



EAST RIDING

OF YORKSHIRE COUNCIL

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Malcolm Sims Director of Corporate Resources

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Agenda/DH

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Date:

24 September 2014

Dear Councillor

I hereby give you notice that a meeting of the PLANNING COMMITTEE will be held at COUNTY HALL, CROSS STREET, BEVERLEY on THURSDAY, 2 OCTOBER 2014 at 2.00PM and 3.00PM

The business to be transacted is as set out below.

Yours sincerely

for Malcolm Sims
Director of Corporate Resources

Enc

A G E N D A

1. Declarations of Pecuniary or Non-Pecuniary Interest and Declarations under Section 4 of the Code of Practice for dealing with Planning Applications - Members to declare any interests in items on the agenda and the nature of such interest.
2. To approve as a correct record the minutes of the meeting of the Planning Committee held on 11 September 2014 (pages 1 - 8).
3. To receive the minutes of the under-mentioned Sub-Committees:-
 - (a) Eastern Area Planning of 1 September 2014 (pages 9 - 11), and
 - (b) Western Area Planning of 2 September 2014 (pages 12 - 17).



INVESTORS
IN PEOPLE | Gold



4. Land south west of Crawberry Hill, Walkington Heads, Walkington (pages 18 - 56).

**THE FOLLOWING ITEMS WILL BE CONSIDERED AT NO EARLIER THAN
3.00PM**

5. Little Weighton Railway Cutting, Westfield Road, Eppleworth (pages 57 - 93).
6. Land north of Eastfield House, Pilmar Lane, Roos (pages 94 - 117).
7. Land east of England Springs, Long Lane, Woodmansey (pages 118 - 149).
8. Land north west of Forest Farm, Skiff Lane, Holme Upon Spalding Moor (pages 150 - 176).
9. Cattle Market, Exchange Street, Driffield (pages 177 - 216).
10. Land west of Barmston Beach Caravan Park, Sands Lane, Barmston (14/02350/STPLF) (pages 217 - 259).
11. Land west of Barmston Beach Caravan Park, Sands Lane, Barmston (14/02351/STOUT) (pages 260 - 301).
12. Future Planning Applications (pages 302 - 304)
13. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

- Notes: (1) All reports are by the Director of Planning and Economic Regeneration unless otherwise stated.
- (2) Details of planning applications determined under officer delegation are enclosed for information.

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EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
02 October 2014

WARDS: Beverley Rural

**Application for Variation of Condition 2 of planning permission 12/02945/STPLF to allow a further 24 months in which to complete the approved operations At Land South West Of Crawberry Hill, Walkington Heads, Walkington, East Riding Of Yorkshire by Rathlin Energy (UK) Limited
Application Number: 14/02622/STVAR**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 14/02622/STVAR is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment

C. Application Type

Strategic - Variation of Condition(s)

D. Parish

Bishop Burton Parish Council

E. Applicant

Rathlin Energy (UK) Limited

F. Target Date

13 November 2014

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 is an application to allow operations for mineral appraisal to continue in search for petroleum (oil and gas) reserves at depths of up to 2500m underground, within the strata of various geological rock types under the site, for another two year period.
- 1.2 The Applicant is proposing to vary condition 2 of planning consent 12/02945/STPLF (a copy of the decision notice is provided in Appendix 1) and extend the period for activities on site for a further 24 months. The development approved consisted of four principal phases:
 - Site Construction
 - Drilling x 2 wells
 - Well Test
 - Site Restoration

Site construction commenced in November 2012. Drilling, which consisted of two phases, surface conductor setting and main drilling operation commenced in January 2013 and April 2013 respectively. The main drilling operation was completed in June 2013. Within the centre of the site, a drilling cellar has been constructed. This formed a containment area from which the Crawberry Hill borehole was drilled, whilst also housing the wellhead. The cellar is constructed from pre-cast concrete rings, approximately 2.7m nominal diameter. An impermeable membrane is incorporated into the cellar construction to maintain the integrity of the site. The drilling has taken place down to a distance of 2500m into the geological strata that is the potential petroleum reservoir. Air, lubricant and water has been used to aid the drilling operation. The drilling rig is a 49m high lattice mast structure. Only one well has been drilled.

- 1.3 The well test has yet to be undertaken. The Applicant's justification for the application to vary condition 2 to allow a further 24 months to undertake activities on site is provided in section 5.1 of this statement. Phases 1 and 2 have been completed; however, the well test and site restoration have yet to be undertaken. It is anticipated that the well test will be completed prior to the current planning consent expiring on 5th November 2014. The variation of condition no. 2 to continue operations for a further 24 months will allow for the analysis of the well test results and the site restoration and aftercare to be undertaken.

The site lies in open countryside within an agricultural field, separated from the

Walkington Heads road by a hedgerow boundary. The site measures 0.99ha, and gradually slopes down from Walkington Heads to the Flowery Dale to the north. The site is located approximately 1.5km to the north west of Walkington and 2km south west of Bishop Burton. The nearest residential properties to the site are Cold Harbour Farm located approximately 850m to the north, Walkington Wold Farm around 0.97km to the southwest and Westfield Farm located approximately 1.07km to the south east, towards Walkington. A line of National Grid electricity pylons runs immediately northwest to southwest, adjacent to the northern field boundary. The site is located in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan and in a Groundwater Protection Zone.

- 1.4 Within the site, topsoil and subsoil has been removed and stored in separate bunds, of approximately 80m x 120m, it also contains hardstanding to accommodate the drilling works, plant etc. and a parking area and accommodation for site personnel. An access point to the field from Walkington Heads allows access for vehicles. The well head is located in the middle of the site. There are a number of temporary tanks, pipe work, generators, demountable buildings and staff facilities at the site. A perimeter fence contains the site.
- 1.5 As an operational site the average daily number of vehicle movements is up to 15 cars and 4 HGVs. If a second well is drilled, there would be around 60 deliveries associated with erection of the drilling rig and equipment. The drilling operations itself would continue 24 hours a day once started and would carry on over a period of five to ten weeks. If petroleum is established, the applicant may then wish to undertake an extended 90 day test.
- 1.6 Rathlin Energy's existing planning permission provides for the drilling of a second well from the existing site. In the event the well test operations provide sufficient encouragement to support the drilling of a second well, Rathlin Energy may plan to do so within the proposed extension time. If planning permission is granted for the extension the well test will commence soon and is anticipated to take 85 days to complete although the operation may well exceed this. A period of inactivity at the wellsite following completion of the well testing operation is anticipated allowing analysis of the data obtained during the well testing operation and a decision as to whether to retain the site for production or abandon the well and restore the wellsite. During this inactive period minimal equipment will be on the site including a gauge on the well and a security cabin.
- 1.7 On completion of the drilling/testing, the drilling rig is to be removed (taking up to one week) and restoration works carried out over five weeks. If the well is proven not to be capable of producing commercial quantities of petroleum, the well will be abandoned and the wellsite restored back to its original condition. The restoration of the wellsite will need to be undertaken when the weather is favourable, whilst the wellsite is located on well-draining land, it is important that the soils are of suitable condition (dry and friable) to undertake successful restoration.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan
Appendix 2 - Red Line boundary plan
Appendix 3 - Well Testing Layout Plan
Appendix 4 - Drilling Rig Layout Plan
Appendix 5 - Drilling Cross Section

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire, Joint Minerals Plan for Kingston upon Hull and the East Riding of Yorkshire and the Beverley Borough Local Plan. The National Planning Policy Framework, National Planning Practice Guidance and the emerging East Riding Local Plan, together with the other documents listed below, are also capable of being material considerations. The emerging East Riding Local Plan consists predominantly of the Submission Strategy Document and Submission Allocations Document and the associated Schedule of Changes.

