



Department for  
Communities and  
Local Government

Mrs Charlotte Dyer  
Herbert Smith Freehills LLP  
Exchange House  
Primrose Street  
London  
EC2A ECG

Our Ref: **APP/Q2371/W/15/3134386**  
**APP/Q2371/W/15/3130923**  
**APP/Q2371/W/15/3134385**  
**APP/Q2371/W/15/3130924**

6 October 2016

Dear Mrs Dyer

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78**

**APPEAL A: APPEAL MADE BY CUADRILLA BOWLAND LIMITED  
EXPLORATION SITE ON LAND THAT FORMS PART OF PLUMPTON HALL FARM,  
WEST OF THE FARM BULIDINGS, NORTH OF PRESTON NEW ROAD, OFF PRESTON  
NEW ROAD, PRESTON, LANCASHIRE  
APPLICATION REF: LCC/2014/0096**

**APPEAL B: APPEAL MADE BY CUADRILLA BOWLAND LIMITED  
MONITORING SITE LOCATIONS IN A 4KM RADIUS OF THE PROPOSED PRESTON  
NEW ROAD EXPLORATION SITE, NEAR LITTLE PLUMPTON, PRESTON,  
LANCASHIRE  
APPLICATION REF: LCC/2014/0097**

**APPEAL C: APPEAL MADE BY CUADRILLA ELSWICK LIMITED  
EXPLORATION SITE ON AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE  
HALL, TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD AND LAND THAT  
FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SERVICE  
(DHFCS) SITE BETWEEN ROSEACRE ROAD AND INSKIP ROAD, OFF ROSEACRE  
ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, PRESTON, LANCASHIRE  
APPLICATION REF: LCC/2014/0101**

**APPEAL D: APPEAL MADE BY CUADRILLA ELSWICK LIMITED  
MONITORING SITE LOCATIONS IN A 4KM RADIUS OF THE PROPOSED ROSEACRE  
WOOD EXPLORATION SITE, OFF ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE  
AND WHARLES, PRESTON, LANCASHIRE  
APPLICATION REF: LCC/2014/0102**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Wendy McKay LLB Solicitor (non-practising), who held a public local inquiry on 9 to 12, 16 to 19, 23, 25 to 26 February, and 2 to 4, 8 to 11 and 16 March 2016 into your client's appeals against the decisions of Lancashire County Council to refuse your client's applications for planning permission for:

- Appeal A: construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and access onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure, in accordance with application ref LCC/2014/0096, dated 5 June 2014.
- Appeal B: monitoring works in a 4km radius of the proposed Preston Road Exploration site comprising: the construction, operation and restoration of two seismic monitoring arrays comprising of 80 buried seismic monitoring stations and 9 surface seismic monitoring stations. The seismic monitoring stations will comprise underground installation of seismicity sensors; enclosed equipment and fenced enclosures. The surface array will also comprise monitoring cabinets. The application is also for the drilling of three boreholes, each installed with two monitoring wells, to monitor ground water and ground gas, including fencing at the perimeter of the Preston New Road Exploration Site in accordance with application ref LCC/2014/0097, dated 5 June 2014.
- Appeal C: construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses on to the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network, in accordance with application ref LCC/2014/0101, dated 16 June 2014.

and your client's appeal against the decision of Lancashire County Council to grant planning permission subject to planning condition No. 5:

- Appeal D: the construction, operation and restoration of two seismic monitoring arrays comprising of 80 buried seismic monitoring stations and 8 surface seismic monitoring stations. The seismic monitoring stations will comprise underground installation of seismicity sensors; enclosed equipment and fenced enclosures. The surface array will also comprise monitoring cabinets. The drilling of three boreholes, each installed with two monitoring wells, to monitor ground water and ground gas, including fencing at the perimeter of the Roseacre Wood Exploration Site in accordance with application ref LCC/2014/0102, dated 16 June 2014. Planning permission was granted on 25 June 2015, subject to conditions. The condition in dispute is No. 5 which states that: 'The development of the surface array, buried array and water monitoring boreholes shall only be carried out outside the period 31 October and 31 March'.

2. On 26 November 2015, in exercise of his powers under section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, the Secretary of State directed that he would determine these appeals. The reason given for the direction was because the drilling appeals (3134385 and 3134386) involve proposals for exploring and developing shale gas which amount to proposals for development of major importance having more than local significance and proposals which raise important or novel issues of development control and/or legal difficulties. The monitoring appeals (3130923 and 3130924) are being considered at the same time as the drilling appeals and will most efficiently and effectively be determined by the Secretary of State. These two appeals are therefore being recovered because of the particular circumstances.

### **Inspector's recommendations and summary of the decisions**

3. The Inspector recommends that Appeals A, B and D be allowed and planning permission be granted subject to the conditions set out in Annex A (for Appeal A), Annex B (for Appeal B) and Annex D (for Appeal D). She recommends that Appeal C be dismissed.
4. For the reasons given below, the Secretary of State:
  - Agrees, except where stated, with the Inspector's conclusions in respect of Appeal A and agrees with her recommendation. He has decided to allow the appeal and grant planning permission, subject to conditions.
  - Agrees, except where stated, with the Inspector's conclusions in respect of Appeal B and agrees with her recommendation. He has decided to allow the appeal and grant planning permission, subject to conditions.
  - Agrees, except where stated, with the Inspector's conclusions in respect of Appeal C. However, he has decided to give the Appellant and other parties the opportunity to provide any further evidence on highway safety and allow parties to make any representations on that before reaching a final decision on this appeal. Subject to being satisfied that the highway safety issues identified by the Inspector can be satisfactorily addressed, the Secretary of State is minded to allow Appeal C and grant planning permission, subject to conditions.
  - Agrees, except where stated, with the Inspector's conclusions in respect of Appeal D and agrees with her recommendation. He has decided to allow the appeal and grant planning permission, subject to conditions.
5. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **The layout of this decision letter**

6. Some of the main considerations are common to more than one appeal and will be considered together. In this letter the Secretary of State first deals with procedural matters and matters arising since the inquiry. He then addresses policy and statutory considerations, need and national policy. Next he considers environmental matters and considerations which have been raised for more than one appeal. He then considers the main and other considerations for each individual appeal, and reaches a conclusion on each individual appeal. This differs slightly from the sequence of the Inspector's report as set out at IR12.1.

## **Procedural matters**

7. A pre-inquiry meeting (PIM) was held on 19 November 2015. At the PIM, consideration was given to a change sought by the Appellant in relation to the Preston New Road Monitoring works application (Appeal B). This would result in a reduction from 10 to 9 in the number of surface seismic monitoring stations. Evidence was put forward by the Appellant to show that the monitoring works could operate satisfactorily without that particular site. The change therefore represented a reduction in the scope of the application that had been previously considered by the Local Authority. No objections were raised by any Rule 6 party and Appeal B proceeded on the basis of the revised scheme. The Secretary of State has considered it on that basis.
8. Two applications for a full award of costs were made by Cuadrilla Bowland Ltd against Lancashire County Council in respect of Appeals A and B (IR1.1). These applications are the subject of a separate decision letter, also being issued today.

## **Matters arising during closing submissions and since the close of the inquiry**

9. Roseacre Awareness Group provided material whilst closing submissions were being heard (IR1.5). The Secretary of State has considered this material and has taken it into account. He is satisfied that the issues raised do not affect his decisions or necessitate additional referrals back to parties.
10. On 13 July 2016, the Secretary of State referred back to main parties to afford them an opportunity to comment on the implications for the above appeals, if any, of the Committee on Climate Change's report: 'Onshore Petroleum: the compatibility of UK onshore petroleum with meeting the UKs carbon budgets', and the Government Response to the Committee on Climate Change Report. Both were published on 7 July 2016. Representations which were made in response to this reference back exercise are listed at Annex E below. The Secretary of State has taken these documents and these representations into account. As they raise broadly the same climate change issues as those considered at the inquiry, he has considered them together and sets out his conclusions at paragraphs 35-37 below.
11. Other post-inquiry representations are set out in Annex F. These include the reports 'The Human Dimension of Shale Gas Developments' by Anna Szolucha and the 'Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction)' by Concerned Health Professionals of New York (third edition, October 14, 2015). The representations also include the report 'Shale Gas Production in England: An Updated Public Health Assessment' by Medact (2016), an earlier version of which was before the inquiry. The Secretary of State has considered these representations and is satisfied that the issues raised do not affect his decisions or necessitate additional referrals back to parties. Copies of the material listed in Annexes E and F may be obtained on written request to the address at the foot of the first page of this letter.

## **Policy and statutory considerations**

12. In reaching his decisions, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

13. In this case the development plan consists of the Joint Lancashire Minerals and Waste Development Framework Core Strategy (CS), dated February and adopted March 2009; the Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Management Policies Part 1 (JLMWLP), dated September 2013; and those policies of the Fylde Borough Local Plan (FBLP), adopted May 2003 and altered 2005, that are saved by direction of the Secretary of State. The Secretary of State considers that the development plan policies of most relevance to these appeals are those set out at IR1.151-1.171.
14. Other material considerations which the Secretary of State has taken into account include: the National Planning Policy Framework, March 2012 ('the NPPF'); the National Planning Practice Guidance ('the Guidance'); the Overarching National Policy Statement (NPS) for Energy (EN-1); the Written Statement on Shale Gas and Oil Policy ('the WMS') made to the House of Commons by the Secretary of State for Energy and Climate Change on 16 September 2015; the Planning Practice Guidance for Minerals (2014) ('the PPGM'); the Noise Policy Statement for England ('the NPSE'); the Paris Agreement; and the Lancashire Climate Change Strategy 2009-2020. The Secretary of State considers that the NPPF policies most relevant to these appeals are those set out at IR1.173-1.182.
15. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the appeal schemes or their settings or any features of special architectural or historic interest which they may possess.

#### *Emerging plan*

16. The emerging plan includes the new Fylde Local Plan to 2032. The examination in public is anticipated in January 2017 and adoption anticipated in March 2017. The Publication Version of the Fylde Local Plan to 2032 was consulted on from 11 August to 22 September 2016. The Secretary of State considers that relevant policies include: GD4 (Development in the countryside), ENV1 (Landscape), ENV4 (Protecting existing open space), ENV2 (Biodiversity), ENV6 (Historic environment) CL1 (Flood alleviation, water quality and water efficiency) and INF1 (Service accessibility and infrastructure).
17. The Joint Lancashire Minerals and Waste Local Plan is also being reviewed, following a scoping consultation in 2014.
18. The Lancashire County Council Shale Supplementary Planning Guidance Document on Onshore Oil and Gas Exploration, Production and Distribution ('the SPD') was consulted on in early 2015 and remains in draft form.
19. Paragraph 216 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the NPPF.
20. The new Fylde Local Plan is at an early stage of preparation, and has not yet been through its examination in public. The Statement of Consultation of August 2016 indicates that consultees are concerned about the potential harmful impact of shale development on Fylde; however, as Fylde is not a Mineral Authority, Fylde Borough Council have indicated that the Lancashire Mineral and Waste Plan is the appropriate place for this to

be addressed. There is not a high level of objections to the relevant policies. There is a high degree of consistency with the NPPF. Overall, the Secretary of State considers that the relevant policies of the new Fylde Local Plan carry limited weight at this stage.

21. The emerging Joint Lancashire Minerals and Waste Local Plan is at a very early stage of preparation, with consultation being carried out to inform the scope and general content of the review. It contains no new or revised policies by which its compliance with the NPPF can be assessed and the Secretary of State therefore considers that no weight attaches to it at this stage.
22. The SPD is at an early stage of preparation and following consultation remains in draft form. A number of fundamental objections were made by Parish Councils and the Roseacre Awareness Group, and there is not yet an indication of whether or how Lancashire County Council intends to take account of these objections. There is a high degree of consistency with the NPPF. For these reasons and the reasons given at IR12.12, the Secretary of State agrees with the Inspector at IR12.12 that little weight can be attributed to it at this stage.

### **The approach to the development plan – Appeals A, B, C and D**

23. The Secretary of State agrees with the Inspector that it is necessary to determine whether the second bullet point of paragraph 14 of the NPPF is engaged. The Appellant's case was put on the basis that the development plan was silent or out of date (IR12.7-12.8). He agrees that the development plan does not contain policies specific to the particular form of development under consideration in these appeals (IR12.15). For the reasons given at IR12.13-12.14, he also agrees with the Inspector at IR12.15 that it is necessary to consider whether the development plan contains relevant general development control policies sufficient to enable a judgment to be made as to whether the proposed development would be acceptable or unacceptable in principle.
24. For the reasons given at IR12.16-12.18, he further agrees with the Inspector at IR12.18 that Policy DM2 is consistent with the NPPF and should be given full weight, and that on its own it provides a sufficient basis to judge the acceptability of the appeal proposals in principle. He therefore agrees that the development plan is not 'silent' in this instance. He further considers that it is not absent or out-of-date in terms of consistency with relevant NPPF policies.
25. For the reasons given at IR12.19-12.24 and IR12.32, the Secretary of State agrees with the Inspector at IR12.24 that Lancashire County Council's approach to the PPGM and evolving national policy on shale gas development is appropriate, and that relevant policies, such as Policy DM2 of the JLMWLP, are not to be regarded as out-of-date simply because they do not specifically deal with shale gas.
26. The Secretary of State has considered the relevance of the Fylde Borough Local Plan. For the reasons given at IR12.25-12.31, he agrees with the Inspector at IR12.30 that where policies in the FBLP are capable of sensible application to minerals development, then they can reasonably be applied. He further agrees at IR12.31 that Policy EP11 cannot sensibly be applied to these schemes.
27. Overall the Secretary of State considers that the weighted balance in the last bullet point of paragraph 14 (decision-taking) of the NPPF does not apply because the development plan is not absent, silent or out-of-date. The appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Need – national policy and the Written Ministerial Statement (WMS) – Appeals A, B, C and D**

28. The Secretary of State has considered the weight that should be attached to the need for shale gas exploration and the WMS. For the reasons given at IR12.34-12.52, he agrees with the Inspector at IR12.50 that the factors identified by Friends of the Earth do not undermine or materially reduce the weight to be attributed to the WMS. He further agrees that the need for shale gas exploration is a material consideration of great weight in these appeals, but that there is no such Government support for shale gas development that would be unsafe and unsustainable (IR12.52). The Secretary of State also considers that the need for shale gas exploration set out in the WMS reflects, among other things, one of the Government's objectives in the WMS, in that it could help achieve secure energy supplies.
29. How the Government may choose to adapt its energy policies is a matter for possible future consideration. If thought necessary, this could be addressed through future national policy. These are not matters that fall to be considered in these appeals.

