

Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division affected:
Fylde West

Fylde Borough: application number: LCC/2023/0002

Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025. Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
Devman@lancashire.gov.uk

Brief Summary

Application - Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025. Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons.

Recommendation

That planning permission be **Granted** subject to conditions controlling time limits, working programme, highway matters, environmental controls, restoration and aftercare.

Applicant's Proposal

Planning permission for the construction and operation of an exploration site for hydrocarbons at Preston New Road, Little Plumpton was granted by the Secretary of State on 6 October 2016.

Condition 2 of the planning permission requires all borehole drilling, hydraulic fracturing, testing and site restoration to be completed with a period of 75 months from the commencement of the development.

The development commenced on 7 April 2023 and therefore under the provisions of condition 2 of the permission, the restoration works have to be completed by 7 July 2023.

For a number of reasons explained further in this report, the restoration works have not been progressed and therefore an application is made to postpone the completion of restoration until 30 June 2025.

Description and Location of Site

The application relates to the existing hydrocarbon exploration site at Preston New Road, located on the north side of the A583 approximately 5 km west of Kirkham and 7km east of Blackpool.

The site measures approximately 200 metres by 120 metres and is comprised of a stone surfaced compound area surrounded by noise attenuation and security fencing. Within the compound area are two well heads and a flare stack that was used for burning gas during the testing phase. The compound is served by a stone access road from the A583.

The land surrounding the site is comprised of agricultural grazing land. The nearest residential properties to the site are at Plumpton's Hall Farm, 500 metres to the east (the landowner's property) and at Staining Wood Cottages/Foxwood Chase, approximately 300 metres to the south west where there are a number of properties.

History

A planning application (ref LCC/2014/0096) for the construction of an exploration wellsite, drilling and hydraulic fracturing of four boreholes, testing and site restoration was refused by the County Council in June 2015. The decision was subject to an appeal and planning permission was granted by the Secretary of State in October 2016.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the National Planning Policy Framework (NPPF) are particularly relevant: 8–12 (achieving sustainable development), 130 (design and landscaping) and 211 (planning control over mineral extraction sites)

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2: Development Management

Fylde Local Plan

Policy GD4 – Development in the countryside

Policy GD7 – Achieving good design

Consultations

Fylde Borough Council: Object to the application for the following reason:

- Even in its current suspended state the development site is an industrial form of development in the countryside which does not conform with any of the exemptions

listed in policy GD4 of the Fylde Local Plan. The application proposes an excessive period of time for this intrusion on the countryside to continue without appropriate justification that it is required to complete the restoration works and conflicts with policies GD4, GD7 and ENV1 of the Fylde Local Plan.

Westby Parish Council: Strongly object to the application and support the objections raised by County Councillor John Singleton in his letter of representation.

Environment Agency (EA): No objection. Under the Environmental Permitting Regulations, for the operator to surrender the permit, the operator will have to satisfy the Environment Agency (EA) that measures have been taken to avoid any ongoing pollution risk and to return the site to a satisfactory state. The Environment Agency (EA) state that they will not grant any application for surrender unless and until they are satisfied that these requirements have been complied with. A closure plan will need to be submitted with the application for a permit surrender – this will include arrangements for borehole monitoring and decommissioning prior to surrender. The Environment Agency (EA) also recommend that financial provision appropriate to meet the decommissioning, restoration and closure obligations under the relevant regulations is sought from the operator during this process.

