

PLANNING PERMISSION

Name and address of Applicant

CAUDRILLA RESOURCES
LTD
BBD HOUSE
STOWE COURT
STOWE STREET
LICHFIELD
STAFFORDSHIRE
WS13 6AQ

Name and address of Agent (if any)

MR P MASON
THE COTTAGE
GLEBEFIELDS
WOODSEAVES
STAFFORDSHIRE
ST20 0LA

Part I – Particulars of application

Date of application: **26 July 2010** Application No. **08/10/0973**

Particulars and location of development:

Temporary change of use from agriculture to site for drilling an exploratory borehole & testing for hydrocarbons including construction of a drilling platform. Beconsall Exploration Site Banks Enclosed Marsh Bonny Barn Road Hundred End

Part II – Particulars of Decision

The **Lancashire County Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The site development works, drilling operations (as defined in this permission), and site restoration for the purposes of condition 23 of this permission, shall be completed within a period of eighteen months from the commencement of the development. The drilling operations shall be completed within a period of three months from the date of their commencement.

Reason: To provide for the completion and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and the amenities of local residents and to conform with Policies 2, 7, 18, 19, 23, 24, 25, 37, 74, 106 and 112 of the Lancashire Minerals and Waste Local Plan and policies GD1, EN1, EN3, EN10 and EN11 of the West Lancashire Replacement Local Plan.

2. Written notification of each of the following events shall be made to the County Planning Authority within 7 days of each event:
 - a) The commencement of the development
 - b) Commencement of drilling operations.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The planning application received by the Director of Environment and Public Protection Services on 26 July 2010.
 - b) Submitted Plans received by the Director of Environment and Public Protection Services on 26 July 2010:
 - Figure 01 - Red line plan
 - Figure 02 - Location plan
 - Figure 03 - Area location/ Vehicle Route plan
 - Drawing No. CRL-001 - Proposed design schematic layout shown with existing ground contours.
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policies 2, 7, 18, 19, 23, 24, 25, 37, 74, 106 and 112 of the Lancashire Minerals and Waste Local Plan and policies GD1, EN1, EN3, EN10 and EN11 of the West Lancashire Replacement Local Plan.

Soils and Overburden

4. Prior to the construction of the access road and drilling pad all available topsoil shall be stripped from the site and shall be stored in separate mounds within the site for use in the restoration of the site. The soils shall only be stripped when they are in a dry and friable condition.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy GD1 of the West Lancashire Replacement Local Plan and Policies 7, 106 and 112 of the Lancashire Minerals and Waste Local Plan.

5. All topsoil and subsoil mounds shall be graded and seeded within one month of their construction and thereafter retained in a grassed, weed free condition throughout the duration of the development pending their use in the restoration of the site.

Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policy GD1 of the West Lancashire Replacement Local Plan and Policies 7, 106 and 112 of the Lancashire Minerals and Waste Local Plan.

Hours of Working

6. No soil stripping, delivery or removal of materials, plant and equipment, site development or restoration works shall take place except between the hours of:

07.30 to 18.30 hours Mondays to Fridays (except public holidays)

07.30 to 13.00 hours on Saturdays

No soil stripping, delivery or removal of materials, plant or equipment, site development works or restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the operations of drilling the borehole or the use of pumping equipment and the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policies 2 and 74 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

7. No development shall commence until a swept path analysis has been submitted to and approved in writing by the County Planning Authority showing how abnormal loads will negotiate The Plough Roundabout on the A565. The scheme and programme shall contain details of alternative routing for abnormal loads should the analysis demonstrate that such loads have difficulty in negotiating The Plough Roundabout.

Reason : In the interests of highway safety and to conform with Policy 37 of the Lancashire Minerals and Waste Local Plan.

8. No development shall commence until highway improvements have been carried out in accordance with the following:
- a) The first 20 metres of Bonney Barn Lane measured from the kerb of Marsh Road shall be widened to 6.75 metres wide to allow two vehicles to pass at the junction and / or allow space to wait whilst a vehicle is travelling along Bonney Barn Lane.
 - b) Radius curves of 10 metres shall be provided on both sides of Bonney Barn Lane at its junction with Marsh Road.
 - c) Radius curves of 10 metres shall be provided on both sides of the access road at its junction with Bonney Barn Lane
 - d) Site lines measuring 2.4 metres by 160 metres in both directions shall be provided at the junction of Bonney Barn Lane with Marsh Road. The sight lines shall be retained free from obstructions above a height of 1 metres throughout the duration of the development, operation and restoration of the site.

Reason : In the interests of highway safety and local amenity and to conform with Policies 2, 37 and 74 of the Lancashire Minerals and Waste Local Plan.