## **Environmental Statements – Appeals A/B and C/D**

30. Prior to and at the PIM (see paragraph 7), the adequacy of the Environmental Statement for Appeals A and B was raised. The Secretary of State has considered the submissions that were made by various parties (IR1.10-1.17). He agrees with the Inspector's conclusion in IR1.12 that while comments made by Preston New Road Action Group relate to Appeals A and B, they are also clearly relevant to the Environmental Statement for Appeals C and D. The Secretary of State is satisfied that the cumulative assessment presented, in both Environmental Statements, is an appropriate approach and is adequate for the purposes of the EIA Regulations (IR1.22). For the reasons given at IR1.18-1.23, he agrees with the Inspector's conclusion at IR1.24 that the two proposals should not be treated as a single project requiring a single Environmental Statement. Like the Inspector he is satisfied that both Environmental Statements are adequate and meet the minimum requirements of Schedule 4, Part 2, of the EIA Regulations.
31. In reaching his decisions, the Secretary of State has taken into account the Environmental Statements which were submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry opened (IR1.64-1.78). For the reasons given at IR1.79-1.84, he agrees with the Inspector that both the Preston New Road Environmental Statement and the Roseacre Wood Environmental Statement provide adequate information pertaining to the main alternatives studied by the Appellant in respect of Appeals A and B, and C and D respectively, as well as an indication of the main reasons for the choices made, taking into account the environmental effects. Overall, the Secretary of State is satisfied that the Environmental Statements and other additional environmental information provided comply with the above Regulations and that sufficient environmental information has been provided for him to assess the environmental impact of the proposals.

## **Habitats Regulations Assessment – Appeals A, B, C and D**

32. The Secretary of State has considered the Inspector's assessment of Habitats Regulations matters (set out at IR1.85-1.102 for Preston New Road, and IR1.103-1.118

for Roseacre Wood). For the reasons given in these paragraphs and IR12.876, the Secretary of State agrees with the Inspector that there would be no likely significant effects upon the Morecambe Bay SPA/Ramsar and Ribble and Alt Estuaries SPA/Ramsar as a result of the development at the Preston New Road and Roseacre Wood exploration sites and the Preston New Road and Roseacre Wood array sites, either alone or in combination with other plans or projects. Like the Inspector he is satisfied that the necessary mitigation measures have been identified and can be secured by planning condition and those measures would operate effectively and as envisaged (IR12.876).

### **Other considerations – Appeals A and C**

#### The adequacy of the proposed arrangements for the production and treatment of waste fluid

33. The Secretary of State has considered the Inspector's analysis of the planning policy background, the relationship between the planning decision process and other regulatory regimes, and proposed arrangements for the production and treatment of waste fluid, as set out at IR12.583-12.635. For the reasons given in these paragraphs, he agrees with the Inspector's conclusion at IR12.632 that the position adopted by the Environment Agency has not left a gap in the environmental controls that would require further consideration of the matter by the decision-maker. He further agrees with the Inspector at IR12.633 that there would not be any material land use planning adverse impacts associated with the proposed means of treatment of the flowback fluid, including the practical capacity of the treatment facilities to accept it. Like the Inspector he is satisfied that the Appellants have demonstrated, by the provision of appropriate information, that all impacts associated with the production of flowback fluids by the projects would be reduced to an acceptable level, and that the proposed development would be in accordance with JLMWLP Policy DM2 and relevant national policy (IR12.635).

#### Public health and public concern

34. The Secretary of State has considered carefully the evidence and the representations that were put forward in respect of public health and public concern (IR12.636-12.662). He agrees with the Inspector for the reasons given at IR12.655 and IR12.658 that it could be assumed that the regulatory regime system would operate effectively to control emissions and agrees that there would be no health impacts arising from potential exposure to air and water pollutants. He has considered the potential health impacts of public concern. He agrees with the Inspector at IR12.659 that the processes would be regulated and all pathways that could potentially impact upon human health would be monitored and appropriately controlled, and therefore considers these concerns carry little weight in the planning balance. He agrees with the Inspector at IR12.661 that the available evidence does not support the view that there would be profound socio-economic impacts or climate change impacts on health associated with these exploratory works. He notes that there is no outstanding objection raised by Public Health England to the proposed development on public health impact grounds (IR12.644). Overall he agrees with the Inspector that the Appellants have demonstrated by the provision of appropriate information that all potential impacts on health and wellbeing associated with the projects would be reduced to an acceptable level, and further agrees that the proposed development would be in accordance with JLMWLP Policy DM2, CS Policies CS5 and CS9 and relevant national policy (IR12.662).



## Climate change

35. The Secretary of State has considered the representations on climate change which were made by Friends of the Earth and other parties at the inquiry, and has also taken into account the responses to the reference back exercise (paragraph 10 above). For the reasons given at IR12.673-12.678, he agrees with the Inspector's conclusion that the issues raised as to how shale gas relates to the obligations such as those set out in the Paris Agreement and the Intergovernmental Panel on Climate Change carbon budgets are a matter for future national policy and not for these appeals (IR12.677). The Secretary of State considers that this is also the case for the Government's approach to Carbon Capture and Storage. He further agrees at IR12.678 that for the purposes of these appeals, the analysis should be limited to a consideration of the project emissions during construction, operation and decommissioning, together with cumulative impacts as assessed by the Environmental Statements within the framework set by national and local policies.
36. The Secretary of State considers that the need for shale gas exploration set out in the WMS reflects, among other things, the Government's objectives in the WMS, in that it could help to achieve lower carbon emissions and help meet its climate change target. The Secretary of State has gone on to consider the question of emissions arising from these proposals. For the reasons given at IR12.679, he agrees with the Inspector that there has been no material error in the Environmental Statement estimate of methane emissions. For the reasons given at IR12.682, he further considers that in the light of the support provided by the national policy for shale gas exploration, the emissions likely to arise from the appeal proposals would be entirely reasonable and fully justified (IR12.682).
37. Overall, the Secretary of State agrees with the Inspector's conclusion at IR12.686 that the projects would be consistent with the NPPF aim to support the transition to a low carbon future in a changing climate. He further agrees that the Appellants have demonstrated, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm would be reduced to an acceptable level and that the projects represent a positive contribution towards the reduction of carbon, and that the proposed development would be in accordance with JLMWLP Policy DM2 and relevant national policy.

## Planning conditions sought by Friends of the Earth

38. Friends of the Earth have sought a number of planning conditions if planning permission were to be granted for the proposed development (IR12.687-12.695). For the reasons given in these paragraphs, the Secretary of State agrees with the Inspector's conclusions that a baseline health survey of local residents would not be necessary, or relevant, and that it would not be reasonable to impose it (IR12.691). He agrees that a condition requiring the reporting of any material breach of planning conditions to Lancashire County Council within 48 hours should be imposed (IR12.693). He agrees that it would not be necessary or reasonable to impose a condition requiring the developer to provide Lancashire County Council with information identifying the available permitted off-site waste treatment facilities (IR12.695).

## **Other considerations – Appeals A, B, C and D**

### Seismicity

39. For the reasons given at IR12.696-12.703 and IR12.810, the Secretary of State agrees with the Inspector at IR12.810 that the risk of induced seismicity would be reduced to a minimum and an acceptable level. He agrees with the Inspector's view that there are no concerns in relation to the effectiveness of the proposed monitoring arrangements or the enforceability of the proposed means of control.

### Impact on house prices and house insurance

40. For the reasons given at IR12.704-12.711 and IR12.811, the Secretary of State agrees with the Inspector at IR12.811 that planning is concerned with land use in the public interest. He agrees that there are no health and wellbeing impacts of any substance associated with this consideration over and above those which have already been taken into account. He considers that the protection of private interests such as house prices and insurance are factors to which no weight should be attributed.

### Alternatives including microwaves as an alternative to current fracking methods

41. For the reasons given at IR1.84, IR12.712-12.718 and IR12.812, the Secretary of State agrees with the Inspector at IR12.812 that the matter of alternatives has been properly considered by the Environmental Statements and that all policy and legal requirements have been met in that respect.

### The effect on flood risk, water quality and waterways

42. For the reasons given at IR12.719-12.729 and IR12.813, the Secretary of State agrees with the Inspector IR12.813 that no flood risk issues of any substance would arise, that there would be no significant effects on surface water run-off, drainage or water supplies and that the proposed development would not have any material adverse impact on existing water supplies and quality.

### Air quality and dust

43. For the reasons given at IR12.730-12.735 and IR12.814, the Secretary of State agrees with the Inspector at IR12.735 that no material adverse effects would result from air quality or dust as a result of the projects either on their own or in combination.

### Light pollution

44. For the reasons given at IR12.736-12.739 and IR12.816, the Secretary of State agrees with the Inspector at IR12.816 that given the mitigation that could be secured by planning condition and the temporary nature of the development the effects would not be unacceptable.

### Vibration

45. For the reasons given at IR12.740-12.743 and IR12.815, the Secretary of State is satisfied like the Inspector at IR12.815 that no material adverse impacts would arise as a result of vibration associated with the projects either on their own or in combination.

### Heritage assets

46. For the reasons given at IR12.744-12.748 and IR12.817, the Secretary of State agrees with the Inspector at IR12.817 that a planning condition would satisfactorily safeguard any archaeological assets during construction. The Secretary of State concludes that there would be no harm to heritage assets as a result of the proposed development and all listed buildings and their settings would be preserved.

### Economic benefits

47. For the reasons given at IR12.749-12.769 and IR12.818, the Secretary of State agrees with the Inspector at IR12.769 that the local economic benefits of the exploration stage would be modest. He attributes little positive weight to these benefits. The Secretary of State notes that the Inspector considers little weight should be attributed to the national economic benefits which could flow from commercial production at scale at some point in the future, in the context of the exploratory works development which is the subject of these appeals. As the NPPF makes clear that each stage should be considered separately, the Secretary of State considers that in the context of these appeals, no weight should be attributed to the national economic benefits which could flow from commercial production in relation to these sites at scale at some point in the future.

### Economic disbenefits

48. For the reasons given at IR12.770-12.782 and IR12.819-820, the Secretary of State agrees with the Inspector at IR12.820 that there would be no material adverse impact upon the local economy including tourism and farming. He further agrees that the scheme would be in accordance with relevant development plan policies, and there would be no material conflict with the NPPF aims for sustainable economic growth.

## **APPEAL A – PRESTON NEW ROAD EXPLORATION WORKS**

49. The Secretary of State agrees with the Inspector that the main issues in Appeal A are those set out at IR12.3. He considers that Appeal A falls to be considered on its own merits, regardless of decisions on the other appeals.

### Landscape and visual impact

50. The Secretary of State has given very careful consideration to the effect that the proposed development would have on the character and appearance of the surrounding rural landscape and the visual amenities of local residents. He agrees with the Inspector at IR12.69 that it is correct to distinguish between the first and second phases of the development in terms of the duration of the landscape impacts that are likely to be of the greatest concern.

51. For the reasons given at IR12.81-12.85, the Secretary of State agrees with the Inspector at IR12.85 that the landscape does have some value at local level and the appeal site displays a number of positive characteristics identified by the Lancashire Landscape Strategy. For those reasons, he agrees that it is a 'valued' landscape in NPPF terms.

52. For the reasons given at IR 12.86-12.96, the Secretary of State agrees with the Inspector at IR12.95 that the combined effect of the changes would result in a significant impact on the immediate landscape that would be perceived from a wider area of about 1km. For

the reasons given at IR12.97-98 and IR12.126, the Secretary of State agrees with the Inspector's conclusion at IR12.98 that with suitable controls to reduce upward light pollution, there would be very limited additional impact on the landscape due to lighting. He further agrees, for the reasons given at IR12.99-12.101, that the adverse landscape effects of greatest significance would be experienced during the first phase of the development and this would be a short-term impact. He has taken into account that the particular effects associated with the proposed development would be reversed at the end of the temporary six-year period, and that any localised changes to landscape components would be fully remediated (IR12.101).

53. When considering the visual effects of the proposal, the Secretary of State has taken into account the Inspector's assessment of the photomontages which have been provided by parties (IR12.115-12.116). He agrees that the photomontages prepared by Mr Maslen provide a more reliable representation of what would occur (IR12.116), and has taken those photomontages into account in reaching his conclusion.
54. For the reasons given at IR12.117-12.120, the Secretary of State agrees with the Inspector that the proposal would not affect the outlook of any residential property to such an extent that it would be so unpleasant, overwhelming and oppressive that it would become an unattractive place to live (IR12.118). He agrees that the significant effects would only arise during the earlier phases and would therefore be limited in their duration and would not be experienced throughout the temporary six-year period (IR12.120). He has considered the Inspector's assessment of the impact on road users at IR12.121-12.126. He agrees with her conclusion that there would be a moderate adverse visual effect for sections of local roads during the drilling, hydraulic fracturing and flow testing phases (IR12.121). He agrees that there would not be a significant impact on transport corridors, and that it is highly unlikely that the impact would materially detract from the overall attractiveness of the area as a tourist location (IR12.125).
55. For the reasons given at IR12.127, the Secretary of State agrees with the Inspector's conclusion that any cumulative landscape and visual effects would be very limited and would certainly not be of any significance.
56. The Secretary of State has considered the implications of imposing a condition limiting the height of the drilling rig to 36m. He has taken into account the operator's need for flexibility as well as the potential benefits in terms of visual amenity. For the reasons given at IR12.132-12.137, he agrees with the Inspector's conclusion at IR12.137 that there is no substantial evidence to support the view that there would be any genuine difficulties or undue burden placed upon Cuadrilla in gaining access to a 36m rig. For the reasons given at IR12.138-12.141, he agrees with the Inspector that the change to residential receptors in close proximity to the site would be exceedingly obvious and that the difference would constitute a distinct and real improvement in their visual amenity (IR12.141). He further agrees, for the reasons given at IR12.142-12.148, that such a condition would meet all the tests set out in the NPPF, paragraph 206, and would be in accordance with development plan policy (IR12.148).
57. The Secretary of State has considered the Inspector's overall conclusions on landscape and visual impact. For the reasons given at IR12.149-12.153, he agrees with the Inspector at IR12.152 that although there are landscape impacts that would cause demonstrable harm which cannot be eliminated, they have been reduced to an acceptable level and the development would therefore be in accordance with Policy DM2. He further agrees at IR12.154 that there would be no conflict in the long term with the aim

of the NPPF to conserve and enhance the natural environment. For the reasons given at IR12.70 and IR12.155-12.156, he agrees with the Inspector at IR12.156 that there would be harm arising from the visual impact associated with the development but this has been reduced to an acceptable level such that there would not be conflict with Policy DM2. Overall he agrees with the Inspector's assessment at IR12.157 that the landscape and visual impacts associated with the scheme would not be unacceptable.

### Noise impact

58. The Secretary of State has carefully considered the noise impacts of the proposal in the light of the policy and guidance set out at IR12.158-12.176, the Environmental Statement and Addendum (IR12.179-12.183), and the representations made by the various parties.
59. The Inspector's analysis of the appropriate night-time noise limit is set out at IR12.184-12.265. For the reasons given in IR12.184-12.192, the Secretary of State agrees with the Inspector that PPGM does not support the view that 42dB(A) LA<sub>eq</sub>, 1h (free field) should be regarded as the Lowest Observed Adverse Effect Level (LOAEL) in this case. For the reasons given in IR12.193-12.265, the Secretary of State agrees with the Inspector's conclusions at IR12.265 and IR12.292-3 that the various proposed noise conditions in combination with a limit of 39dB LA<sub>eq</sub>, 1h (free field) would satisfactorily control adverse noise impacts during the night. He agrees that at this level, no significant adverse noise impact would result, and that such a limit represents the minimum that could be achieved without placing an unreasonable burden on the Appellant. He further notes that this is below the LOAEL of 40dB which is recommended by the WHO Night Noise Guidance and which takes into account the needs of vulnerable groups. He agrees with the Inspector that there are factors in this particular case that support a reduction below that level, and further agrees at IR12.292 that this limit would meet the PPGM policy test.
60. The Inspector's analysis of the appropriate daytime, evening and weekend noise limits is set out at IR12.266-12.274. For the reasons given in these paragraphs, the Secretary of State agrees with the Inspector's conclusion that daytime noise limit should be 55dB LA<sub>eq</sub> (1 hour). He further agrees that the permitted hours of pumping associated with the hydraulic fracturing operations should be restricted to 0900 to 1300 hours on Saturdays, and 0800 to 1800 on weekdays. He agrees with the Inspector's view that greater restrictions upon work either during the week or at weekends would not be necessary, and nor would it be reasonable to impose them on the operator (IR12.273). He further agrees that it would not be necessary or reasonable to apply a different noise limit to that proposed during the period 1900-2100 (IR12.274).
61. For the reasons given at IR12.275-12.289, the Secretary of State agrees with the Inspector at IR12.289 that the Appellant's noise assessment provides a reliable indication of the likely level of noise, that the Appellant would not be unable to comply with the proposed conditions, and that it would not be unreasonable to require it to do so. He further agrees for the reasons given at IR12.290 that the conditions proposed to achieve appropriate noise limits and controls could be readily monitored and, if necessary, enforced.
62. Overall the Secretary of State agrees with the Inspector's conclusion at IR12.293 that, subject to the imposition of appropriate planning conditions, the development would be in accordance with CS Policy CS5, JLMWLP Policy DM2 and Policy EP27 of the FBLP.