Joint Structure Plan (2005)

SP4 Landscape Character
ENV7 Archaeological Remains

Joint Minerals Plan (2004)

DC1 Development Control Criteria
DC4 Ground Water and Surface Water Resources
DC7 Areas of Landscape Quality
DC8 Trees, Hedgerows and Woodlands
DC12(a) Archaeological Sites
DC19 Traffic Movements
DC21 Schemes of Working and Restoration
DC23 Aftercare
EM1 Exploration Boreholes
EM2 Appraisal Boreholes

Beverley Borough Local Plan (1996)

P1 Approach to Development on Unallocated Sites
P2 Environmental Protection
E3 Development in the Open Countryside
E9 Agricultural Land
E10 Areas of High Landscape Value
E14 Effects upon wildlife, natural history features and resources
E15 Protection of LNRs and SNCIs
E19 Protection of water environment
D19 Ground Water Resources

National Planning Policy

National Planning Policy Framework (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 (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

East Riding Local Plan – Submission Strategy Document (April 2014)

- 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
- ENV4 Enhancing biodiversity and geodiversity
- ENV6(B) Managing environmental hazards

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)

Overarching Energy National Policy Statement (EN-1)

4. RELEVANT PLANNING HISTORY

- | | |
|----------------|--|
| 11/04441/STPLF | Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum). Approved 16.01.2012. |
| 12/02945/STPLF | Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum). Approved 18.09.2012 |

5. CONSULTATION REPLIES

- | | |
|------------------------------|---|
| Bishop Burton Parish Council | Recommend approval, as they did on the original application. This extension is through no fault of the applicant. |
|------------------------------|---|

Walkington Parish
Council

Object. The reasons for the extension are not clearly justified. The delays caused to the contract through obstruction of the site cannot be in excess of 4 months (May-August 2014) and other claimed delays are not fully explained or confirmed by letter by the regulatory body concerned.

There would be no objection to a more reasoned and justified extension of time.

The Parish Council has a priority objective which is to achieve a swift conclusion to any work on the site. The original stated objective of the developer was restricted to an exploratory investigation of the underlying strata, then leave the land without further work or exploitation of resources whatsoever.

The initial failure to appeal or contest any of the planning conditions which were applied to the original planning consent indicates a willingness to comply fully with such conditions, and the Parish Council would view any further requests for the relaxation or variation of them as a most serious breach of faith with the local community.

Newbald Parish
Council

Object. Although this application relates only to the extension of the period to complete the approved operations, Newbald Parish Council was not aware of the original planning application back in 2012 and would certainly have objected at that point, had it known about it.

Timescales

ERYC granted planning permission to Rathlin for planning application 12/02945/STPLF on 18 September 2012.

Condition 1 stated that the development hereby permitted shall be begun before the expiration of three years from the date of the permission. Therefore Rathlin had until 18 September 2015 to start the work.

Condition 2 stated that the site preparation and construction, drilling and testing activities shall be carried out for a limited period of 24 months.

It seems implausible or at least unlikely that the activities of a few protesters and a change in regulatory position by the Environment Agency could have set back Rathlin's schedule so far that they require another two years (the same amount of time that they've already had and one year more than their original application) to complete the work that they'd intended to do at the time when the

original application was submitted. Indeed. Phase 1 and Phase 2 have already been completed.

Had Rathlin felt that two years was not going to be long enough at the outset, why did it not appeal against ERYC's decision at the time to grant it two years rather than three?

Clearly. Rathlin did not manage its priorities effectively. It proceeded with work both at Crawberry Hill and at West Newton concurrently and in so doing, failed to manage the sites efficiently. Had it delayed the onset of work at Crawberry Hill, it could have focused on one site at a time, minimising the total time required to complete the work.

The two year deadline was imposed by ERYC for a reason, namely to protect the Wolds Area of High Landscape Value and visual amenities of the area. This should not be compromised for any longer.

Breach of Conditions

Rathlin energy hasn't abided by some of the key conditions posed at the time when the first application was granted. It hasn't consistently used the approved route for traffic movement and its environmental controls around the storage of water have been lax.

Impact on the Environment

Newbald Parish Council wishes to register its serious concerns about the perceived risk posed by exploratory drilling to the large and crucial aquifer which runs under this area. Regardless of all the measures being taken to protect it, all materials degrade eventually and the Council is deeply concerned that experience from other countries suggests that methane or other chemicals and materials used in the exploratory drilling process, or indeed naturally occurring elements, could sooner or later contaminate the aquifer, which supplies a large proportion of households, businesses and public amenities in East Yorkshire with clean water.

Air pollution is a risk from the release of gases or as a by-product of the flaring of gases.

Ground pollution may occur from both chemicals used or from spill of contaminated used water from the borehole.

The East Riding Strategy Document states that "The East Riding's rich and diverse landscape, open spaces and coastal areas are a source of great pleasure to local people and visitors alike. This includes an extensive (1,600 km) Public Right of Way network,

which includes the Yorkshire Wolds National Trail and the Trans Pennine Trail" (2.21).

ERYC also acknowledges that the Wolds is an area of High Landscape Value: "The gently, rolling landscape instills a sense of openness and tranquility provided by expansive views, sparse populations and agriculture". (8.32)

ERYC specifically states that it will promote a high quality landscape (8.19).

Yet the drill site impacts adversely on the visual amenity and also on the ecology and the archaeology of the area. It threatens the very rich and diverse landscape that ERYC commits to protecting.

Policy ENV1 of the East Riding Strategy Document states that "all developments will seek to reduce carbon emissions and make prudent and efficient use of natural resources, particularly land, energy and water". Again, this drill site is not in keeping with that stated policy.

Impact on Climate Change

This application contravenes one of the core planning principles of the NPPF, which is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)". This appraisal borehole has been instigated for the purposes of establishing whether petroleum extraction is commercially viable. Petroleum is not a renewable energy source and the process of exploratory drilling, extraction and the associated traffic movements, are carbon-intensive.

There is now incontrovertible evidence to support the fact that carbon emissions and the greenhouse effect are having an impact upon climate in both the short term and longer term. In the East Riding Local Plan Proposed Strategy Document, it states "The risk of flooding and coastal erosion is expected to increase with climate change as the sea levels are predicted to rise by 1.2 metres over the next 100 years". The Rural Strategy also recognises the need to support the Green Economy and protect the Rural Environment.

Woodmansey Parish
Council

The Parish Council agreed that East Riding Council be informed that:

- (i) as a parish adjoining Walkington Woodmansey Parish Council

fully supports the views of Walkington Parish Council regarding the Walkington Heads site and the implications that further development of the site may have on the aquifer which supplies water to residents of the area, including Woodmansey, and that until such time as a more clearly justified explanation of the need for the extension is submitted the application should be deferred,

- (ii) that the Parish Council is concerned at the widely reported allegations that the company has been in breach of conditions attached to the original planning permission aimed at protecting the water supply and considers that it is important that such conditions are properly monitored/investigated by the relevant agency and if a breach of the planning conditions has occurred the Planning Authority should take enforcement action, and
- (iii) that in the event that an extension of time is granted a condition should be attached, as for the original permission, expressly forbidding any fracking taking place either within the period of the extension granted or at any point in the future at the site.

Highway Control	No objection subject to conditions.
Public Protection Division	No objection. During the previous drilling period I monitored noise levels and am satisfied that condition 11(noise) was complied with. I also discussed noise issues with residents of nearby properties who confirmed that they had no grounds to complain during the drilling phase. I can also confirm that I am satisfied that Condition 4 (external lighting) was complied with.
Trees and Landscape Section	No objection in principle, subject to full site restoration works following removal of the drill rig. I would defer to the LVIA team regarding the continued availability for the site use and its impact in the wider landscape.
Yorkshire Water Services Limited	No objection. We understand that the well abandonment will be completed in line with the requirements of the Environment Agency permit.
Environment Agency	No objection.
Natural England	No comment.
Nature Conservation Officer	No objections. I raised no issues in respect of the original application and the proposed variation is unlikely to have an

unacceptable impact on ecology and biodiversity.

Ministry Of Defence No safeguarding objection.

NERL Safeguarding Officer No safeguarding objection.

CAA - Safeguarding No objection. At 49m high the drilling rig does/would not constitute an aviation en route obstruction. Unless there was something unusual about the proposed developments (e.g. there was an intent to vent/flare gas such as to cause a potential danger to overflying aircraft) the CAA would not require these structures to be formally notified for generic/non aerodrome-related civil aviation purposes. Further, whilst I doubt that there are any civil aerodrome official safeguarding issues, the Council should consider the need to consult with any local aerodromes that have any sort of safeguarding agreement with the Council; note that aerodrome safeguarding responsibility rests in all cases with the aerodrome operator as opposed the CAA.

Notwithstanding our comment that the drilling rig does not constitute an aviation en route obstruction, at 49m high the rig might be one of the tallest structures in the immediate vicinity and might be viewed by some quarters as needing to be lit and/or marked for aviation purposes. For background, unless there is an aerodrome safeguarding issues, aviation warning lighting on tall structures only becomes legally mandated for structures of a height of 150m or more. However structures of lesser height might need to be lit/marked if, by virtue of their location and nature, they are considered a significant navigational hazard. In this case, whilst the CAA would not in isolation make any case for lighting and/or marking we would have no issues with a related proposal offered by any aviation stakeholder.

