

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 June 2014

Report of the Strategic Director – Economy, Transport and Environment

**3 PROPOSED DRILLING OF EXPLORATORY BOREHOLES,
ERECTION OF CONTAINERISED UNITS, ASSOCIATED
PLANT AND EQUIPMENT, EXTRACTION OF NATURAL
GAS, ELECTRICITY GENERATION AND ANCILLARY
OPERATIONS AT LAND OFF DARK LANE, CALOW,
CHESTERFIELD
APPLICANT: SEVERN STAR NATURAL GAS LIMITED
CODE NO: CM4/0114/156**

4.2484.5

Introductory Summary This is an application for planning permission or the development of an onshore gas extraction facility, extracting gas from a conventional source and by traditional methods from a site based on land off Dark Lane, Calow. The proposal would involve the establishment of a site compound and the drilling of up to two directionally guided and inclined boreholes up to 500 metres deep into the stranded natural gas field lying beneath the area. The gas would be tested (appraised) and, if as expected, was found to be present in sufficient quantities, would be used on site in gas combustion engines to generate electricity that would be exported to the local grid. The site would be operational for up to 15 years after which it would be restored to agricultural land.

Whilst there is a national emphasis on developing renewable energy supplies, natural gas is still considered to form an important part of the UK's energy strategy and there is strong Government support for this type of development, which is regarded as the cleanest form of fossil fuel with a 'low' carbon footprint compared to other fossil fuel options. The principle of this development is supported by the National Planning Policy Framework, the National Planning Practice Guidance and National Energy Policy.

The site is outside the settlement development limit (as defined in the North East Derbyshire Local Plan) and is in the countryside. However, for the reasons advocated in the report, I do not consider it to be an inappropriate use in this location. There are potential amenity impacts, particularly in relation to night time noise levels and short term disturbance from traffic associated with

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the site establishment phase but I am satisfied that these impacts would not be significant and are ones which can be satisfactorily mitigated. The application accords with the National Planning Policy Framework and the development plan, and is recommended for approval subject to the imposition of the suggested conditions and the completion of an appropriate legal agreement.

(1) **Purpose of the Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This is an application for planning permission for a conventional onshore gas development. The proposal involves the drilling of exploratory boreholes and the extraction of methane gas from an underground gas reservoir, known as a 'Stranded Gas' field or reserve, located under Calow. The site would first be prepared and up to two boreholes would be drilled. The gas would then be tested. If as the applicant expects, the gas was found to be present in sufficient quantities to use for on-site generation of electricity to be exported to the local electricity grid, the remainder of the development will then follow. This application is a re-submission of a previous proposal for gas development on this site. This proposal has been the subject of two previous planning applications (code nos CM4/0813/84 and CM4/0812/53), both of which were withdrawn by the applicant.

The Calow gas field is a conventional underground natural gas reservoir that lies beneath much of Calow and some parts of Brimington. The Department of Energy and Climate Change (DECC) have issued a Petroleum License (PL213) under the Petroleum Act 1998 covering this area. This gas field has been previously explored and has had five exploratory boreholes or wells drilled but none have gone into production. The rock strata in which the gas reservoir is located is coarse grained sandstone (Chatsworth Grit) which is porous. The application does not propose any hydraulic fracturing (commonly referred to as fracking) of the strata, as the porous nature of the strata would allow the gas to flow naturally into the boreholes.

The Site and Surroundings

The application site is located on land off Dark Lane in Calow, Chesterfield to the south of the A632. The application site has a surface area of 1.04 hectares and comprises agricultural land bound by hedgerows that is currently in arable production. There is further agricultural land located to the north-east, south, east and west of the site, and residential properties to the north-west and south-west of the site. The closest residential properties are located to the north-west on Dark Lane and to the south-west at Top Alley, the closest being Ashfield House on Dark Lane which is approximately 100 metres from the proposed site compound area and 12 metres from the proposed access road.

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A public footpath (Calow FP 11) is located to the east of the site and a local brook to the south; a larger watercourse, the Spital Brook, is located approximately 110 metres from the site. The site is not located within a Conservation Area and there are no listed buildings in close proximity to the site. The site is not covered by any statutory or non-statutory wildlife designations and there are no records of protected species on the site. The closest site of nature conservation interest is located approximately 700 metres to the south (known as Half Flash Meadow) which is an area of semi-improved grassland that is regarded as a potential local wildlife site, but is not currently designated. There are also records of protected species within approximately 300 metres of the site. The proposed access to the site would be via an existing field access off Dark Lane.

The Proposal

The full development proposed would take place in three phases; the works in each phase would involve the following:

Phase 1 - Site Establishment and Investigation

The surface of the site would first be cleared with the topsoil and subsoil being excavated from the access route and the drill site. The soils would be placed into temporary soil storage mounds to the south-eastern and south-western corners of the site and used to form screening bunds on the north-western side of the site. A cut and fill operation would be undertaken to create a level landform for the drilling platform. A new access and access route to the surface site would be created off Dark Lane; the majority of the access route would be surfaced using stone laid on a geotextile membrane, with the exception of the first 15 metres from Dark Lane which would have a bound, hard surface. The site establishment works would involve the removal of a small section of hedgerow at the access point into the main site area and to widen the access point on to Dark Lane.

The drilling platform would be created using rolled compacted hardcore and a borehole cellar up to 3 metres wide and 4.5 metres deep using pre-cast concrete manhole rings. A drilling rig up to 34 metres in height would be installed on the site and up to two directionally guided and inclined exploration boreholes, up to 500 metres in vertical depth, would be drilled. Once the drilling was complete the gas would be tested to evaluate the amount of gas and the quality. During this period, gas flaring, via a flare stack, would take place during daytime hours only.

Water would be required during the drilling operation for mixing with the drilling mud and for use in the amenity cabin; initially it is proposed to bring a single water bowser to the site while the drilling rig is being installed. The applicant intends to apply to Severn Trent Water for a temporary water supply from the mains to be installed on the site.

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Works during this phase would take approximately 6 months; the drilling aspect would take place 24 hours a day for a period of 4 to 6 weeks. During this period there could be up to 10 heavy goods vehicle (HGV) movements per day (not every day) including a small number of abnormal loads.

Phase 2 - Operation

Subject to the gas test being positive and natural gas being present in sufficient quantities, gas, via at least one, if not both of the boreholes, gas would be used in fuel spark ignition engines to generate electricity on-site. The power produced would be exported to the local electricity grid. This type of electricity generation scheme proposed is known as 'Embedded Power Generation'.

An operational compound would be constructed and gas processing plant and equipment would be installed. The operational compound area would cover 0.236 hectare of the site; the remaining surface of the site following completion of the drilling and testing phase would either be restored to agricultural use or used for screening bunds and landscaping.

The generating station would comprise two internal gas combustion engines that could each generate up to 2 MegaWatts (MWe) of electrical power. The engines would be located inside container units that would have dimensions of 12.2 metres by 3.4 metres by 3.0 metres high. Each engine container unit would have an exhaust flue 11 metres in height. To the side of each engine there would be a low level generator and cooler unit 12 metres by 2.4 metres by 1.5 metres high. The compound area would also include other associated plant and equipment that would include a transformer unit, a water tank, a gas processing plant, a sub-station, a switch container and an amenity cabin. The container units and equipment are proposed to be painted in an olive green colour (BS 12C 39).

The engine container units would be enclosed by a 5 metres high acoustic screening wall constructed using Rockwool panels supported by steel columns to the north, south and east elevations, which would also form part of the site boundary wall. A 2.4 metres high security fencing and gates would be installed to the parts of the site boundary not enclosed by the acoustic wall and timber fencing to the southern boundary. Except for the timber fencing, all other fencing and walling would be dark green in colour.

The station would operate 24 hours per day, 7 days a week, for up to 15 years. The engines would consume up to 25,000 cubic metres of natural gas per day at full capacity. The site would be managed remotely from Alkane Energy's control centre at Markham Lane, Markham Vale, Derbyshire which is operated 24 hours a day, 7 days a week. Site security would be controlled by an infra-red security alarm system and CCTV linked to the control room at Markham Vale.

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During a normal working week the site would be visited by one or two site operatives per week, by car or light van, to carry out maintenance. As the life of the site progresses it is possible that strata water may be present in the gas flow that potentially would require storage in a tank and removal off-site daily (maximum 1 to 2 tankers per day).

The site entrance would be lit by a 150 watt downward facing halogen light and a 400 watt sodium downward facing lamp on a 4.5 metres high lighting column. Low level inward or downward facing lighting would be installed on the side of some of the container units and other structures inside the compound area. The 150 watt halogen light on the lighting column would operate on a passive infrared (PIR) sensor system when movement was detected. All other lighting in the site would be manually operated and would normally be off during the hours of darkness.

Phase 3 - Restoration

At the end of the operational period when gas extraction was complete, all plant, equipment and structures would be removed and the site would be restored to agricultural use. The site restoration period would take between 6 to 12 months, with a 5 year aftercare period.

Background Information

There have been two previous planning applications for the drilling of exploratory boreholes and the extraction of gas at this site. The first application (Code No. CM4/0812/53), was submitted in August 2012, and was subsequently withdrawn in order to address concerns that had been raised by consultees, principally about noise and visual impact.