## Other considerations

### *Highway safety*

63. The Secretary of State has given careful consideration to the traffic impacts of Appeal A. For the reasons given at IR12.294-12.299, the Secretary of State agrees that the proposed development would not have a significant adverse impact on highway safety, and that safe and suitable access to the site could be achieved. He further agrees that the demonstrable harm that would result from highway matters has been eliminated or reduced to an acceptable level, and the development would be in accordance with JLMWLP Policy DM2 and CS Policy CS5, as well as being in compliance with paragraph 32 of the NPPF.

### Planning obligation

64. The Secretary of State has had regard to the Inspector's analysis at IR11.1, the planning obligation dated 16 March 2016 which relates to the Preston New Road Exploration Works Site, paragraphs 203-205 of the NPPF, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended. The Secretary of State considers that this obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the NPPF and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

### Planning conditions

65. The Secretary of State has taken into account the Inspector's comments and conclusions on the Appeal A planning conditions, as set out at IR12.877-12.912, and also the email from the Preston New Road Action Group referred to at IR12.877. He has noted that IR12.897 incorrectly states that Preston New Road Action Group propose 35 dB as the night-time noise level – the correct position is set out at IR12.189. He agrees with the Inspector's reasoning and conclusions. He has also taken into account national policy in paragraph 206 of the NPPF and the relevant Guidance, and is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 206. He considers that the conditions set out at Annex A below should be imposed.

### Planning balance and overall conclusions

66. For the reasons given above and at IR12.821-12.823, the Secretary of State considers that the proposal would be in accordance with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
67. As regards national policy, the Secretary of State considers that as assessed against the policies set out in paragraphs 18 to 219 of the NPPF, the proposal represents sustainable development. He considers that the development would have the support of the WMS.
68. He considers that the national need for shale gas exploration is a factor of great weight and that the local economic benefits of the proposal carry little positive weight in support of this appeal.
69. He has given careful consideration to the objections raised, but is content that the matters of concern could be satisfactorily controlled by planning conditions or by other

regulatory regimes, and as such, they can be attributed little negative weight in the planning balance.

70. The Secretary of State concludes that there are no material considerations indicating other than that the Appeal A development should be permitted in accordance with the development plan, subject to the imposition of appropriate planning conditions. He considers that Appeal A should be allowed and planning permission granted subject to the planning conditions set out at Annex A below.

## **APPEAL B – PRESTON NEW ROAD MONITORING WORKS**

71. The Secretary of State agrees with the Inspector that the main issues in Appeal B are those set out at IR12.3. He further agrees at IR12.842 that Appeal B falls to be considered on its own merits.

### Landscape character and visual amenity

72. The Secretary of State has considered the effect that the development would have on landscape character and visual amenity. Having considered the Inspector's analysis at IR12.313-12.326, the Secretary of State agrees with the Inspector that there are no reasonable grounds to doubt the accuracy of the Appellant's estimate of construction period, given the previous experience of Cuadrilla in the construction of array stations. He agrees that the likely construction period for each array site would be four days and that there would be no more than four to five sites under construction at any one time (IR12.326).

73. For the reasons given at IR12.327-12.330 and IR12.829-12.830, the Secretary of State agrees with the Inspector that there would be no direct or indirect significant effects on landscape character. He further agrees that there would be only temporary, very localised and negligible effects on visual receptors and no significant visual effects. He agrees that all adverse impacts could be appropriately controlled by means of planning conditions and the proposed development would not result in any significant cumulative effects (IR12.332). He further agrees that the proposed development would be in accordance with NLMWLP Policy DM2 and FBLP Policy EP10 and that there would be no material conflict with the aims of the NPPF (IR12.333).

### Other considerations

#### *Highway safety and access*

74. For the reasons given at IR12.334-12.339 and IR12.831-12.834, the Secretary of State agrees with the Inspector that the associated vehicle movements would not be of a scale that would adversely impact upon highway safety, residential access or on users of public rights of way (IR12.339). He considers that highways safety would also be ensured via planning conditions ensuring that no mud, dust or other deleterious material would be tracked onto the public highway by vehicles leaving the site, and by requiring vehicles to enter or leave the public highway in forward gear (IR12.339).

#### *Ecology*

75. For the reasons given at IR12.340-12.341 and IR12.835, the Secretary of State agrees with the Inspector that planning conditions would safeguard ecological interests in the area, thus the proposal would not have any significant adverse impacts.

### Planning conditions

76. The Secretary of State has taken into account the Inspector's comments and conclusions on the Appeal B planning conditions, as set out at IR12.877-12.879 and IR12.913-12.918, and also the email from the Preston New Road Action Group referred to at IR12.877. He agrees with the Inspector's reasoning and conclusions. He has also taken into account national policy in paragraph 206 of the NPPF and the relevant Guidance, and is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 206. He considers that the conditions set out in Appendix B of the Inspector's report should be imposed.

### Planning balance and overall conclusions

77. For the reasons given above and at IR12.836-12.837, the Secretary of State considers that the proposal would be in accordance with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

78. As regards national policy, the Secretary of State considers that as assessed against the policies set out in paragraphs 18 to 219 of the NPPF, the proposal represents sustainable development. He considers that the development would have the support of the WMS.

79. He considers that the national need for shale gas exploration is a factor of great weight and that the local economic benefits of the proposal carry little positive weight in support of this appeal.

80. He has given careful consideration to the objections raised, but is content that the matters of concern could be satisfactorily controlled by planning conditions or by other regulatory regimes, and such, they can be attributed little negative weight in the planning balance.

81. The Secretary of State concludes that there are no material considerations indicating other than that the Appeal B development should be permitted in accordance with the development plan, subject to the imposition of appropriate planning conditions. He considers that Appeal B should be allowed and planning permission granted subject to the planning conditions set out at Annex B below.

## **APPEAL C – ROSEACRE WOOD EXPLORATION WORKS**

82. The Secretary of State agrees with the Inspector that the main issues in Appeal C are those set out at IR12.3. He considers that Appeal C falls to be considered on its own merits, regardless of decisions on the other appeals.

### Landscape and visual impact

83. The Secretary of State has given very careful consideration to the effect that the proposed development would have on the character and appearance of the surrounding rural landscape and the visual amenities of local residents. He agrees with the Inspector at IR12.369 that there is a clear distinction to be made between the drilling, hydraulic fracturing and initial flow testing phases and other phases.

84. For the reasons given at IR12.361-12.362, the Secretary of State agrees with the Inspector at IR12.362 that the landscape does have some value at local level and the



appeal site displays a number of positive characteristics identified by the Lancashire Landscape Strategy. For those reasons, he agrees that it is a 'valued' landscape in NPPF terms.

85. For the reasons given at IR12.363-12.369, he agrees with the Inspector at IR12.369 that during the drilling, hydraulic fracturing and initial flow testing phases, the combined effect of the changes would result in a significant effect on the landscape that would be perceived from a wider area of about 650-700m. For the reasons given at IR12.370-372 he agrees at IR12.372 that there would be an adverse impact from the lighting when rigs were on site during the first phase of the development, but that during the extended flow testing phase, there would be very limited additional impact on the landscape due to lighting. He further agrees, for the reasons given at IR12.373-12.374, that the significant adverse landscape effects would be experienced during the drilling, hydraulic fracturing and initial flow testing phases, and that this would be a short-term impact. He has taken into account that the particular effects associated with the proposed development would be reversed at the end of the temporary six-year period, and that any localised changes to landscape components would be fully remediated (IR12.374).
86. When considering the visual effects of the proposal, the Secretary of State has taken into account the Inspector's assessment of the photomontages which have been provided by parties (IR12.351-12.352). He agrees that the photomontages produced by Mr Halliday for the Roseacre Awareness Group provide a more realistic and reliable impression of the likely impact of the proposed development, and has taken those photomontages into account in reaching his conclusion.
87. For the reasons given at IR12.376-12.380, the Secretary of State agrees with the Inspector at IR12.402 that there would be some significant adverse visual impacts, but that only a low number of residential receptors would experience effects of that magnitude. He further agrees that the proposal would not affect the outlook of any residential property to such an extent that it would be so unpleasant, overwhelming and oppressive that it would become an unattractive place to live (IR12.380). He has considered the Inspector's assessment of the impact on people enjoying recreational activity in the area at IR12.381-12.382. He agrees with her conclusion that there would be a significant adverse visual effect experienced by users of this section of Roseacre Road, and at certain points on Public Rights of Way in the vicinity of the site during the drilling, hydraulic fracturing and flow testing phases (IR12.382). He further agrees that the visual effects of significance would only be experienced during these phases (IR12.383).
88. The Secretary of State has considered the implications of imposing a condition limiting the height of the drilling rig to 36m. He has taken into account the operator's need for flexibility as well as the potential benefits in terms of visual amenity. He agrees with the Inspector's conclusion at IR12.389 that there is no substantial evidence to support the view that there would be any genuine difficulties or undue burden placed upon Cuadrilla in gaining access to a 36m rig. For the reasons given at IR12.388 and IR12.390-12.393, he agrees with the Inspector that the change to residential receptors in close proximity to the site would be exceedingly obvious and that the difference would constitute a distinct and real improvement in their visual amenity (IR12.393). He further agrees, for the reasons given at IR12.394-12.396, that such a condition would meet all the tests set out in the NPPF, paragraph 206, and would be in accordance with development plan policy (IR12.396).

89. For the reasons given at IR12.384-386, the Secretary of State agrees with the Inspector's conclusion that there would be no cumulative landscape and visual effects of any significance.
90. The Secretary of State has considered the Inspector's overall conclusions on landscape and visual impact. For the reasons given at IR12.397-12.400, IR12.404 and IR12.844-12.848, he agrees with the Inspector at IR12.400 that although there are landscape impacts that would cause demonstrable harm which cannot be eliminated, they have been reduced to an acceptable level and the development would therefore be in accordance with Policy DM2. He further agrees at IR12.401 that there would be no conflict in the long term with the aim of the NPPF to conserve and enhance the natural environment. For the reasons given at IR12.402-12.404 he agrees with the Inspector at IR12.403 that there would be harm arising from the visual effects of the development but this has been reduced to an acceptable level such that there would not be conflict with Policy DM2.

### Highway safety

91. The Secretary of State has given careful consideration to the highway safety impacts of Appeal C. He has considered the surveys which were carried out by various parties (IR12.421-12.444). For the reasons given at IR12.436-12.443, he agrees with the Inspector at IR12.444 that the Appellant's survey evidence underestimates the use of the preferred route by cyclists, pedestrians and equestrians. He has also considered the safety/risk assessments which were put forward by various parties (IR12.445-12.454). For the reasons given at IR12.445-12.447, he agrees with the Inspector at IR12.447 that the value of the Appellant's risk assessment is limited to the assessment and recommendations made in respect of the Dagger Road passing places.
92. The Secretary of State has considered the Inspector's assessment of the safety of the Dagger Road/Treales Road/Station Road junction. For the reasons given at IR12.456-12.462, he agrees with the Inspector that there are aspects of the road layout at this point which carry with them obvious concerns as to the ability of large articulated HGVs to negotiate them safely. He further agrees that the Appellant's assertions about the safety of this part of the route were not supported by any detailed analysis or risk assessment, and that the Appellant's evidence does not satisfactorily rebut the risks at this junction identified in Roseacre Awareness Group's Risk Assessment (IR12.462).
93. The Secretary of State has considered the Inspector's assessment of the safety of the Salwick Road/Inskip Road junction at IR12.462a-12.464. For the reasons given in these paragraphs, like the Inspector he is not satisfied that the use of this junction by large articulated HGVs has been properly considered and assessed (IR12.464).
94. The Secretary of State has considered the Inspector's assessment of the safety of Dagger Road and the proposed passing places at IR12.465-12.475. For the reasons given in those paragraphs he agrees that the proposed mitigation in the form of passing places has not been shown to be workable in practice, and as presently envisaged, the scheme would not achieve the desired outcome. He agrees with the Inspector that there are inherent deficiencies and risks associated with what is proposed that have yet to be addressed and which could not be satisfactorily overcome by the imposition of planning conditions (IR12.475).

95. For the reasons given at IR12.476-12.480, the Secretary of State considers that the features of the route which cause the greatest concern are those identified in paragraphs 90-92 above (IR12.477). He agrees that the scheme is unlikely to materially impact upon highway safety so far as the village of Wharles is concerned (IR12.480).
96. The Secretary of State has considered the likely effectiveness of the Traffic Management Plan in mitigating relevant risks. For the reasons given at IR12.481-2.495, he agrees with the Inspector that the Traffic Management Plan would not adequately address the particular safety issues associated with vulnerable road users, and would not serve to adequately address the shortcomings of the route. He agrees that it does not provide a satisfactory means of mitigation for the various identified risks associated with the preferred route (IR12.491-492). He further agrees that it does not automatically follow that because accidents have not happened in the past, they would not be likely to happen in the future, given the new scenario that would arise as a result of the proposed development (IR12.497).
97. Overall the Secretary of State agrees with the Inspector at IR12.499 and IR12.849-12.851, that whilst the actual duration of the highest HGV flows would be relatively short, the volume and percentage increases in HGV traffic that would arise at those times would be high. He agrees that this, combined with the deficiencies of the route, would be likely to result in a real and unacceptable risk to the safety of people using the public highway, including vulnerable road users. He agrees that in the absence of satisfactory mitigation measures, it cannot be concluded that the use of the preferred route would represent a safe and sustainable approach. He further agrees that the proposed development would have a serious and very significant adverse impact on the safety of people using the public highway and would not be in accordance with JLMWLP Policy DM2 or CS Policy CS5. He also agrees that the residual cumulative impacts of development would be severe, and the scheme would be contrary to paragraph 32 of the NPPF (IR12.500).
98. However, the Secretary of State notes that the above conclusions largely rest on the failure of the Appellant to provide adequate evidence that they have properly considered and addressed the safety issues, and the failure of the Appellant to demonstrate that the proposed mitigation is workable in practice. It may be that the Appellant is able to demonstrate that the safety concerns raised by parties and the Inspector can be satisfactorily mitigated. The Secretary of State wishes to give the Appellant and other parties the opportunity to provide additional evidence on this point.
99. He therefore proposes to reopen the inquiry to allow the Appellant and other parties to put forward any further evidence on highways safety, and for parties to respond to any such evidence. Subject to being satisfied that the highways safety issues identified by the Inspector can be satisfactorily addressed, the Secretary of State is minded to grant permission for Appeal C, subject to conditions.
100. Once he receives an addendum report from the Inspector he will proceed to a final decision. The reopened inquiry is solely for the purpose stated above, and is not an invitation for any party to seek to reopen any of the other issues covered in this decision letter. Arrangements for the reopened inquiry will be made by the Planning Inspectorate and any queries about the arrangements should be addressed to [leanne.palmer@pins.gsi.gov.uk](mailto:leanne.palmer@pins.gsi.gov.uk).

