

# PLANNING PERMISSION

*Name and address of Applicant*

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*Name and address of Agent (if any)*

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## Part I – Particulars of application

Date of application: **31 July 2009** Application No. **05/09/0572**

Particulars and location of development:

**Temporary change of use from agriculture to construction of a drilling platform upgrade of farm track and removal of hedges to create one of three passing places drilling of exploratory borehole and testing for hydrocarbons Preese Hall Exploration Site C/O Preese Hall Farm Weeton Kirkham Preston**

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## 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:

### Time Limits

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

2. The site development works, drilling operations, as defined in this permission, and site restoration in accordance with condition 19 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 two 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 to conform with Policies 2, 7, 23, 24, 37, 66, 74, 106 and 122 of the Lancashire Minerals and Waste*

*Local Plan and policies SP2, EP11, EP12, EP18, EP23, EP24, EP28 and EP30 of the Fylde Borough Local Plan.*

3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To enable the MPA 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**

4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The letter, planning application, supporting statement and appendices received by the Director of Strategic Planning and Transport on 28 July 2009.
- b) Submitted Plans received by the Director of Strategic Planning and Transport on 28 July 2009:

Figure 01 - Red line plan

Drawing No. CRL-001 - Site Layout showing drilling rig including cross section through site and level contours.

Drawing No. CRL-002 - Preese Hall Location Plan.

- 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, 23, 24, 37, 66, 74, 106 and 122 of the Lancashire Minerals and Waste Local Plan and policies SP2, EP11, EP12, EP18, EP23, EP24, EP28 and EP30 of the Fylde Borough Local Plan.*

### **Soils and Overburden**

5. All available topsoil and subsoil shall be stripped from any part of the site or access road before that part is excavated or is traversed by heavy vehicles, or before plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policies SP2 and EP11 of the Fylde Borough Local Plan and policies 2, 7, 66, 106 and 112 of the Lancashire Minerals and Waste Local Plan.*

6. 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.

*Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policies SP2 and EP11 of the Fylde Borough Local Plan and policies 2, 7, 66, 106 and 112 of the Lancashire Minerals and Waste Local Plan.*

### **Hours of Working**

7. No delivery or removal of materials, 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 delivery or removal of materials, 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, 66 and 74 of the Lancashire Minerals and Waste Local Plan.*

### **Highway Matters**

8. The access road including three passing places as shown on figure 1 shall be constructed prior to any development taking place within the proposed drilling compound area with the exception of soil stripping activities. The access road and passing places shall thereafter be retained in position and in a surfaced condition throughout the duration of the development.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policies 2, 37, 66 and 74 of the Lancashire Minerals and Waste Local Plan.*

9. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policies 2, 37, 66 and 74 of the Lancashire Minerals and Waste Local Plan.*

10. No development shall commence until a scheme and programme detailing the measures to be taken to advise drivers of construction and contractors' traffic of the preferred access route to the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) the measures to be taken to advise in writing, drivers of all construction or contractors vehicles of the route to be taken between the M55 and the site.

- Drivers shall be informed that they should use the B5260 Weeton Road / Singleton Road, B5269 Mile Road and the A585 (Fleetwood Road) in order to gain access to / egress from the site
- b) details of signage to be erected within the site boundary informing heavy goods vehicles leaving the site to turn left at the junction with the B5260 Weeton Road.

The signage required by b) above shall be erected prior to the commencement of development and shall be retained in position throughout the duration of the development and restoration.

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

### **Control of Noise**

11. 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.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 66 and 74 of the Lancashire Minerals and Waste Local Plan.*

12. Noise emitted from the site shall not exceed 55 dB Laeq (1 hour) (free field) as defined in this permission when measured from any of the following properties at a point closest to the noise source.
- a) Grantham Road, Weeton Camp NGR 380 366  
b) Preese Hall Farm NGR 377 361

*Reason: To safeguard the amenity of local residents and to conform with Policies 2, 66 and 74 Of the Lancashire Minerals and Waste Local Plan.*

13. Notwithstanding condition 12, 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 from any of the following properties at a point closest to the noise source.
- a) Grantham Road, Weeton Camp NGR 380 366  
b) Preese Hall Farm NGR 377 361

*Reason: To safeguard the amenity of local residents and to conform with Policies 2, 66 and 74 of the Lancashire Minerals and Waste Local Plan.*

### **Floodlighting**

14. No drilling operations shall take place 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:
- Type, number and intensity of lights
  - Direction, types of masking or baffle to reduce light pollution.

*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 Policy EP28 of the Fylde Borough Local Plan and Policies 2, 66, 74 of the Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

15. No development shall commence until details of the measures to be undertaken in the construction of the borehole to protect ground water resources in the Sherwood Sandstone have been submitted to and approved in writing by the County Planning Authority.

The approved construction measures shall be implemented at all times during the drilling of the borehole.

*Reason: In the interests of water resource protection and to conform with policy 23 of the Lancashire Minerals and Waste Local Plan.*

16. 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.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies EP23 and EP24 of the Fylde Borough Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.*

17. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon 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 Policies EP23 and EP24 of the Fylde Borough Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.*

18. 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*

*Policies EP23 and EP24 of the Fylde Borough Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.*

## **Restoration**

19. 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 places shall be removed and restored by the resspreading of all stripped topsoil.
  - e) the passing place on the access track to the east of Preese Hall shall be restored including removal of all surfacing materials, resspreading of soil materials and replacement of the hedgerow which shall be undertaken in accordance with details to be first submitted to and approved in writing by the County Planning Authority. Such details shall include numbers, types and species of trees and shrubs to be planted, spacings, planting methods and protection measures.

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

## **Aftercare**

20. 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) Maintenance of the replacement hedgerow planting including replacement of failures, weed control and restaking works.
- e) 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 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 Director of Strategic Planning and Transport 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.

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

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

## **Notes**

The applicant is advised to contact National Grid regarding the 11kV electricity line crossing the access road.

The applicant is advised to contact the Area Surveyor North (01524 752290) regarding the erection of signage on Weeton Road warning road users of turning construction traffic.

## **Part III Summary of Reasons**

The development is for the drilling of an exploration borehole to assess the potential for geological formations to contain shale gas deposits. The development would be temporary for a short term period and conditions would protect any residential properties and the surrounding area from noise and light and provide for pollution control and the restoration of the site to the previous agricultural use as appropriate for a Countryside Area. 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 23 – Water Resource Protection
- Policy 24 – Flood Risk
- Policy 37 – Strategic Road Network
- Policy 66 – Oil and Gas Production
- Policy 74 – Minerals Exploration
- Policy 106 – Reclamation of minerals working sites
- Policy 112 – Standards of Operation

### **Fylde Borough Local Plan**

- Policy SP2 - Development in Countryside Areas
- Policy EP11 – Building Design and Landscape Character
- Policy EP12 – Conservation of Trees and Woodlands
- Policy EP18 – Nature Conservation
- Policy EP23 – Pollution of Surface Water
- Policy EP24 – Pollution of Ground Water
- Policy EP28 – Light Pollution
- Policy EP30 – Development within Flood Plains

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**Date: 30 October 2009**



**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.*

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**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 Transport, 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 at Room 3/15c, Eagle 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 Transport, 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 Transport, 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.**

- a) 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.