A revised application (Code No. CM4/0813/84), was submitted in August 2013, where the main changes to the development were to the type of engines, repositioning of the acoustic wall, plant and equipment within the site and a change in the site area. This application was withdrawn in order to address concerns about the extent of the notices that had been served as required by Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO).

The development proposed in the current application is the same as was proposed in the previous application, although the site location plan has been amended to indicate the extent of the zones where underground drilling is proposed to take place. Notices were served prior to submission to comply with the amended requirements of the DMPO.

Consultations

Local Member

Councillor J Hill (Sutton) considers the application site to be far too close to residents' homes. She is also concerned about the proposed access via a

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single track lane which contains a very bad bend and the junction of Dark Lane onto the main road which Councillor Hill does not feel is suitable for large lorries to turn in safety. Councillor Hill also has concerns about noise and light pollution.

North East Derbyshire District Council - Planning

Objects to the proposal for the following reasons:

- *“The site is located in the countryside where development should generally be resisted unless the principle is acceptable in the countryside or overriding exceptional circumstances can be demonstrated. In this case the development is industrial in nature, does not need to be located in this position and there are no overriding exceptional circumstances demonstrated to justify an exception to this policy position. In addition, the development requires the erection of a number of buildings and other structures, which when added to the proposed bunding and acoustic fencing, would represent an unacceptable urbanisation of the area and have an adverse impact on the visual amenity of the area. The proposal is therefore contrary to Policies GS 1, GS6, GS7 and E9 of the North East Derbyshire Local Plan.*
- *The site is located within close proximity of residential properties. The creation of this industrial use in such a location operating 24 hours a day for a period of up to 15 years would subject nearby residents to an unacceptable and adverse level of activity, noise and disturbance. The provision of a 4.5 metre high light post containing one 150 watt halogen light operating via a sensor and one 400 watt sodium light together with the creation of other 250 watt light points would add unacceptable light disturbance during hours of darkness. This impact is unacceptable and contrary to Policy GS5 of the North East Derbyshire Local Plan.*
- *The proposal involves the creation of a new access point to Dark Lane. These modifications along with the creation of the access track to serve the site would urbanise and adversely affect the character and quality of the area contrary to Policies GS1, GS6 and GS7 of the North East Derbyshire Local Plan.*
- *The access to the site is served via Dark Lane which is a road of limited width with parked vehicles further restricting the width of the road at various points. Access to Dark Lane from the main highway network is via access points that are restricted in terms of width, alignment and visibility. The proposal is therefore contrary to Policy T2 of the North East Derbyshire Local Plan.”*

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North East Derbyshire District Council - Environmental Health Officer (EHO)

The EHO has not raised any objections to the proposal and advised that the revised acoustic report, submitted with this current application, addresses the concerns he previously raised regarding noise in the original application that was subsequently withdrawn. The EHO has recommended that development be conditioned to operate in accordance with the revised acoustic report.

Calow Parish Council

The Parish Council has indicated that its objection to the proposal when it was consulted on the previous planning applications for this development, continue to apply with regard to this application. Its reasons for objection are as follows:

- *“The site is in close proximity to residential properties.*
- *Dark Lane is a narrow weight restricted country road and the increase in HGV’s operating to and from the site is of great concern to other road users, pedestrians and nearby residents.*
- *The proposed access to the site is in very close proximity to residents houses and would pose a noise and safety issue and prevent residents of the locality continuing to enjoy the peaceful rural location that they have at present.*
- *Access from Dark Lane onto Top Road has very poor visibility. Top Road is a very busy road and is one of the main routes for ambulances to Chesterfield Royal Hospital.*
- *The disturbance to local wildlife in the surrounding fields and hedgerows*
- *The site is in close proximity to a public footpath which would prevent walkers enjoying the benefit of the peaceful surrounding countryside as the operation is proposed to be working 24 hours a day, 7 days a week.*
- *Noise levels on the site are to be the same day and night, with the night levels higher than are acceptable unless adequate prevention is provided. The constant noise from the site prevents local residents enjoying the benefit of a peaceful environment.*
- *Light from the lighting columns which would be in use every night, 7 days a week would have an adverse visual amenity for local residents.”*
- *When tapping into the methane reservoir there are no guarantees that seepage would not occur into the land and a similar situation as Arkwright could occur.*
- *The land is mainly of a clay base therefore drainage problems would occur.*

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- *Seepage could affect the water table and contaminate the supply.*
- *The fields surrounding the area provide pasture of many livestock and the noise from the plant would have an adverse effect on this livestock.*

Environment Agency

The Environment Agency has raised no objections to the proposal but has recommended conditions relating to on-site drainage and for the protection of controlled waters be imposed.

Coal Authority

Has not raised any objections to the proposal.

Derbyshire Wildlife Trust (DWT)

DWT has not raised any objections to the proposal and do not consider that any protected species are likely to be affected by the development. DWT commented that the hedgerows on the site meet the definition as a UK Biodiversity Action Plan (BAP) priority habitat and advise that the removal of hedgerow should be kept to the absolute minimum and that new native hedgerow planting will be required to compensate for any hedgerow removal. DWT recommends conditions be imposed requiring the submission of a lighting scheme and that any lighting should be of low intensity and directed away from the hedgerows to mitigate for any disturbance, restricting hedgerow removal during the bird nesting season and requiring the submission of an aftercare and management strategy for the site landscaping.

Severn Trent Water

No objections to the proposal, subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage.

National Grid

National Grid has provided its standard response and Advice Note to the applicant.

Health and Safety Executive (HSE)

The HSE has been consulted on this current application and comments were requested by 10 March 2014. To date, no comments have been received. However, the HSE did respond to the previous applications but did not raise any objections to the proposal.

Western Power

Western Power has been consulted on this current application and comments were requested by 10 March 2014. To date, no comments have been received. However, Western Power did respond to the previous applications and raised no objections but drew attention to the overhead power cables that are close to the site.

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The Highway Authority

The Highway Authority does not raise any objection in principle to the proposal. The Highway Authority does acknowledge the concerns of local residents and that there would be some disruption and adverse impacts but consider that the degree of impact is not sufficient to justify a refusal of planning permission, particularly as they would be temporary impacts on the Highway Network during the construction period and are capable of being addressed and/or mitigated. The Highway Authority recommends that a Construction Traffic Management Plan should be required to be implemented during the construction process.

Publicity

The application has been advertised by press notice (Derbyshire Times), by site notice and by neighbour notifications with a request for observations by 13 March 2014. Twenty nine individual letters of representation, 79 pro forma letters and a petition with 42 signatures, all objecting to the proposal, have been received as a result of this publicity.

In response to the publicity undertaken for the previous applications for this proposal, 259 letters of representation and a petition with 583 signatures were received for application code no. CM4/0812/53 and 63 individual letters of representations, 124 proforma letters and a petition with 244 signatures were received for application code no. CM4/0813/84.

The main concerns and objections raised in the representations to the proposal are summarised below:

Location

- The site is too close to existing housing.
- The development would have a negative impact on the character and appearance of Dark Lane.
- The site would industrialise a semi-rural location.
- The site is located outside the settlement area of Calow.

Landscape and Other Visual Impacts

- The development and industrial equipment would have a negative effect upon the landscape and is not in keeping with the rural landscape.
- The landscape looks much different in winter to the photographs included in the application and Western Power is currently working in the area to remove all trees under power lines.
- The visual impact of the Flare Stack.
- The site will be visible from more properties than those referred to in the planning application.
- The visual impact of the development from Calow footpath 11.

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Noise

- There would be an increase in existing background noise levels in the area compared to current levels.
- The noise disturbance would cause lack of sleep and stress.
- The noise from flaring will cause people to be startled and alarmed.
- Continuous noise is known to have a direct impact upon health.
- The additional traffic will also cause noise.
- The site is lower than the nearby residential properties; acoustic fencing will not prevent noise escaping from the site.

Traffic

- The increase in traffic, on a country lane which is weight restricted to 7.5 tonne vehicles, will cause problems for local residents.
- Top Road through Calow cannot cope with the extra traffic.
- The junction with Top Lane is narrow and visibility is poor.
- Dark Lane is a narrow single track lane, has four 90 degree bends along its length with one passing place and no footpath, and is unsuitable for HGV vehicles.
- Exhaust fumes from the increase in vehicles in close proximity to residential property.
- Concerns about safety, the lane is also a route for pedestrians (particularly school children accessing both Calow Primary and Hasland secondary schools), horse riders (the bridle paths cannot be accessed without riding along Dark Lane) ramblers and cyclists.

Light Pollution

- Lighting on the 34 metres high drilling rig mast will be intrusive at all times of day but particularly at night.
- The site lighting would have a negative impact on local residents and wildlife.

Air Pollution

- Increase in the amount of air borne pollutants, toxins and concerns about methane emissions and smell.
- The fumes may be injurious to human and animal health compounded by the fact that the site is in a natural basin which may trap the pollutants.
- Concern that the air quality modelling may be incorrect and that the impact may be greater than stated.
- Nitrogen oxides (NOx) is a by-product of combustion and is a known respiratory irritant and there may be other exhaust fumes from the development which are known carcinogens.
- Concern about radon gas.

Drainage and Contamination

- Concern about discharges into the Spital Brook which may become contaminated.