9. No development shall commence until a scheme and programme detailing the measures to be taken to direct drivers of construction and contractors traffic of the access route to the site and to advise other road users of the presence of a construction site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:-
- a) The measures to be taken to advise drivers of all heavy goods vehicles associated with the development of the approved route to be taken between the site and the principle highway network.
 - b) Details of signage to direct drivers along the approved route.
 - c) Details of signage to be erected at the junction of Bonney Barn Lane and Marsh Road directing drivers of heavy goods vehicles leaving the site to turn right.
 - d) Details of signage to be erected on Marsh Road warning other road users of turning construction traffic.

The approved signage shall be erected prior to the commencement of development, shall be retained in position throughout the duration of the development and restoration phase of the development and shall be removed on completion of the restoration phase of the development.

Reason : In the interests of highway safety and local amenity and to conform with Policies 2, 37 and 74 of the Lancashire Minerals and Waste Local Plan.

10. Measures shall be taken at all times during the site construction, operational and restoration phases of the development to ensure that no mud, dust or other deleterious material is tracked onto the public highway by vehicles leaving the site.

Reason : In the interests of highway safety and local amenity and to conform with policies 2, 37 and 74 of the Lancashire Minerals and Waste Local Plan.

11. All vehicles shall enter or leave the site in a forward direction.

Reason: In the interests of highway safety and local amenity and to conform with Policies 2, 37 and 74 of the Lancashire Minerals and Waste Local Plan.

12. All vehicles associated with the development, operational or restoration phase of the development shall park in the site. No vehicles associated with the development shall park on Bonny Barn Lane or Marsh Road

Reason: In the interests of highway safety and local amenity and to conform with Policies 2, 37 and 74 of the Lancashire Minerals and Waste Local Plan.

Control of Noise

13. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's

specification and shall be maintained in accordance with that specification at all times throughout the development and restoration.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 and 74 of the Lancashire Minerals and Waste Local Plan.

14. Noise emitted from the site shall not exceed 55 dB Laeq (1 hour) (free field) as defined in this permission when measured at any of the following properties at a point closest to the noise source.

- a) Marsh Nurseries NGR 402 230
- b) Marshfield Farm NGR 406 234

Reason: To safeguard the amenity of local residents and to conform with Policies 2 and 74 of the Lancashire Minerals and Waste Local Plan.

15. Notwithstanding condition 14, outside the hours of 07.30 to 18.30 hours Monday to Friday, 07.30 to 13.00 on Saturdays and at any time on Sundays and Public Holidays, noise emitted from the site shall not exceed 42 dB Laeq(1 hour) (free field), as defined in this permission, when measured at any of the following properties at a point closest to the noise source.

- a) Marsh Nurseries NGR 402 230
- b) Marshfield Farm NGR 406 234

Reason: To safeguard the amenity of local residents and to conform with Policies 2 and 74 of the Lancashire Minerals and Waste Local Plan.

Floodlighting

16. No drilling operations shall commence until a scheme and programme for the floodlighting of the site has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) Type, number and intensity of lights including the height of any poles or structures upon which floodlighting would be attached.
- b) Direction, types of masking or baffle to reduce light pollution.

The floodlighting shall be employed in accordance with the approved details at all times during the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution in the countryside and to conform with Policies GD1 and EN1 of the West Lancashire Replacement Local Plan and Policies 2 and 74 of the Lancashire Minerals and Waste Local Plan.

Safeguarding of Watercourses and Drainage

17. No development shall commence until details of the measures to be employed to protect ground water resources in the aquifer during the drilling and construction of

the borehole have been submitted to and approved in writing by the County Planning Authority.

The approved details shall be employed at all times during the drilling and construction of the borehole.

Reason : In the interests of water resource protection and to conform with Policy EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

18. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters throughout the construction, operational and restoration phases of the development.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

19. All foul drainage shall be discharged to either a public sewer or to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. The contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

20. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

21. Buffer zones with a width of not less than 5 metres shall be maintained between the perimeter mounds or edge of the drilling compound and the ditches on the boundaries of the site within which there shall be no vehicle movements, storage of materials, excavation, or other construction activity.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

Ecology

22. No site clearance, site preparation or development work shall take place until a method statement detailing the measures to be implemented to mitigate the impacts of the development on ecological interests (overwintering birds) of the Marsh Farm Fields BHS has been submitted to and approved in writing by the County Planning Authority. The method statement shall include provision for seasonal restrictions on site development works and measures to avoid impacts on ground nesting birds

The development shall be undertaken in accordance with the approved method statement at all times.