Lancashire County Council (LCC) Highways Development Control: No objection – the proposed variation will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

North Sea Transition Authority (NSTA): The North Sea Transition Authority (NSTA) have provided information on the regulatory position concerning the abandonment of onshore oil and gas wells in England. The North Sea Transition Authority (NSTA) comment that planning guidance sets out that responsibility, including financial responsibility, for the restoration and aftercare of minerals sites lies with the mineral operator and, in the case of default, with the landowner. The section of the planning practice guidance dealing with hydrocarbon extraction indicates that the mineral planning authority are responsible for ensuring that wells are abandoned, and the site is restored. The mechanisms for achieving this are planning conditions and obligations possibly supported by a financial guarantee where the project is long lived, unusual or where there are concerns regarding financial failure of the operator. The North Sea Transition Authority (NSTA) are aware of two cases where Mineral Planning Authorities have introduced conditions or obligations backed up by a financial guarantee to ensure that operators have sufficient funds to cover restoration costs. These are in relation to the shale gas exploration wells at Mission Springs, Nottinghamshire and the large Wytch Farm oil field in Dorset. The North Sea Transition Authority (NSTA) have also drawn attention to a letter in February 2019 from Alex Chisholm, (then Permanent Under Secretary of State to the Department of Business, Energy and Industrial Strategy) to the Chair of the Public Accounts Committee providing evidence to a hearing on the public costs of decommissioning oil and gas infrastructure. The letter sets out that it is the Environment Agency (EA) who enforces the polluter pays principle and that it is the permit holder who is therefore responsible for restoring such sites but that where such safeguards fail, other parties such as landowners may bear responsibility.

Health and Safety Executive (HSE): The conditions to which this application relates are not relevant matters for the Health and Safety Executive (HSE).

United Utilities (UU): No objection. United Utilities (UU) draw attention to various items of their infrastructure which exist in the area.

Weeton-with-Preese: No observations received.

Kirkham Town Council: No observations received.

County Councillor John Singleton: Wishes to raise an objection on behalf of residents in Fylde West Division who states that these residents have been most affected by multiple earth tremors recorded near the application site. He is of the view that gas extraction using hydraulic fracturing cannot be undertaken safely and the Government's position on this is evidenced by the current moratorium. County Councillor Singleton considers that the company have had sufficient time to adhere to the planning conditions regarding restoration and the restoration of this site to open countryside should have been completed in a timely manner. The company has not done this but are waiting for another turnaround on the moratorium which will not happen. The suspension order issued by the North Sea Transition Authority (NSTA) has no bearing on this breach of the existing permission. The applicant knew the restoration timescales and should have complied with them and therefore the application should be refused.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Eighty-four representations objecting to the application have been received raising the following issues. These representations include those from the Preston New Road Liaison Committee (established as a condition of the planning permission), the Preston New Road Action Group and also the Roseacre Awareness Group which was established to oppose the Roseacre Wood hydrocarbon exploration proposal: -

- Lancashire County Council (LCC) have a poor track record in upholding planning conditions associated with the Preston New Road site and have routinely allowed deviations and further variations. Lancashire County Council (LCC) should find a way to ensure that Cuadrilla meet their obligations in the shortest possible period.
- When the North Sea Transition Authority (NSTA) withdrew the abandonment notice in June 2022, there was no obligation to keep the wells open. There are no re use options for the site or possibility of restarting fracking that would justify a deferment of the restoration period.
- Cuadrilla should have engaged with the Environment Agency (EA) at an earlier stage regarding the time periods for permit surrender.
- The North Sea Transition Authority (NSTA) have not specifically supported this application and therefore little weight should be given to the opportunities presented by allowing the wells to remain 'open'.
- Cuadrilla have 'run down the clock' and should have obtained equipment and the permits necessary to restore the site within the permitted timeframe.
- What guarantees are there to ensure that there will not be a further application in two years' time?
- The proposed timescale is too long and breaches the timescale that is set down in condition 6e of the planning permission.
- There is a breach of condition 6e as the flare stacks are still visible over the fencing.