Humber Archaeology Partnership The form of preservation for which the applicants opted was preservation by record, as they decided that destruction was unavoidable (to include full and detailed excavation followed by post-excavation analysis and publication of results). This procedure is in line with the historic environment policies set out in the NPPF (notably Policy 141), and with the guidance set out in the earlier Historic Environment Planning Practice Guide.

The applicants are currently part-way through implementing their archaeological scheme of works, and are working on the production of a final report for publication. As this scheme has not yet been completed, we would like to repeat the earlier condition. Such an evaluation can be made conditional on planning permission.

National Grid Plant Protection No reply received.

Landscape + Visual Impact Assessment No objection.

The Coal Authority No observations.

Humberside Airport No reply received.

British Geological Survey (BGS) No reply received.

Health And Safety Executive No objections.

Department of Energy and Climate Change Licensing and Exploration No reply received.

Yorkshire Wildlife Trust A photograph of a protected species (Schedule 1, listed under the 1981 Wildlife and Countryside Act - the Barn owl (*Tyto alba*), is shown on the website of the applicant indicating the presence of the species in the locality. Therefore, the applicant should take appropriate steps to ensure that Barn owls will not be intentionally harmed or recklessly disturbed by the application.

The site is underlain by a highly vulnerable major aquifer (Fig. 11, Hydrogeological Risk Assessment HRA, May 2012). The Trust continues to have concerns about the potential for applications of this type to contaminate the chalk aquifer e.g. a paper by Kiem, West and Odling (2012) shows how quickly contaminants can move within a chalk substrate.

Natural England's protected area (River Hull Headwaters HLS Target Area; HRA Fig. 14) is likely to fall within the area of flow that would be predicted from the groundwater contours (Figs. 9 and 10). A related concern is that the site lies within the Total Catchment of the Source Protection Zone for the Hull groundwater sources. The authority needs to be certain that the proposed activities at this site will not affect the aquifer and the River Hull Headwaters SSSI.

Following para. 109 of the NPPF – *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the*

Government's commitment to halt the overall decline in biodiversity', we would expect that restoration of the site would include enhancement for wildlife and not just a return to the land's original state. Possibilities for example could include planting species-rich native hedgerows with plants of local provenance, which connect up to wider hedgerow networks, and enhanced field boundaries to support species such as Barn Owl.

6. PUBLICITY

Neighbours/ Publicity

The application has been advertised by letters sent to those who wrote in about the last application, by site notices and by a press notice in the Hull Daily Mail with an expiry date of 12 September 2014.

331 letters of objection have been received raising some or all of the following issues;

Visual Impact

- The Council restricted the time period of consent due to the site being in an area of high landscape value. This remains a prime consideration.
- Industrial plant established for the first phase of the work was a blight on the countryside and was not minimised to any extent and was not screened by landform contrary to Rathlin's claims.
- Is fully visible from the verge and road with much more plant and vehicles and chemical containers and visible emissions than expected.
- It is an oil rig in our backyard, a disgusting eyesore and don't want to see anything similar again in the Wolds and close to our beautiful conservation village.
- Seriously doubt the field can ever be restored to its original appearance and use, even if work stopped immediately.
- Rathlin claims impacts are negligible because of the short duration of the work but 4 years is not a short period by any stretch of the imagination.

Highways

- Access roads are narrow and not designed for heavy vehicles.
- Excessive vehicle movements would be damaging to the environment and the conditions of local inhabitants.

Water

- No reliable guarantee that the water supplies will not be permanently contaminated.
- Concern re water supply as the well goes right through chalk aquifer supplying much of Hull and East Yorkshire's tap water for its residents and businesses.
- Contamination possibility due to chemicals used in the fracturing process.
- Even if no contamination occurs now (which cannot be guaranteed), what happens in 25 years if shale gas is exhausted and the company move on?
- Even if aquifer not polluted, will be left with large quantities of heavily contaminated drinking water for which safe disposal means will need to be found.
- Drilling pad fails to contain liquids so water flows onto road instead of into ditch at West Newton.
- Well pad drainage ditch overflows onto neighbouring crops on multiple occasions on both sites.
- Leaking tank at Crawberry Hill.
- The Hydrogeological Risk Assessment (HRA) commissioned by Rathlin acknowledges the sensitivity and extent of the risk to water supply.
- No reference is made to the small reservoir serving Walkington which is within the 2 km radius of the HRA.
- No explanation is given for the limited 2km radius focus of the risk assessment.
- The site is on a Major Aquifer and on the catchment area for Hull's water supplies. The proposal to test by use of a "mini-frack" in the Bowland Shale suggests that residents across East Yorkshire and Hull could be affected by pollution of their water supply. This is a material consideration for residents and businesses of the whole area which are served by the aquifer and highlights the fundamental issue of a lack of truly independent assessment of Rathlin's proposals.

Residential Amenity

- Would be excessive noise and vibration caused by drilling.
- Anxious that a quiet rural community and conservation village has become the focus of such attention with major police activity, media attention, actions in the High Court and controversial planning applications and divisions within the community.

EIA

- Site should need a robust EIA re impact on wildlife.
- Ask the Council to reconsider its decision not to require an EIA. The water supply issues are grounds for consideration of an Environmental Impact Assessment
- The site is stated to be under 1 hectare, the area which would require an Environmental Impact Assessment. In his signed witness for the High Court eviction order Tom Selkirk, Country Manager for Rathlin, stated: "*Rathlin has a 2.5 acre site being land at Knights Garth Farm, Callas, Bishop Burton in the East Riding of Yorkshire known as Crawberry Hill*" (Claim HC 4602820 22.07.2014). As 2.5 acres = 1.01 hectares so should require an EIA. Given the established importance of the aquifer for the East Riding and Hull, documented groundwater breaches of planning permission, the existing levels of pollution, the risk of accidents highlighted by well problems at West Newton and the proximity to the densely populated areas in and surrounding Hull it is reasonable and necessary to expect an Environmental Impact Assessment to be required.

Time extension

- Reasons given by Rathlin for the extension of time do not stand up to scrutiny e.g. further time needed due to the need to apply for a permit and the blocking of the site by protectors.
- The blockade was in place for less than 1 month.
- Rathlin applied for the permit in February 2014 which was granted in May 2014 (process took 3 months). How does a 3 month delay justify a 24 month extension?
- The regulations which required Rathlin to apply for the permit took effect in April 2013, why did Rathlin wait until February 2014 to apply for the permit? To do so earlier would have been in time for their 'temporary' work to be completed.
- The overall delay caused by what Rathlin says were unforeseen circumstances amounts to only 4 months. How does that justify an extension which would be for as long as the time granted for several phases of 'temporary' work in the first place?
- An effective project plan should have accommodated these issues. There was plenty of time and scope for doing so.
- Evidence of failure in project management can be seen from the priority given to the West Newton site over Crawberry Hill. The Council allowed 3 years for the work

at West Newton and 2 years at Crawberry Hill. It is obvious that work at Crawberry Hill needed to be completed first. Rathlin did it the other way round, leaving a year of their permission at West Newton redundant while running out of time at the priority site.

Ecology

- The dangers to the environment and ecology of the area have not been sufficiently researched or explained.
- Two hares have drowned and barn owls have fled.

Noise

- As the nearest property, am very concerned about the noise levels and feel these were not properly addressed before work started. While test drilling the site was very noisy, not just drilling noise, the worst problem was at night when pipes would bang against each other.

Lighting

- Lighting is very bright even at the current background levels. When drilling was taking place it lit up the whole of the southern sky from Cold Harbour Farm.

Knowledge

- Members need to know more about process and dangers.

Enforcement/Breaches

- Protected wildlife, i.e. brown hares, have died as a result of failures in waste management
- Lack of independent regulation.
- Who will enforce the site to ensure conditions are adhered to and environment protected?
- HSE noted that the well at West Newton had to be shut down due to undue pressure within the well casings.
- Traffic plan was breached - road signs were ignored and the site approached from the wrong direction. No alternative plan has been published and no sound reason has been given for the breaches.
- Water tanks containing dangerous waste have leaked for months onto surrounding farmland
- Bunds were not established in accordance with approved

plans

- Lighting is being used outside of drilling periods
- No robust arrangements in place to monitor and inspect conformity to planning conditions and regulations put in place by other agencies. A monitoring regime should be agreed between all agencies and published.

Consultation

- Insufficient consultation with local communities including North Newbald.
- Poor public consultation. Rathlin 'communicates' with a small circle of parish councillors in closed sessions in unknown locations and does not engage with villagers on the subject. The minutes of these meetings are full of technical language beyond comprehension.
- Request the Council holds a public meeting at which a balanced debate can be heard and questions can be put publicly to the Council, Rathlin, MPs and Parish Councils. The risk to the water supply affects the whole area including the city of Hull.