## Noise impacts

101. The Secretary of State has carefully considered the noise impacts of the proposal in the light of the policy and guidance, the Environmental Statement and Addendum ((IR12.509-12.512), and the representations made by the various parties. He agrees with the Inspector at IR12.501 and 12.504 that the national and development plan policy background and the application of standards and guidance are as set out in relation to Appeal A.
102. The Inspector's analysis of the appropriate night-time noise limit is set out at IR12.513-12.534 and IR12.852-853. For the reasons given in these paragraphs, the Secretary of State agrees with the Inspector at IR12.531 that 42dB is not the appropriate level at which to set a LOAEL in this appeal, and that 35dB is likely to represent the LOAEL in this case. He further agrees with the Inspector's conclusions at IR12.532, IR12.534 and IR12.543 that the various proposed noise conditions in combination with a limit of 37dB LA<sub>eq</sub>, 1h (free field) would satisfactorily control adverse noise impacts during the night and would reflect the requirements of the PPGM.
103. He agrees with the Inspector that at this level, no significant adverse noise impact would result, and that this is the lowest level which could be achieved without placing an unreasonable burden on the Appellant at Roseacre Wood. He further notes that this is below the LOAEL of 40dB which is recommended by the WHO Night Noise Guidance and which takes into account the needs of vulnerable groups. He agrees with the Inspector at IR12.531 that there are factors in this particular case that support a lower threshold.
104. The Inspector's analysis of the appropriate daytime, evening and weekend noise limits is set out at IR12.535-12.538 and IR12.852. For the reasons given in these paragraphs, the Secretary of State agrees with the Inspector that daytime noise limit should be 55dB LA<sub>eq</sub> (1 hour). He further agrees that the permitted hours of pumping associated with the hydraulic fracturing operations should be restricted to 0900 to 1300 hours on Saturdays, and 0800 to 1800 on weekdays. He agrees with the Inspector's view that the available evidence does not support any further restrictions on working hours or noise limits either during the week or at weekends (IR12.538).
105. For the reasons given at IR12.540-541, the Secretary of State is satisfied that the Appellant's noise assessment provides a reliable indication of the level of noise that would be likely to be produced at source and experienced by nearby residents. He agrees that, in practice, the Appellant would be able to comply with the proposed conditions at the required limits (IR12.540). He further agrees that the conditions proposed to control the impact of noise in this case would be readily monitored and if necessary enforced (IR12.541).
106. He agrees with the Inspector at IR12.543 and IR12.853 that subject to the imposition of appropriate planning conditions, the development would be in accordance with CS Policy CS5, JLMWLP Policy DM2 and Policy EP27 of the FBLP.

## Community, recreation and amenity issues

107. The Secretary of State has considered the likely impact on the community, recreation and amenity value of the area. He agrees with the Inspector at IR12.550 that any further development proposals would require the grant of planning permission, and that it is appropriate to limit the consideration of impacts to those which would be the result of the

exploration appeal. For the reasons given at IR12.551-12.552, he agrees with the Inspector that the general perception of visitors of the attractiveness of the Fylde as a holiday destination would be little changed by the appeal schemes. He agrees with the Inspector at IR12.553 and IR12.854 that there is likely to be some degree of economic disbenefit to local businesses in close proximity to the site, but that any such impacts would be localised and of relatively short duration. He further agrees that the social and economic impacts would be reduced to an acceptable level and the harm to the local community would be minimised. He agrees that the scheme would be in accordance with Policies CS5 and DM2, and that there would not be any material conflict with paragraph 20 of the NPPF and the achievement of economic growth (IR12.553 and IR12.854).

#### Planning obligation

108. The Secretary of State has had regard to the Inspector's analysis at IR11.1, the planning obligation dated 16 March 2016 which relates to the Roseacre Wood Exploration Works Site, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended. The Secretary of State considers that this obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, directly related to the development, and is fairly and reasonably related in scale and kind to the development.

#### Planning conditions

109. The Secretary of State has taken into account the Inspector's comments and conclusions on the Appeal C planning conditions, as set out at IR12.877-12.879 and IR12.919-12.935, and also the email from the Preston New Road Action Group referred to at IR12.877. In respect of conditions 1-6 and 14-49, he agrees with the Inspector's reasoning and conclusions. He has also taken into account national policy in paragraph 206 of the NPPF and the relevant Guidance, and is satisfied that conditions 1-6 and 14-49 recommended by the Inspector comply with the policy tests set out at paragraph 206. The Inspector's recommended conditions are reproduced at Annex C for the information of parties. However, given his conclusions on Appeal C, below, the Secretary of State does not propose to reach a conclusion on conditions 7A-12 (which relate to highway matters) at this time. He will reach a conclusion on these or any other conditions which are put forward regarding highway matters when he reaches his final determination on Appeal C.

#### Planning balance and overall conclusions

110. For the reasons given above and at IR12.856-12.857, the Secretary of State considers that apart from the matter of highway safety, the various other impacts associated with the proposed development, including cumulative impacts, could be reduced to acceptable levels. However, the proposed development would have a serious and very significant adverse impact on the safety of people using the public highway. On the evidence before him he considers that it is not possible to conclude that the demonstrable harm associated with that issue would be eliminated or reduced to an acceptable level. The Secretary of State therefore considers that the proposed development is not in accordance with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

111. As regards national policy, the Secretary of State considers that since safe and suitable access to the site for all people would not be achieved and the residual cumulative impacts of development would be severe, the scheme would therefore be contrary to paragraph 32 of the NPPF. As assessed against the policies set out in paragraphs 18 to 219 of the NPPF, the Secretary of State considers that the proposal does not represent sustainable development. Since the proposal would be neither safe nor sustainable, it would not have the support of the WMS.
112. Given that the proposal does not have the support of the WMS, the national need for shale gas exploration cannot be pleaded in support of this appeal, and the Secretary considers it carries no positive weight. The local economic benefits of the proposal carry little positive weight in support of this appeal.
113. He has given careful consideration to the other objections raised, but is content that the matters of concern other than highway safety could be satisfactorily controlled by planning conditions or by other regulatory regimes, and as such, they can be attributed little negative weight in the planning balance.
114. The Secretary of State concludes that the harm to highway safety is a material consideration to which, on the basis of the information currently before him, he gives very significant weight.
115. However, the Secretary of State notes that the above conclusions largely rest on the failure of the Appellant to provide adequate evidence that they have properly considered and addressed the safety issues, and the failure of the Appellant to demonstrate that the proposed mitigation is workable in practice. It may be that the Appellant is able to demonstrate that the safety concerns raised can be satisfactorily mitigated. The Secretary of State wishes to give the Appellant and other parties the opportunity to provide additional evidence on this point. He therefore proposes to reopen the inquiry to allow the Appellant and other parties to put forward any further evidence on highway safety and for parties to respond to any such evidence. Subject to being satisfied that the highways safety issues identified by the Inspector have been adequately mitigated, the Secretary of State is minded to allow Appeal C and grant planning permission, subject to conditions.

## **APPEAL D – ROSEACRE WOOD MONITORING WORKS**

116. The Secretary of State agrees with the Inspector that the main issues in Appeal D are those set out at IR12.3.

### Whether condition 5 as drafted meets all of the tests set out in the NPPF

117. The Secretary of State has considered whether condition 5 as originally drafted meets all of the tests set out in the NPPF. He notes that the Appellant and Lancashire County Council have agreed an amendment to Condition 5 which restricts its application to eight array stations (IR12.558), and that Natural England removed its objection to the Roseacre Wood Monitoring Works on 27 October 2014 (IR12.563 and IR12.574). For the reasons given at IR12.560-12.574 and IR12.863-12.865, the Secretary of State agrees that condition 5, as originally drafted, is wider in scope than is necessary to achieve the desired objective. He considers that the proposed amendment would provide the appropriate level of mitigation for overwintering birds and would meet all the six tests set out in paragraph 206 of the NPPF (IR12.574).

118. With regard to the Habitats Regulations aspect of this appeal, the Secretary of State agrees with the Inspector's conclusion at IR12.575 and IR12.876 that subject to the implementation of the mitigation measures detailed in the revised HRA Screening report, there would be no likely significant effects upon the Morecambe Bay SPA/Ramsar and Ribble and Alt Estuaries SPA/Ramsar as a result of the development at the Roseacre Wood array sites alone or in combination with other plans or projects. Like the Inspector he is satisfied that the necessary mitigation measures can be secured by planning condition and those measures would operate effectively and as envisaged.

### Other considerations

#### *Industrialisation of the countryside*

119. For the reasons given at IR12.576-12.579, the Secretary of State agrees with the Inspector at IR12.579 and IR12.866 that there would be no direct or indirect significant adverse effects on landscape character arising from the Roseacre Wood Monitoring Works, and there would be only temporary, very localised and negligible effects on visual receptors and no significant visual effects. He further agrees that subject to the imposition of appropriate planning conditions, the cumulative visual and landscape impact in combination with the Preston New Road Monitoring Works would not have any significant adverse impact on the landscape character of the area or visual amenity.

#### *Whether planning permission should be granted for the Roseacre Wood Monitoring Works should planning permission not be granted for the Roseacre Wood Exploratory Works*

120. The Secretary of State has considered the submissions of the Roseacre Awareness Group and the Appellant on this matter. For the reasons given at IR12.580-582 and IR12.867, he agrees with the Inspector at IR12.582 that the two appeals should not necessarily stand or fall together, and that Appeal D must be considered on its own planning merits.

### Planning conditions

121. The Secretary of State has taken into account the Inspector's comments and conclusions on the Appeal D planning conditions, as set out at IR12.877-12.879 and IR12.936-12.938. He agrees with the Inspector's reasoning and conclusions. He has also taken into account national policy in paragraph 206 of the NPPF and the relevant Guidance, and is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 206. He considers that the conditions set out in Appendix D of the Inspector's report should be imposed.

### Planning balance and overall conclusions

122. For the reasons given above and at IR12.868-12.869, the Secretary of State considers that the proposal would be in accordance with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

123. As regards national policy, the Secretary of State considers that as assessed against the policies set out in paragraphs 18 to 219 of the NPPF, the proposal represents

sustainable development. He considers that the development would have the support of the WMS.

124. He considers that the national need for shale gas exploration is a factor of great weight and that the local economic benefits of the proposal carry little positive weight in support of this appeal.
125. He has given careful consideration to the objections raised, but is content that the matters of concern could be satisfactorily controlled by planning conditions or by other regulatory regimes, and as such, they can be attributed little negative weight in the planning balance.
126. The Secretary of State concludes that there are no material considerations indicating other than that the Appeal D development should be permitted in accordance with the development plan, subject to the imposition of appropriate planning conditions. He considers that Appeal D should be allowed and planning permission granted subject to the planning conditions set out at Annex D below. These conditions include the variation of condition 5 as sought by the Appellant.

### **Human rights**

127. For the reasons given at IR12.783-12.784, the Secretary of State agrees with the Inspector at IR12.784 that the interference with the human rights of individuals including children would be proportionate, in accordance with the law and necessary in the interest of the economic well-being of the country.

### **Public sector equality duty**

128. For the reasons given at IR12.785, the Secretary of State considers that the projects would not have a disproportionate impact upon any of those persons with protected characteristics within the community and the requirements of the Public Sector Equality Duty have been met.

### **Formal decisions**

129. Accordingly, for the reasons given above, the Secretary of State:
- Appeal A: agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission, subject to the conditions in Annex A, for construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and access onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure, in accordance with application ref LCC/2014/0096, dated 5 June 2014.
  - Appeal B: agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission, subject to the conditions in Annex B, for monitoring works in a 4km radius of the proposed Preston Road Exploration site comprising: the construction, operation and restoration of two seismic monitoring arrays comprising of 80 buried seismic monitoring stations and 9 surface seismic monitoring stations. The seismic monitoring stations will comprise underground installation of seismicity sensors; enclosed equipment and fenced enclosures. The



surface array will also comprise monitoring cabinets. The application is also for the drilling of three boreholes, each installed with two monitoring wells, to monitor ground water and ground gas, including fencing at the perimeter of the Preston New Road Exploration Site in accordance with application ref LCC/2014/0097, dated 5 June 2014.

- Appeal C: has decided to give the Appellant and other parties the opportunity to provide any further evidence on highway safety and allow parties to make any representations on that before reaching a final decision on this appeal. Subject to being satisfied that the highways safety issues identified by the Inspector can be satisfactorily addressed, the Secretary of State is minded to allow Appeal C and grant planning permission, subject to conditions. The public inquiry will be reopened and he will make his final decision in the light of an addendum report from an Inspector on these matters.
- Appeal D: agrees with the Inspector's recommendation. He hereby varies the planning permission ref LCC/2014/0102 granted on 16 June 2014 by Lancashire County Council by deleting the conditions attached to that permission in their entirety and substituting for them the conditions set out in Annex D below.

130. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990. The Inspector sets out some information about environmental permitting in connection with these appeals at IR1.186-1.194.

131. Under the provisions of Section 4A of the Petroleum Act 1998 (c.17), the relevant Secretary of State cannot issue a hydraulic fracturing consent unless he or she is satisfied that the conditions in the table at s.4A(5) and 4A(6) have been met. Reports concerning these matters in respect of Appeals A and C have been received by the Secretary of State for Communities and Local Government. The Report in respect of Appeal A has been passed to the Secretary of State for Business, Energy and Industrial Strategy and the Office of Unconventional Gas & Oil. The Report in respect of Appeal C will be dealt with when the final decision on Appeal C is made.

### **Right to challenge the decisions**

132. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decisions may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

133. A copy of this letter has been sent to Lancashire County Council and Rule 6 parties, and a letter of notification has been sent to others who asked to be informed of the decisions.

Yours sincerely,

*Maria Stasiak*

Authorised by Secretary of State to sign in that behalf

## **Appendix A – Planning conditions**

### **Appeal Reference APP/Q2371/W/15/3134386**

#### **Preston New Road exploration site**

##### **Time Limits**

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

##### **Working Programme**

3. Written notification of each of the following phases of the development shall be provided to the County Planning Authority within 7 days prior to commencement and within 7 days after completion of:
  - a. Construction of the site access and access road;
  - b. Site construction;
  - c. Drilling of each of the four exploration wells;
  - d. Hydraulic fracturing of each of the exploration wells;
  - e. Flaring of gas during the initial flow test of each well;
  - f. Installation of the gas pipeline and connection to the national grid;
  - g. Extended flow testing of each of the wells;
  - h. Decommissioning of each of the wells;
  - i. Decommissioning of the site operational compound including all the development incorporated in the land edged red on plan no. *PNR-EW-001 Location Plan*;
  - j. Restoration of the site;

- k. Removal of the access road, reinstatement of the access to the original farm access dimensions and reinstatement of the adjoining hedgerows removed as part of the creation of the new access.
4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the approved plans received by the Director of Planning and Environment on 2 June 2014:
    - PNR-EW-001 Location Plan
    - PNR-EW-002 Location Plan: Surface works
    - PNR-EW-003 Parameter Plan
    - PNR-EW-004 Parameter Plan: Sections
  5. A copy of this decision notice together with the approved plans and any details or schemes subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to the supervising staff on the site.
  6. 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 to this permission;
    - b. The removal or disassembly of the hydraulic fracturing equipment on completion of each phase of the hydraulic fracturing operations in accordance with the requirements of condition 2 to this permission;
    - 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.