- The applicant has delayed restoration in the hope that the Government moratorium on hydraulic fracturing would be lifted. The proposed two-year extension period is only to see if a further change of policy will emerge.
- The geology of the local area is not suitable for fracking and Lancashire County Council (LCC) should be a lot tougher with Cuadrilla and ensure that the site is restored.
- Climate change issues will not go away.
- It makes no sense in a climate emergency for more fossil fuels to be produced.
- The company should be subject to enforcement action should it be unable to comply with the timescales set out in the current permission.
- Concerns about health impacts, pollution and damage to property from fracking operations.
- The operations do not lead to a local economic benefit and cause damage to roads.
- The proposed extension is not in the interests of local residents.
- Support the comments made by Mark Menzies MP.
- The attitude that it is acceptable to flout planning regulations is not acceptable.
- Fracking operations are still causing tremors – the most recent on 3 February 2023.
- There are still many tonnes of silica sand remaining on the site which should be removed immediately as this material presents a health risk.
- If Cuadrilla go bust, the residents of Lancashire will be left to 'carry the can' and exposes Lancashire County Council (LCC) and the UK Government to an unacceptable level of financial risk.
- The current site is an eyesore and should be restored as soon as possible.
- The retention of the site results in frequent visits to property by the press and by activists.
- The site entrance is festooned with fracking objection paraphernalia which is unsightly.
- The retention of the site affects property values.
- The development has an adverse effect on wildlife.
- There are traffic hazards.
- A performance bond should be sought from Cuadrilla to enable site restoration should the obligations not be complied with.
- The proposal is inconsistent with Government policy on fracking.
- The costs of policing this site are too high.
- The well is not fully capped and therefore there is a risk of gas leakage and explosion. There is a safety imperative in restoring the site as early as possible.
- Cuadrilla have a history of delaying restoration – this happened on their sites at Grange Road, Beconsall and Preese Hall.
- The extended flow testing has never taken place and therefore restoration should have been triggered upon the completion of the initial flow testing phase. The way that Cuadrilla have undertaken the testing has allowed the provisions of condition 6e to be circumvented without public scrutiny.

Two letters of representation from Mark Menzies – MP for Fylde have also been received raising the following issues:

- Mr Menzies is of the view that there are no grounds to grant any extension and urges the Council to reject the proposals.

- Government Ministers have taken an evidence-based approach and have concluded that this method of gas exploration cannot be conducted safely and within the regulatory framework agreed by the industry.
- The company has had adequate time to restore the site – it has not done so in the hope that there will be a change of Government policy.
- The company should be held to the terms of the original planning permission.
- Mr Menzies has asked what assurances the county council has been given by the applicant regarding their wherewithal to restore the site. What guarantees has the county council sought to ensure that the costs of decommissioning and restoration will not fall on the public purse should the company cease trading?

A representation has also been received from Friends of the Earth who object on the following grounds:

- Inconsistency with national policy: Friends of the Earth consider that the Government's Written Ministerial Statement of October 2022 has the same status as national planning policy. The application shows that Cuadrilla have not accepted the reality of national policy which is a complete moratorium on any further exploration, appraisal or development of shale gas through hydraulic fracturing. Any further use of the site as is suggested is incompatible with sustainable development.
- Inconsistency with Local Policy: Friends of the Earth consider that the proposal conflicts with the Fylde Local Plan and Lancashire Minerals and Waste Local Plan (LMWLP). The policies say that development should conserve and protect landscape character. The delay to restoration is in conflict with these aims.
- Inconsistency with the Inspector's decision and time conditions: The proposal would delay restoration beyond the dates considered acceptable by the Inspector who dealt with the original appeal. The county council refused an application for a deferment of restoration at the applicant's Beconsall site and the same policy issues exist at Preston New Road. The Inspector's original reasoning in relation to the time periods should not be varied in the manner proposed.

Advice

Planning permission was granted by the Secretary of State on 6 October 2016 for the construction of a hydrocarbons exploration wellsite, drilling of four boreholes, hydraulic fracturing (fracking) of each borehole, initial and extended flow testing followed by restoration of the site at Plumpton Hall Farm, Preston New Road. The Secretary of State's decision followed refusal of the planning application by the county council in June 2015 and a subsequent public inquiry which also considered a similar development at the Roseacre Wood Site near Elswick.