Fracking

- Rathlin are injecting fluid into the Bowland shale and increasing hydraulic pressure up to the point where the rock would fracture which will determine whether the formation is capable of being hydraulically fractured. They cannot and will not rule out high volume fracking in the future.
- The mini fracks are being conducted on Bowland Shale at around 3km deep, the same formation targeted by Cuadrilla, and shale gas can only be extracted by fracking.

Other Issues

- Lack of independent inspection – regulators rely on the industry self-reporting and don't have the resources to monitor or properly investigate.
- If gas were to be extracted, it would have to be sold to the highest bidders on the European market, most likely Germany or the Netherlands, therefore not easing our supply problems, but merely bringing private profit.
- This "exploratory" drilling would soon be expanded into a polluting and unsightly grid system, which would disfigure the East Riding permanently.

- Simply a first step to the industrialisation of an eminently rural environment.
- Site may be sold on.
- Site has been leased for up to 50 years – suggests more than temporary in nature?
- Number of wind farms in the area suggests East Yorkshire has done its bit for green energy.
- Extent of present and future drilling is unclear.
- Potential exploitation of fossil fuels would run counter to the declared commitment to renewable energy.

7. CASE ON BEHALF OF THE APPLICANT

- 7.1 This application seeks consent for the variation of Condition 2 of planning permission 12/02945/STPLF. It is anticipated that the well test will be completed prior to the current planning consent expiring in November 2014. The variation of condition 2 to continue operations for a further 24 months will allow for the analysis of the well test results and the site restoration and aftercare to be undertaken. Following the completion of the well test result analysis the applicant will make a decision as to whether the project is commercially viable. If a successful well test is achieved a further planning application will be submitted to the Minerals Planning Authority seeking permission to produce petroleum.
- 7.2 As part of Rathlin Energy's commitment to ensuring its operations do not impact on local residents, a community liaison group was established in February 2012 with representatives from Bishop Burton and Walkington attending. The purpose of the community liaison group is to keep both communities fully informed of Rathlin Energy's operations at the site and for the communities to feedback to Rathlin Energy any concerns or queries they may have. In addition, an emergency contact number was established allowing local residents to contact a member of the Rathlin Energy project team 24 hours a day. A number of open house sessions were held in Bishop Burton and Walkington, allowing local residents to gain a greater understanding of the proposed development, meet Rathlin Energy and put forward any questions they had.
- 7.3 The 2012 application sought permission for a three year period in which to undertake the four phases of the development. The two year timescale proposed was based on the experience of the applicant and its understanding of how long the operations would have taken to complete. During the planning application process the Minerals Planning Authority sought to limit the duration of operations on site, through condition no. 2 of the consent, to a 24 month period.
- 7.4 Every effort has been made by the applicant to complete the development within the 24 month timescale, however unforeseen circumstances have arisen; a change in regulatory position by the Environment Agency in England and Wales with respect to oil and gas exploration and the protestor presence at and on the site. These special circumstances are discussed in detail below:

- Change in Regulatory Position by the Environment Agency
October 2013 saw a change in the Environment Agency's regulatory position with respect to oil and gas exploration, which resulted in a sizeable delay between drilling operations and well test operations. During this time detailed discussions were held with the Environment Agency to establish the Environmental Permitting requirements for the operations being undertaken. Applications for a Mining Waste Permit and Radioactive Waste Permit were duly made on 4th February 2014 and subsequently issued by the Environment Agency on 2nd May 2014. The pre-operational requirements attached to the permits require the installation of water monitoring boreholes, prior to the commencement of well testing operations.
- Protestor Presence
A protestor presence was established at the wellsite in early May 2014 which led to a number of delays, including the Applicant not being able to undertake the full extent of the exploration operations approved under the existing planning permission. Following due legal process, the Applicant obtained an Order of Possession in the High Court and successfully evicted the protestors from the well site and the Landowners adjacent land on 2nd August 2014. The protestors remain at the well site, occupying public highway verges to the east and west of the site entrance.

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 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.
- 9.1.1 The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The Development Plan for this area is the Joint Structure Plan for Hull and the East Riding, the Joint Minerals Local Plan for Hull and East Yorkshire and the Beverley Borough Local Plan. The Submission version of the East Riding Local Plan was submitted for examination on 28th April 2014 and is therefore at an advanced stage. The policies in the Submission East Riding Local Plan

are considered to be in accordance with the aims of policy advice in the NPPF and can be afforded some weight provided that no substantial unresolved objections have been received to individual policies.

- 9.1.2 For policies in the Joint Structure Plan, Joint Minerals Local Plan and the Beverley Borough Local Plan due weight should be given according to their degree of consistency with the NPPF. 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. Weight should be attributed to emerging policies in accordance with guidance at paragraph 216 of the NPPF i.e. depending on the degree of consistency with the NPPF, the extent to which there are unresolved objections and the stage of preparation.

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 The visual impact of the previous application was considered to be acceptable subject to a two year time limited consent. The planning officer at that time explained that whilst the applicant requested a 36 month consent, due to the potential availability of the drilling rig, given the location of the site in the Area of High Landscape Value, 24 months is considered a more reasonable length of time. In order that the harm caused to the landscape qualities and visual amenity is only temporary, a condition is proposed limiting the whole site operation to 24 months to allow the development to proceed without allowing a longer potential time gap between the site preparation and the drilling.

- 9.3.2 If a second well is drilled, the drilling rig would be on site itself a considerably shorter time than 24 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 by November 2014, the site is screened by existing tree and hedge planting alongside of 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.

- 9.3.3 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 The impact of the previous application in terms of groundwater protection and drainage was considered to be acceptable and none of the statutory consultees responsible for groundwater protection objected.
- 9.4.2 There are no changes in the groundwater protection and drainage arrangements to the proposal. Residents have objected regarding the drainage from the site and regarding protection of the aquifer however no objections from statutory consultees have been received, neither Yorkshire Water nor the Environment Agency have objected to the proposed variation. 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. The Environment Agency have confirmed that a condition relating to groundwater (no. 5) attached to the previous consent was not intended to be a condition, and is nonetheless covered by the remit of the Environmental Permit, and should therefore not be included in this consent.
- 9.4.3 There are not considered to be any drainage or groundwater protection reasons why the application could not be approved.

9.5 Highways Issues

- 9.5.1 The impact of the previous application in terms of traffic generation was considered to be acceptable.
- 9.5.2 There will be no change in the access arrangements to the site from the public highway. Residents have objected regarding the vehicular access route which was varied under the previous consent at the request of Humberside Police. No objections have been received from the Council's highways officer.
- 9.5.3 There are not considered to be any highway safety reasons why the application could not be approved.

9.6 Residential Amenity

- 9.6.1 The impact of the previous application in terms of residential amenity including noise, lighting, dust and vibration was considered to be acceptable.
- 9.6.2 The Council's Public Protection officer was consulted on this scheme and discussed the air quality and contaminated land implications with colleagues in Environmental Control's Specialist team. The Public Protection officer is satisfied that concerns regarding air quality and potential nuisance will be effectively addressed through the Environment Agency's permitting procedure. A resident did object regarding noise and

lighting impacts of the development as they live in a nearby property. Conditions were imposed on the previous consent but the Council need to be notified if any nuisance occurs so that they can check if any condition is being breached and if so, they can enforce the conditions.

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

9.7 Historic Assets

- 9.7.1 The impact of the previous application on historic assets was considered to be acceptable subject to the imposition of a condition regarding archaeology.
- 9.7.2 The site is located within a major archaeological landscape, with heritage assets dating to the prehistoric period identified close to the proposal site. Humber Archaeology Partnership stated that the applicant opted for preservation by record, as they decided that destruction was unavoidable (to include full and detailed excavation followed by post - excavation analysis and publication of results). This procedure is in line with the historic environment policies set out in the NPPF, and with the guidance set out in the earlier Historic Environment Planning Practice Guide. The applicants are currently part-way through implementing their archaeological scheme of works, and are working on the production of a final report for publication. As this scheme has not yet been completed, the earlier condition should be repeated on any planning permission.
- 9.7.3 The development is located a substantial distance from the nearest conservation areas or listed buildings, and raises no particular issues as regards these aspects of the historic environment. Subject to a condition, the impacts of the proposal on archaeological interests are considered to be acceptable.