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- Risk of seepage/leakage/spillage from the diesel, fluids and other chemicals stored on the site.
- Concern about the underground water table becoming contaminated and local water quality.
- Risk of drainage problems for the local community, the drainage ditches in the surrounding area are not fit for purpose and other developments in the area have already resulted in drainage problems in the area, that would be compounded with this development.

Wildlife and Ecology Impacts

- The impact that noise and light pollution would have on bats, owls and other wildlife.
- The impact of the development on hedgerow and disturbance to habitats.
- Argument that the ecology report provided in support of the application contains incorrect calculation and assessment in respect of Great Crested Newt (GCN) and that consequently the potential for GCN as a European Protected Species to be affected by the proposal has not been and cannot be duly assessed.
- Concerns that the calculation used in the ecology report to make an assessment of value for Great Crested Newts (GCN's) is incorrect and that the likely presence of GCN's is higher than concluded in the report.

Health Issues

- Dioxin contamination which, if disturbed by gas extraction processes, could cause major health issues.
- Exhaust gases during the combustion process which are injurious to health, particularly in the old and the young.
- There is already an increased use of inhalers in children of school age around Calow and Arkwright due to increased occurrences of childhood asthma caused by diesel exhaust emitting machinery.
- Ill health because of the continuous background noise and sleep deprivation.
- Fear causes anxiety which is also detrimental to health.

Subsidence and Land Stability

- Concern that the effects of the drilling and extraction will cause subsidence, earth movements, sinkholes and gas leakages.
- Concern about the risk of earth tremors, vibration and structural damage to buildings.
- There has been subsidence in the fields surrounding the site.
- Concern about the stability of the Chatsworth Grit and fracturing.
- There is a long history of mining in the area and the disturbance from drilling could cause gas seepage and pollution of watercourses.
- Given the close proximity and history of Arkwright Town there is real concern about methane seepage.

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- No evidence that the applicant intends to monitor seismic activity in the vicinity of the drilling.

Other Concerns

- CO₂ emissions from the development will not be factored into the total emissions for the UK.
- A concern is that the development will cause an increase in disruption to the local domestic power supply.
- Horses will have to be removed from the adjacent field during the construction phase to avoid them becoming ill or injuring themselves.
- Concern about the health and wellbeing of pets.
- Impact of the proposal on property values and sales.
- Concerns about the long term future of the development, the possible future need to extract gas by other methods, including Fracking.
- Concerns about abandonment of the site.
- Concerns about safety as the site may attract undesirable people to the area.
- Concerns about explosions, terrorism and vandalism.
- 15 years is not a temporary arrangement.
- The applicant has given very little specification about the works to be done in the restoration period.
- Derbyshire County Council stands to gain financially from the grant the Government is offering for councils who embrace this type of extraction to produce energy.
- No permission to drill under other peoples land.
- Privacy because of the CCTV.
- Emergency procedures in the event of needing to evacuate the site.
- The emergency procedure manual submitted with the application contains incorrect postcodes for Alkane operated sites.
- Flare stack will reduce the choice of flight paths for air ambulances flying into the Royal Hospital.

Pre-application Publicity and Community Engagement

The applicant has undertaken the following pre-application consultation and engagement:

- 7 November 2012 - the applicant gave a presentation to local residents at the Calow Community Centre.
- 13 January 2013 - a group of residents were taken by the applicant to an Alkane Energy Site at Warsop, Nottinghamshire.
- 28 June 2013 – the applicant circulated a booklet setting out the revised proposals which was distributed to local residents.
- 10 September 2013 – the applicant gave a further presentation to local residents at the Calow Community Centre.

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- 28 March 2014 – Members site visit (invitation to all Members of Regulatory – Planning Committee) to Alkane Energy's site at Florence, Stoke on Trent.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Mineral Local Plan (2002) (DDMLP) and the saved policies of the North East Derbyshire Local Plan (2006) (NEDLP). Other material considerations include current national policy and guidance in the National Planning Policy Framework (2012) (NPPF) and the National Planning Practice Guidance March 2014 (NPPG).

I have provided below a summary of the current national policy and planning guidance which are relevant to this proposal.

National Energy Policy

The Department of Trade and Industry paper, Meeting the Energy Challenge, 2007 stated that the Government would make the most use of the UK's reserves of oil and gas but noted that production had hit a peak and was declining, as were the remaining reserves.

The draft National Policy Statement for Energy, published in 2009, builds on the 2007 Energy White Paper. Together they form an evolving international and domestic energy strategy in response to the changing circumstances in global energy markets. They set out to address the long term energy challenges of security of supply, whilst acknowledging the implications of climate change. Whilst recent emphasis has been on the development of renewable energy supplies, the Government recognises the important and continuing role that indigenous sources of coal, oil and gas will play in meeting national energy requirements.

The Government announced its long term infrastructure plans in June 2013, which included measures to unlock investment in cleaner energy and new sources of energy. This statement indicated that a key role for gas is consistent with the need to decarbonise our economy. It is regarded as the cleanest fossil fuel, and much of the new gas capacity anticipated would be replacing the ageing coal capacity. Gas is also seen as important for balancing the increasing levels of intermittent and inflexible low-carbon energy on the system.

The Energy Act 2013

The Energy Act 2013 has several objectives and, in relation to hydrocarbons, it seeks to make provision for the setting of a decarbonisation target range and

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duties in relation to it; or in connection with reforms to the electricity market for purposes of encouraging low carbon electricity generation, or ensuring security of supply. It is also about the designation of a strategy and policy statement concerning domestic supplies of gas and electricity. It does not actually prescribe a new strategy or policy at this stage but instead sets the procedural requirements for doing so. It is likely, however, that future policy and strategy will reflect the overall objective of the Act to reduce our carbon footprint and, in turn, this will affect the future demand for minerals including fossil fuels.

In view of the Government's energy strategy as set out above, I make reference to a report recently released by the United Nations Intergovernmental Panel on Climate Change (IPCC) 'The Summary for Policymakers' which says globally there must be a rapid move away from carbon-intensive fuels and a "massive shift" to renewable energy. However, in that report, natural gas is seen as a key bridge to move energy production away from oil and coal.

National Planning Policy Framework

The NPPF published in March 2012, sets out the Government's key economic, social and environmental objectives and the planning policies designed to deliver them. It states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening lives of future generations. It states that sustainability has economic, social and environmental aspects.

The NPPF contains advice about applications for mineral extraction and states that mineral planning authorities should give considerable weight to the benefits of mineral extraction, including to the economy, but that they should also ensure that the development does not give rise to unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic and flood risk. It recognises that minerals are essential to support sustainable economic growth and our quality of life, and that it is important, therefore, that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.

It also recognises that minerals are a finite resource and can only be worked where they are found, so it is important to make best use of them to secure their long term conservation.

According to Paragraph 147 of the NPPF, "Minerals planning authorities should also... when planning for on-shore oil and gas development, clearly distinguish between the three phases of development (exploration, appraisal

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and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production..."

National Planning Practice Guidance

NPPG, published in March 2014, contains revised and updated planning practice guidance on a wide range of planning issues. It complements and expands on the broad guidance in the NPPF and replaces a suite of previous guidance, including 'Planning practice guidance for onshore oil and gas', Department of Communities and Local Government, July 2013, although it broadly repeats the advice relating to the extraction of energy based hydrocarbons.

The NPPG states that mineral resources make an essential contribution to the country's prosperity and quality of life. This reflects the guidance in the July 2013 publication wherein it stated that that oil and gas (hydrocarbons) underpin key aspects of modern society, supplying energy to power industry and heat homes, fuel for transport to carry goods and people all over the world, and raw materials to produce everyday items. This guidance also stated that hydrocarbons will remain an important part of the UK's energy mix whilst the country transitions to low carbon energy supplies.

The NPPG provides advice on the planning issues associated with the three separate phases which are involved in the extraction of hydrocarbons (exploration, appraisal and production) and should be read alongside the NPPF. The guidance addresses some of the technical issues associated with hydrocarbon working and provides a description of the different operations involved in each phase. It includes an explanation of the role of the planning system in obtaining permission and a summary of the role of the other official regulators also involved in the process.

Local Development Plan

The NPPF advises against attaching importance to relevant saved policies from the DDMLP and the NEDLP, due to their age and them having been adopted under legislation which has been replaced. However, since they remain part of the statutory development plan, they continue to have weight as material planning considerations.

Derby and Derbyshire Minerals Local Plan

Policy MP35: Oil and Gas of the DDMLP states that:

"Proposals for the development of oil and gas, including facilities associated with the production, processing or transporting of oil or natural gas will be permitted only where they can be carried out in an environmentally acceptable way, and provided that:

- 1) Any irreparable damage to interests of acknowledged environmental importance is outweighed by a proven need for the development in its proposed location;*

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- 2) *The proposal is consistent with an approved overall scheme for the appraisal of, or production from the area;*
- 3) *The proposed location of the development is the best having regard to geological, technical And environmental considerations;*
- 4) *Satisfactory arrangements have been made for the avoidance of seepage pollution, the off-site disposal of drilling mud and other drilling residues and the flaring and disposal of unwanted gas."*

Other saved policies from the DDMLP which are relevant to the consideration of this application are MP1: The Environmental Impact of Mineral Development, MP2: The Need for Mineral Development, MP3: Measures to Reduce Environmental Impact, MP4: Interests of Acknowledged Environmental Importance, MP5: Transport, MP6: Nature Conservation – Mitigation Measures and MP10: Reclamation and After-Use.

