



# Supporting Statement

## Supporting Statement – Non-material Amendment (Planning Condition 19)

<b>Management System:</b>	HSE	<b>File Template:</b>	CORP-HSE-FOR-035	
<b>Project Reference:</b>	003-PNR	<b>Project Document Version:</b>	1.0	
<b>Approver:</b>	Francis Egan	<b>Document Template Version:</b>	1.0	
<b>Reviewer:</b>	Nick Mace	<b>Date of Issue:</b>	13.10.17	
<b>Author:</b>	Bobby Clayton	<b>Proposed Date of Review:</b>	N/A	
Version	Section	Revision Information	Date	Reviser

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*Procedures are reviewed as per proposed review date, or sooner if a significant change to the operation has taken place, to ensure relevance to the systems and process that they define.*



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### 1.0 Introduction

This Supporting Statement has been produced in support of a non-material amendment application under Section 96a of the Town and Country Planning Act 1990 to amend the wording of Planning Condition 19 of the planning permission granted on appeal in relation to Cuadrilla's exploration site at Preston New Road (planning application reference LCC/2014/0096; appeal reference APP/Q2371/W/15/3134386).

### 2.0 Site Location

The Preston New Road site is between Blackpool and Kirkham on the south west of the Fylde coastal plain. It is approximately 500m west of the village of Little Plumpton and approximately 1km west of the village of Great Plumpton. The Preston New Road site is between Moss House Lane and Preston New Road and is approximately 2km east of the M55/Preston New Road Junction 4. The National Grid reference for the centre of the Preston New Road site is E337408, N432744.

### 3.0 The Proposed Development

Planning permission has been granted for exploration works at the Preston New Road site. These works consist of the construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and access onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure. A full description of the Proposed Development is provided in the documentation submitted and considered with the initial planning application and is not replicated here.

### 4.0 Proposed Amendment to Planning Condition 19

#### Background

Deliveries to the Cuadrilla shale gas exploration site off Preston New Road have been regularly targeted by anti-fracking activists; July 2017 was the focus of 'The Rolling Resistance' by Reclaim the Power. This targeting has resulted in Preston New Road being wholly or partially blocked on multiple occasions. These blockages have frequently extended for many hours, in some cases for several days, and have resulted in considerable delay, frustration and expense for local commuters, businesses and even emergency services using Preston New Road. They have also resulted in considerable Police resource and public expense.

Cuadrilla took the decision, following detailed consultation with Lancashire Police, to deliver the drilling rig required to drill the exploration wells at approximately 4.45am on Thursday morning 27<sup>th</sup> July 2017. This was outside of the working hours specified under Planning Condition 19 of the planning permission as currently drafted. We and the Police were well aware that the drilling rig had been a particular target of anti-fracking activists and that rig delivery during normal working hours would create a very high risk of disruption, delay and possibly even injury to the general public, including potentially to activists intent on delaying the delivery. As such, we consider that the breach of Planning Condition 19 reduced the possibility of harm to the local environment, including harm to local amenity.

#### Highway Disturbances

During the month of July 2017, the following disruptions occurred along Preston New Road as a direct result of anti-fracking activists:



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Date	Nature of Incident
3 <sup>rd</sup> July 2017	4am – 13 person lock resulting in contraflow all day.
3 <sup>rd</sup> July 2017	8pm – road closure for 3 hours.
4 <sup>th</sup> July 2017	6am – lock on resulting in contraflow all day.
5 <sup>th</sup> July 2017	Lock on resulting in 3 hour road closure and then contraflow for the remainder of the day.
6 <sup>th</sup> July 2017	Late morning lock on.
7 <sup>th</sup> July 2017	11am – 1pm contraflow.
10 <sup>th</sup> July 2017	Late morning contraflow.
11 <sup>th</sup> July 2017	Road closure.
12 <sup>th</sup> July 2017	Contraflow from 6am.
14 <sup>th</sup> July 2017	Lock on resulting in contraflow all day.
18 <sup>th</sup> July 2017	Lock on resulting in 3 hour contraflow.
19 <sup>th</sup> July 2017	5am – lock on resulting in 3 hour road closure.
20 <sup>th</sup> July 2017	Lock on resulting in road closure.
21 <sup>st</sup> July 2017	Contraflow.
24 <sup>th</sup> July 2017	Road closure in morning and afternoon.
25 <sup>th</sup> July 2017	Road closure 8.15am – 5pm.
26 <sup>th</sup> July 2017	Contraflow.
27 <sup>th</sup> July 2017	Contraflow.
28 <sup>th</sup> July 2017	Contraflow ends.
29 <sup>th</sup> July 2017	Lock on resulting in contraflow.