The approved scheme and programme shall be carried out in full.

7. Not used.

### **Highway Matters**

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access works to Preston New Road and internal site access road (which shall provide details of the construction of the access points to the main site access and to the occasional access for National Grid and shall include details of width of access, surfacing, kerb radii, visibility splays retaining as much of the existing hedgerows as possible, fencing, gates, soil stripping, storage and drainage) have been submitted to, and approved in writing by the County Planning Authority. The site access works shall be completed in accordance with the approved scheme, details and plans prior to the commencement of the development of the site access road and exploratory works compound.
9. Not used
10. No part of the development hereby approved shall commence until details of the location (and which shall be within the planning application boundary), design and specification of wheel-cleaning facilities or other measures to prevent the tracking out of material or debris onto the public highway have been submitted to, and approved in writing by the County Planning Authority. The wheel cleaning facilities or other measures approved pursuant to this condition shall be installed and thereafter maintained in working order and be used by all Heavy Goods Vehicles leaving the site throughout the construction and restoration phases of the site to ensure that no debris from the site is deposited by vehicle wheels upon the public highway. Throughout the operational life of the site, the access road shall be maintained in a way to prevent the tracking out of material or debris onto the public highway.
11. No construction works shall commence on the site until a traffic management plan has been submitted to and approved in writing by the County Planning Authority. The traffic management plan shall include vehicle routeing to and from the site (from the M55); traffic management measures; provision for the sheeting of vehicles bringing materials to and from the site; times of access/egress; and emergency procedures on and off site. The traffic management plan shall be implemented as approved with links to monitored data and adhered to throughout the duration of the development.
12. No development hereby approved shall commence until a Construction Method Statement for the construction phase of the access and the site has been submitted to, and approved in writing, by the County Planning Authority. The Statement shall provide for:
  - a. The location of parking of all vehicles of site operatives and visitors (on site);

- b. The erection and maintenance of security and noise fencing;
- c. A scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);

The approved Construction Method Statement shall be adhered to throughout the construction phase of the site.

13. No part of the development hereby approved shall commence until a scheme for a survey of baseline highway conditions (including the state of the carriageway, verges, from the junction of the A583 / Peel Road to the site entrance has been submitted to and approved in writing by the County Planning Authority. The baseline survey shall thereafter be carried out in accordance with the approved scheme and submitted to and approved in writing by the County Planning Authority and will be used to inform the operation of the Traffic Management Plan or to support the necessary additional highway maintenance as a direct result of the proposal.

Surveys of the highways covered by the baseline survey shall be resurveyed at the end of the construction, each of the drilling, hydraulic fracturing and restoration phases. The surveys shall be evidenced based with photographs of any existing areas of wear or damage. Surveys shall be undertaken in conjunction with the County Highways Authority and all documentation and evidence shall be submitted to the County Planning Authority within 7 working days of the survey having been carried out.

### **Soils and Overburden**

14. Not used
15. All available topsoil and subsoil shall be stripped from any part of the access road, site compound and interconnections to the national gas and water grids 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 areas identified on plan no PNR-EW-001 for their use in the restoration of the site.
16. No topsoils or subsoils shall be exported from the site.
17. 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.
18. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare

## Hours of Working

19. The following hours of working shall apply to the development:

Activity	Permitted hours of work
Site construction and restoration, including: <ul style="list-style-type: none"> <li>• Delivery or removal of materials,</li> <li>• Construction of the site access and compound</li> <li>• Installation of the interconnections to the national gas and water grids</li> <li>• Works associated with the delivery and removal of plant and equipment associated with all drilling and extended flow testing of gas monitoring works during the exploration and appraisal phases of the site</li> </ul>	07.30 to 18.30 hours Mondays to Fridays (except Public Holidays)  08.30 to 12.00 hours on Saturdays (except Public Holidays)  Not permitted Sundays or Public Holidays.
<ul style="list-style-type: none"> <li>• Drilling boreholes and operational management of drilling and extended flow testing</li> <li>• Well operations</li> <li>• Flowback and testing operations (including those involving pumping equipment) but excluding hydraulic fracturing pumping operations</li> <li>• Carrying out essential repairs to plant and equipment used on site</li> </ul>	24 hours / 7 days a week
<ul style="list-style-type: none"> <li>• Pumping associated with hydraulic fracturing operations</li> </ul>	08.00 to 18.00 Monday to Fridays  09.00 to 13.00 hours on Saturdays  Not permitted Sundays or Public Holidays.

20. Not used.

## Safeguarding of Watercourses and Drainage

21. Not used.

22. All surface water run-off retained on site during operations that cannot be discharged to Carr Bridge Brook shall be taken off site in purpose designed tankers for off-site disposal at a licensed facility.
23. All foul drainage shall be discharged 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.
24. Buffer zones with a width of not less than 1m shall be maintained between the perimeter mounds or edge of the drilling compound and the site perimeter ditches within which there shall be no vehicle movements, storage of materials, excavation, or other construction activity.
25. Not used.

### **Control of Noise**

26. Prior to the commencement of development of the access and site and interconnections to the gas and water grid, a noise management plan shall be submitted to the County Planning Authority for approval in writing. The plan shall provide:
  - a. Data from the relevant manufacturers' noise tests for each item of noise-emitting plant to be used on site to establish whether noise emissions are likely to be compliant with conditions 29 and 30;
  - b. If not likely to be compliant, details of what mitigation would be introduced and timescales for implementation;
  - c. Details of instantaneous mitigation methods for each item of noise emitting equipment and any longer term mitigation;
  - d. Procedures for addressing any complaints received.

The approved noise management plan shall be implemented in full throughout the operational life of the site including decommissioning and restoration.

27. Not used.
28. Prior to the commencement of development, details of a noise monitoring methodology shall be submitted to the County Planning Authority for approval in writing.

This methodology shall include:

- a. permanent monitoring at a single location throughout all phases of the development, commencing from the construction of the access road and the site;
- b. temporary monitoring at any other location as reasonably requested by the County Planning Authority;
- c. details of the equipment to be used (which shall be of a type that can transmit live monitoring of noise data direct to the County Planning Authority and can record audio);
- d. the locations at which the permanent equipment is to be installed; and
- e. details of how and on what the equipment is to be attached, including the height and details of any structure to be used.

The approved monitoring methodology and equipment shall be employed and the monitoring data shall be made available to the County Planning Authority to view live on line at all times, provided this condition shall not be breached in the event of a temporary disruption in the live feed in which case reasonable endeavours shall be used to resume the live feed without compromising the integrity of the data record.

The results of the monitoring shall include LA901hr, LAeq1hr, LAeq100ms and LAmax,1hr noise levels, the prevailing weather conditions on any hourly basis, details of equipment and its calibration used for measurements and comments on other sources of noise which affect the noise climate and including audio recording to identify noise sources where noise limits are exceeded. Audio recording shall be triggered to commence at a level below the noise limit to be agreed in advance with the County Planning Authority.

If the results indicate that the noise levels from the site exceed those set out in conditions 29 and 30, remedial action shall be implemented within 48 hours.

29. Noise from the site under free-field conditions at 1.2 to 1.5 metres height above the surrounding ground level at any boundary of any residential property, shall not exceed 55dB  $L_{Aeq,1hr}$  between 0800 and 2100 and shall not exceed 39dB  $L_{Aeq,1hr}$  or 57dB LAmax between 2100 and 0800.
30. Steady-state noise from the site above a level of 30dBA under free field conditions at 1.2 to 1.5 metres height above the surrounding ground level at any boundary of any residential property shall be free from prominent tones and impulses. A prominent tone or impulse shall be:
  - a. A distinguishable, discrete, continuous note (whine, hiss, screech, hum etc) with  $\Delta L_{ta}$  of 4 or more as defined in Joint Nordic Method 2 set out in ISO 1996 - 2.



- b. Distinct impulse noise (bangs, clicks, clatters or thumps) with P (Predicted Prominence) of 6 or more as defined in Nordtest Method NT ACOU 112.
31. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be maintained in accordance with the manufacturer's specification at all times throughout the development.
32. Not used.
- 32A. Prior to the commencement of development, a detailed dust management plan for the access and site construction, interconnections to the national gas and water grids and restoration of the site and access phases of the site shall be submitted to the County Planning Authority for approval in writing. The dust management plan shall include details of the equipment to be used, location of such equipment, details of how dust is to be monitored and the results to be made available to the County Planning Authority. Monitoring shall be carried out and the results of such shall be submitted in writing to the County Planning Authority in accordance with the approved management plan.

The approved dust management plan shall be adhered to throughout the development of the access and site construction, interconnections to the national gas and water grids and restoration of the site and access phases of the site and restoration phases of the site.

## **Lighting**

33. Prior to the commencement of each phase specified in condition 3, a scheme for the lighting/floodlighting of the site must be submitted to the County Planning Authority and approved in writing for that phase. The scheme for each phase shall include details of:
- a. Type and intensity of lights;
  - b. Types of masking or baffle at head;
  - c. Type, height and colour of lighting columns;
  - d. Location, number and size of lighting units per column;
  - e. Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties;
  - f. The maximum hours of employment of the proposed lighting relative to the proposed nature of the operations.

Thereafter the lighting/floodlighting shall be erected and operated in accordance with the approved scheme throughout the operational life of the relevant phase.

34. No development shall commence until details of the colours of the external cladding or finish of the acoustic fencing, sand silos, flare stacks and drilling rig have been submitted to and approved in writing by the County Planning Authority. The details shall provide for the colour finish to be a single or combination of browns, greens and greys.

The fencing, sand silos, flare stacks and drilling rig shall be painted in the approved colours prior to or within 2 weeks of their arrival on site and thereafter maintained in the same colour(s) throughout their presence on the site with the exception of plant and equipment required for short durations associated with well operation activities.

- 34A. No corporate logos of any nature shall be displayed on any of the plant and equipment that would be visible above the height of the acoustic fencing or on the acoustic fencing, security fencing or access gates to the site.
35. The drill rig and any other similar plant and equipment associated with the drilling of the boreholes, hydraulic fracturing and management and monitoring of the boreholes shall not exceed a height of 36m as measured from site compound ground level unless otherwise agreed in writing by the County Planning Authority.

### **Security fencing**

36. Prior to the commencement of development, a scheme identifying the height, location and appearance of any security fencing which may be required to be installed on the site shall be approved by the County Planning Authority. It shall not include fencing of more than 4.5m in height. Only security fencing in the approved scheme shall be erected on the site. Any security fencing installed shall be removed upon the conclusion of site decommissioning.

### **Ecology**

37. Prior to the commencement of development, a Biodiversity Mitigation Strategy, which shall include, but not be limited to, details of measures for the avoidance/mitigation of impacts on protected species and their habitats together with a method statement for the protection of wildlife, flora and fauna during construction and during the operational life of the site shall be submitted to and approved in writing by the County Planning Authority. The requirements of the method statement shall be implemented in full.
38. Not used.
39. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if

appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

## **Landscaping**

40. No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a. A plan of all established trees, shrubs and existing planting within the site or along the site boundary which are to be retained and measures for their protection during construction;
  - b. The location and dimensions of screening mounds and planting;
  - c. Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting;
  - d. Details for the seeding of any landscaping areas including mixes to be used and rates of application;
  - e. Details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of grassland areas.
41. The approved landscaping works shall be undertaken in the first planting season following the commencement of the development and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.
42. Not used.

## **Archaeology**

43. No development shall commence until a scheme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The archaeological work contained in the approved scheme shall be undertaken during all soil stripping exercises.

## **Restoration**

44. Restoration shall be carried out in accordance with the following:

- a. All plant, buildings, hard standings, security fencing and aggregates/ hard-core including the access and access road 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 fit for agricultural use.
45. As part of the restoration required by condition 44, the access shall be reduced to a single agricultural access in accordance with a scheme to be first submitted to the County Planning Authority for approval in writing. The scheme shall provide for the reduction of the access and kerb radii to a single access width and the fencing of the frontage and reinstatement of the hedgerows to the frontage of Preston New Road. The scheme shall include details of the species, numbers and spacings of the hedgerow to be planted and the means of protection.
46. The hedgerow to be planted to the frontage of Preston New Road pursuant to condition 45 shall be undertaken in the first planting season following the reduction of the access in accordance with the approved details under the provisions of condition 45 and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

**Aftercare**

47. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration required by condition 44, a scheme 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 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 re-staking 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.

### **Community Liaison Group**

- 48. Prior to the commencement of the development, a scheme detailing the establishment of a local liaison group shall be submitted to the County Planning Authority for approval in writing. Membership of the group shall include representation from the site operator and shall be open to the County Planning Authority, other regulators, the District Council, Westby with Plumpton Parish Council, and local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.

### **Public Health**

- 49. The developer shall report any material breach of planning conditions in writing to the County Planning Authority within 48 hours so that the health implications can be assessed.

### **Definitions**

- 50. For the purposes of the aforementioned conditions the following terms shall have the meanings ascribed to them:

**Commencement of development:** commencement of development for the purposes of this planning permission is the construction of the access to the A583.

