Application |
| | Red Line Boundary |
| | Bund |
| | Topsoil Screening |
| | Open Perimeter |
| | Drainage Ditch |
| | Piped Perimeter |
| | Drainage Ditch |
| | Drilling Rig & Equipment |

| | |
|----------------|---|
| Client: | Rathlin Energy (UK) Limited |
| Address: | Moorehouse D & C Moorehouse Farm Bessingby Way Baldingdon, YO16 6J |
| Job Title: | West Newfen Exploration Wellsite |
| Drawing Title: | Site and Well Test Cross Section |
| Scale: | 1:100 (Printed A0) |
| Drawn By: | Philip Stik |
| Date: | 20th July 2012 |
| Approved By: | Jemithan Foster |
| Date: | 20th September 2012 |
| Drawing No.: | WNS020120901A010 |
| Rev: | 0 |