North East Derbyshire Local Plan

The relevant saved policies from the NEDLP are:

GS1: Sustainable Development, GS5: Settlement Development Limits, GS6: New Development in the Countryside, GS8: Temporary Land Uses and Buildings, NE1: Landscape Character, NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna, NE7: Protection of Trees and Hedgerows, NE8: Tree Planting, BE2: External Lighting and Floodlighting, T2: Highway Access and the Impact of New Development, R11: Development Affecting Public Rights of Way, and CSU4: Surface and Foul Water Drainage.

Assessment of the Proposal

Hydrocarbons remain an important part of the UK's energy mix and there is strong support from the Government for this type of development as a means of securing indigenous energy supplies and reducing the country's reliance on imports whilst generating energy with a relatively 'low' carbon footprint compared to other fossil fuel options. The principle of this development is supported by the NPPF and by the NPPG; it also accords with National Energy Policy and the Government's decarbonisation programme.

With regard to the determination of development proposals for gas extraction, the NPPG advises mineral planning authorities (MPA's) to assess applications for each phase on their respective merits. In this case, the proposal includes all three phases in one application and so the full range of issues need to be addressed. The NPPG also advises MPAs not to consider demand for either gas or alternatives to gas when determining applications.

The need to obtain planning permission is one of the main regulatory requirements for onshore gas extraction. There are, however, a number of other key regulators including the DECC, the Environment Agency and the HSE. Planning and other regulatory regimes are separate but complementary. The NPPG advises that the role of the MPA is regarding the location of any

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wells and wellpads, and to impose conditions to ensure that the impact on the use of the land is acceptable.

The NPPF at paragraphs 120 and 122 states that planning decisions should ensure that new development is appropriate for its location and should take account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. In doing so, the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes where these are subject to approval under other regimes.

For this proposal there are a number of aspects to it which would be covered by other regulatory regimes and the MPA should assume that these regimes would operate effectively. Whilst these aspects can overlap with the considerations which the MPA would regard as planning considerations, there is no need for the MPA to carry out their own assessment of such aspects since it can rely on the assessments of other regulatory bodies. However, before deciding to grant planning permission, the MPA should be satisfied that such aspects can or will be adequately addressed by the other regimes.

The main planning considerations for this proposal are set out below:

Location

Prior to selecting the site which forms the basis of this application, the applicant considered other location options and carried out a site selection exercise which is detailed in the supporting statement that accompanies this planning application. This included the study of geological and seismic data to establish an optimum surface location for the well head. The optimum location was identified on land closer to Top Road in Calow, however, the applicant considered that their location was too close to the main settlement. The position of the overhead power cables were also a factor in the choice of location, together with considerations relating to minimising the visual impact from residential properties. The applicant considers that the site off Dark Lane provides the best location from which to drill into the gas field whilst avoiding the existing services.

The site is located in the open countryside on agricultural land that is currently in arable production and is outside of the 'Settlement Development Limits' boundary as defined in the NEDLP. Policy GS1 of the NEDLP seeks to locate all development within the defined settlement development limits unless the development is acceptable in the countryside, or overriding exceptional circumstances can be demonstrated. Policy GS6: New Development in the Countryside of the NEDLP is also of relevance. It states: "*In the countryside, new development will only be permitted where:*

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- a) the development is for the operation of a use appropriate to such a location;*
- b) it is in keeping with the character of the countryside;*
- c) it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality;*
- d) it does not require major new or improved infrastructure provision;*
- e) it causes minimal problems of noise, disturbance and pollution and other environmental impact; and*
- f) it does not represent a prominent intrusion into the countryside.'*

There are, however, no policies from the NPPF or from the DDMLP that contain an overriding restriction on mineral development in the countryside. The DDMP, and the NPPF and NPPG, recognise the unique considerations which apply to planning for the supply of minerals. Minerals can only be worked (i.e. extracted) where they naturally occur. They are also temporary uses of land where the active site can mostly be restored to pre-extraction conditions and uses. Locational options are therefore significantly restricted. In assessing the proposal against policies, such as GS1 and GS6, these factors have to be taken into consideration. Furthermore, hydrocarbon extraction can only take place in areas for which the DECC has issued a licence under the Petroleum Act 1998 (Petroleum Licence).

Although mineral working is a temporary use of land, this can often take place over a long period of time. For this proposal, it is proposed to operate the site for up to 15 years after which the site would be restored back to agricultural. The site area is relatively small and I do not consider that a loss of agricultural land for this period would be significant in terms of abundance, quality or supply of agricultural land in the area. In principle, this type of development need not be an inappropriate use of the land in a countryside location. However, consideration also needs to be given to the environmental effects of this development in this location, against the background of national policy and Government guidance, the other impact tests in Policy GS6 of the NEDLP and other relevant development plan policies, to assess its acceptability in planning terms (including consideration of what conditions might be imposed on a permission in order to mitigate the effects of the development to make it acceptable).

Landscape and Visual

The site is located in a rural location to the south of the main settlement of Calow. It is located within the Coalfield Village Farmlands Landscape Character Type (as classified in the Derbyshire Landscape Character Assessment) and is typical of this wider landscape. The application is supported by a Landscape and Visual Impact Assessment (LVIA) and proposals to mitigate the landscape and visual impact of the development that includes new hedgerow and tree planting, and soil storage mounds shaped to provide screening of the site.

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The LVIA acknowledges that the development would introduce incongruous features into this rural, edge of settlement location. However, direct impacts on landscape features would be relatively negligible, relating primarily to the change in land use from agricultural to a use that is industrial in character and involving a minor loss of hedgerow to accommodate the site access. These impacts would diminish with restoration back to agricultural use following the completion of gas extraction. During this time, these impacts would be offset by the proposed landscape mitigation measures. There are already other landscape detractors in the locality such as the electricity pylons and associated overhead cables.

There would be some views into the site locally from the adjacent footpath, from Dark Lane and from some of the closest residential properties. The development would not be without some visual intrusion, the site would be most evident from the footpath to the south-east. The visual impact from residential receptors would be likely to be lower because of the siting of the development, and the nature and direction of views into the site. A wide range of mitigation measures are proposed to mitigate the visual impact of the development which have been designed to reflect the character of the surrounding landscape. The site compound would also be sited over a metre below the current ground levels and this would further assist in mitigating the identified visual impacts and increase the effectiveness of the proposed screening mound and planting.

Overall, I am of the opinion that the visual impact of the development would be low and would be further reduced by the proposed mitigation. I do not consider that the landscape impact of the development would be significant. In relation to landscape and visual impacts, I do not consider that the development would be unacceptable in the context of the NPPF or policies MP1, MP3 and MP35 of the DDMLP and policies GS6, NE1, NE7 and NE8 of the NEDLP.

Noise

The site is located in a semi-rural area that currently experiences relatively low levels of background noise. This type of development can be a source of noise pollution and, for this proposal, there are potential noise impacts during the site establishment and drilling phase, the testing and evaluation phase, which includes flaring, and from the operation of the engines once the site is established. The NPPF at Paragraph 123 states that planning decisions should aim to:

- *“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

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- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. ”*

Paragraph 144 of the NPPF states that “*local authorities should ensure that any unavoidable noise...are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in close proximity to noise sensitive properties.*”

When considering the impact of noise from development proposals, the NPPG advises MPA's to take account of the prevailing acoustic environment and in doing so, to consider whether or not noise from the proposed operations would give rise to a significant adverse effect or an adverse effect or whether or not a good standard of amenity could be achieved. The NPPG refers to the Explanatory Note of the Noise Policy for England which requires identifying whether the overall effect of the noise exposure is, or would be, above or below the “significant observed adverse effect level”.

It is acknowledged that operations of this nature, without mitigation, could impact on the amenity of the closest residential properties. This application is supported by a noise impact assessment and background noise levels have been monitored by the applicant's acoustic consultant and by the local EHO. For this proposal, noise mitigation would be required to bring noise emissions to within acceptable limits, in order to protect the amenity of the closest residents. The applicant has worked with the local EHO to agree acceptable day and night noise levels for this location for both the drilling and operational phases of the development and has amended the design of the scheme to enable the site to operate within those limits. The applicant has proposed noise mitigation measures in the application that includes a 5 metre high noise attenuation barrier; a noise monitoring scheme would also be implemented.

The impact of noise is likely to be most significant during the drilling phase. Whilst these operations are relatively short-term (4 to 6 weeks), the drilling activities are normally a continuous operation, where drilling occurs 24 hours per day for the duration of that activity. Additional noise could also be generated by other ancillary on-site activities and off-site from lorry movements during this time.

The NPPG advises MPA's to aim to establish a noise limit, through a planning condition, at noise-sensitive properties that does not exceed the background noise level by more than 10dB (A). However, it is acknowledged that in some circumstances it will be difficult to not exceed the background level by 10dB (A) without imposing unreasonable burdens on the mineral operator. In such

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cases, noise from the operations should not exceed 55dB (A) L_{Aeq} during normal working hours (0700-1900) and during the evening period (1900-2200). For operations during the period (2200–0700), noise limits should not exceed 42 dB (A) L_{Aeq} . Where an operation may give rise to particularly noisy short term activities an increased temporary daytime noise limit of up to 70 dB (A) can be applied to facilitate essential site preparation.