**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 / HGV:** 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.

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

### **Acronyms:**

JLMWDFCS DPD - Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

JLMWLP - Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One

## **Appendix B – Planning Conditions**

### **Appeal Reference APP/Q2371/W/15/3130923**

#### **Preston New Road Monitoring array**

##### **Time limits**

1. The development shall commence not later than 3 years from the date of this permission.
2. Written notification of the date of each of the following events shall be made to the County Planning Authority:
  - a. Notification within 7 working days prior to the commencement of the installation of each groundwater monitoring borehole and each seismic monitoring station;
  - b. Notification within 7 working days after the completion of installation of each groundwater monitoring borehole and each seismic monitoring station;
  - c. Notification within 7 working days prior to the commencement of decommissioning of each groundwater monitoring borehole and each seismic monitoring station;
  - d. Notification within 7 working days after the completion of restoration of each groundwater monitoring borehole (including associated equipment) and each seismic monitoring station (including associated enclosed equipment and fenced enclosures).
3. No later than 7 days after the completion of the installation of each seismic monitoring station and groundwater monitoring borehole, all:
  - a. plant and equipment;
  - b. temporary surfacing and hardcore; and
  - c. other forms of boundary treatment to the red edge boundary to each of the monitoring stations,shall be removed and all the land (other than that required for the monitoring stations themselves, their respective 2m x 2m fenced enclosures and associated equipment) shall be reinstated and restored to agricultural use.
4. Prior to the commencement of development, a scheme for the monitoring works shall be submitted to the County Planning Authority for approval in writing. The scheme shall specify:
  - a. the equipment typically required for installation and operation of the groundwater monitoring boreholes and seismic monitoring stations;

- b. the typical duration for installation of an individual groundwater monitoring borehole and seismic monitoring station; and
  - c. typical access arrangements.
- 4A. Each monitoring station shall be installed within 7 working days or less from the date of commencement, such start date to be notified to the County Planning Authority for the purposes of condition 2.a).
  - 4B. No access tracks such shall be created between the access point from the public highway and each of the sites and no surfacing materials shall be imported to create such without the prior written approval of the County Planning Authority.
  - 5A. The minimum footprint shall be used for the installation of each monitoring station and groundwater monitoring borehole and shall not exceed 20m x 20m at any time.
  - 5B. Each seismic monitoring station and associated enclosed equipment and fenced enclosures shall be removed and the land restored in accordance with the requirements of this permission within 5 years from the date of notification of commencement of the installation of that seismic monitoring station as required by condition 2b of this permission.
  - 5C. The ground water monitoring boreholes shall be removed and the land restored in accordance with the requirements of this permission following the surrender of the environmental permits requiring ground water monitoring of the site.
  6. The development of the surface array, buried array and water monitoring boreholes numbered 138306, 138308, 138310, 138326, 138331, 138335, 138337, 138339,138340,138349, 148002, 148008, 148018, 148021, 148028, I01T, I03T, I03A, I03B and I04T including Lytham Moss BHS identified on drawing numbers:

- Drawing No. PNR-MW-10
- Drawing No. PNR-MW-11
- Drawing No. PNR-MW-13
- Drawing No. PNR-MW-20
- Drawing No. PNR-MW-22
- Drawing No. PNR-MW-25
- Drawing No. PNR-MW-26
- Drawing No. PNR-MW-27
- Drawing No. PNR-MW-29
- Drawing No. PNR-MW-30
- Drawing No. PNR-MW-31
- Drawing No. PNR-MW-32
- Drawing No. PNR-MW-33,

shall only be carried out outside the period 31st October and 31st March.

## Working programme

7. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following submitted plans and documents received by the Director of Transport and Environment on 2 June 2014:

Reference	Description
Drawing No. PNR-MW-001	Key Location Plan
Drawing No. PNR-MW-010	Location Plan - Surface Array Monitoring Station I04
Drawing No. PNR-MW-011	Location Plan - Array Monitoring Station I01
Drawing No. PNR-MW-012	Location Plan - Surface Array Monitoring Station I05
Drawing No. PNR-MW-013	Location Plan - Surface Array Monitoring Station I03, I03A and I03B
Drawing No. PNR-MW-014	Location Plan - Surface Array Monitoring Station I02
Drawing No. PNR-MW-015	Location Plan - Surface Array Monitoring Station I06
Drawing No. PNR-MW-016	Location Plan - Surface Array Monitoring Station I08
Drawing No. PNR-MW-017	Location Plan - Surface Array Monitoring Station I07
Drawing No. PNR-MW-020	Location Plan – Buried Array Monitoring Stations 138305, 138306, 138308, 138310, 148030, 148036
Drawing No. PNR-MW-021	Location Plan – Buried Array Monitoring Stations 148039
Drawing No. PNR-MW-022	Location Plan – Buried Array Monitoring Stations 138309, 138313, 148028, 148029, 148033
Drawing No. PNR-MW-023	Location Plan – Buried Array Monitoring Stations 138315, 148030, 148031
Drawing No. PNR-MW-024	Location Plan – Buried Array Monitoring Stations 138312, 148032, 148034, 148035, 148037, 148038
Drawing No. PNR-MW-025	Location Plan – Buried Array Monitoring Stations 138326, 148015, 148016, 148017
Drawing No. PNR-MW-026	Location Plan – Buried Array Monitoring Stations 138317, 138318, 138327, 148004, 148018
Drawing No. PNR-MW-027	Location Plan – Buried Array Monitoring Stations 138319, 138321, 138322, 138323, 138342, 148021, 148024
Drawing No. PNR-MW-028	Location Plan – Buried Array Monitoring Stations 138324, 148022, 148023, 148025, 148026, 148027
Drawing No. PNR-MW-029	Location Plan – Buried Array Monitoring Stations 138331, 148002, 148008, 148014
Drawing No. PNR-MW-030	Location Plan – Buried Array Monitoring Stations 138332, 138339, 138340, 148007, 148009, 148012
Drawing No. PNR-MW-031	Location Plan – Buried Array Monitoring Stations 138329, 138334, 138335, 138336, 148011
Drawing No. PNR-MW-033	Location Plan – Buried Array Monitoring Stations 138341, 138349, 138350, 138351, 148001, 148003
Drawing No. PNR-MW-034	Location Plan – Buried Array Monitoring Stations 138343, 138352, 138353, 138354, 138360, 148005
Drawing No. PNR-MW-035	Location Plan – Buried Array Monitoring Stations 138362, 138363, 148006
Drawing No. PNR-MW-036	Location Plan – Buried Array Monitoring Stations 138361, 138374
PNR-MW-050	Location Plan – Groundwater Monitoring Wells



## Hours of working

8. The following hours of working shall apply to the development:

<b>Activity</b>	<b>Permitted hours of work</b>
Soil stripping Delivery or removal of materials, plant and equipment Site development Installation of the array and monitoring wells Site restoration Drilling of the array and boreholes	07.30 to 18.30 hours Mondays to Fridays (except public holidays)  08.30 to 12.00 hours on Saturdays (except Public Holidays)  Not permitted Sundays or Public Holidays.
Essential repairs to plant and equipment used on the site	24 hours / 7 days a week

## Highway matters

9. 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.
10. All vehicles shall enter or leave the public highway in a forward direction when accessing the sites of the surface and buried array and the ground water monitoring well sites.
11. No development of Site 108 shall commence until:
- a. details of the site layout (Plan 016) (which must avoid the Public Bridleway 05-02-12); and
  - b. a baseline condition survey of the access to Site 108 (Plan 016) (which is along Public Bridleway 05-02-12), which records the condition of the surface prior to construction; and
  - c. a monitoring plan which provides for the monitoring of the condition of Public Bridleway 05-02-12 whilst the route is in use by vehicles associated with the construction, operational and decommissioning phases of the Site 108 (Plan 016), the submission of the monitoring results to the County Planning Authority and a process for identifying the measures to mitigate wear and tear on the surface of Public Bridleway 05-02-12;

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

### **Protection of trees and hedges**

12. No development including the storage of excavated materials shall take place within the extreme circumference of the branches of any tree.
13. All hedges and trees in close proximity to the monitoring station site shall be retained and protected from any damage during soil stripping, delivery or removal of materials, plant and equipment, site development and installation of the surface array, buried array and ground water monitoring wells or restoration.

### **Protection of Ecology**

14. Prior to the commencement of development a Biodiversity Mitigation Strategy, which shall include, but not be limited to, details of measures for the avoidance/ mitigation of impacts on protected and priority species (amphibians, bats, nesting and wintering birds, badgers, reptiles, water vole, brown hare) and their habitat during the construction and operational phases of the development shall be submitted to the County Planning Authority for approval in writing. The approved strategy shall be implemented in full.
15. Prior to the commencement of development a revised Ecology Mitigation Strategy, which shall provide details of the creation and enhancement of habitats to compensate for impacts on the habitat of protected and priority species, shall be submitted to the County Planning Authority for approval in writing. The approved strategy shall be implemented in full.
16. No trees or hedgerows shall be removed. No trees or hedgerows shall be disturbed in any way during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

### **Archaeology**

17. Access shall be afforded at any time during the development to an archaeologist nominated by the County Planning Authority to enable him to undertake a watching brief and observe the excavation and to record finds, items of interest and archaeological interest.

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

18. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during the soil stripping, delivery or removal of materials, plant and equipment, site development, installation of the surface array, buried array and ground water monitoring wells or restoration phase to ensure that

there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

### **Control of noise**

19. All plant, equipment and machinery used in connection with the installation and removal of the monitoring array and restoration of the sites shall be maintained in accordance with the manufacturer's specification at all times throughout the installation of the surface array, buried array and ground water monitoring wells and restoration phase of the development.

### **Restoration**

20. Each buried array site will be restored back to its original greenfield condition pursuant to the timetable in Condition 5B. This shall include the removal of the seismic monitoring equipment, inspection cover, concrete collar and 2 x 2m surrounding fence.
21. Each surface array site will be restored back to its original greenfield condition pursuant to the timetable in Condition 5B. This shall include the removal of the seismic monitoring equipment, kiosk, supporting equipment and the 2 x 2m surrounding fence.

## **Appendix C – Planning Conditions**

### **Appeal Reference APP/Q2371/W/15/3134385**

#### **Roseacre Wood Exploration site**

##### **Time Limits**

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

##### **Working Programme**

3. Written notification of each of the following phases of the development shall be provided to the County Planning Authority within 7 days prior to commencement and within 7 days after completion of:
  - a. Construction of the site access and access road;
  - b. Site construction;
  - c. Drilling of each of the four exploration wells;
  - d. Hydraulic fracturing of each of the exploration wells;
  - e. Flaring of gas during the initial flow test of each well;
  - f. Installation of the gas pipeline and connection to the national grid;
  - g. Extended flow testing of each of the wells;
  - h. Decommissioning of each of the wells;
  - i. Decommissioning of the site operational compound including all the development incorporated in the land edged red on plan no. RW-EW-001 Exploration Works: Location Plan;
  - j. Restoration of the site;

- k. Removal of the access road, reinstatement of the access to the original farm access dimensions and reinstatement of the adjoining hedgerows removed as part of the creation of the new access.
4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the approved plans received by the Director of Planning and Environment on 2 June 2014:
  - RW-EW-001 Location Plan
  - RW-EW-002 Location Plan: Surface Works
  - RW-EW-003 Parameter Plan
  - RW-EW-004 Parameter Plan: Sections
5. A copy of this decision notice together with the approved plans and any details or schemes subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to the supervising staff on the site.
6. 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 to this permission;
  - b. The removal or disassembly of the hydraulic fracturing equipment on completion of each phase of the hydraulic fracturing operations in accordance with the requirements of condition 2 to this permission;
  - 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.

The approved scheme and programme shall be carried out in full.

7. Not used.

### **Highway Matters**

- 7A. There shall be no more than 50 two way HGV (as defined by this permission) movements in total to and from the site (25 in / 25 out) on any day for the duration of the construction, drilling, hydraulic fracturing, initial flow testing and restoration phases of the development.
- 7B. Vehicles travelling to and from the site shall not pass through Wharles at any time outside the extended flow testing phase. During the extended flow testing phase there shall in any week be no more than 6 two-way HGV movements (3 in / 3 out ) through Wharles to and from the site.
- 7C. A written log of HGV movements to and from the site shall be maintained at the site office. Such records shall contain the vehicle's weight, registration number, time and date of the movement and shall be made available for inspection by the County Planning Authority or its representative at all reasonable times. The records shall be retained at the site office for period of 12 months.
- 7D. Any exceedance of the daily HGV movement cap set out in condition 7A must be reported to the County Planning Authority within 24 hours, such report to include the reason for the exceedance.
8. No part of the development hereby approved shall commence until a scheme for the construction of the site access works to Roseacre Road and HMS Inskip and a scheme for the improvement of the internal access road in HMS Inskip (which shall provide details of the construction of the access points to the main site access and to the occasional access for National Grid and shall include details of width of access, surfacing, kerb radii, visibility splays retaining as much of the existing hedgerows as possible, fencing, gates, soil stripping, storage and drainage) have been submitted to, and approved in writing by, the County Planning Authority.

The site access works shall thereafter be completed in accordance with the approved scheme, details and plan prior to the commencement of the site access road and exploratory works compound.

- 8A. No part of the development hereby approved shall commence until all rights necessary to permit the use of the internal access road in HMS Inskip for access to and egress from the site have been secured. Written notification shall be provided to the County Planning Authority within 7 days of securing the necessary use rights.

This internal access road shall be used as part of the access to and egress from the site throughout all phases of the development specified in condition 3 above except for the extended flow testing phase and in the case of emergency or weather event which restricts access to the HMS Inskip facility.

9. No part of the development hereby approved shall commence until details of the location (and which shall be within the planning application boundary), design and specification of wheel-cleaning facilities or other measures to prevent the tracking out of material or debris onto the public highway have been submitted to, and approved in writing by the County Planning Authority. The wheel cleaning facilities or other measures approved pursuant to this condition shall be installed and thereafter maintained in working order and be used by all Heavy Goods Vehicles leaving the site throughout the construction and restoration phases of the site to ensure that no debris from the site is deposited by vehicle wheels upon the public highway. Throughout the operational life of the site, the access road shall be maintained in a way to prevent the tracking out of material or debris onto the public highway.
- 9A. No development shall commence until details of the passing places on Dagger Lane have been submitted to and approved in writing by the County Planning Authority. The details shall include the locations of the passing places identified in the approved Traffic Management Plan, means of construction, surfacing and road markings. The passing places shall be constructed in accordance with the approved details and made available for use prior to the commencement of development consisting of the access points off Roseacre Road and Inskip Road. The passing places shall thereafter be maintained.
10. All phases of the development shall be carried out in accordance with the Traffic Management Plan (submitted by Cuadrilla Elswick Limited during examination of the application on appeal to the Secretary of State being the version dated 8 January 2016) or such revised traffic management plan (which shall include vehicle routing to and from the site from the M55, traffic management measures, provision for sheeting of vehicles bringing materials to and from the site, times of access/egress and emergency procedures on and off site) as may be approved in writing by the County Planning Authority.
11. No development hereby approved shall commence until a Construction Method Statement for the construction phase of the access and the site has been submitted to, and approved in writing, by the County Planning Authority. The Statement shall provide for:
  - a. The location of parking of all vehicles of site operatives and visitors (on site);
  - b. The erection and maintenance of security and noise fencing;
  - c. A scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site).

The approved Construction Method Statement shall be adhered to throughout the construction phase of the site.

12. No part of the development hereby approved shall commence until a scheme for a survey of baseline highway conditions (including the state of the carriageway, verges, from the A583 to the site access to HMS Inskip has been submitted to and approved in writing by the County Planning Authority. The baseline survey shall thereafter be

carried out in accordance with the approved scheme and submitted to and approved in writing by the County Planning Authority and will be used to inform the operation of the Traffic Management Plan or to support the necessary additional highway maintenance as a direct result of the proposal.

The surveys shall be evidenced based with photographs of any existing areas of wear or damage. Surveys shall be undertaken in conjunction with the County Highways Authority and all documentation and evidence shall be submitted to the County Planning Authority within 7 working days of the survey having been carried out.

### Soils and Overburden

13. Not used.
14. All available topsoil and subsoil shall be stripped from any part of the access road, site compound and interconnections to the national gas and water grids 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 areas identified on plan no *RW-EW-001 Exploration Works: Location Plan* for their use in the restoration of the site.
15. No topsoils or subsoils shall be exported from the site.
16. 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.
17. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

### Hours of Working

18. The following hours of working shall apply to the development:

Activity	Permitted hours of work
Site construction and restoration, including: <ul style="list-style-type: none"> <li>• Delivery or removal of materials</li> <li>• Construction of the site access and compound</li> <li>• Installation of the interconnections to the national gas and water grids</li> <li>• Works associated with the delivery and removal of plant and equipment associated with all drilling and extended flow testing of gas monitoring works during the exploration and appraisal phases of the site</li> </ul>	07.30 to 18.30 hours Mondays to Fridays (except Public Holidays) 08.30 to 12.00 hours on Saturdays (except Public Holidays) Not permitted Sundays or Public Holidays.
<ul style="list-style-type: none"> <li>• Drilling boreholes and operational</li> </ul>	24 hours / 7 days a week



Activity	Permitted hours of work
management of drilling and extended flow testing <ul style="list-style-type: none"> <li>• Well operations</li> <li>• Flowback and testing operations (including those involving pumping equipment) but excluding hydraulic fracturing pumping operations</li> <li>• Carrying out essential repairs to plant and equipment used on site</li> </ul>	
<ul style="list-style-type: none"> <li>• Pumping associated with hydraulic fracturing operations</li> </ul>	08:00 to 18:00 Monday to Fridays  09:00 to 13.00 hours on Saturdays  Not permitted Sundays or Public Holidays.