The Secretary of State's decision on the Preston New Road site was subject to 49 conditions regulating various aspects of the development. For the purposes of the current application, conditions 2 and 6 are particularly relevant.

Condition 2 deals with the overall timescales of the development including the site restoration and requires:

The site development works comprising the drilling operations of four vertical/lateral exploration boreholes, initial flow testing, extended flow testing, decommissioning and

site restoration shall be completed within a period of 75 months from the commencement of development as defined by this planning permission. All drilling and hydraulic fracturing operations shall be completed within a period of 30 months from the date of commencement of the drilling of the first well in accordance with condition 3

Condition 6 requires:

Prior to the commencement of each phase specified in condition 3, a scheme and programme for the following shall be submitted to the County Planning Authority and approved in writing

- a) The removal or disassembly of the drill rig on completion of each drilling operation in accordance with the requirements of condition 2.*
- b) The removal or disassembly of the hydraulic fracturing equipment on completion of each phase of hydraulic fracturing operations in accordance with the requirements of condition 2.*
- c) Details of the plant and equipment and boundary treatment to be retained on the site for the purposes of extended flow testing if extended flow testing is to be carried out.*
- d) Provision for the removal of all plant and equipment on completion of the final 90-day initial flow testing phase in the event the flow testing is unsuccessful, and the long-term appraisal phase is not to be carried out.*
- e) In the event the extended flow test is not carried out within 24 months of the initial flow test, notwithstanding the provisions of condition 1, a time schedule for the removal of all plant and equipment and restoration of the site in accordance with the conditions to this permission, such schedule not being greater than 12 months from the cessation of initial flow testing of whichever is the final well to be tested.*

Condition 6e requires the site to be restored at an earlier stage than the 75-month period referred to in condition 2 in the event that the extended testing works are not undertaken (for example if uneconomic quantities of gas were detected at the initial flow testing stage).

At this point it is worth explaining the various key stages and milestones that have occurred with this development.

- The development commenced on 4 April 2017 and therefore the 75-month period specified in condition 2 will expire on 4 July 2023. Construction of the access and wellsite compound took place through spring 2017 and drilling of the first two wells commenced on 31 May 2017. Hydraulic fracturing works on Well 1 commenced in October 2018 and initial flow testing on this well commenced in November 2018. Fracturing works on Well 2 commenced in August 2019.
- Following a number of seismic events in the local area in August 2019, the Government imposed a moratorium on issuing further Hydraulic Fracturing Consents. The moratorium meant that no further fracturing works could take place in either of the wells that had been drilled at the Preston New Road site.
- Following this, both wells were suspended to allow further testing of the qualities and volumes of any gas that had been produced following the fracturing operations

that were undertaken. In late 2019 gauges were installed within Well 2 to monitor and record downhole pressures to allow the well flow potential to be assessed. These works form part of the initial flow test.

- On 5 March 2022, the operator notified the county council that they would commence works to decommission both wells within seven days of the notification.
- At this time, the site was subject to a plug and abandon notice issued by the North Sea Transition Authority (NSTA) relating to the decommissioning of both wells. However, in April 2022 this was superseded by a well suspension notice that allowed for the continued suspension of both wells until 30 June 2023. During the suspension period, the operator agreed a work programme with the North Sea Transition Authority (NSTA) which included defining the key controls on induced seismicity, improving the seismic imaging of geological faults and supporting additional research by the British Geological Survey as part of their scientific review of shale gas commissioned by the Government in April 2022. The suspension order was issued in the context of the global energy crisis at that time following the Russian invasion of Ukraine. The operator has confirmed to the North Sea Transition Authority (NSTA) that it will provide access during the suspension period to its data, operational expertise and to the boreholes themselves which are the only hydraulically fractured boreholes within the Bowland Shale in the UK.
- In a written ministerial statement on 22 September 2022, the Government lifted the moratorium on hydraulic fracturing. The statement highlighted the global energy supply and price issues resulting from the Ukraine war and the need to undertake further hydraulic fracturing works to assess whether such operations could be undertaken in a safe manner.
- The moratorium on hydraulic fracturing was reimposed in late October 2022 following Rishi Sunak being appointed as prime minister.