During the month of August 2017, a total of four lock on incidents occurred. A lock on that occurred on 2<sup>nd</sup> August 2017 resulted in a complete road closure in both directions for approximately 6 hours. Preston New Road was either partially or fully closed for 4 days in August 2017.

There were no road closures on Preston New Road as a result of protestor activity during the month of September 2017.

### Arrests

During the months of July and August 2017, 132 arrests (96 arrests in July and 36 arrests in August) were made by Lancashire Police in relation to the ongoing police operation at the Preston New Road site as follows:

Reason for Arrest	Number of Arrests in July	Number of Arrests in August
Obstructing the Highway	63	8
Section 241 Trade Union Act	12	12
Obstructing the Police	9	10
Assaulting the Police	0	1
Drunk Disorderly	0	1
Section 22a Interfering with a Motor Vehicle	1	0
Section 5 Public Order	0	2
Section 22a Danger to Road Users	1	1
Section 25 Road Traffic Act	6	1
Public Nuisance	4	0
<b>Total</b>	<b>96</b>	<b>36</b>
<b>Charges Sanctioned</b>	<b>92</b>	<b>32</b>

### Emergency Calls

During the month of July 2017, there was a number of occasions where ambulances responding to emergency calls were unable to get to their destination using the fastest possible route due to incidents outside of the Preston New Road site. On such occasions, the ambulance returned to the M55 and used Junction 3 to arrive at their destination. On other occasions, Cuadrilla is aware that patient transport vehicles (not fitted with flashing



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blue lights) have taken alternative, longer routes when either collecting or dropping off patients to avoid delays due to protestor activity along Preston New Road.

Whilst the typical level of disturbance along Preston New Road varies from month to month, it is reasonable to assume that the targeting of deliveries to the Cuadrilla shale gas exploration site off Preston New Road by anti-fracking activists will be an ongoing occurrence for the foreseeable future.

### Proposed Amendment to Planning Condition 19

In light of the increasing numbers of illegal actions that we, the general public and the Police have faced outside the Preston New Road site, this non-material amendment application seeks an amendment to the wording of Planning Condition 19 to allow for the delivery or removal of materials outside of normal working hours. Such deliveries or removals would be limited to a maximum of nine movements in total and would take place in specific instances where Cuadrilla, having taken advice from Lancashire Police, reasonably believe it to be in the best interests of public amenity and local safety to do so.

An amendment to Planning Condition 19 is sought to replace the existing table with the table specified below (existing text is black, deleted text is red, new text is green).

<b>Activity</b>	<b>Permitted Hours of Work</b>
<p><del>Site construction and restoration, including:</del></p> <ul style="list-style-type: none"> <li>• Delivery or removal of materials</li> <li>• Construction of the site access and compound</li> <li>• Installation of the interconnections to the national gas and water grids</li> <li>• Works associated with the delivery and removal of plant and equipment associated with all drilling and extended flow testing of gas monitoring works during the exploration and appraisal phases of the site</li> </ul>	<p>07.30 to 18.30 hours Monday to Fridays (except Public Holidays)</p> <p>08.30 to 12.00 hours on Saturdays (except Public Holidays)</p> <p>Not permitted Sundays or Public Holidays</p> <p><i>In exceptional circumstances and following discussion with Lancashire Police (as set out at Section 3.7.2 of the Traffic Management Plan), up to a maximum of nine single convoy deliveries or removals, may be carried out outside of the hours specified in this table provided they are carried out only in relation to *work phases c), d), e) or f)</i></p> <p><i>*Work phases as set out at Planning Condition 3</i></p>
<ul style="list-style-type: none"> <li>• Pumping associated with hydraulic fracturing operations</li> </ul>	<p>08.00 to 18.00 Mondays to Fridays</p> <p>09.00 to 13.00 hours on Saturdays</p> <p>Not permitted Sundays or Public Holidays</p>
<ul style="list-style-type: none"> <li>• Drilling boreholes and operational management of drilling and extended flow testing</li> <li>• Well operations</li> <li>• Flowback and testing operations (including those involving pumping equipment) but excluding hydraulic fracturing pumping operations</li> <li>• Carrying out essential repairs to plant and equipment used on site</li> <li>• <i>Any other activity hereby permitted which is not otherwise specified in this table</i></li> </ul>	<p>24 hours / 7 days a week</p>



### Supporting Information

#### *Traffic Management Plan*

The Traffic Management Plan (TMP) has been produced in accordance with Planning Condition 11 and sets the framework for managing site traffic, and in particular heavy goods vehicles (HGV), to and from the Preston New Road site during the construction, operation and decommissioning of the facility.