19. Not used.

### Safeguarding of Watercourses and Drainage

20. Not used.

21. All surface water run-off retained on site during operations that cannot be discharged to Niggets Brook shall be taken off site in purpose designed tankers for off-site disposal at a licensed facility.

22. All foul drainage shall be discharged 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.

23. Buffer zones with a width of not less than 1m shall be maintained between the perimeter mounds or edge of the drilling compound and the site perimeter ditches within which there shall be no vehicle movements, storage of materials, excavation, or other construction activity.

24. Not used.

### Control of Noise

25. Prior to the commencement of development of the access and site and interconnections to the gas and water grid, a noise management plan shall be submitted to the County Planning Authority for approval in writing. The plan shall provide:

- a. Data from the relevant manufacturers' noise tests for each item of noise-emitting plant to be used on site to establish whether noise emissions are likely to be compliant with conditions 28 and 29;

- b. If not likely to be compliant, details of what mitigation would be introduced and timescales for implementation;
- c. Details of instantaneous mitigation methods for each item of noise emitting equipment and any longer term mitigation;
- d. Procedures for addressing any complaints received.

The approved noise management plan shall be implemented in full throughout the operational life of the site including decommissioning and restoration.

- 26. Not used.
- 27. Prior to the commencement of development, details of a noise monitoring methodology shall be submitted to the County Planning Authority for approval in writing.

This methodology shall include:

- a. Permanent monitoring at a single location throughout all phases of the development, commencing from the construction of the access road and the site;
- b. Temporary monitoring at any other location as reasonably requested by the County Planning Authority;
- c. Details of the equipment to be used (which shall be of a type that can transmit live monitoring of noise data direct to the County Planning Authority and can record audio);
- d. The locations at which the permanent equipment is to be installed; and
- e. Details of how and on what the equipment is to be attached, including the height and details of any structure to be used.

The approved monitoring methodology and equipment shall be employed and the monitoring data shall be made available to the County Planning Authority to view live on line at all times, provided this condition shall not be breached in the event of a temporary disruption in the live feed in which case reasonable endeavours shall be used to resume the live feed without compromising the integrity of the data record.

The results of the monitoring shall include LA901hr, LAeq1hr, LAeq100ms and LAmx,1hr noise levels, the prevailing weather conditions on any hourly basis, details of equipment and its calibration used for measurements and comments on other sources of noise which affect the noise climate and including audio recording to identify noise sources where noise limits are exceeded. Audio recording shall be triggered to commence at a level below the noise limit to be agreed in advance with the County Planning Authority.

If the results indicate that the noise levels from the site exceed those set out in conditions 28 and 29, remedial action shall be implemented within 48 hours.

28. Noise from the site under free-field conditions at 1.2 to 1.5 metres height above the surrounding ground level at any boundary of any residential property shall not exceed 55dB  $L_{Aeq,1hr}$  between 0800 and 2100 and shall not exceed 37 dB  $L_{Aeq,1hr}$  or 57dB  $L_{Amax}$  between 2100 and 0800.
29. Steady-state noise from the site above a level of 30dBA under free field conditions at 1.2 to 1.5 metres height above the surrounding ground level at any boundary of any residential property shall be free from prominent tones and impulses. A prominent tone or impulse shall be:
  - a. A distinguishable, discrete, continuous note (whine, hiss, screech, hum etc) with  $\Delta L_{ta}$  of 4 or more as defined in Joint Nordic Method 2 set out in ISO 1996 -2.
  - b. Distinct impulse noise (bangs, clicks, clatters or thumps) with P (Predicted Prominence) of 6 or more as defined in Nordtest Method NT ACOU 112.
30. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be maintained in accordance with the manufacturer's specification at all times throughout the development.
31. Not used
- 32A. Prior to the commencement of development, a detailed dust management plan for the access and site construction, interconnections to the national gas and water grids and restoration of the site and access phases of the site shall be submitted to the County Planning Authority for approval in writing. The dust management plan shall include details of the equipment to be used, location of such equipment, details of how dust is to be monitored and the results to be made available to the County Planning Authority. Monitoring shall be carried out and the results of such shall be submitted in writing to the County Planning Authority in accordance with the approved management plan.

The approved dust management plan shall be adhered to throughout the development of the access and site construction, interconnections to the national gas and water grids and restoration of the site and access phases of the site and restoration phases of the site.

## **Lighting**

32. Prior to the commencement of each phase specified in condition 3, a scheme for the lighting/floodlighting of the site must be submitted to the County Planning Authority and approved in writing for that phase. The scheme for each phase shall include details of:
  - a. Type and intensity of lights;
  - b. Types of masking or baffle at head;

- c. Type, height and colour of lighting columns;
- d. Location, number and size of lighting units per column;
- e. Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties;
- f. The maximum hours of employment of the proposed lighting relative to the proposed nature of the operations.

Thereafter the lighting/floodlighting shall be erected and operated in accordance with the approved scheme throughout the operational life of the relevant phase.

33. No development shall commence until details of the colours of the external cladding or finish of the acoustic fencing, sand silos, flare stacks and drilling rig have been submitted to and approved in writing by the County Planning Authority. The details shall provide for the colour finish to be a single or combination of browns, greens and greys.

The fencing, sand silos, flare stacks and drilling rig shall be painted in the approved colours prior to or within 2 weeks of their arrival on site and thereafter maintained in the same colour(s) throughout their presence on the site with the exception of plant and equipment required for short durations associated with well operation activities.

- 33A. No corporate logos of any nature shall be displayed on any of the plant and equipment that would be visible above the height of the acoustic fencing or on the acoustic fencing, security fencing or access gates to the site.
34. The drill rig and any other similar plant and equipment associated with the drilling of the boreholes, hydraulic fracturing and management and monitoring of the boreholes shall not exceed a height of 36m as measured from site compound ground level unless otherwise agreed in writing by the County Planning Authority.

### **Security fencing**

35. Prior to the commencement of development, a scheme identifying the height, location and appearance of any security fencing which may be required to be installed on the site shall be approved by the County Planning Authority. It shall not include fencing of more than 4.5m in height. Only security fencing in the approved scheme shall be erected on the site. Any security fencing installed shall be removed upon the conclusion of site decommissioning.

### **Ecology**

36. Prior to the commencement of development, a Biodiversity Mitigation Strategy, which shall include, but not be limited to, details of measures for the avoidance/mitigation of impacts on protected species and their habitats together with a method statement for the protection of wildlife, flora and fauna during construction and during the operational

life of the site shall be submitted to and approved in writing by the County Planning Authority. The requirements of the method statement shall be implemented in full.

37. Not later than one year before the decommissioning of the site, an ecological survey shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside the site boundary. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The decommissioning of the site shall be implemented strictly in accordance with the approved details of protection.
38. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

## **Landscaping**

39. No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
  - a. A plan of all established trees, shrubs and existing planting within the site or along the site boundary which are to be retained and measures for their protection during construction;
  - b. The location and dimensions of screening mounds and planting;
  - c. Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting;
  - d. Details for the seeding of any landscaping areas including mixes to be used and rates of application;
  - e. Details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of grassland areas.
40. The approved landscaping works shall be undertaken in the first planting season following the commencement of the development and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.
41. Not used

## **Archaeology**

42. No development shall commence until a scheme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The archaeological work contained in the approved scheme shall be undertaken during all soil stripping exercises.

## **Restoration**

43. Restoration shall be carried out in accordance with the following:
  - a. All plant, buildings, hard standings, security fencing and aggregates/ hard-core including the access and access road 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 fit for agricultural use.
44. As part of the restoration required by condition 43, the access shall be reduced to a single agricultural access in accordance with a scheme to be first submitted to the County Planning Authority for approval in writing. The scheme shall provide for the reduction of the access and kerb radii to a single access width and the fencing of the frontage and reinstatement of the hedgerows to the frontage of Roseacre Road. The scheme shall include details of the species, numbers and spacings of the hedgerow to be planted and the means of protection.
45. The hedgerow to be planted to the frontage of Roseacre Road pursuant to condition 44 shall be undertaken in the first planting season following the reduction of the access in accordance with the approved details under the provisions of condition 44 and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

## **Aftercare**

46. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration required by condition 43, a scheme 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 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 re-staking 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.

### **Community Liaison Group**

47. Prior to the commencement of the development, a scheme detailing the establishment of a local liaison group shall be submitted to the County Planning Authority for approval in writing. Membership of the group shall include representation from the site operator and shall be open to the County Planning Authority, other regulators, the District Council, Treales Roseacre and Wharles Parish Council, Newton with Clifton Parish Council and local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.

### **Public Health**

48. The developer shall report any material breach of planning conditions in writing to the County Planning Authority within 48 hours so that the health implications can be assessed.

### **Definitions**

49. For the purposes of the aforementioned conditions the following terms shall have the meanings ascribed to them:

**Commencement of development:** commencement of development for the purposes of this planning permission is the construction of the access to Roseacre Road.

**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 / HGV:** 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.

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

### **Acronyms**

JLMWDFCS DPD - Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

JLMWLP - Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One



## **Appendix D – Planning Conditions**

**Appeal Reference APP/Q2371/W/15/3130924**

### **Roseacre Wood Monitoring array**

#### **Time limits**

1. The development shall commence not later than 3 years from the date of this permission.
2. Written notification of the date of each of the following events shall be made to the County Planning Authority:
  - a. Notification within 7 working days prior to the commencement of the installation of each groundwater monitoring borehole and each seismic monitoring station;
  - b. Notification within 7 working days after the completion of installation of each groundwater monitoring borehole and each seismic monitoring station;
  - c. Notification within 7 working days prior to the commencement of decommissioning of each groundwater monitoring borehole and each seismic monitoring station;
  - d. Notification within 7 working days after the completion of restoration of each groundwater monitoring borehole (including associated equipment) and each seismic monitoring station (including associated enclosed equipment and fenced enclosures).
3. No later than 7 days after the completion of the installation of each seismic monitoring station and ground water monitoring borehole, all:
  - a. plant and equipment;
  - b. temporary surfacing and hardcore; and
  - c. other forms of boundary treatment to the red edge boundary to each of the monitoring stations,

shall be removed, and all the land (other than that required for the monitoring stations themselves, their respective 2m x 2m fenced enclosures and associated equipment) shall be reinstated and restored to agricultural use.

4. Prior to the commencement of development, a scheme for the monitoring works shall be submitted to the County Planning Authority for approval in writing. The scheme shall specify:
  - a. the equipment typically required for installation and operation of the groundwater monitoring boreholes and seismic monitoring stations;
  - b. the typical duration for installation of an individual groundwater monitoring borehole and seismic monitoring station; and
  - c. typical access arrangements.
- 4A. Each monitoring station shall be installed within 7 working days or less from the date of commencement, such start date to be notified to the County Planning Authority for the purposes of condition 2.a).
- 4B. No access tracks such shall be created between the access point from the public highway and each of the sites and no surfacing materials shall be imported to create such without the prior written approval of the County Planning Authority.
- 5A. The minimum footprint shall be used for the installation of each monitoring station and groundwater monitoring borehole and shall not exceed 20m x 20m at any time.
- 5B. Each seismic monitoring station and associated enclosed equipment and fenced enclosures shall be removed and the land restored in accordance with the requirements of this permission within 5 years from the date of notification of commencement of the installation of that seismic monitoring station as required by condition 2b of this permission.
- 5C. The groundwater monitoring boreholes shall be removed and the land restored in accordance with the requirements of this permission following the surrender of the environmental permits requiring ground water monitoring of the site.
5. The development of the array stations numbered 147103, 147107, 147112, 147116, 147127, 147132, 147178 and H04 as identified on Drawing numbers:

Drawing No. RW-MW-013

Drawing No. RW-MW-021

Drawing No. RW-MW-030

Drawing No. RW-MW-034

Drawing No. RW-MW-036

Drawing No. RW-MW-038

Drawing No. RW-MW-040

shall only be carried out outside of the period 31 October to 31 March.

### **Working programme**

6. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following submitted plans and documents received by the Director of Transport and Environment on 16 June 2014:

<b>Reference</b>	<b>Description</b>
Drawing RW-MW-001	Key Location Plan
Drawing No.RW-MW-010	Surface Array Monitoring Station H01
Drawing No.RW-MW-011	Location Plan – Surface Array Monitoring Station H02
Drawing No.RW-MW-012	Location Plan – Surface Array Monitoring Station H03
Drawing No.RW-MW-013	Location Plan – Surface Array Monitoring Station H04
Drawing No.RW-MW-014	Location Plan – Surface Array Monitoring Station H05
Drawing No.RW-MW-015	Location Plan – Surface Array Monitoring Station H06
Drawing No.RW-MW-016	Location Plan – Surface Array Monitoring Station H07
Drawing No.RW-MW-017	Location Plan – Surface Array Monitoring Station H08
Drawing No.RW-MW-020	Location Plan – Buried Array Monitoring Stations 147163, 147164, 147172,147177
Drawing No.RW-MW-021	Location Plan – Buried Array Monitoring Stations 147180, 147171, 147178, 147173
Drawing No.RW-MW-022	Location Plan – Buried Array Monitoring Stations 147161, 147176, 147174, 147175, 147179
Drawing No.RW-MW-023	Location Plan – Buried Array Monitoring Stations 147153, 147155, 147160, 147162, 147170, 147166
Drawing No.RW-MW-024	Location Plan – Buried Array Monitoring Stations 147156, 147168, 147167
Drawing No.RW-MW-025	Location Plan – Buried Array Monitoring Stations 147159, 147165, 147169
Drawing No.RW-MW-026	Location Plan – Buried Array Monitoring Stations 147154, 147157
Drawing No.RW-MW-027	Location Plan – Buried Array Monitoring Stations 147149, 147150, 147141, 147151, 147131, 147138
Drawing No.RW-MW-028	Location Plan – Buried Array Monitoring Stations 147133, 147136, 147145, 147146, 147147
Drawing No.RW-MW-029	Location Plan – Buried Array Monitoring Stations 147148, 147152, 147158
Drawing No.RW-MW-030	Location Plan – Buried Array Monitoring Stations 147127, 147129, 147130, 147137, 147140
Drawing No.RW-MW-031	Location Plan – Buried Array Monitoring Stations 147139, 147144
Drawing No.RW-MW-032	Location Plan – Buried Array Monitoring Stations 147135, 147123, 147128
Drawing No.RW-MW-033	Location Plan – Buried Array Monitoring Stations 147120, 147118
Drawing No.RW-MW-034	Location Plan – Buried Array Monitoring Stations 147115, 147116, 147122, 147124, 147134, 147142
Drawing No.RW-MW-035	Location Plan – Buried Array Monitoring Stations 147119, 147117
Drawing No.RW-MW-036	Location Plan – Buried Array Monitoring Stations 147112, 147113, 147121, 147126, 147132, 147143
Drawing No.RW-MW-037	Location Plan – Buried Array Monitoring Stations 147105, 147108, 147111
Drawing No.RW-MW-038	Location Plan – Buried Array Monitoring Stations 147107, 147109, 147114, 147125
Drawing No.RW-MW-039	Location Plan – Buried Array Monitoring Stations 147104, 147106, 147110, 147102
Drawing No.RW-MW-040	Location Plan – Buried Array Monitoring Stations 147101, 147103
Drawing No.RW-MW-050	Location Plan – Groundwater Monitoring Wells

## Hours of working

7. The following hours of working shall apply to the development:

Activity	Permitted hours of work
<ul style="list-style-type: none"><li>• Soil stripping</li><li>• Delivery or removal of materials, plant and equipment</li><li>• Site development</li><li>• Installation of the array and monitoring wells</li><li>• Site restoration</li><li>• Drilling of the array and boreholes</li></ul>	07.30 to 18.30 hours Mondays to Fridays (except public holidays)  08.30 to 12.00 hours on Saturdays  Not permitted Sundays or Public Holidays.
Essential repairs to plant and equipment used on the site	24 hours / 7 days a week

## Highway matters

8. 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 sites.
9. All vehicles shall enter or leave the public highway in a forward direction when accessing the sites of the surface and buried array and the ground water monitoring well sites.
10. No development of Site 147162 shall commence until:
- a. details of the site layout Plan 023 which affects Public Footpath 027; and
  - b. a baseline condition survey of the access to Site 147162, which records the condition of the surface prior to construction; and
  - c. a monitoring plan which provides for the monitoring of the condition of Public Footpath 147162 whilst the route is in use by vehicles associated with the construction, operational and decommissioning phases of the development, the submission of the monitoring results to the County Planning Authority and a process for identifying the measures to mitigate wear and tear on the surface of Public Footpath 147162;

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

## Protection of trees and hedges

11. No development including the storage of excavated materials shall take place within the extreme circumference of the branches of any tree.