Reason: In the interests of nature conservation and the local environment and to conform with Policy EN1 of the West Lancashire Replacement Local Plan and Policies 18 and 25 of the Lancashire Minerals and Waste Local Plan.

Restoration

23. Restoration shall be carried out in accordance with the following:
- a) All plant, buildings, hardstandings and aggregates/ hardcore shall be removed from the land.
 - b) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
 - c) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
 - d) the stone access road and passing place within the site shall be removed and restored by the respreading of all stripped topsoil.
 - e) the passing places on Bonny Barn and widened junction with Marsh Road shall be restored including removal of all surfacing materials, respreading of soil materials and seeding

Reason: To secure the proper restoration of the site and to conform with Policy 106 of the Lancashire Minerals and Waste Local Plan.

Aftercare

24. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site for a period of five years to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) Maintenance and management of the restored site to promote its agricultural use.
- b) Weed control where necessary.
- c) Measures to relieve compaction or improve drainage.

- d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

Reason: To secure the proper restoration and aftercare of the site and to conform with Policy 106 of the Lancashire Minerals and Waste Local Plan.

Definitions

Completion of Restoration : The date when the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

Heavy goods vehicle: a vehicle of more than 7.5 tonnes gross weight.

Free field: at least 3.5 metres away from the facade of a property or building.

Drilling Operations : the drilling of an exploratory borehole necessary to test for the presence of hydrocarbons.

Notes

Under the Water Resources Act 1991 Section 199, the developer will need to submit a notice to the Environment Agency if one or more of the following details are to be significantly changed in the final proposal:

- 1) Surface Location (and basal location at depth if this differs), expressed as an address and National Grid reference of proposed boring.
- 2) Proposed depth and diameter of boring.
- 3) Details of any anticipated groundwater abstraction that may be involved.
- 4) Proposed date of commencement and duration of the works.
- 5) Anticipated geological sequence to be penetrated, and a statement of the target horizon(s).
- 6) A brief method statement to demonstrate the means by which groundwater pollution and uncontrolled transfer of fluids between aquifer horizons and/or the surface will be prevented. This should also include details of proposed drilling fluids if it is proposed to use anything other than air or clean water.

If the development will involve abstraction of more than 20 cubic metres of groundwater in any day it might attract the requirement of a formal water abstraction permit under the Water Resources Act 1991 or the Water Act 2003.

In consequence of requiring a formal permit to abstract groundwater, the developer would have to first obtain a formal Consent to Drill and/or Test Pump from the Environment Agency under section 32 of the Water Resources Act 1991. If so, early application is advised to ensure that the appropriate Consent is obtained before work is due to start on site.

Watercourse 4, which flows along the north-west boundary of the site, is designated as a Main River watercourse. Under the terms of the Water Resources Act 1991, and the Land

Drainage Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Watercourse 4.

Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under Section 23 of the Land Drainage Act 1991 or Section 109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

Part III Summary of Reasons

The drilling of an exploration borehole to assess the potential for geological formations to contain shale gas reserves would be a temporary operation. Impacts associated with noise, traffic and light pollution can be controlled to ensure they would not be unacceptable. The operations would be for a temporary period and therefore the visual impact of such would not be unacceptable. Whilst the development is located within the Marsh Farm Fields; North Meols Biological Heritage Site it would be for a temporary period and the land would be reinstated to agriculture on completion of drilling operations. A bird mitigation scheme would ensure any impacts on nature conservation can be minimised. Impacts on the ecology of the area are outweighed by the need to investigate alternative sources of energy and which can only be investigated relative to the presence of supporting geological formations. The development complies with the policies of the Development Plan. The Development Plan policies relevant to this decision are:

Lancashire Minerals and Waste Local Plan

Policy 2	Quality of Life
Policy 7	Open Countryside and Landscape
Policy 18	Locally Important Nature Conservation Sites
Policy 19	Mitigating Adverse Impact
Policy 23	Water Resource Protection
Policy 24	Flood Risk
Policy 25	Coastal Protection/ Open Coastline
Policy 37	Strategic Road Network
Policy 74	Minerals Exploration
Policy 106	Reclamation of minerals working sites
Policy 112	Standards of Operation

West Lancashire Replacement Local Plan

Policy GD1	Design of Development
Policy EN1	Biodiversity
Policy EN3	Coastal Zone
Policy EN10	Flood Risk
Policy EN11	Protection of Water Resources

...Continued.....

Date: 20 October 2010



LANCASHIRE COUNTY COUNCIL

**JO TURTON
EXECUTIVE DIRECTOR OF
ENVIRONMENT**

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTE:

1. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities and Local Government and the Regions on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.