It is proposed to manage and implement the proposed amendment to Planning Condition 19 via the TMP. This would be achieved by including a new sub-section under Section 3.7 of the TMP whereby in ‘exceptional circumstances’ and following discussion with Lancashire Police, up to a maximum of nine single convoy deliveries or removals may be made outside of the specified hours provided they are carried out only in relation to work phases c), d), e) or f).

The TMP has subsequently been updated; a separate submission has been made to LCC Planning department for the approval of the updated TMP in accordance with Planning Condition 11. The update to Section 3.7 of the TMP is provided below (existing text is black, new text is green).

#### *“3.7 Obstructions*

*Cuadrilla will work closely with the Police and Highway Authorities to prevent the obstruction of routes by protestors or other events into and out of the Site via all practical measures, agreed with all parties where appropriate.*

#### *3.7.1 Risk Assessment – Turning and Routes*

*The primary route into site is left in left out travelling in the direction from J4 of M55, however this is subject to change depending on the obstruction or threat to HGV safety and/ or public safety travelling along the A583. The primary route is left in left out however in circumstances which dictate that an alternative turn into site is required (right turn entry or exit) this will be for occasions which include:*

- 1) Blocked entrance preventing a left turn into site.*
- 2) Threat of an obstacle confirmed by the Police.*
- 3) Police instruction.*
- 4) Loads or Abnormal Loads which require a right turn under controlled conditions by the Police.*

*A dynamic threat risk assessment will be conducted by Cuadrilla’s security team in consultation with the Police. The primary objectives of the dynamic threat risk assessment is to reduce and prevent disruption to the A583, and maintain safety of motorised and non-motorised users of the highway.*

*If the dynamic threat risk assessment identifies any of those key objectives could be compromised, an alternative route towards Site, will be assessed as potential solution. Cuadrilla will consult with the Police and inform Lancashire County Council Highways and Planning departments that a deviation from the preferred agreed route to either right in right out, right in left out or left in right out or a combination of the options as a temporary approach.*

#### *3.7.2 Risk Assessment – Delivery and Removal Hours*

*Planning Condition 19 sets out the hours during which delivery or removal of materials can be carried out in respect of the Site. Planning Condition 19 provides that in ‘exceptional circumstances’, and following discussion with Lancashire Police, up to a maximum of nine single convoy deliveries or removals may be made outside of the specified hours provided they are carried out only in relation to work phases c), d), e) or f).*

*In circumstances where Cuadrilla believes that the delivery or removal of materials during the specified hours could pose a threat to HGV safety and/or public safety travelling along the A583, local safety or public amenity,*

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*a dynamic threat risk assessment will be conducted by Cuadrilla's security team following discussion with the Police. The primary objective of the dynamic threat risk assessment is to reduce or prevent these threats. If the dynamic threat risk assessment identifies that the risk of any of these threats is high, this will be deemed to be an 'exceptional circumstance' for the purpose of Planning Condition 19.*

*'Exceptional circumstances' would only apply for the scheduled delivery or removal of materials which are considered by Cuadrilla to be at high risk of direct action from protestors. This risk could be due to the nature of the delivery or removal (for example the drilling rig), the scheduled timing of the delivery or removal coinciding with known increased protestor activity, or a combination of the two.*

*The delivery or removal of materials undertaken as an 'exceptional circumstance' will be reported to LCC immediately, or at the start of the next working day."*

### Frequency

'Exceptional circumstances' would only apply to work phases c), d), e) or f) (work phases as set out under Planning Condition 3) as follows:

- c) Drilling of each of the four exploration wells;
- d) hydraulic fracturing of each of the exploration wells;
- e) flaring of gas during the initial flow test of each well; and
- f) installation of the gas pipeline and connection to the national grid.

The four work phases detailed above would very likely be complete within a period of approximately 24 months. Therefore, on average, there would be approximately 0.375 single convoy deliveries or removals made per month outside of specified working hours. Some individual months may experience a higher number of deliveries or removals (than the average stated above) whilst other individual months may experience a lower number of deliveries or removals. However, the total number of single convoy deliveries or removals made outside of specified working hours would not exceed nine as set out in this application.