9.8 Ecology

- 9.8.1 The impact of the previous application in terms of ecology was considered to be acceptable.
- 9.8.2 Objectors have raised a number of concerns relating to ecology and wildlife. There are no statutory designated sites either on the site or in the surroundings of the site. There is a non-statutory 'Local Wildlife Site' located 100m north of the site, Crawberry Hill, and area of mature and semi mature trees. The nearest statutory designation lies 3km north east of the site, Burton Bushes SSSI. The development would have little, if any, impact on either of these designations. The applicant has submitted a phase 1 ecological survey with the application that concludes the site is of low ecological value, but the hedgerows bordering the site having the potential be used by breeding birds or bats.

- 9.8.3 Officers concur with the conclusions of the ecological survey, in that the site is of limited ecological value. A planning condition is proposed so that the development is carried out in accordance with the measures in the ecological survey, including avoidance of disturbance to nesting birds and retaining active nests. Subject to this condition, the development is acceptable from an ecology viewpoint.

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.

9.10 Regulation

- 9.10.1 The oil and gas industry is heavily regulated, with a number of review processes and permissions required before operations can commence. Obtaining planning permission is only one requirement, with other organisations including the Health and Safety Executive (HSE), Environment Agency, Coal Authority and Department of Energy and Climate Change (DECC) having a responsibility to review the proposed operations. The National Planning Practice Guidance identifies the key regulators for hydrocarbon extraction and highlights which hydrocarbon issues can be delegated to the other regulatory regimes. Where other regulatory bodies have responsibility, Minerals Planning Authorities should rely on their assessments.

9.10.2 Environmental Permitting Regulations 2010

These Regulations enable the Environment Agency to regulate mining waste activities and protection of groundwater. Under these regulations the Environment Agency control the treatment and disposal of mining waste and naturally occurring radioactive materials (NORM) should this be encountered, and any emissions to air as a result of the development. Up to nine different permits/licences may be required from the Environment Agency depending on the site location and geological and hydrological characteristics of the site.

9.10.3 Water Resources Act 1991

This Act regulates water resources, quality and pollution. Part of its requirements relate specifically to drilling, by ensuring the protection of any groundwater sources. The Act requires the Applicant to submit details of the proposed well design, including casing and drilling fluid specifications. This is then reviewed and evaluated by the Environment Agency, who may wish to issue a Notice to Conserve Water resources, which sets out the requirements in order to protect groundwater.

9.10.4 Borehole Sites and Operations Regulations 1995

These regulations specify the minimum requirements which must be complied with when drilling boreholes, requiring the Applicant to notify the Health and Safety Executive (“HSE”) at least 21 days in advance of drilling/well operations commencing to allow sufficient time to review the proposed borehole operation and intervene if it deems necessary. Prepare and hold on site a ‘health and safety document’ to cover the prevention of specific hazards associated with petroleum borehole operations.

9.10.5 The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996

This regulation applies to all onshore drilling operations and are enforced by the HSE. These regulations ensure the safe condition of a well at all stages in its life and the protection of the environment and persons through careful design. The focus is on the safe physical condition of the well. Following a number of internal reviews, the operations are reviewed by an independent competent third party to ensure that the well is designed and planned to the highest standards and that there is no unplanned escape of fluids from it .

9.10.6 Petroleum Operations Notifications

The Applicant was issued with PEDL 254, which places a number of obligations on the Operator to submit information to DECC. These are referred to as Petroleum Operations Notices (PONs) and include requirements to notify DECC of the commencement of operations, in addition to applying for consent to drill a well and suspend or abandon a well.

9.10.7 Coal Authority Notification

Any activity which intersects, disturbs or enters any of the Coal Authority's interests requires written consent. This requires the Applicant to submit details of the proposed drilling operations and consider any risks which may be presented by drilling through coal seams. Following a review of the submitted information, the Coal Authority will authorise the applicant to drill through coal seams.

9.10.8 The NPPG on Minerals specifically ‘Planning for Hydrocarbon extraction’ states in paragraph 112;

“Some issues may be covered by other regulatory regimes but may be relevant to mineral

planning authorities in specific circumstances. For example, the Environment Agency has responsibility for ensuring that risk to groundwater is appropriately identified and mitigated. There exist a number of issues which are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body:

- *Mitigation of seismic risks – DECC is responsible for controls, usually through the licence consent regime, to mitigate seismic risks. Seismic assessment of the geology of the area to establish the geological conditions, risk of seismic activity and mitigation measures to put in place is required by DECC for all hydraulic fracturing processes;*
- *Well design and construction – the HSE are responsible for enforcement of legislation concerning well design and construction. Before design and construction operators must assess and take account of the geological strata, and fluids within them, as well as any hazards that the strata may contain;*
- *Well integrity during operation – under health and safety legislation the integrity of the well is subject to examination by independent qualified experts throughout its operation, from design through construction and until final plugging at the end of operation;*
- *Operation of surface equipment on the well pad – whilst planning conditions may be imposed to prevent run-off of any liquid from the pad, and to control any impact on local amenity (such as noise), the actual operation of the site's equipment should not be of concern to mineral planning authorities as these are controlled by the Environment Agency and the HSE;*
- *Mining waste – the Environment Agency is responsible for ensuring that extractive wastes do not harm human health and the environment. An environmental permit is required for phases of hydrocarbon extraction and this will require the operator to produce and implement a waste management plan;*
- *Chemical content of hydraulic fracturing fluid – this is covered by the environmental permit as operators are obliged to inform the Environment Agency of all chemicals that they may use as part of any hydraulic fracturing process;*
- *Flaring or venting of any gas produced as part of the exploratory phase will be subject to DECC controls and will be regulated by the Environment Agency. Mineral planning authorities will, however, need to consider how issues of noise and visual impact will be addressed;*
- *Final off-site disposal of water – Water that comes back to the surface following hydraulic fracturing may contain naturally occurring radioactive materials. Whilst storage on-site and the traffic impact of any movement of water is of clear interest to local authorities, it is the responsibility of the Environment Agency to ensure that the final treatment/disposal at suitable water treatment facilities is acceptable*
- *Well decommissioning/abandonment – following exploration, the well is likely to be suspended and abandoned for a period of time. Health and Safety Legislation requires its design and construction that, so far as reasonably practicable, there is no unplanned escape of fluids from it. The mineral planning authority is responsible for ensuring the wells are abandoned and the site is restored.”*

9.10.9 The NPPF is clear in paragraph 122 that “local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local

planning authorities should assume that these regimes will operate effectively.” As such the government is clear that the Local Planning Authority should not duplicate issues covered under other regimes or regulations, nor are they to query the effectiveness of these other regimes.

- 9.10.10 All of the pre-commencement conditions on planning application ref. 12/0294/STPLF were discharged. It was alleged by residents that there have been some breaches of planning consent but these matters have been investigated and any alleged breaches have not been substantiated. It is understood that following the grant of planning permission a variation from the approved access route was requested by Humberside Police to assist in the safe and free flow of traffic on the local highway network

9.11 Environmental Impact Assessment

- 9.11.1 It was determined in a screening opinion in 2012 that an Environmental Impact Assessment was not required in this instance. Residents are understandably concerned about the impact of the proposals on the environment and several have queried why an Environmental Impact Assessment was not required.
- 9.11.2 When screening a development proposal for Environmental Impact Assessment the Local Planning Authority needs to determine whether significant effects are likely to affect any sensitive areas and hence whether an assessment is required. ‘Sensitive Areas’ are defined in the legislation as Sites of Scientific Interest and European Sites; National Parks, the Broads and Areas of Outstanding Natural Beauty; and World Heritage Sites and scheduled monuments. An assessment is more likely to be required if the project affects the features for which the sensitive areas was designated. In this case the drilling does not affect any ‘Sensitive Areas’ as defined by the Environmental Impact Regulations. Any issues of environmental concern raised by the residents can be controlled by planning conditions and the requirements of the Environmental Permit issued by the Environment Agency.

10. CONCLUSION

- 10.1 This development proposes a 24 month extension to the temporary well site that was granted planning permission in September 2012 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 The site lies in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan. Whilst it 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 24 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 site lies in an area of groundwater protection. However, the design of the well and the operation along with control provided by planning conditions and the requirements of the Environmental Permit will ensure that this resource is protected. The development will result in traffic generation during well test and drilling stages. However, the agreed access routes and on parking/turning areas are considered to be able to accommodate the resultant traffic. The development is considered acceptable from archaeology and ecology considerations, 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 24 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 24 months and commencement of such period shall be notified to the Local Planning Authority in writing a minimum of 14 days prior to the commencement of activities on site. The drilling rig shall only remain on site for a maximum of ~~two~~ a periods of ten 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 24 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 Section 5.4 Restoration and Aftercare of the Planning Application document received June 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 Wolds Area of High Landscape Value and 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 the planning application documents received June 2012 and August 2014.

