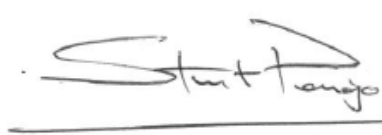


## Signing Off Form

Planning Application Number: 08/10/0973

	Cleared By	Date Cleared	Date Forwarded	Notes
Case Officer - Forward to Team Leader	RJ	12/10/10	12/10/10	
Team Leader - Forward to LS	JMH	12/10/10	12/10/10	
	Cleared By	Date Cleared	Date Returned	
Legal Services - Return to Team Leader	RKA	19/10/10	19/10/10	
Team Leader – clear, format, inform GHDC electronically or print off for signing by other	JMH	20/10/10	20/10/10	
<b>Signing Off</b>			<b>Tick</b>	
<b>Executive Director of Environment</b>				
<b>Director of Environment and Public Protection Services</b>				
<b>Group Head of Development Control</b>			√	
				
<b>Date:</b> 20 <sup>th</sup> October 2010				
	Date	By		
Decision Notice Issued	20.10.10	PDK		
Notifications completed	20.10.10	PDK		

**Development Control  
Planning Application Delegated Report**

Electoral Division affected: West Lancashire North
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<b>Date app.valid</b>	<b>Dec. due by</b>
26 July 2010	25 October 2010

**West Lancashire Borough: Application No. 08/10/0973**  
**Temporary change of use of field from agriculture to a site for the drilling of an exploratory borehole and testing for hydrocarbons including the construction of a drilling platform and the creation of temporary access track to include one passing place. Beconsall Exploration Site, Land at Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.**

Contact for further information:  
Rob Jones, 01772 534128, Environment Directorate  
DevCon@lancashire.gov.uk

**Executive Summary**

Application - Temporary change of use of field from agriculture to a site for the drilling of an exploratory borehole and testing for hydrocarbons including the construction of a drilling platform and the creation of temporary access track to include one passing place. Beconsall Exploration Site, Land at Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions relating to time limits, working programme, soils and overburden, hours of operation, highway matters, noise, floodlighting, safeguarding of watercourses and drainage, landscaping, restoration and aftercare.

**Applicant's Proposal**

Planning permission is sought for the carrying out of exploratory drilling operations to investigate the potential of geological formations to contain shale gas.

The proposal would involve the stripping of top soils to a depth of approximately 300 mm, some sub soil levelling and storing, the laying of an impervious and stabilising membrane followed by the construction of a sealed stoned working platform measuring 78m x 78m within an overall site area of approximately one hectare. The topsoil and subsoil would be stored as 3m high soil bunds along the north-west and

part of the south-western sides of the site and which would assist in the screening of plant and equipment during the drilling operations.

Access to the site would involve the widening of an existing field access and the construction of a new 163m length of a stone surfaced track to provide access through the field to the drilling compound. The first 35m of the track from Bonny Barn Road would be 14m wide to allow for the passing and manoeuvring of vehicles. The remaining 128m length of the track would be 4m wide.

A well would be drilled to a depth of approximately 3109 metres (10200 ft.) below ordnance datum. The drilling operation would be undertaken 24 hours per day, 7 days per week over a period of five to six weeks. The drilling rig would be approximately 36m high. Following the completion of the borehole, a period of testing during normal daytime hours would be undertaken to detect the presence of hydrocarbons.

The site preparation works would take a maximum of five weeks and the site restoration a further four weeks.

If no gas is detected the borehole would be plugged and the site restored. If successful, the borehole would be temporarily sealed with a control valve and the rig and other temporary buildings would be removed. The land would not be restored immediately as further testing or production facilities may be required. The retention of the platform would require planning permission.

### **Description and Location of Site**

The site comprises approximately 1 hectare of flat agricultural land located in an area known as 'Banks Enclosed Marsh' approximately 1.5km northwest of the village of Banks, 3km west of the village of Beconsall and 700m to the north of Marsh Road that links the settlements of Banks and Beconsall. Access to the site would be from the east side of Bonny Barn Road, an existing farm track that serves Marsh Nurseries and adjoins Marsh Road.

The application site and surrounding land is used for the growing of arable crops. The nearest residential properties are at Marsh Nurseries approximately 200m to the west and at Marshfield Farm approximately 400m to the north. Controlled watercourses in the form of drainage ditches run along the south and east sides and to the north of the site.

The site is located within the Marsh Farm Fields; North Meols Biological Heritage Site. The Ribble Estuary Site of Special Scientific Interest (SSSI) and Ribble and Alt Estuaries Special Protection Area (SPA) are approximately 650m to the north.

### **Background**

Planning permission was granted in March 2002 for the establishment of a hydrocarbon exploration drilling site (ref. 08/02/0035).