Under condition 2 of the planning permission, the site is required to have been restored by July 2023. As detailed above, the operator was preparing to commence the plugging and abandonment works to both boreholes in March 2022, but these works were deferred when the North Sea Transition Authority (NSTA) issued the suspension notice in April 2022. As the permitted time limit in condition 2 cannot now be complied, the operator has made a planning application to defer the restoration date until 30 June 2025. The planning application has been made so that the works can be carried out under the terms of a new permission rather than the county council having to enforce the requirements of the existing permission.

Upon expiry of the suspension notice in June 2023, the North Sea Transition Authority (NSTA) have three options: a) agree a plan to reuse one or both wells: b) agree a plan to bring one or both wells into production or c) require one or both wells to be plugged and abandoned. The current planning application is submitted on the basis that the North Sea Transition Authority (NSTA) will require option c) to be followed. Options a) or b) would require a further planning application as both would involve a further use of the site rather than restoration as is currently proposed.

The operator is proposing that a further two-year period will be required to complete the restoration works. The works will comprise of the following stages:

- Decommissioning of the wells. This will be carried out in accordance with UK Guidelines on well abandonment and according to a well abandonment plan agreed by the Environment Agency (EA), the Health and Safety Executive (HSE) and an independent well examiner. The wellheads will be removed and the casing of the well cut off at two metres below ground level to allow restoration of the site to agricultural use. A rig would be required to undertake the works to abandon the boreholes which includes filling the bores with concrete. It is anticipated that a period of 4–6 months will be needed to gain regulatory approval for the decommissioning programme and a further period of 8-12 weeks to undertake the works to both wells.
- The site currently has a permit from the Environment Agency (EA). The restoration works to the site cannot commence until the permit has been surrendered and in order to surrender the permit, the operator must demonstrate that the abandonment works to each borehole have been successful. A programme of groundwater and surface water monitoring is required to demonstrate the effectiveness of the abandonment works which could take between 6–12 months. The applicant states that the Environment Agency (EA) have provided a timescale of around eight months to review a permit surrender application which is in line with the timescales for the determination of other permits that the county council is aware of in other parts of the county.
- Upon the permit being surrendered, the restoration works would then commence. This would comprise the removal of the concrete drilling pad and initial part of the well and the surrounding hardcore surface and pollution prevention membranes together with any remaining equipment. The perimeter fencing would also be removed following which the stored soils would be used to level and restore the site surface to an agricultural field. An aftercare plan would then be implemented.

The proposed development timeline is shown in the following figure: -

Stages/ Dates	2023									2024				2025	
	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Q1	Q2	Q3	Q4	Q1	Q2
Stage 1 operate under NSTA notice															
Decision from NSTA															
Stage 2 Well Decom															
EA GW Monitoring /permit surrender															
Stage 3 Restoration															

Several representations comment that the proposed restoration deferment period is too long, and the site restoration should commence immediately. Some residents including the Preston New Road Action Group have also commented that the early restoration provisions within condition 6e have also not been complied with. The requirement for the site to be restored at the earliest stage possible is acknowledged. However, it is important to understand that there is a sequential process to be followed as shown in the table above. This process will take time to complete. There is a well suspension notice in place until 30 June 2023. More importantly, the Environment Agency (EA) permit must be surrendered before the restoration works can commence and the permit surrender process can only commence once a period of groundwater monitoring has been undertaken to confirm the effectiveness of the borehole decommissioning works. In terms of condition 6e, the operator has stated that the initial testing period never finished and therefore the early restoration provisions within condition 6e were not triggered.