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. Details of any external lighting, including details of measures to reduce light pollution beyond the application site boundary shall be submitted to and agreed with the Local Planning Authority prior to the installation of the external lighting. The external lighting shall be installed only in accordance with these agreed details.

This condition is imposed to reduce the likelihood of light pollution in the open countryside and protecting the Wolds Area of High Landscape Value and visual amenities of the area.

4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority (Circular 11/95, Model Clause 55). The Scheme shall include:
 - v) Provision to be made for analysis of the site investigation and recording, following the post-excavation assessment, where the results justify this (as required by the NPPF).
 - vi) Provision to be made for publication and dissemination of the analysis and records of the site investigation, where the results justify this (as required by the NPPF).
 - vii) Full provision to be made for archive deposition of the analysis and records of the site investigation (as required by the NPPF).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition no. 6, and the provision made for analysis, publication and dissemination of results and archive deposition, has been secured.

This condition is imposed as the site lies within a major Wolds landscape. Aerial photographs show the presence of crop-marks of ladder settlements, trackways and early field systems immediately adjoining the site. Subsequent geophysical survey has demonstrated that a series of anomalies of probable archaeological origin are present within the application area, and form part of this larger landscape: the form of these anomalies is consistent with a later prehistoric or Romano-British date, and it is clear that these would need to be evaluated to determine their nature, extent, and quality of survival, and to identify a suitable mitigation strategy. The request for this condition is in line with paragraph 141 of the NPPF.

5. The development hereby permitted shall be carried out in strict accordance with the avoidance and mitigation measures set out in Section 9 of the Ecological Report (Land South West of Crawberry Hill, URS Scott Wilson Ltd, May 2012) as submitted with the application. Any variation thereto shall be agreed in writing by the Local Planning

Authority before any such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

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

Drawing Numbers:

MDC/REUK/CH1/PA/001 Rev: 1 Red Line Boundary Plan
MDC/REUK/CH1/PA/002 Rev: 1 Site Construction Layout
MDC/REUK/CH1/PA/003 Rev: 1 Drilling Rig Layout
MDC/REUK/CH1/PA/004 Rev: 1 Well Testing Layout
MDC/REUK/CH1/PA/005 Rev: 1 Access layout
MDC/REUK/CH1/PA/006 Rev: 0 Site Location Plan
MDC/REUK/CH1/PA/007 Rev: 0 Topographical Cross Section
MDC/REUK/CH1/PA/008 Rev: 0 Drilling Cross Section North to South
MDC/REUK/CH1/PA/009 Rev: 0 Drilling Cross Section West to East
MDC/REUK/CH1/PA/010 Rev: 0 Extended Well Test Cross Section - North to South

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.

7. The development shall be constructed and operated in accordance with the details approved by the Local Planning Authority, including implementation of mitigation measures designed to protect groundwater, and these details shall not be altered in any way without the prior written approval of the Local Planning Authority.

This condition is imposed in order to protect groundwater from risk of contamination arising from development on this site).

8. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

This condition is imposed to ensure that there are no polluting discharges to the groundwater resource.

9. The level of noise resulting from the drilling operations shall not exceed 42dBALeq (1 hour) between the hours of 23.00 and 06.00 the following day. This noise level relates to assessments at the following properties; Cold Harbour Farm, Westfield Farm and Walkington Wold Farm.

This condition is imposed to protect the residential amenity of the area.

10. The development shall be carried out in accordance with the approved Traffic Management and Road Safety Plan, including highway condition survey.. The Traffic Management and Road Safety Plan shall include details of construction vehicle and abnormal loads routing, management of junctions to and crossings of the public highway and other rights of way, schedule of timing of movements, details of escorts for abnormal loads (if any), temporary warning signing, and banksman/escort details, arrangements for dealing with monitoring, damage to the highway, urgent repairs to the highway construction and rectification of any defects at the end of delivery operations on the highway. Development shall be carried out in accordance with approved Traffic Management Plan unless otherwise directed by Humberside Police.

This condition is imposed to secure a safe and adequate means of access and routing for vehicles to the development and to establish a monitoring and repair process as a consequence of any damage to the publicly maintainable highway.

11. The vehicle parking, loading, off-loading and manoeuvring facilities as approved shall be 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.

12. Nothing shall at any time, whether permitted by the Town & Country Planning (General Permitted Development) Order 1995 or not be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway within the area identified on the proposed visibility splay drawing no. LTP/1291/01/001/01 included within Appendix 2 of the Vehicle Speed Survey submitted by Local Transport Projects dated 23rd July 2012.

This condition is imposed in order to ensure that nothing adversely affects the safety of vehicles leaving the site, and accordingly, persons using the main public highway due to visibility at the junction being restricted.

13. Hydraulic fracturing (also known as 'hydro-fracking' or 'fracking') is expressly not permitted under the development hereby approved.

This condition is imposed in the interests of groundwater protection and the broader protection of the amenities of residents.

14. The developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of commencement of construction.

- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of any aviation warning lighting fitted to the structure(s)

This condition is imposed as the height of the development will necessitate that aeronautical charts and mapping records are amended.

Notes to the Applicant/Agent

- The applicant is strongly advised to keep the local community informed of the implementation of this planning consent, including monitoring of the water quality.
- 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 groundwaters. 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

The Development Plan for the area comprises the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire, Joint Minerals Plan for Kingston upon Hull and the East Riding of Yorkshire and the Beverley Borough Local Plan. The National Planning Policy Framework, National Planning Practice Guidance and the emerging East Riding Local Plan, together with the other documents listed below, are also capable of being material considerations. The emerging East Riding Local Plan consists predominantly of the Submission

Strategy Document and Submission Allocations Document.

Joint Structure Plan (2005)

SP4 Landscape Character
ENV7 Archaeological Remains

Joint Minerals Plan (2004)

DC1 Development Control Criteria
DC4 Ground Water and Surface Water Resources
DC7 Areas of Landscape Quality
DC8 Trees, Hedgerows and Woodlands
DC12(a) Archaeological Sites
DC19 Traffic Movements
DC21 Schemes of Working and Restoration
DC23 Aftercare
EM1 Exploration Boreholes
EM2 Appraisal Boreholes

Beverley Borough Local Plan (1996)

P1 Approach to Development on Unallocated Sites
P2 Environmental Protection
E3 Development in the Open Countryside
E9 Agricultural Land
E10 Areas of High Landscape Value
E14 Effects upon wildlife, natural history features and resources
E15 Protection of LNRs and SNCIs
E19 Protection of water environment
D19 Ground Water Resources

National Planning Policy

National Planning Policy Framework (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 (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

East Riding Local Plan – Submission Strategy Document (April 2014)

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
ENV4	Enhancing biodiversity and geodiversity
ENV6(B)	Managing environmental hazards

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)
Overarching Energy National Policy Statement (EN-1)

Reason for Decision

This development proposes a 24 month extension to the temporary well site that was granted planning permission in September 2012 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.