Should this non-material amendment application be granted, it is Cuadrilla's preference not to implement it wherever possible. In practice, the delivery or removal of materials outside of normal working hours would depend on the level of protestor activity on Preston New Road and the associated risk to HGV safety and/or public safety travelling along the A583, local safety or public amenity.

### Duration

It is expected that such deliveries or removals would result in very minimal disturbance along Preston New Road. Deliveries or removals would be made in convoy as required (rather than being spread out over a longer duration), and would only result in passing and very short term (if any) disturbance for local residents. The total time for a single convoy delivery or removal is also expected to be of a relatively short duration, approximately 45 minutes from the arrival of the convoy vehicles on site, the loading or unloading of the materials, and the convoy vehicles subsequently exiting the site.

### Noise

Cuadrilla currently has two separate noise monitoring stations in operation 24 hours a day in accordance with Planning Condition 28. These stations monitor whether the noise thresholds set out under Planning Conditions 29 and 30 are being adhered to during daytime, evening and night-time operations associated with the Preston New Road site. During the delivery of the drilling rig on Thursday morning 27<sup>th</sup> July 2017, noise levels did not exceed those stated under Planning Conditions 29 and 30. Any future delivery or removal of materials carried out outside of specified working hours is therefore not expected to result in any exceedances of stated noise thresholds under Planning Conditions 29 and 30.

The noise profile during the delivery of the drilling rig on Thursday morning 27<sup>th</sup> July 2017 is provided at **Appendix A**.



### *Monitoring*

As per Section 2.2 of the TMP, Cuadrilla will maintain records of all traffic entering and exiting the site based on vehicle classification as defined in Table 2.1 of the Design Manual for Roads and Bridges Volume 7 Section 2 (HD24/06). The records also include arrival and departure times. All information will be made available to LCC within 7 days of being requested.

As per Section 3.6 of the TMP, a daily log will be maintained of all HGVs entering and exiting the site. This will be reported to LCC on a quarterly basis.

As stated above, the delivery or removal of materials undertaken as an 'exceptional circumstance' under Planning Condition 19 will be reported to LCC immediately, or at the start of the next working day.

## 5.0 Implications of Proposed Amendment to Planning Condition 19

### Purpose of Planning Condition 19

The purpose of Planning Condition 19 is to ensure that the amenity of local residents is not unduly disturbed during the delivery or removal of materials. The regular targeting of deliveries by anti-fracking activists has resulted and will continue to result in considerable disturbance to local residents as well as considerable delay, frustration and expense for commuters, businesses and emergency services, considerable police resource and public expense, and the potential for injury to the general public, including activists.

### Implications of Proposed Amendment to Planning Condition 19

The proposed amendment to Planning Condition 19 is not seeking additional movements for the delivery or removal of materials to or from the site; rather it is seeking to make a small proportion (nine) of already scheduled deliveries or removals to or from the site outside of the working hours specified under Planning Condition 19 of the planning permission as currently drafted.

The proposed amendment to Planning Condition 19 is not considered to result in any significant adverse effects on the environment or on local amenity due to the relatively infrequent nature of such deliveries (or removals), and the short duration of such deliveries (or removals) together with the associated temporary, short-term (if any) impacts. It is not expected that the proposed delivery or removal of materials would result in any exceedances of noise levels as set out under Planning Conditions 29 and 30.

It is our belief that the proposed amendment to Planning Condition 19 would result in overall beneficial effects as it would actively reduce the possibility of such harm to the environment and to local amenity.

## 6.0 Consideration of Relevant Planning Policy

Paragraph 14 of National Planning Policy Framework (NPPF) (March 2012) states *“a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means approving development proposals that accord with the development plan without delay.”*

Paragraph 14 of NPPF is translated to local planning policy via Policy NPPF1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies.