A number of representations including from Friends of the Earth have commented that restoration of the site has been deliberately postponed by the operator in the hope that Government policy on shale gas will change allowing fracking activity to resume. However, it should be noted that the operator wrote to the county council in March 2022 explaining that it would shortly begin work to plug and abandon the boreholes. The operator also wrote to local residents at this time advising them that plant would be moved onto the site in association with these works. However, these works were suspended when the North Sea Transition Authority (NSTA) agreed to withdraw the requirement to decommission the site by the end of June 2022 and asked the company to co-operate with the British Geological Survey to gather geological information before the boreholes were plugged. This agreement was also in the context of the sharp increase in energy prices and uncertainties about future supply which emerged following Russia's invasion of Ukraine in February 2022. Whilst the removal of the abandonment notices clearly allowed the possibility of a resumption in fracking, that step was taken in response to wider issues at that time rather than a speculative attempt by the operator to delay site restoration in the hope of a change in Government policy.

Friends of the Earth consider that the proposal is contrary to national policy, in particular the Written Ministerial Statement of October 2022. However, it is important to note that this application does not propose any further drilling or hydraulic fracturing activity. The Written Ministerial Statement confirms a presumption against issuing any further hydraulic fracturing consents and therefore does not directly relate to the current proposal for a deferment of the restoration date.

The main planning issue relates to the landscape and visual impacts arising from the retention of the wellsite over a longer period than was previously permitted.

The site is designated as a countryside area within the Fylde Local Plan. Policy GD4 of the Local Plan concerns development in the countryside and restricts such development to where it is needed for the purposes of meeting local business need, for agriculture, horticulture or forestry or other uses appropriate to a rural area. A range of other exemptions are also permitted which are not relevant to the current application. Mineral workings including hydrocarbon exploration sites would normally be considered to be appropriate within a rural area as they are temporary

developments and minerals can only be worked, or explored for, where they exist or potentially exist.

Paragraph 211 of the National Planning Policy Framework (NPPF) requires that mineral planning authorities in considering proposals for mineral extraction, should provide for restoration and aftercare at the earliest opportunity through the application of appropriate conditions.

This proposal if approved as submitted would allow the exploration wellsite to be retained for an additional period of two years and would therefore prolong the visual impacts of the site beyond that considered when planning permission was originally granted. The exploration wellsite is comprised of a concrete and stone compound surrounded by solid acoustic and mesh security fencing. Very little infrastructure remains on the compound itself and only the upper part of the flare stack is visible above the acoustic fencing. Nevertheless, the site is located in the middle of an agricultural field and does represent an incongruous feature within the countryside. However, the proposal is not proposing the permanent retention of the facility. It would only be retained for a further temporary period after which the site would be restored to an agricultural use.

The applicant has applied to defer the restoration date by a further two years. A large part of this period arises from the Environment Agency (EA) permit surrender process (including the time taken by the Environment Agency (EA) to register and allocate an officer to deal with the application). The operator has said that this can take around eight months to complete. It is considered that there is scope to reduce the duration of this part of the process and that a shorter restoration period than two years should be set. Any shorter period would have to allow for final replacement of soils at the correct time of year.

The decommissioning works to the wells would require the use of a large rig structure to undertake the cementing and sealing of the boreholes. The rig would have a significant although short term visual impact. However, these decommissioning works must be undertaken in any event and are not additional works as a result of the time extension currently proposed.

The operator has been asked whether it would be possible to undertake certain restoration operations at an earlier stage rather than them all being done towards the end of the restoration period. This might include removal of the acoustic and security fencing around the site which would have the benefit of reducing the visual impact of the site. However, the applicant has stated that such a restoration programme would generate inefficiencies as well as raising security concerns. However, they have confirmed that there is a possibility to remove the flare stack at an earlier stage. This would have some visual benefits as the element of infrastructure within the compound that is most visible. This matter can be dealt with through a condition.

The visual impacts arising from the wellsite being retained for a further period of 18 months for substantial completion of restoration from the date of decision on this application are therefore considered acceptable.