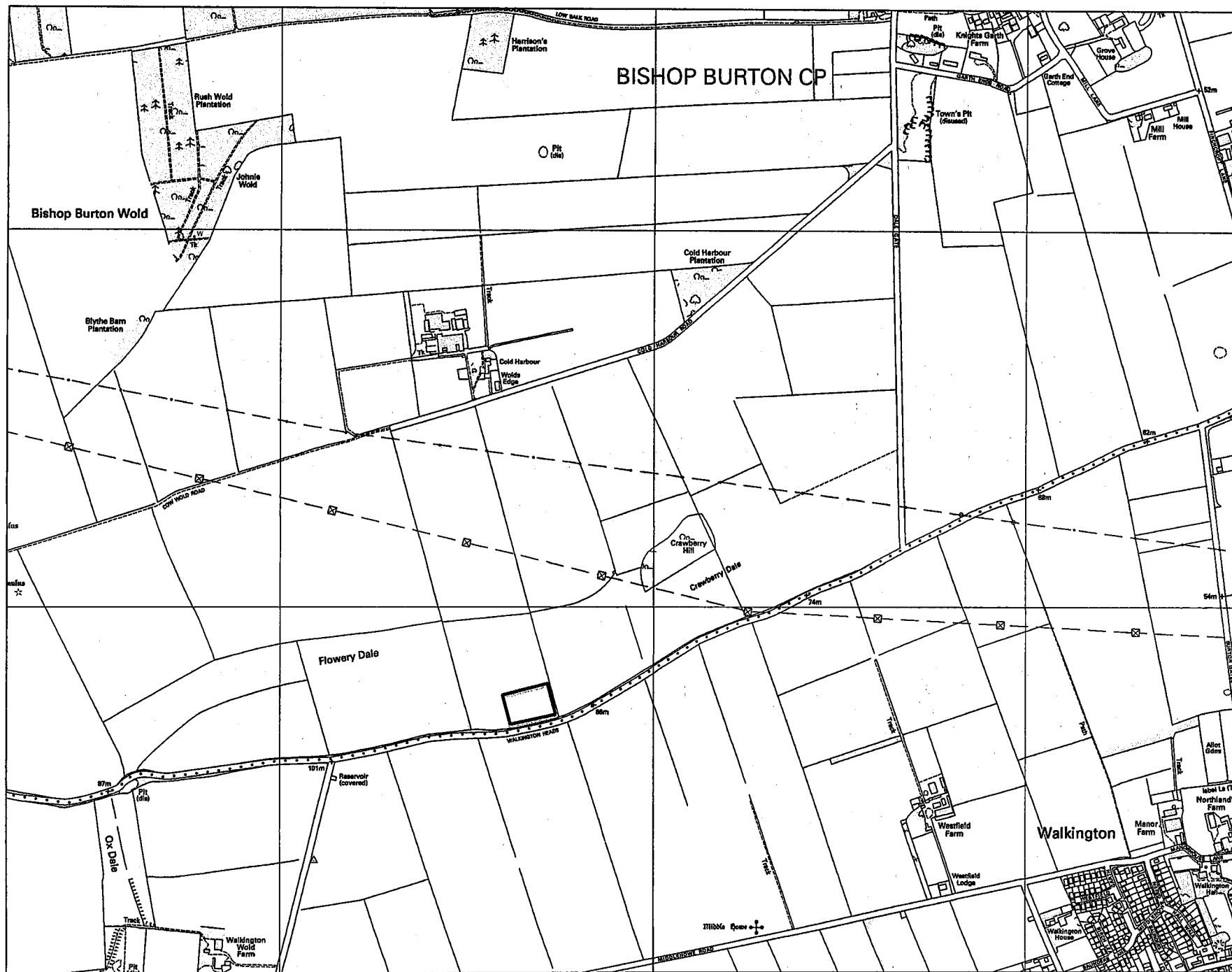
The site lies in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan. Whilst it accepted that the drilling rig, in particular, would introduce a feature generally uncharacteristic to this landscape, it would only be on site for a relatively short period of time. It is also accepted 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 24 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 site lies in an area of groundwater protection. However, the design of the well and the operation along with control provided by planning conditions and the requirements of the Environmental Permit will ensure that this resource is protected. The development will result in traffic generation during well test and drilling stages. However, the agreed access routes and on parking/turning areas are considered to be able to accommodate the resultant traffic. The development is considered acceptable from archaeology and ecology considerations, 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 24 months is acceptable.

In making this decision the Council has followed the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer
Mrs Shirley Ross
Principal Planning Officer



Key:

Site Location



Client:
Rathlin Energy (UK) Ltd

Moorhouse D & C
Bessingby Way Ind Est
Bridlington
YO16 4SJ

Project:
Crawberry Hill Exploration
Wellsite

Drawing Title:
Site Location Plan

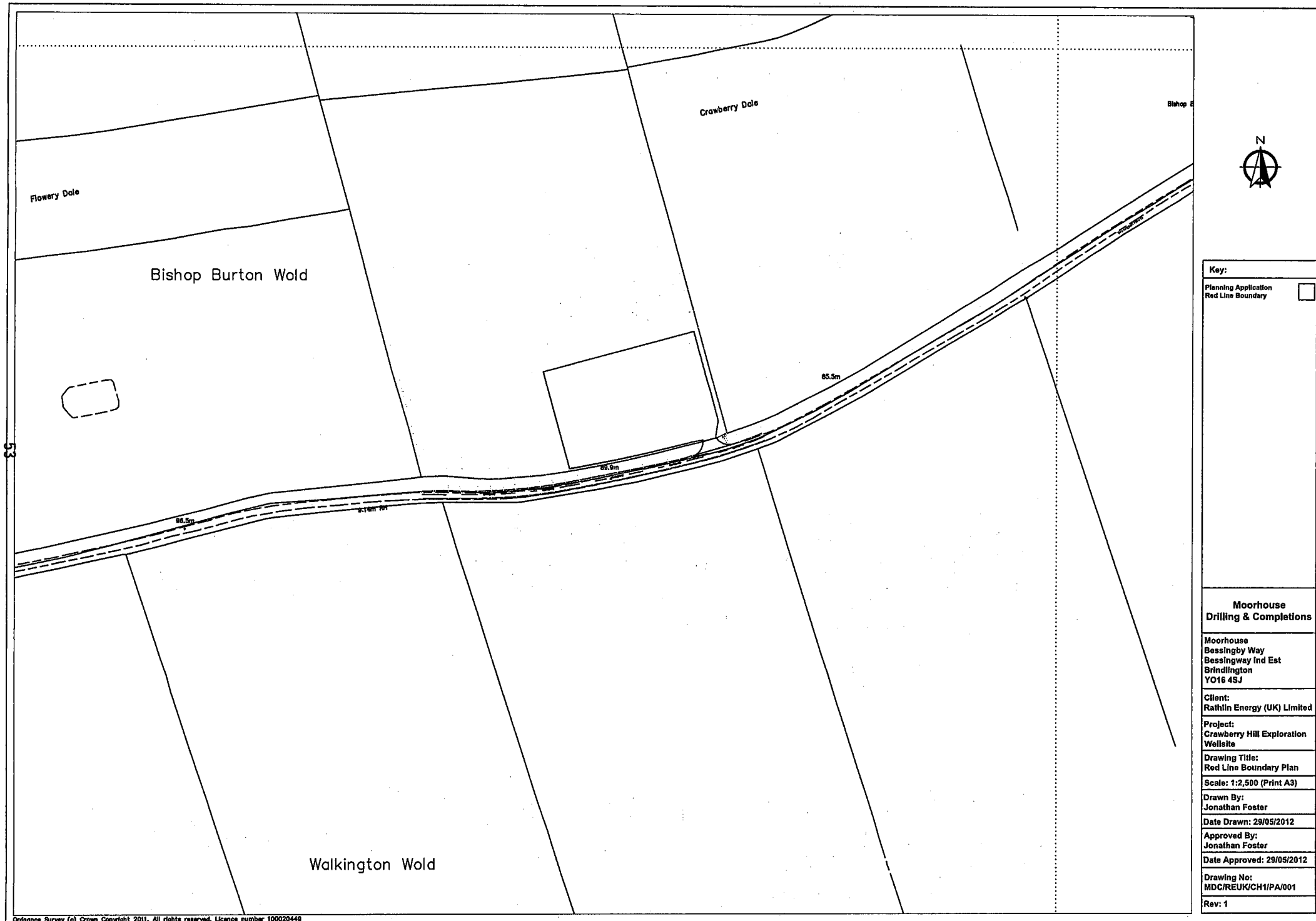
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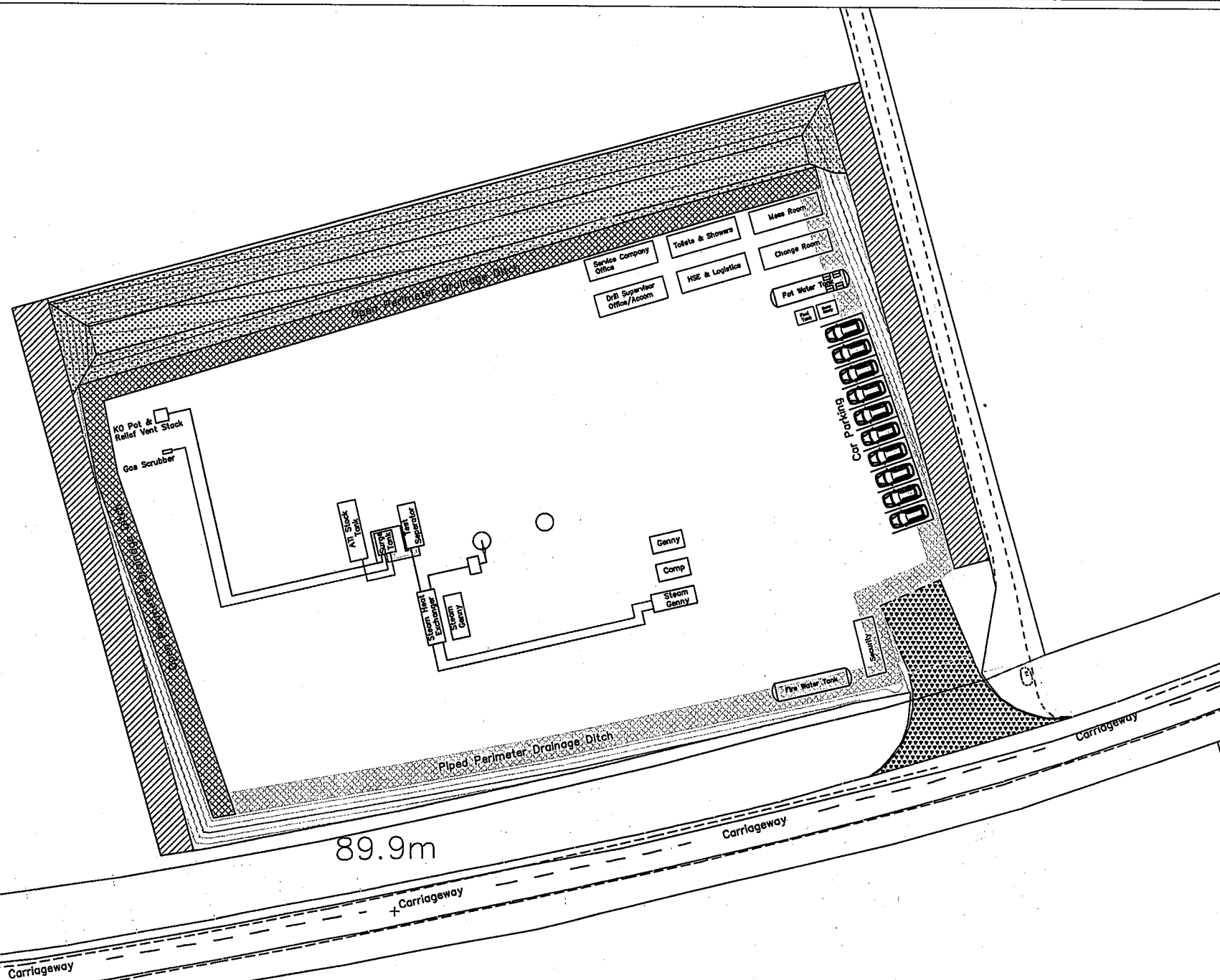
Date: 24/05/2012