The noise impact assessment report concludes that day time noise emissions from the operations during the gas extraction and power generation phase of the development, with the proposed mitigation, could be carried out so as not to exceed the relevant background noise levels by more than 10 dB (A). This could also be achieved for the proposed day time drilling operations. However, the report acknowledges that for night time drilling noise and the temporary operations associated with the site construction and testing, and flaring phase, it is likely that noise would increase by more than 10 dB (A) above background levels although they would be within the 42 dB (A) upper limit.

The typical background noise levels at night for the nearest residential properties to this site are between 24 to 27 dB (A) L_{Aeq} . The noise assessment estimates that drilling noise levels with no mitigation would range between 44 to 51 dB(A) L_{Aeq} . The applicant does not consider it practical to reduce drilling noise levels to 10dB above background (to 34 dB(A) L_{Aeq}) and as the drilling is a one-off phase for a short period, the upper limit of 42 dB(A) L_{Aeq} , advised in the NPPG, is considered to be appropriate. With additional attenuation measures that would include noise barriers and other suppression measures, the 42 dB(A) L_{Aeq} night time noise limit the applicant considers would be achieved.

For the temporary operations associated with site construction and gas flaring, that would only take place during the hours of 0800 to 1800, the applicant is proposing that the noise limit for short term temporary operations, a maximum of 70 dB (A), be applied.

I am satisfied that the impact of noise has been properly quantified and assessed for this proposal, and that the potential impact of noise can be mitigated to acceptable limits and be controlled through the imposition of planning conditions. The EHO has not indicated any major concerns or objections to the proposal. Subject to the imposition of the recommended conditions to control the impact of noise, to set appropriate noise limits for all phases of the development, and for a scheme of noise monitoring to be approved and implemented, I am satisfied that the proposal would not give rise to any significant adverse or adverse noise impact and that it would accord with the NPPF and policies MP1, MP3 and MP35 of the DDMLP and Policy GS6 of the NEDLP.

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Air Quality

Concern has been raised by local residents that the operation of the site would have an impact on air quality and on human health. The application is accompanied by an air quality impact assessment that has assessed the impact of the emissions to the atmosphere from this development and its impact on human health. With regard to emission to the atmosphere from the gas engines, it is the emissions of oxides of nitrogen (NO_x) which are most significant; carbon monoxide would also be released but at levels considered to be insignificant as to impact on air quality. Emissions of sulphur dioxide have not been considered in the assessment as the gas only contains trace amounts.

The report of this assessment concludes that with an exhaust stack height of 11 metres, as is proposed for the gas engines, the maximum predicted concentration of NO_x would not exceed the assessment criteria and is not of concern to human health and the predicted impact on air quality is negligible. I have no reasons to doubt the conclusions of the assessment, the Environment Agency is the key regulator with respect to emissions to air and it has not raised any objections. The level and type of emissions will be addressed by the Environment Agency in its corresponding permit assessments. The local Environmental Health Officer would also have an on-going key role about the concerns relating to ambient air quality issues. I am satisfied that the proposal would not give rise to any significant impact on air quality and that it would accord with the NPPF and policies MP1, MP3 and MP35 of the DDMLP and Policy GS6 of the NEDLP.

Dust

In view of the small site area for this development, the level of ground disturbance would be modest when compared to some other types of mineral extraction operations and therefore, I would expect this to reduce the potential for dust emissions, although dust emissions could be an issue for some specific operations. The generation of dust from the operations is likely to be greatest during the construction phase and, in particular, during the soil stripping and storage part of the development. However, I am of the view that the potential impact of dust during the construction phase can be controlled so as not to cause any significant impact. Once the plant was developed and operational, and the access road surfaced, I do not consider that there would be any significant dust generated by the development. I am therefore satisfied that any dust impact would not be significant and that the development would accord with the NPPF and policies MP1, MP3 and MP35 of the DDMLP and policies BE2 and GS6 of the NEDLP in this respect.

Light Pollution

Artificial lighting on any new development may have implications for light pollution that may potentially impact on residential amenity and on ecological interests, and I note the concerns of local residents regarding the impact of the proposed lighting on this site at night. The lighting that has been proposed

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for the operational gas extraction phase of this development would, under normal operating circumstances, be switched off during night time hours with just one light at the site entrance operating on a PIR system. However, I acknowledge that during the site construction and drilling phase, which would take place 24 hours a day, there would be a need for lighting. This would be for a temporary period and, with careful design, could be kept to a minimum so as to minimise disturbance. I would therefore recommend that a lighting scheme for both the construction and drilling phase, and the gas extraction phase with light spill plans should be required to be submitted prior to commencement of the development and be secured by a planning condition. Subject to the recommended condition, I am satisfied that the impact of lighting would not be significant and would not conflict with the NPPF and policies MP1, MP3 and MP35 of the DDMLP and Policy GS6 of the NEDLP in this respect.

Traffic and Highway impacts

The impact of the development on the highway and traffic is likely to be most significant during the site establishment/drilling phase of this development, over a period of approximately 6 months. Once operational, the number of vehicle movements to the site would be low. However, the concerns of local residents with regard to the impact on amenity, particularly HGV's during the construction period and the suitability of Dark Lane to accommodate site construction traffic, is acknowledged. During this time there could be potentially up to 10 HGV movements a day, but not every day, and a small number of abnormal loads.

The Highway Authority has not objected in principle to the proposal but does acknowledge the concerns of local residents and that there would be some disruption and adverse impacts, but does not consider that the degree of impact is sufficient to justify a refusal of planning permission, particularly as the main impacts would be temporary during the construction period and are considered to be capable of being addressed and/or mitigated. I would support the recommendation of the Highway Authority that a Construction Traffic Management Plan should be required to be implemented during the construction process. I would also recommend a routeing agreement for HGV's so as to minimise the impact of traffic on Dark Lane. The applicant has agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 that would require a routeing agreement for HGV's and the implementation of a Construction Traffic Management Plan.

Paragraph 32 of the NPPF states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" Overall, I do not consider that this development would generate significant amounts of traffic and, subject to the measures required by the Section 106 agreement and the recommended conditions, I am satisfied that the impact of traffic on the Highway Network is capable of

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being addressed and can be satisfactorily mitigated, and would therefore not raise conflict with Policy MP4 and MP35 of the DDMLP and T2 of the NEDLP.

Vibration/Land Stability/Subsidence

Some residents have expressed particular concern about the impact of drilling and extraction causing land stability issues, subsidence of properties and vibration, including earth tremors, and have made reference to other developments, where there have been such issues.

However, since this is a proposal to develop a stranded gas field and would be a conventional form of natural gas extraction from an underground reservoir that does not propose hydraulic fracturing of the strata, it is not comparable in this with respect different forms of extraction, such as shale gas extraction, which often requires hydraulic fracturing of the strata to allow the gas to flow. The applicant has given consideration to the risk of subsidence and earthquakes in response to the concerns that have been raised and has provided a geological report assessing this risk. The report considers the geology of the Calow reserve and concludes that there is no recognisable risk from the extraction of gas at Calow.

DECC is one of the key regulators for hydrocarbon extraction and is responsible for issuing Petroleum Licences, giving consent to drill under the Licence, once other permissions and approvals are in place, and has responsibility for assessing risk of and monitoring seismic activity, as well as granting consent to flaring or venting. The HSE also regulates the safety aspects of all phases of extraction, including responsibility for ensuring the appropriate design and construction of well casing for any borehole. I am therefore also satisfied that any such seismic or safety issues would be identified and satisfactorily addressed through these regulatory regimes.

The operational plant and equipment are a potential source of ground vibration, however, the proposed generating engines for this development incorporate anti-vibration technology designed to minimise vibration impact. Other plant equipment would also be fitted with anti-vibration pads.

Overall, it is considered unlikely that there would be a significant effect on the environment in terms of vibration, land stability or subsidence. The Coal Authority has not raised any concerns about the development and I do not consider the risk of subsidence, having regard to previous coal mining, is significant.

Hydrology

There is a potential risk of contamination to groundwater and of local watercourses from the proposed operations, for example from leakage of drilling fluids and gas escape. The site is located close to a local brook and to a more significant watercourse, the Spital Brook, that falls under the Water Framework Directive. The well, borehole casement and the method of drilling

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have been designed to incorporate measures to prevent the contamination of and the loss of water from the groundwater aquifer. The borehole would be cased (lined with a steel pipe grouted to the bedrock) to manage drilling fluids and prevent gas escape. It is likely that as the development progresses, strata water would be present in the gas flow and this would require either discharge to a local watercourse or storage before being disposed of off-site.

The Environment Agency is the regulatory body with responsibility for the protection of water resources (including groundwater aquifers) and ensuring appropriate treatment and disposal of mining waste, and these aspects would be separately controlled by the Environment Agency through various permitting requirements. The final design of the well and borehole casing would also require approval from the Environment Agency and the HSE before drilling could commence on site. The Environment Agency has not raised any objections but has recommended conditions to protect the water environment; the HSE has not objected. I am satisfied that any potential source of pollution to the water environment would be adequately quantified and mitigated, and it would accord with the NPPF and policies MP1, MP3 and MP3 of the DDMLP and policies CSU4, NE3 and GS6 of the NEDLP.