The proposed amendment to Planning Condition 19 is considered to be compliant with all relevant national and local planning policy as follows:

- Policy EP27 (Noise Pollution) of the Fylde Borough Local Plan (as altered October 2005) which states *“development which would unnecessarily result in harm by way of noise pollution will not be permitted,*

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*where appropriate, planning permission will be granted subject to conditions to minimise or prevent noise pollution.”*

- Paragraph 17 of NPPF which states that one of its twelve core planning principles is that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.”*
- Paragraph 123 of NPPF which states that *“planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.”*
- Paragraph 123 of NPPF which states that *“planning policies and decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”*
- Paragraph 144 of NPPF which states *“when determining planning applications, local planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on human health.”*
- Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD which states that *“criteria will be developed for considering other proposals brought forward outside the plan-making process to ensure that the amenity, health, economic well-being and safety of the population are protected by the introduction of high operating standards, sensitive working practices and environmental management systems that minimise harm and nuisance to the environment and local communities throughout the life of the development.”* This principle is replicated in Policy CS9 of the same document.
- Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies which states *“Development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the proposal’s setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with best practice and recognised standards.”*

The proposed amendment to Planning Condition 19 is appropriate and is in accordance with Paragraph 206 of NPPF which states that *“Planning conditions should only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.”*



### 7.0 Conclusions

This Supporting Statement has been produced in support of a non-material amendment application under Section 96a of the Town and Country Planning Act 1990 to amend the wording of Planning Condition 19 of the planning permission granted on appeal in relation to Cuadrilla's exploration site at Preston New Road.

Deliveries to the Cuadrilla shale gas exploration site off Preston New Road have been regularly targeted by anti-fracking activists; July 2017 was the focus of 'The Rolling Resistance' by Reclaim the Power. This targeting has resulted in Preston New Road being wholly or partially blocked on multiple occasions. These blockages have frequently extended for many hours, in some cases for several days, and have resulted in considerable delay, frustration and expense for local commuters, businesses and even emergency services using Preston New Road. They have also resulted in considerable Police resource and public expense.

Cuadrilla took the decision, following detailed consultation with Lancashire Police, to deliver the drilling rig at approximately 4.45am on Thursday morning 27<sup>th</sup> July 2017. This was outside of the working hours specified under Planning Condition 19 of the planning permission as currently drafted. We and the Police were well aware that the drilling rig had been a particular target of anti-fracking activists and that rig delivery during normal working hours would create a very high risk of disruption, delay and possibly even injury to the general public, including potentially to activists intent on delaying the delivery. As such, we consider that the breach of Planning Condition 19 reduced the possibility of harm to the local environment, including harm to local amenity.

In light of this, this non-material amendment application seeks an amendment to the wording of Planning Condition 19 to allow for the delivery or removal of materials outside of normal working hours. It is proposed to implement the proposed amendment to Planning Condition 19 via the TMP. This would be achieved by including a new sub-section under Section 3.7 of the TMP whereby in 'exceptional circumstances', and following discussion with Lancashire Police, up to a maximum of nine single convoy deliveries or removals may be made outside of the specified hours provided they are carried out only in relation to work phases c), d), e) or f).

'Exceptional circumstances' would only apply for the scheduled delivery or removal of materials which are considered by Cuadrilla to be at high risk of direct action from protestors. This risk could be due to the nature of the delivery or removal (for example the drilling rig), the scheduled timing of the delivery or removal coinciding with known increased protestor activity, or a combination of the two.

The purpose of Planning Condition 19 is to ensure that the amenity of local residents is not unduly disturbed during the delivery or removal of materials. The regular targeting of deliveries by anti-fracking activists has resulted and will continue to result in considerable disturbance to local residents as well as considerable delay, frustration and expense for commuters, businesses and emergency services, considerable police resource and public expense, and potential for injury to the general public, including activists.

The proposed amendment to Planning Condition 19 is not considered to result in any significant adverse effects on the environment or on local amenity due to the relatively infrequent nature of such deliveries (or removals), and the short duration of such deliveries (or removals) together with the associated temporary, short-term (if any) impacts. It is not expected that the proposed delivery or removal of materials would result in any exceedances of noise levels as set out under Planning Conditions 29 and 30. It is our belief that the proposed amendment to Planning Condition 19 would result in overall beneficial effects as it would actively reduce the possibility of such harm to the environment and to local amenity.

Should this non-material amendment application be granted, it is Cuadrilla's preference not to implement it wherever possible. In practice, the delivery or removal of materials outside of normal working hours would depend on the level of protestor activity on Preston New Road and the associated risk to HGV safety and/or public safety travelling along the A583, local safety or public amenity.

The proposed amendment to Planning Condition 19 is appropriate and is in accordance with Paragraph 206 of NPPF which states that "*Planning conditions should only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.*"



## **Appendix A – Noise Profile for Delivery of Drilling Rig on Morning of 27<sup>th</sup> July 2017**



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