Friends of the Earth have highlighted a similar proposal at the applicant's Beconsall exploration wellsite. This application was refused on Green Belt and landscape

grounds by the county council's Development Control Committee contrary to officer advice. Friends of the Earth consider that the same conclusion should apply with the current application. However, for the reasons set out above, the landscape impacts are considered acceptable, and refusal of the application would not be justified.

Mark Menzies MP, the Environment Agency (EA) and several local residents have raised the issue of whether the operator has sufficient financial resources to undertake the well abandonment and restoration works and if some form of bond or other financial guarantee should be sought to cover the costs of these works in the event of default.

Paragraph 211 of the National Planning Policy Framework (NPPF) states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. This policy is further developed in the Planning Practice Guidance which states that responsibility for the restoration and aftercare of minerals sites, including financial responsibility, lies with the mineral operator, and in the case of default, with the landowner. The guidance states that any concerns about the funding of site restoration should be principally through appropriately worded planning conditions and that financial guarantees to cover restoration and aftercare costs will normally only be justified in exceptional cases such as very long term new projects where progressive restoration is not practicable, where a novel approach or technique is to be used or where there is reliable evidence of the likelihood of financial or technical failure.

This issue has been raised with the operator who states that the company continues to have financial support provided by the parent company AJ Lucas and also the joint venture partner company Spirit Energy who are a subsidiary of Centrica (a large British multi-national energy and services company). Both companies will be providing funding for the decommissioning and site restoration work. The operator is therefore of the view that a bond or other mechanism to cover restoration costs is unnecessary.

As part of the licencing process, the Oil and Gas Authority (now the North Sea Transition Authority (NSTA)) undertake financial assessment of licensee companies in order to assess their capability to carry out the exploration or production activities granted by the licences. This process does not extend to any bonding arrangements necessary to cover well abandonment works but in granting a licence, the Oil and Gas Authority must have been satisfied as to the financial competence of this operator.

The development does not raise any particularly novel or difficult restoration issues. The operator has previously restored a number of other hydrocarbon exploration sites (Preese Hall, Grange Road, Annas Road and Banks) all of which are now returned to a productive agricultural use.

It is therefore considered that there is no basis for seeking a restoration bond or other form of guarantee to cover abandonment and restoration costs.

In conclusion, this proposal is seeking a postponement of the restoration date for this site. It is unfortunate that the site restoration works have not commenced before now, but a number of factors have occurred which have resulted in the restoration works being deferred. The retention of the site for a longer period would result in an extension of the existing landscape and visual effects, although for a relatively short additional

period. There is no evidence that the site cannot be restored to an adequate standard. Given the limited landscape impacts, the development is considered acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policies GD4 and GD7 of the Fylde Local Plan.

If approved the decision would result in the grant of an entirely new planning permission for the site pursuant to S73 of the Town and Country Planning Act 1990. The original permission ref LCC/2014/0096 was subject to 49 conditions covering a wide range of matters including the establishment of the site compound and access and environmental controls during the drilling and fracturing works. All of these works have now been completed and there is no proposal to resume these works as part of the current application. Therefore there is no need to include conditions covering these matters as part of the current proposal. The conditions detailed below are considered sufficient to properly control the operations during the remaining restoration works and aftercare period.

In view of the nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time limits

1. The decommissioning and restoration of the site shall be completed within a period of 18 months from the date of this planning permission. The decommissioning and site restoration works shall be completed in accordance with the scheme and programme of restoration approved under the provisions of condition 11 below.

The provisions of this condition shall not relate to works for the final replacement of topsoil materials and their treatment which shall be completed within a period of 24 months from the date of this planning permission.