Ecology

The application is supported by an ecology report ("Amended Ecological Assessment", Peak Ecology Limited, June 2013) which relates to Extended Phase 1 Habitat Survey. The habitats, within and surrounding the site, are predominantly arable and the hedgerows on the site are considered to be of high conservation value, and are a UK BAP Priority Habitat. The stream to the south and the field margins is considered to be of moderate conservation value. There are no records of protected species on the site, however, there are records of Great Crested Newts (GCNs) within approximately 300 metres and bats within 1 kilometre. The site and hedgerows are considered to offer potential for foraging, nesting and commuting birds, and potential for foraging and commuting for other species, such as bats, and the introduction of lighting could potentially impact on these activities.

The site is not covered by any statutory or non-statutory wildlife designations, the closest site of conservation interest (Half Flash Meadow) is located approximately 700 metres away and I consider it unlikely that the development would have any significant impacts on this site. The application does propose the removal of small sections of hedgerow at the access points to the site but this would be compensated for by new hedgerow planting.

With specific regard to GCN's, the argument which criticises the ecology report and contends that it is incorrect in its consideration of GCN is presented in a letter of representation which mentions that the writer is a Consultant Ecologist and has held a Natural England Great Crested Newt Survey Licence for over 10 years. I have given this matter careful consideration and I am unable to accept that the Habitat Suitability Index (HSI) assessment by Peak

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Ecology Limited which is particularly criticised is incorrect. I am of the view that even if the HSI pond suitability score were to be amended as suggested in the letter (from 0.36, in the 'poor' range, to 0.55, in the 'below average' range) it would not make a material change to the essential conclusions to be drawn from the assessment with regard to either the likelihood of GCN's occurring on the site or their being affected by the development. The report indicates that the proposal would not impact upon GCN, even if GCN were present in the ponds closest to the site (which it considers to be very unlikely). I am satisfied that this matter does not require further study.

Overall, I am satisfied that the ecological work undertaken in support of this application is acceptable and I consider that it is unlikely that there would be a significant effect on the ecology of the site or the surrounding environment from this development. However, as I have indicated above, the submission of a lighting scheme should be required by condition and that any lighting should be of low intensity and directed away from the hedgerows to mitigate for any disturbance. As recommended by DWT I consider that conditions should also be imposed to restrict hedgerow removal during the bird nesting season and for the submission of an aftercare and management strategy for the site landscaping. With to the such conditions, I am satisfied that the development would accord with the NPPF and policies MP1, MP3 and MP35 of the DDMLP and policies BE2, NE3, NE7, NE8 and GS6 of the NEDLP.

Archaeological and Cultural

The site is not located in a Conservation Area and there are no listed buildings or monuments near to the site. I do not consider it likely that the development would have any significant impact on any historic feature. There are no known finds or archaeological features recorded on the application site or in the vicinity. However, the nature of the site appears to be generally undisturbed and there may be potential for archaeological remains to be present on the site. I would recommend that a condition is imposed requiring an archaeological watching brief to be implemented during the soil stripping to enable any features that are found to be present, be recorded.

Site Restoration

Following the completion of the development, it is proposed to restore the site back to agricultural use and, in principle, this is considered to be acceptable. I note the concerns that have been raised about the lack of detail of the site restoration; however, I consider that the specific details can be agreed at a later date through the submission of a restoration scheme and I have recommended a suitable condition.

Rights of Way

Concerns have been raised regarding the impact of the proposal on rights of way in the area. The nearest footpath is Calow 11, although this is to the south-east of the site and would not be directly affected. I do not consider that the amenity of users of the path would be significantly affected by the

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presence of the proposal. It is a relatively small development and users of the footpath would be in the vicinity of the facility for a short period only. The drill rig would be visible by footpath users but I do not consider it to represent a form of visual intrusion sufficient to warrant refusal of the development, particularly when set against the benefits it would deliver.

Other Considerations

Some objectors have referred to the proposal having adverse impacts on pets and horses, whereby they would have to be removed from the area. The development is not one which is prone to generate sudden and loud noises which could cause agitation to animals; and I therefore do not consider it to be a matter which would give rise to any major detrimental effects.

Some objectors have suggested that the development would disturb dioxin in the area and would affect human health. I am not aware of any form of contamination in the site or surrounding area that could give support to such concerns.

Concerns have been raised about the possible use of hydraulic fracturing (fracking) as the site develops. The application does not seek permission to use this technique so it is not a consideration for this application. I am also not aware of any reason why the development could result in local power disruptions. Several of the other concerns raised by local residents, such as the threat of terrorism, vandalism, site security and the impact on house prices, are noted but these are either unsubstantiated in relation to this proposal, or (in the case of any house price effect) not material planning considerations.

Section 106 Agreement

A draft agreement under Section 106 of the Town and Country Planning Act has been prepared. The agreement includes obligations for a routeing agreement and a Construction Traffic Management Plan. It also includes an obligation to establish a local Community Liaison Group.

Conclusion

There is strong support from the Government for this type of development, as a means of securing indigenous energy supplies and reducing the UK's reliance on imports whilst generating energy with a 'low carbon footprint'. The principle of this development is supported by the NPPF, the NPPG and the Government's Energy Policy. The site is located in the open countryside, however, I am satisfied that the development in the proposed location would not be unacceptable. I have assessed the potential environmental impacts of each phase of the development and I find no significant impacts or conflict with development plan policy that would warrant the refusal of the application. Subject to the recommended conditions and the proposed legal agreement to protect local amenity, I recommend that the application be approved.

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(3) **Financial Considerations** The correct fee of £4,235 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Mineral Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File 4.2484.5
Application documents from Baker Barnett Limited dated 29 January 2014. Letters from North East Derbyshire District Council dated 28 March 2014, the Coal Authority dated 27 August 2013 and 14 February 2014, the Environment Agency dated 28 February 2014, National Grid dated 1 April 2014, Severn Trent Water dated 9 April 2014, Derbyshire Wildlife Trust dated 25 October 2013 and 5 March 2014, and Calow Parish Council dated 24 September 2013. Email correspondence from Councillor J Hill dated 13 February 2014, the Rights of Way Officer dated 12 February 2014, the Highway Authority dated 24 February 2014 and the Environmental Health Officer dated 22 April 2014.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission is **granted** subject to:

7.1 The prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 containing planning obligations considered by the Strategic Director – Economy, Jobs and Transport to be sufficient to secure a routeing agreement for Heavy Goods Vehicles and the safety of the highway users delivering to the site and leaving the site, the implementation of a Construction Traffic Management Plan, and the establishment of a Community Liaison Group to facilitate engagement with the local community.

7.2 The following conditions:

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Duration

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Written notification of the date of commencement of the development shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: To enable the Mineral Planning Authority to monitor the form of the development in the interest of the amenity of the area.

- 3) The use of the site under this permission shall cease on or before the day which is 15 years from the date of commencement of the development as notified to the Mineral Planning Authority.

All buildings, plant, machinery and other structures shall be removed from the site and the site shall be restored in accordance with Condition 36 of the permission, no later than 12 months from the date of the cessation of the use of the site.

Reason: To limit the period of use of the site under this planning consent in the interest of the amenity of the area and of the environment.

Form of the development

- 4) The development shall be carried out in accordance with the details in the planning application and accompanying documents dated 29 January 2014 from Baker Barnett Limited, unless otherwise amended by conditions of this permission. For the avoidance of doubt, the approved plans and documents are:

- 1App Form – Application for planning permission dated 29 January 2014.
- Statement in Support of the Application: Revision A January 2014.
- Design and Access Statement dated July 2012 as revised August 2013.
- Peak Ecology Amended Ecological Assessment, June 2013.
- Noise Assessment Dark Lane Gas Extraction Report No. AAL/BS12096 dated 19 July 2013.
- Assessment of Impacts on Human Health of Emissions to Atmosphere from Proposed Gas engines; Land of Dark Lane, Calow P1211 Rev 3 dated 2 May 2013.

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- Landscape and Visual Impact Assessment Version 2: 7 August 2013.
- Landscape Specification Document.
- Landscape Plant Schedule.
- APPENDIX 8a and b: Lighting Arrangement for the Drill Rig.
- Alkane Energy Emergency Procedure Manual June 2013.
- Calow Gas Field Consideration of Subsidence and Earthquake Risk dated 23 September 2013.
- Drawing No. 11-2388-01 Rev K – Location Plan.
- Drawing No. 11-2388-00 Rev E – Existing Site Plan.
- Drawing No. 11-2388-03 Rev H – Proposed Borehole Rig Layout (Drilling Phase).
- Drawing No. 11-2388-02 Rev J – Proposed Site Layout and landscaping (Electricity Phase).
- Drawing No. 11-2388-05 Rev C – Proposed Elevational Views (Electricity Generation Views).
- Drawing No. 11-2388-06 – Proposed Site Elevations (Electricity Generation Phase).
- Drawing No. 11-2388-11 Rev B – Proposed Site Layout (Gas Testing and Evaluation Phase).
- Drawing No. 11-2388-12 Rev C – Proposed Entrance Plan.
- Drawing No. 11-2388-13 Rev B – Proposed Cross Sections.

Reason: To secure conformity with the details of the application.

- 5) The development shall not be begun before precise details of the colour finish of all plant, buildings and other structures (including fencing, pipework and flues) has been submitted to and received the prior written approval of the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and in the interest of the amenity of the area and of the environment.