Drawn By:
Jonathan Foster

Drawing No:
MDC/REUK/CH1/PA/006

Rev: 0





Key:	
Planning Application	
Red Line Boundary	
Topsail Screening Bund	
5m Wide Strip Set-Aside for Additional Landscaping if Drilling Proves Successful	
Open Perimeter Drainage Ditch	
Piped Perimeter Drainage Ditch	
Tarmac Surfacing	
Cut and Fill Batters	

Moorhouse Drilling & Completions

Moorhouse
Bessingway Way
Bessingway Ind Est
Brindlington
YO16 4SJ

Client:
Rathlin Energy (UK) Limited

Project:
Crawberry Hill Exploration Well site

Drawing Title:
Well Testing Layout

Scale: 1:500 (Print A3)

Drawn By:
Jonathan Foster

Date Drawn: 29/05/2012

Approved By:
Jonathan Foster

Date Approved: 29/05/2012

Drawing No:
MDC/REUK/CH1/PA/004

Rev: 1



Key:	
Planning Application Red Line Boundary	
Topsoil Screening Bund	
5m Wide Strip Set-Aside for Additional Landscaping if Drilling Proves Successful	
Open Perimeter Drainage Ditch	
Piped Perimeter Drainage Ditch	
Tarmac Surfacing	
Cut and Fill Batters	

**Moorhouse
Drilling & Completions**

**Moorhouse
Bessingby Way
Bessingway Ind Est
Brindlington
YO16 4SJ**

Client:
Rathlin Energy (UK) Limited

Project:
Crawberry Hill Exploration
Wellsite

Drawing Title:
Drilling Rig Layout

Scale: 1:500 (Print A3)

Drawn By:
Jonathan Foster

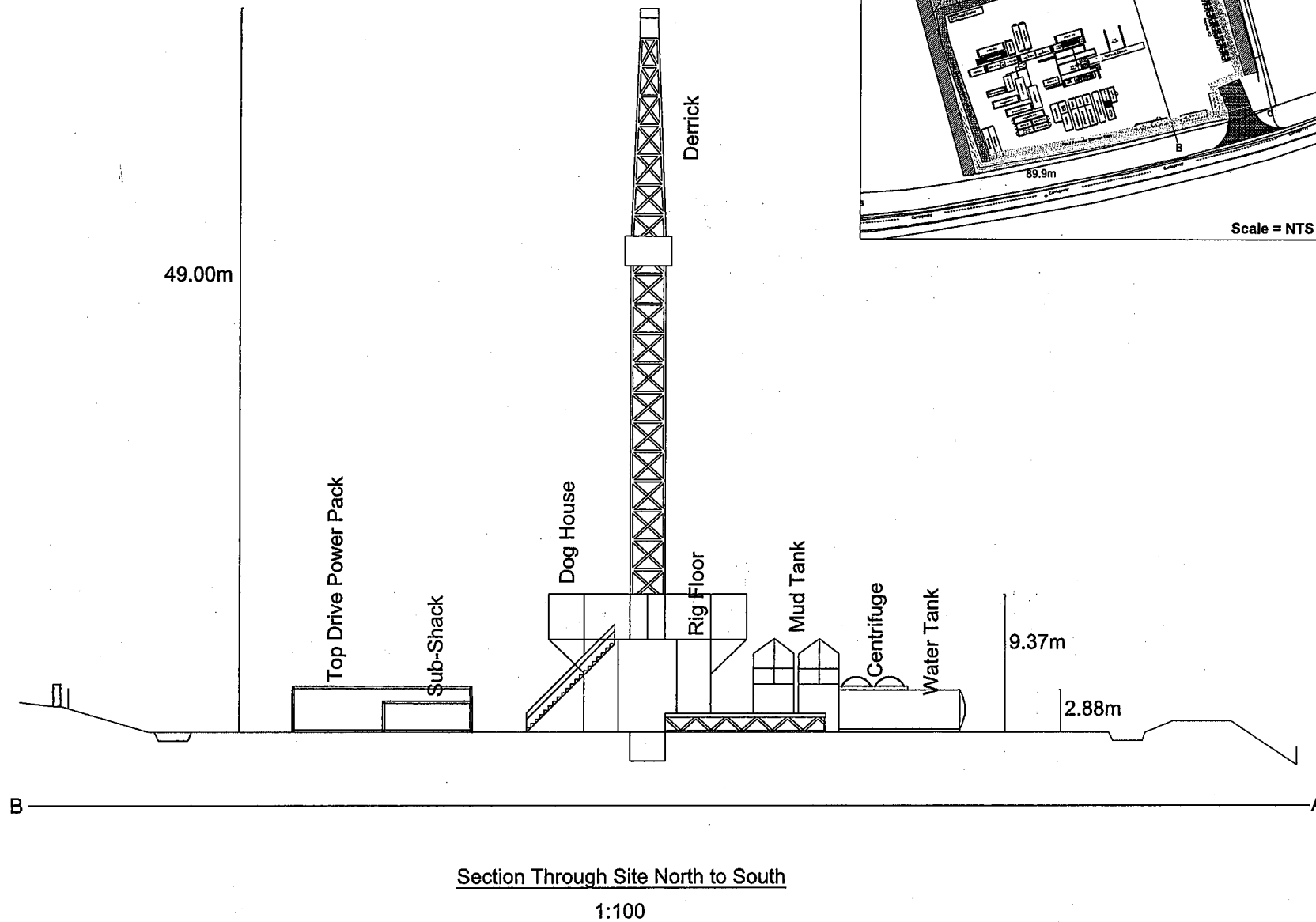
Date Drawn: 29/05/2012

Approved By:
Jonathan Foster

Date Approved: 29/05/2012

Drawing No:
MDC/REUK/CH1/PA/003

Rev: 1



Key:

Moorhouse Drilling & Completions

Moorhouse
Bessingby Way
Bessingby Ind Est
Brindlington
YO16 4SJ

Client:
Rathlin Energy (UK) Limited

Project:
Crawberry Hill Exploration
Wellsite

Drawing Title:
Drilling Cross Section
North to South

Scale: 1:100 (Printed A0)

Drawn By:
Jonathan Foster

Date Drawn: 25/05/2012

Approved By:
Jonathan Foster

Date Approved: 25/05/2012

Drawing No:
MDC/REUK/CH1/PA/008

Rev: 0