12. All hedges and trees in close proximity to the monitoring station site shall be retained and protected from any damage during soil stripping, delivery or removal of materials, plant and equipment, site development and installation of the surface array, buried array and ground water monitoring wells or restoration.

### **Protection of Ecology**

13. Prior to the commencement of development a Biodiversity Mitigation Strategy, which shall include, but not be limited to, details of measures for the avoidance / mitigation of impacts on protected and priority species (amphibians, bats, nesting and wintering birds, badgers, reptiles, water vole, brown hare) and their habitat during the construction and operational phases of the development shall be submitted to the County Planning Authority for approval in writing. The approved strategy shall be implemented in full.
14. Prior to the commencement of development a revised Ecology Mitigation Strategy, which shall provide details of the creation and enhancement of habitats to compensate for impacts on the habitat of protected and priority species, shall be submitted to the County Planning Authority for approval in writing. The approved strategy shall be implemented in full
15. No trees or hedgerows shall be removed. No trees or hedgerows shall be disturbed in any way during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

### **Archaeology**

16. Access shall be afforded at any time during the development to an archaeologist nominated by the County Planning Authority to enable him to undertake a watching brief and observe the excavation and to record finds, items of interest and archaeological interest.

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

17. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during the soil stripping, delivery or removal of materials, plant and equipment, site development, installation of the surface array, buried array and ground water monitoring wells or restoration phase to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

### **Control of noise**

18. All plant, equipment and machinery used in connection with the installation and removal of the monitoring array and restoration of the sites shall be maintained in

accordance with the manufacturer's specification at all times throughout the installation of the surface array, buried array and ground water monitoring wells and restoration phase of the development.

### **Restoration**

19. Each buried array site will be restored back to its original greenfield condition pursuant to the timetable in Condition 5B. This shall include the removal of the seismic monitoring equipment, inspection cover, concrete collar and 2 x 2m surrounding fence.
20. Each surface array site will be restored back to its original greenfield condition pursuant to the timetable in Condition 5B. This shall include the removal of the seismic monitoring equipment, kiosk, supporting equipment and the 2 x 2m surrounding fence.

**Annex E - Schedule of representations in response to the Secretary of State's reference back to parties of 13 and 29 July and 11 August 2016**

**Appeal A Preston New Road Exploration (APP/Q2371/W/15/3134386)**

<u>Party</u>	<u>Date(s) of response</u>
Herbert Smith Freehills LLP - Charlotte Dyer (Legal Agent - Appellant)	22 July, 4 and 22 August 2016
Friends of the Earth	
Naomi Luhde-Thompson	28 July and 5 August 2016
Professor Kevin Anderson	28 July 2016
Connor Schwartz	15 August 2015

**Appeal B Preston New Road Monitoring (APP/Q2371/W/15/3130923)**

<u>Party</u>	<u>Date(s) of response</u>
Herbert Smith Freehills LLP - Charlotte Dyer (Legal Agent - Appellant)	22 July, 4 and 22 August 2016
Friends of the Earth	
Naomi Luhde-Thompson	28 July and 5 August 2016
Professor Kevin Anderson	28 July 2016
Connor Schwartz	15 August 2015

**Appeal C Roseacre Wood Exploration (APP/Q2371/W/15/3134385)**

<u>Party</u>	<u>Date(s) of response</u>
Roseacre Awareness Group – Elizabeth Warner	22 and 28 July, 15 August 2016
Treales, Roseacre and Wharles Parish Council - Samantha Harrison	28 July and 22 August 2016
Herbert Smith Freehills LLP - Charlotte Dyer (Legal Agent - Appellant)	22 July, 4 and 22 August 2016
Friends of the Earth	
Naomi Luhde-Thompson	28 July and 5 August 2016
Professor Kevin Anderson	28 July 2016
Connor Schwartz	15 August 2015

**Appeal D Roseacre Wood Monitoring (APP/Q2371/W/15/3130924)**

<u>Party</u>	<u>Date(s) of response</u>
Roseacre Awareness Group – Elizabeth Warner	22, 26 and 28 July, 15 August 2016
Treales, Roseacre and Wharles Parish Council - Samantha Harrison	28 July and 22 August 2016
Herbert Smith Freehills LLP - Charlotte Dyer (Legal agent - Appellant)	22 July, 4 and 22 August 2016
Friends of the Earth	
Naomi Luhde-Thompson	28 July and 5 August 2016
Professor Kevin Anderson	28 July 2016
Connor Schwartz	15 August 2015



## Annex F - Schedule of Post Inquiry Representations

First Name	Surname	Date received
Judith	Kisby	20 February 2016
TJ	Hastey	16 March 2016
Jennifer	Dixon	11 April 2016
Lucy	Bennett	16 April 2016
Nicholas	Scales	16 April 2016
Ashley	Heath	16 April 2016
James	Hudson	16 April 2016
Louise	North	16 April 2016
Yvonne	Sutcliffe	16 April 2016
Mick	McCarthy	16 April 2016
Sally	Young	16 April 2016
Sarah	Mark	16 April 2016
Yvette	Abid	16 April 2016
Martin	Cooper	16 April 2016
Felicity	Austin-Smith	16 April 2016
Gayzer	Frackman	16 April 2016
James	Harman	16 April 2016
Katherine	Bellinger	16 April 2016
Paul	Cooper	17 April 2016
Joanne	Morgan	17 April 2016
Lee	Morgan	17 April 2016
Jenni	Moss	17 April 2016
Catherine	Ryan	17 April 2016
Ingrid	Knight	17 April 2016
Donna	Wallace	17 April 2016
Richard	Kimber	17 April 2016
Steve	Crowley	17 April 2016
Graham	Gill	17 April 2016
Jocelyn	Jones	17 April 2016
V	Baron	17 April 2016
Ansdell	lytham	17 April 2016
Elizabeth	Pinn	17 April 2016
Graham	Gill	17 April 2016
Jocelyn	Jones	17 April 2016
Barbara	Iqbal	18 April 2016
Pam	Aspin	19 April 2016
B	Cookson	19 April 2016
Laura	Nike	19 April 2016
Daniel	Aspden	19 April 2016
Cornelia	Lee Schrijver	19 April 2016
John	Beardmore	20 April 2016

Sarah	Rigg	20 April 2016
Pauline	Jones	20 April 2016
Sarah	McGowan	20 April 2016
Margaret	Green	20 April 2016
Rosemary	Collins	20 April 2016
Nina	Ali	21 April 2016
Becky	Wright	23 April 2016
Laura	Heggarty	24 April 2016
Pamela	Reinganum	27 April 2016
Chris	Walters	29 April 2016
Allison	Bidder	29 April 2016
Elena	Perez-Minana	29 April 2016
Graham	Brash	29 April 2016
Sian	Rolls	30 April 2016
Terry	Walls	30 April 2016
Ken	Maurice	1 May 2016
Dr Christopher	Rosslowe	2 May 2016
Malcolm	Swann	2 May 2016
Richard	Smith	2 May 2016
Gina	Logan	2 May 2016
Rosalind	Kent	3 May 2016
Nadine	Watts	5 May 2016
Terryl	Bacon	5 May 2016
Cllr Jan	Barker	5 May 2016
Cllr James	Denselow	6 May 2016
Claire	Major	6 May 2016
Maxine	Callow	6 May 2016
Cllr M	Kirkham	6 May 2016
Ann	Cunliffe	6 May 2016
Jeffrey	Evans	6 May 2016
David	Fletcher	6 May 2016
Felicity	Temple	6 May 2016
Cllr Rob	Golding	6 May 2016
K	Hammond	6 May 2016
Tommy	Taylor	8 May 2015
Cllr Craig	Holden	9 May 2016
James	Nisbet	11 May 2016
Stanley	Mews	11 May 2016
Martin	Smart	23 May 2016
John	Calvert	24 May 2016
Claire B	Stephenson	10 June 2016
Elaine	Fernandez	14 June 2016
Jayne	Shirtcliffe	14 June 2016
Mrs CH	Carr	16 June 2016

Grethe	Hooper Hansen	17 June 2016
Mary	Hughes	17 June 2016
David	Viner	17 June 2016
Malcolm	Wilson	17 June 2016
David	Bannister	18 June 2016
Alex	Hart	20 June 2016
Rt Hon Gerald	Kauffman MP	21 June 2016
Stephen	Pennels	21 June 2016
Caroline	Liggett	23 June 2016
Virginia	Holly	23 June 2016
Allan	Challenger	24 June 2016
Rachel	Kennerley	24 June 2016
Rt Hon George	Howarth MP	24 June 2016
Rt Hon Simon	Burns MP	24 June 2016
Iain	Stewart MP	24 June 2016
Kate	Martin	24 June 2016
Tracy	Cooling	24 June 2016
Rt Hon John	Bercow	24 June 2016
Graham	Frost	24 June 2016
Nick	Gibb MP	24 June 2016
Chris	Wraight	24 June 2016
Greg	Mulholland MP	24 June 2016
Colleen	Fletcher MP	27 June 2016
Tommy	Houston	27 June 2016
Andy	Slaughter MP	27 June 2016
Tom	Houston	27 June 2016
Rt Hon John	Redwood MP	27 June 2016
Ian	Austin MP	27 June 2016
Mandy	Caddick	27 June 2016
Robert	Gotch	27 June 2016
Sandra	Laska	27 June 2016
Bill	Wiggin MP	27 June 2016
Rt Hon David	Hanson MP	27 June 2016
Peter	Bone FCA MP	27 June 2016
Ian	Murray MP	27 June 2016
Graham	Brady MP	27 June 2016
Rt Hon Peter	Lilley MP	27 June 2016
Philip	Davies MP	27 June 2016
Rt Hon Caroline	Flint MP	27 June 2016
Lois	Dyte	27 June 2016
Rob	Flello MP	28 June 2016
Rt Hon Andrew	Smith MP	28 June 2016
Anne	Main MP	28 June 2016
Julie	Cooper MP	28 June 2016

Jessica	Morden MP	28 June 2016
Sir Oliver	Heald QC MP	29 June 2016
Helen	Whatley MP	30 June 2016
David	Rutley MP	30 June 2016
Mike	Kane MP	30 June 2016
Sheryll	Murray MP	1 July 2016
Tom	Pursglove MP	1 July 2016
Marcus	Jones MP	2 July 2016
Jules	Burton	2 July 2016
Ben	Bradshaw MP	4 July 2016
Liz	Saville Roberts MP	4 July 2016
Susan	Elan Jones MP	4 July 2016
Lucy	Powell MP	4 July 2016
Rt Hon Alex	Salmond MP	5 July 2016
Bill	Wiggin MP	6 July 2016
Cat	Smith MP	7 July 2016
Rt Hon Mike	Penning MP	7 July 2016
Owen	Smith MP	7 July 2016
Sir William	Cash MP	7 July 2016
Chi	Onwurah MP	7 July 2016
Brendan	McCaffrey	7 July 2016
Geraint	Davies MP	7 July 2016
Dawn	Passmore	7 July 2016
Geraint	Davies MP	7 July 2016
Raymond	Bromham	7 July 2016
Emily	Thornberry MP	7 July 2016
Rt Hon John	Hayes MP	7 July 2016
Sarah	Philips	7 July 2016
J	Kelly	7 July 2016
Rt Hon Dame Rosie	Winterton DBE MP	8 July 2016
Rt Hon Priti	Patel MP	8 July 2016
Mary	Creagh MP	8 July 2016
Jeff	Smith MP	8 July 2016
Stephen	Twigg MP	12 July 2016
Marie	Lord	13 July 2016
Jules	Burton	14 July 2016
Ivan	Lewis MP	15 July 2016
Ruth	Cadbury MP	15 July 2016
Penny	Mourmant	16 July 2016
Ben	Gummer MP	18 July 2016
Diana	Johnson MP	18 July 2016
Dr Rupa	Huq MP	21 July 2016
Rt Hon Andrew	Tyrie MP	21 July 2016

Chuka	Umuna MP	21 July 2016
Louise	Ellman MP	22 July 2016
John	Mann MP	25 July 2016
Steve	Reed OBE MP	28 July 2016
Graham	Jones MP	29 July 2016
Dr Caroline	Lucas MP	29 July 2016
Tommy	Sheppard MP	29 July 2016
Gareth	Thomas MP	29 July 2016
Tim	Farron MP	29 July 2016
Steve	Watkins	3 August 2016
Rt Hon Norman	Lamb MP	4 August 2016
Hugh	Jamieson	4 August 2016
Jo	Lloyd	5 August 2016
Jenny	Chapman MP	9 August 2016
Emma	Lewell-Buck MP	10 August 2016
Karen	Guffog	13 August 2016
Elizabeth	Warner	15 August 2016
Jim	Martin	19 August 2016
Barbara	Redfern	23 August 2016
Rt Hon Gerald	Kauffman MP	24 August 2016
Margaret M	Alzate	20 August 2016
Iain	Wright MP	25 August 2016
Anna	Szolucha <sup>1</sup>	6 September 2016
Andy	Slaughter MP	26 September 2016
Ella-Jo	Mehta <sup>2</sup>	26 September 2016

<sup>1</sup> Includes the report 'The Human Dimension of Shale Gas Developments in Lancashire, UK' by Anna Szolucha.

<sup>2</sup> Includes extracts from, and links to: Shale Gas Production in England: An Updated Public Health Assessment by Medact (2016) and Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction) by Concerned Health Professionals of New York (third edition, October 14, 2015).