Reason: In order to secure the satisfactory restoration of the site within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

2. Written notification of commencement of each of the following phases of the development shall be provided within seven days to the County Planning Authority.
 - a) Decommissioning of the wells
 - b) Restoration of the site

Reason: In order to secure the satisfactory restoration of the site within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Approved documents

3. The development shall be carried out, except where modified by the conditions to this permission in accordance with the approved plans received by the County Planning Authority on 2 June 2014:

PNR -EW-OO1 Location plan
PNR -EW-002 Location Plan: Surface Works
PNR -EW-003 Parameter Plan
PNR-EW-OO4 Parameter Plan: Sections

Reason: For the avoidance of doubt and to ensure that the development is undertaken in accordance with the submitted drawings and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Highway Matters

4. Throughout the duration of decommissioning and site restoration works, measures shall be taken to prevent mud, dust and other deleterious materials from being deposited on the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Environmental Controls

5. Within two months of the date of this planning permission, a scheme and programme shall be submitted for the approval in writing of the County Planning Authority providing a timescale for the removal of all remaining buildings, plant, equipment and stored materials that are present within the exploration compound area. Thereafter all buildings, plant, equipment and stored materials shall be removed from the site within the timescale contained in the approved scheme and programme.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

6. No topsoils and subsoils shall be exported from the site.

Reason: To secure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

7. Well decommissioning and site restoration works shall only take place between the following hours

07.30 to 18.30 hours Mondays to Fridays
08.30 to 12.00 hours on Saturdays

No such works shall take place on Sundays or public holidays.



The above hours shall not apply to essential maintenance activities.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

8. The provisions of the noise management plan approved under the requirements of condition 26 of planning permission ref LCC/2014/0096 shall be implemented at all times during decommissioning and site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

9. Noise from the site under free field conditions at 1.2 to 1.5 metres height above ground level at any boundary of any residential property shall not exceed 55dB_{Aeq} 1hr during well decommissioning or site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

10. The provisions of the dust management plan approved under the provisions of condition 32A of planning permission LCC/2014/0096 shall be complied with at all times during well decommissioning or site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Restoration and aftercare

11. Restoration shall be carried out in accordance with the following:
 - a) All plant, buildings, security and acoustic fencing, pollution control membranes, aggregates and concrete hard standings forming part of the drilling compound shall be removed from the land.
 - b) The upper layers of the subsoil material shall be subsoiled to a depth of 600mm using a heavy duty winged subsoiler prior to the replacement of topsoils to relieve compaction and remove materials injurious to plant life and any rock, stone or other materials capable of preventing or impeding normal agricultural use or land drainage operations.
 - c) Following treatment of the subsoil, the topsoil from the soil storage mounds on the site shall be distributed evenly across the site to a minimum depth of 150mm and shall then be ripped cultivated and left in a state that will enable the land to be brought to a standard fit for agricultural use.

Reason: In order to ensure the proper restoration of the site in accordance with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

12. Following the restoration of the wellsite compound the site access track and junction with the A583 shall be restored in accordance with a scheme to be first submitted to and approved in writing by the County Planning Authority. The scheme shall contain details of the following:
- a) details for the restoration of the access road to a standard necessary to provide for agricultural access
 - b) the removal of all security fencing and gates and replacement with agricultural access gates and fencing
 - c) the reduction in size of the junction with the A583 to a standard necessary for agricultural use
 - d) the removal of the traffic island and ghost island markings in the A583 carriageway
 - e) details of the new hedge planting around the configured access including layout of planting, numbers and sizes of species to be planted, details of planting techniques and protection measures

Any new planting works contained in the approved scheme shall be undertaken in the first planting season following the completion of the site access restoration.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

13. With three months of the certification in writing by the County Planning Authority of the completion of restoration as required by condition 11, a scheme for the aftercare of the site to promote the agricultural after use of the site shall be submitted to the County Planning Authority for approval in writing. The scheme 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 any replacement hedgerow planting including replacement of failures, weed control and repair of protection measures
 - 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

The aftercare works shall thereafter be carried out for a period of five years starting for the date of approval of the scheme.

Reason: To ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

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

Paper	Date	Contact/Directorate/Ext
LCC/2023/002	June 2023	Jonathan Haine Planning and Environment 01772 434130

Reason for Inclusion in Part II, if appropriate

N/A