Planning permission was granted in May 2005 for the variation of Condition 2 of permission 08/02/0035 to extend the period of time for the hydrocarbon exploration operations and restoration until 10 October 2006 (ref. 08/05/0332). The site was partially constructed but the drilling operations were never carried out. The compound was removed and the land restored.

## **Planning Policy**

### 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

## **Consultations**

West Lancashire Borough Council – No objection.

Sefton Borough Council – No objection. Request conditions regarding temporary signage, confirmation that abnormal loads can negotiate 'The Plough' roundabout and restrictions be imposed on vehicle movements during the am and pm peak periods.

North Meols Parish Council – No observations received.

Hesketh-with-Becconsall Parish Council – No observations received.

Director (HEM) – No objection subject to the access being improved in accordance with the following:

1. The private road of Bonny Barn Road is to be widened to 6.75m for the first 20m to allow room for two construction vehicles to pass at the junction and/or allow space to wait while a vehicle is travelling along

- Bonny Barn Road. The 20m is to be measured from the kerb line of the Marsh Lane carriageway.
2. The radius into Bonny Barn Road to be 10m on both sides of the junction with Marsh Lane or prove the radius with swept path analysis.
  3. The radius from Bonny Barn Road onto the new access road for the site to be 10m on both sides of the junction with Bonny Barn Road or prove the radius with swept path analysis.
  4. The new access road onto Bonny Barn Road to be 6.75m wide for the first 20m to allow room for two construction vehicles to pass at the junction and/or allow space to wait while a vehicle is travelling along Bonny Barn Road. The 20m is to be measured from the edge of carriageway of Bonny Barn Road.
  5. The sight lines from Bonny Barn Road onto Marsh Lane to be 2.4x160m in both directions, the sight line to the east are obstructed by a large hawthorn plant. It is recommended the plant is trimmed down to 900mm above the carriageway level.

Environment Agency - No objection subject to the imposition of conditions to protect ground water resources from derogation or pollution and details of buffer zones to protect the aquatic habitat value of the surface water resources of the nearby ditches and watercourses. To reduce the impact on wintering birds, it is recommended that works be carried out during the spring or summer when the day length is longer and the birds have left the area.

Natural England – The application is located within the Marsh Farm Fields; North Meols Biological Heritage Site which is designated for its value as a foraging area for wildfowl that use the nearby Ribble Estuary SSSI / SPA, so there may be some impacts on the BHS due to the temporary loss of foraging land, or disturbance, for the bird species that migrate to this area from the SPA. The applicant should prepare a Method Statement detailing how the proposed works would be carried out so as to avoid any impacts to birds which may be using the BHS site as supporting habitat to the SPA.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. No representations have been received.

## **Advice**

Director of Environment and Public Protection Services – Observations

The application is for the drilling of an exploratory borehole to test geological formations for shale gas. Seismic surveys and evidence from other exploration wells in Lancashire have identified that the Carboniferous Bowland Shale Formation may contain gas reserves and a borehole is proposed to test the viability of extracting gas from this formation.

Planning permission was previously granted in 2002 and 2005 for hydrocarbon drilling operations on this site; the principle of the development on this site has therefore been established. Although the compound was developed, drilling

operations never took place. The site compound was removed and the land restored to agricultural use.

Government policy is that it is in the national interest to ensure the recovery of all economic hydrocarbon reserves. An application to Central Government for a licence to drill will be submitted should planning permission be granted.

The site is located on land designated as Coastal Zone in the West Lancashire Replacement Local Plan, where Policy EN3 applies. This policy states that development within the Coastal Zone will be limited to that which is essential to meet the needs of coastal navigation, amenity and informal recreation, tourism and leisure, flood protection, fisheries, nature conservation and/ or agriculture. The application site also falls within the Marsh Farm Fields; North Meols Biological Heritage Site, which is designated for its value as a foraging area for wildfowl that use the nearby Ribble Estuary SSSI / SPA. The BHS designation is the subject of Policy EN1 of the West Lancashire Replacement Local Plan that seeks to restrict development to that required to meet an overriding local public need providing there are mitigation measures and compensatory habitat creation. The exploration operations are necessary to establish the extent of hydrocarbon reserves; it is Government policy to maximise the extraction of domestic energy supplies. The drilling operations have to be in this particular location to be able to target a particular geological feature. There is therefore a need to balance the need for investigations of this nature against the impacts the proposal may have on ecological and biodiversity interests.