Restriction on Permitted Development Rights

- 6) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no fixed plant or machinery, buildings, structures and erections, or private ways, shall be erected, extended, installed or replaced at the site other than those authorised by this permission without the prior written approval of the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and in the interest of the amenity of the area and of the environment.

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Hours of Operation

- 7) Whilst the process of drilling, gas extraction and electricity generation is a continuous one that is permitted to take place 24 hours a day, 7 days a week, the following activities associated with the establishment of the site shall only take place between the following hours:

Site construction activities, including deliveries of construction materials to the site, and gas flaring shall only take place between:

0800 hours and 1800 hours.

In addition to the above restrictions on hours, no deliveries shall take place on a Sundays, Public or Bank holidays.

Reason: To clarify the hours of operation and in the interests of local amenity.

Access, Traffic and Protection of Public Highway

- 8) The sole vehicular means of access to and from the site and the public highway shall be along the way to be created to Dark Lane as shown in drawing number 11-2388-12 Rev C (Proposed Entrance Plan) submitted with the application documents.

Reason: In the interest of Highway Safety.

- 9) Space shall be provided within the application site for the parking/loading and unloading, and manoeuvring of visitors'/staff and commercial vehicles, laid out, surfaced and maintained free from any impediment to its designated use for the duration of the development.

Reason: In the interest of Highway Safety and local amenity.

- 10) No mud or dirt shall be carried out from the site on to the public highway.

Reason: In the interest of Highway Safety and local amenity.

Noise

- 11) Noise levels arising from the development shall be in accordance with the following:

a) Noise arising from drilling activities as measured or calculated at a position to the façade of any of the potentially noise sensitive properties identified in the noise assessment report 'Dark Lane Gas Extraction Report No. AAL/BS12096 dated 19 July 2013' shall not exceed 42 dB $L_{Aeq15mins}$ (free field) between 2100 hours to 0700 hours and shall not exceed 44 dB $L_{Aeq1hour}$ (free field) at all other times as a result of

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implementation of the development to which this schedule of conditions relates.

b) Noisy short term activities at the site, during the site establishment and investigation phase shall not exceed 70dB(A) $L_{Aeq1hour}$ free field at the boundary of any noise sensitive properties and shall only take place during daytime for periods (0800 hours to 1800 hours) and not exceed a total duration of 8 weeks in any period of 12 months throughout the duration of the development. For the purposes of this condition, noisy short term activities are such activities as are referred to in paragraph 22 of the Minerals section of the National Planning Practice Guidance and for this development shall also include gas flaring.

c) Noise arising from the operational phase (gas extraction and electricity generation) of the development, shall not increase the typical ambient free field noise level by more than 2 dB(A) at a position equivalent to the façade of any residential property on Dark Lane, Top Alley or Top road. In the interests of precision, typical free field ambient noise levels are to be taken as 27 dB $L_{Aeq15mins}$, at night (2300 – 0700) and 34 dB $L_{Aeq1hour}$ in the day time (0700 – 2300)

Reason: To control the impact of noise associated with the development and to enable the Mineral Planning Authority to effectively monitor this impact in the interests of local and residential amenity.

12) The development shall not be begun before a scheme for the monitoring of noise levels has been submitted in writing and received the prior written approval of the Mineral Planning Authority. The scheme, which shall be implemented as approved, shall include details of the following:

- noise monitoring locations;
- monitoring equipment to be used and details of calibration;
- monitoring periods, which shall include monitoring during the drilling phase (to commence within 12 hours of the commencement of drilling) and for the operational gas extraction and electricity generation phase;
- frequency of monitoring (including provision for additional monitoring times in the event of reports of excessive noise being received);
- the recording of the monitoring results, the results of the each noise monitoring exercise shall be submitted to the Mineral Planning Authority within 7 days of the monitoring being carried out;
- provision for the renewing and updating of the scheme; and
- a programme of implementation.

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Reason: To control the impact of noise associated with the development and to enable the Mineral Planning Authority to effectively monitor this impact in the interests of local and residential amenity.

- 13) In the event that noise monitoring (either under the implementation of the scheme provided for under condition 12 above or otherwise) indicates that noise levels have exceeded the maximum permitted noise level, drilling operations shall cease within 12 hours and until such time that further noise mitigation measures, which shall be firstly approved in writing by the Mineral Planning Authority, have been installed and employed within the site.

Reason: To control the impact of noise associated with the development and to enable the Mineral Planning Authority to effectively monitor this impact in the interests of local and residential amenity.

- 14) Efficient silencers shall be fitted, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Machinery shall not normally be operated with the covers open or removed.

Reason: To control the impact of noise generated by the development in the interests of local and residential amenity.

- 15) The reversing warning system on all vehicles on the site, and visiting the site, shall not emit a noise that would have an adverse impact on local or residential amenity. Reversing warning devices shall be non-audible, ambient related or low tone devices.

Reason: To control the impact of noise generated by the development in the interests of local and visual amenity.

Dust

- 16) The development shall not be begun before a Dust Management Scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme, which shall be implemented as approved, shall include measures to minimise the spread of dust, provision for the daily monitoring of dust at the site boundary to be undertaken and provision for written records to be maintained specifying weather conditions and results of monitoring, any remedial action taken and trigger levels at which remedial procedures shall be introduced, including temporary cessation of operations until the dust nuisance has been eliminated. The approved scheme shall be permanently retained as such thereafter, unless otherwise agreed in writing by the Mineral Planning Authority.

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Reason: To provide for the control of dust impact in the interest of local amenity of the area.

- 17) No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised Dust Management Scheme that provides additional mitigation measures has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To provide for the control of dust impact in the interest of local amenity of the area.

- 18) At all times during the carrying out of operations authorised or required by this permission, water bowsters, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emissions of dust from the site. No vehicles used for the movement of materials on the site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, operations shall cease until such time as conditions improve.

Reason: To provide for the control of dust impact in the interest of local amenity of the area.

Drainage, Ground and Surface Water Protection

- 19) The boreholes must be constructed so as to prevent uncontrolled discharge of artesian groundwater to surface, and to prevent uncontrolled discharge of water or contamination into or between individual aquifers or different geological formations.

Reason: To protect the quality of controlled waters in the local area.

- 20) Any facilities for the storage of oil, fuels or chemicals shall be provided with secondary containment that is impermeable to the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the Mineral Planning Authority for prior written approval. The volume of the secondary containment shall be at least the capacity of the tank plus 10%. If there is more than one tank in the secondary containment, the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the secondary containment. The drainage system of the secondary containment shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the

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bund. Spill kits shall also be located in appropriate locations around the site and utilised in the event of any accidental discharge/spillages.

Reason: To protect the quality of controlled waters in the local area. The site is located on the Pennine Lower Coal Measures, designated as a Secondary aquifer. Secondary aquifers are capable of supporting water supplies at a local scale, and in some cases forming an important source of base flow to rivers. The proposal is within 220m of Spital Brook, a Water Framework Directive water-body that is failing for fish and invertebrates.

- 21) No ground or surface water contaminated by oil, grease or other pollutants used on or in connection with the site operations shall be discharged into any ditch or watercourse.

Reason: To prevent pollution to the water environment.

- 22) There shall be no discharge of drainage from the site into the ground, whether direct or via soakaway or infiltration sustainable Drainage System (SuDS), during both the construction and operational phases.

Reason: To protect the quality of controlled waters in the local area. The site is located on the Pennine Lower Coal Measures, designated as a Secondary aquifer. Secondary aquifers are capable of supporting water supplies at a local scale and, in some cases, forming an important source of base flow to rivers. The proposal is within 220m of Spital Brook, a Water Framework Directive water-body that is failing for fish and invertebrates.

- 23) The development shall not be begun until a scheme to install underground tanks has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include the full structural details of the installation, including details of the excavation works, the tank specifications, tank surround, associated pipework and a monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Mineral Planning Authority.

Reason: To protect the quality of controlled waters in the local area. The site is located on the Pennine Lower Coal Measures, designated as a Secondary aquifer. Secondary aquifers are capable of supporting water supplies at a local scale, and in some cases forming an important source of base flow to rivers. The proposal is within 220 metres of Spital Brook, a Water Framework Directive water-body that is failing for fish and invertebrates.

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- 24) The development shall not be begun until a site drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the site compound and the erection of plant, buildings and other structures under the development are substantially completed.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

Environmental Protection

- 25) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a suitable container until disposed off site in a suitable facility.

Reason: To safeguard the amenity of the area.

- 26) There shall be no burning of waste on the site.

Reason: To safeguard the amenity of the area.

Lighting

- 27) No external lighting shall be installed except in accordance with a scheme that has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall include precise details of the lighting proposals, for all phases of the development, including lux plans. The lighting scheme shall take account of potential foraging habitats for bats and other wild animals. The scheme shall then be implemented as approved.

Reason: To ensure that the lighting is appropriate in the interests of local amenity and the environment, and in the interests of protection of wildlife.

Soil Handling

- 28) Prior to the construction of the drilling pad, all available topsoil shall be stripped from the site and shall be stored in separate mounds within the site for use in the restoration of the site. The soils shall only be stripped when they are in a dry and friable condition. No soils shall be moved when the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic. (Tested in accordance with the 'worm test' as set out in BS 1377:1975 "British Standard Methods Test for Soils for Civil Engineering Purposes").

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Reason: To prevent damage to soils by avoiding movement when soils are wet or excessively moist.