The site is located on flat agricultural land which offers very limited screening. There are few residential properties nearby. The development would take approximately 4 months from start to restoration and whilst there would be some landscape impacts in terms of the visual appearance of the plant and machinery, most particularly the drilling rig, they would be of relatively short duration. There may be some impacts on the BHS due to the temporary loss of foraging land, or disturbance, for the bird species that migrate to this area from the SPA. To avoid any impacts to birds which may be using the BHS site as supporting habitat to the SPA, it is recommended that the applicant prepare a Method Statement to detail mitigation measures during the period of the proposed works. Provided that the land is restored upon cessation of the operations to reinstate the foraging area, it is considered that the proposal is acceptable in relation to Policies EN1 and EN3 of the West Lancashire Replacement Local Plan and Policies 7, 18, 25 and 106 of the Lancashire Minerals and Waste Local Plan.

The drilling operations would be a 24 hour / 7 days per week over a period of up to six weeks. The nearest residential properties are approximately 200m to the west and 400m to the north. A 3 metre high earth bund located immediately on the north-west and south-western sides of the drilling rig would provide some noise attenuation to the nearest properties. A noise assessment submitted with the application concludes that the day and night time noise levels from the construction and drilling operations would be within those levels specified in Government guidance. To ensure that any impacts on the houses arising from noise associated with drilling would be acceptable, especially at night, planning conditions are proposed to limit night time noise levels at the nearest residential properties, and the

fitting of noise attenuation measures to plant and equipment. It is proposed that the drilling rig would be illuminated at night for safety reasons. To ensure the lighting is not excessive and would not extend beyond the area of land that has to be lit, a condition is proposed requiring details of the lighting to be submitted. Subject to the imposition of such conditions, it is considered that the development complies 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.

The site would be accessed from the minor 'C' Class road of Marsh Road that links the settlements of Banks and Beconsall, via an existing farm track known as Bonny Barn Road that serves Marsh Nurseries to the west of the site. The Director of HEM has advised that there should be a visibility splay and sightline provided at the junction of Bonny Barn Road and Marsh Road, a visibility splay at the site entrance from Bonny Barn Road, and passing places for HGV's along Bonny Barn Road and inside the site entrance.

The applicant states that all vehicle movements associated with the development would follow a route to and from the site through the village of Banks to the roundabout on the A565 Water Lane via Banks Road, Ralph's Wife's Lane, Church Road, Chapel Lane, New Lane Pace, Marsh Road and Bonny Barn Road. This is the shortest route to the A565 from the application site but passes through the settlements of Banks. There are other routes to the primary road network to the east of the site that would involve passing through either Beconsall and/ or Tarleton but, on balance, it is considered that the route through Banks would be the most desirable. Given the relatively short term nature of the drilling operation and providing the proposed routing of vehicles is adhered to, the highway impacts of the proposed development are considered acceptable.

Vehicles would access the site via roads in Sefton. The Borough Council raise no objection subject to conditions on temporary signage, demonstration that abnormal loads can negotiate the Plough roundabout and requesting that site traffic is controlled to avoid the AM and PM peak periods. Conditions are proposed relating to signage and lorry routing, the provision of visibility splays and sightlines and the impact of abnormal roads on the Plough roundabout within Sefton. A condition is also proposed requiring that the full length of access road within the site to be stoned and maintained throughout the duration of the development and restoration period. A passing place is required along Bonny Barn Road that would extend onto agricultural land. This would be acceptable providing a scheme is submitted to detail the removal of the passing place and the permanent re-instatement of the field. Subject to the imposition of such conditions, it is considered that the development complies with Policy 37 of the Lancashire Minerals and Waste Local Plan. Sefton BC have requested that a condition be imposed to control the hours at which traffic visits the site to avoid increasing congestion at the 'The Plough' roundabout. However, given the low numbers of vehicles that would visit this site during the peak periods, it is considered that they would not generate or contribute to any congestion over and above existing and there such a recommendation cannot be supported.

Part of the construction of the site involves laying an impermeable membrane over the whole compound area to prevent any accidental spillage and rainwater from entering the underlying soils, groundwater and nearby water courses. The borehole

would pass through the Permo-Triassic aquifer, which is an important aquifer located beneath the proposed site. The borehole will need to be constructed to a particular design to avoid affecting the aquifer and which can be required by condition. Conditions are also proposed to ensure measures to prevent pollution are incorporated into the design and operation of the site, including details of buffer zones to protect the nearby ditches and watercourses along the boundaries of the site. Subject to the imposition of such conditions, the development is considered to be acceptable in relation to pollution control matters and complies with Policies GD1 and EN11 of the West Lancashire Replacement Local Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 1998 would be affected.

### **Summary of Reasons for Decision**

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

### **Recommendation**

That planning permission be Granted 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 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 is 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.

Local Government (Access to Information) Act 1985  
List of Background Papers

Paper	Date	Contact/Directorate/Ext
08/10/0973	26 July 2010	Rob Jones
08/05/0332		Environment
08/05/0035		534128