- 29) All topsoil and subsoil mounds shall be graded and grass seeded within one month of the first planting season and thereafter retained in a grassed, weed free condition throughout the duration of the development, pending their use in the restoration of the site.

Reason: To prevent damage to the soils and to protect the soil resource for use in the restoration of the site.

Archaeology

- 30) The development shall not be begun before a methodology for an archaeological watching brief has been submitted to and approved in writing by the Mineral Planning Authority. The archaeological watching brief shall be implemented as approved during soil stripping activities. A report detailing any archaeological finds shall be submitted to the Mineral Planning Authority within two months of the completion of the soil stripping activities.

Reason: To ensure that any potential features of archaeological interest are properly recorded.

Ecology

- 31) Vegetation removal, including the felling of trees and hedgerow, should be carried out to avoid the bird breeding season (March to August inclusive). In the event that this is not possible, a check for active nests should be carried out immediately prior to any works taking place by a suitably experienced ecologist. In the event that nests are found, they should be left undisturbed until all young have fledged.

Reason: To ensure that the development does not disturb breeding birds.

- 32) The development shall not be begun before a method statement for the protection of wildlife, flora and fauna during construction and during operation of the facility, has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that the development does not disturb habitats and to protect the local wildlife.

- 33) No 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 survey and measures for the protection of and minimisation of disturbance during the decommissioning phase

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shall be submitted to the Mineral Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection. (NPPG)

Reason: To ensure that the development does not disturb habitats and to protect any protected species and other local wildlife.

Protection of Trees and Hedgerows

- 34) Other than those identified in the application documents, no trees, hedgerows or shrubs shall be cut down, uprooted, damaged, destroyed or removed during the works without the prior written approval of the Mineral Planning Authority. Retained trees, hedgerows and shrubs shall be protected during the construction and decommissioning phases from disturbance, damage or destruction from the approved development by the provision of 3 metres stand-offs. There shall be careful site supervision at all times to ensure that no damage occurs to the protected vegetation. All trees, hedgerows and shrubs protected under this Condition shall be incorporated into an approved scheme of post restoration landscaping at the site, except where the removal of vegetation is otherwise provided for in the approved scheme.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity, local landscape character and nature conservation.

Landscaping

- 35) The development shall not be begun until a landscaping scheme providing full details of site landscaping works has been submitted to, and approved in writing by the Mineral Planning Authority. The scheme shall be based on the drawing number 11-2388-02 Rev J and include a planting plan, schedule of plants noting species, plant sizes and proposed numbers/densities. Thereafter, the approved landscaping scheme shall be implemented in full. Any trees or shrubs planted or retained in accordance with this Condition which are removed, uprooted, destroyed, die or become severely damaged or diseased within five years of planting shall be replaced with others of the same size and species.

Reason: To ensure that the site is suitably landscaped and to ensure that the landscaping is properly maintained and managed for the duration of the development in the interests of visual amenity, local landscape character and nature conservation.

Restoration and Aftercare

- 36) No later than one year prior to the cessation of use of the site, a detailed restoration and five year aftercare scheme shall be submitted

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to the Mineral Planning Authority for the written approval. The scheme shall provide details of the following:

a) works of restoration to restore the site to agricultural land by no later than 12 months from cessation of the use of the site, including:

- treatment of the borehole;
- soil remediation and reinstatement measures along with details of proposed grass seed mixes;
- the removal of all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and the access track not required for the purpose of restoration and aftercare; and

b) a five year aftercare programme.

The site shall be restored in accordance with the approved restoration scheme and the site thereafter managed in accordance with the approved five year aftercare programme. The aftercare period shall commence from the date that the Mineral Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: To ensure that the site is suitably restored in the interests of visual amenity, local landscape character and nature conservation.

Reason for Approval

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development accords with the relevant development plan policies, which are listed below.

Furthermore, the grant of permission for the development subject to the conditions set out in this notice is considered to accord with the presumption in favour of sustainable development under the National Planning Policy Framework (NPPF), published by the Department of Communities and Local Government on 27 March 2012, and to be conforming in all other respects with the guidance in the NPPF (including additional guidance in the National Planning Practice Guidance, so far as relevant).

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan and the NPPF.

Policies

The principal planning policies relevant to this grant of planning permission are:

The National Planning Policy Framework

Derby and Derbyshire Minerals Local Plan Policies:

MP1: The Environmental Impact of Mineral Development.

MP2: The Need for Mineral Development.

MP3: Measures to Reduce Environmental Impact.

MP4: Interests of Acknowledged Environmental Importance.

MP5: Transport, MP6: Nature Conservation – Mitigation Measures.

MP10: Reclamation and After-Use.

MP35: Oil and Gas.

North East Derbyshire Local Plan Policies:

GS1: Sustainable Development.

GS6: New Development in the Countryside.

NE1: Landscape Character.

NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna.

NE6: Development Affecting Nationally Rare Species.

BE1: General Design Principles.

T2: Highway Access and the Impact of New Development.

CSU4: Surface and Foul Water Drainage.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article.

The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

The Authority has kept the applicant up-to-date with the progress of the application and has forwarded to the applicant consultation responses and where necessary requested additional information in order to clarify the form of the development which the applicant has provided.

Footnotes

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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Further information is also available on The Coal Authority's website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

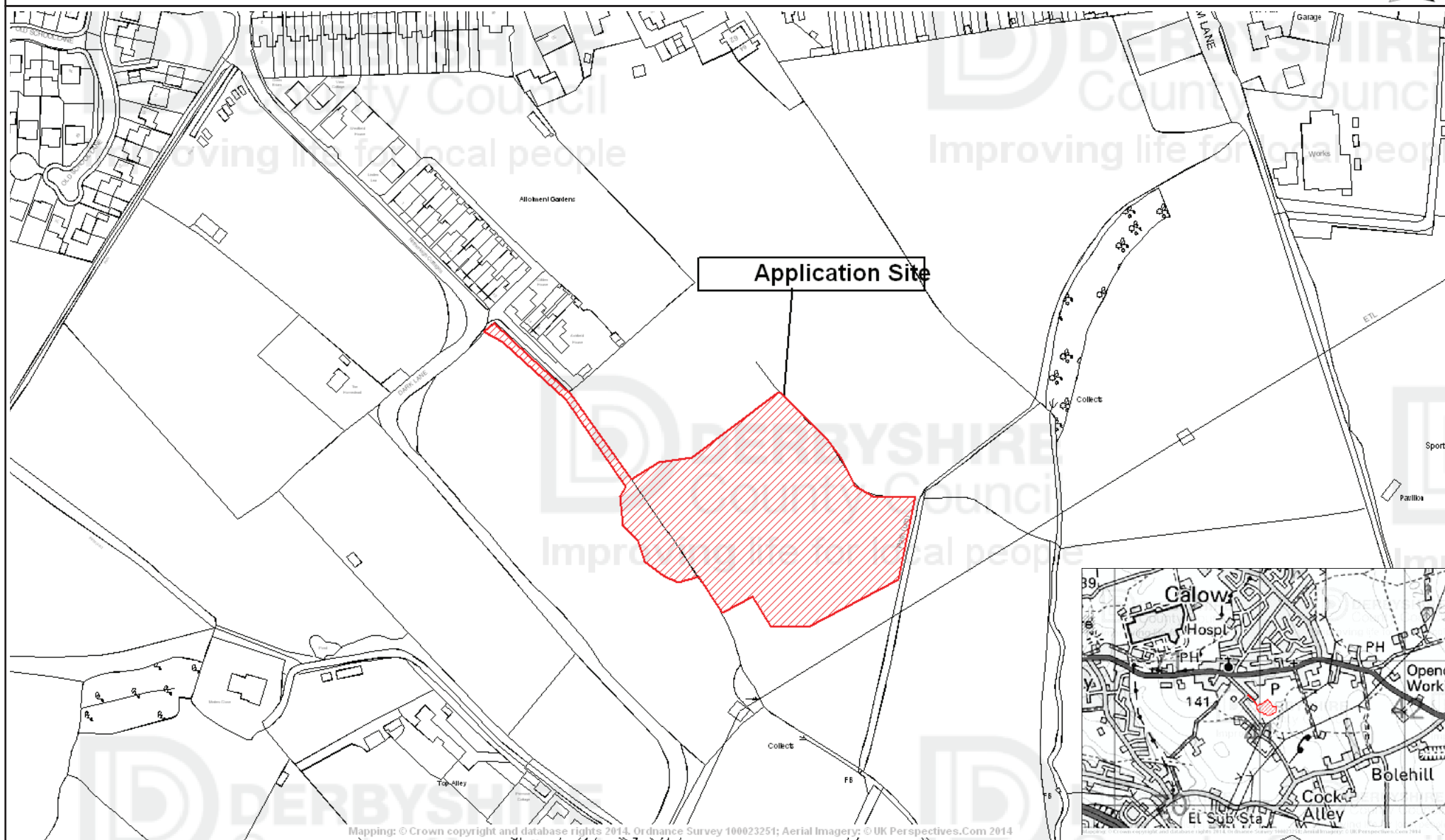
- 2) The applicant's attention is drawn to the comments of National Grid in letter dated 1 April 2014, and the comments of the Environment Agency in letter dated 28 February 2014, each attached to this notice.

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

CM4/0114/156 - Land off Dark Lane, Calow



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