

Development Control Committee
Meeting to be held on 1st March 2017

Electoral Division affected: West
Lancashire North

West Lancashire Borough: application number. LCC/2014/0047NM1
Non material amendment of permission LCC/2014/0047 to allow for an increase in the height of the rig to be used for the plugging and abandonment of the well. Beconsall Exploration Site, Off Bonny Barn Road, Hundred End, Banks.

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Executive Summary

Application - Non material amendment of permission LCC/2014/0047 to allow for an increase in the height of the rig to be used for the plugging and abandonment of the well. Beconsall Exploration Site, Off Bonny Barn Road, Hundred End, Banks.

Recommendation – Summary

That the application for a non material amendment of condition 3b be **granted** and that condition 3b of planning permission be amended to include reference to the revised rig design.

Applicant's Proposal

The application is a non material amendment application made under section 96A of the Town and Country Planning Act 1990 to vary condition 3b of planning permission ref LCC/2014/0047 to allow an increase in the height of the rig to be used for the plugging and abandonment of a hydrocarbon exploration well.

Condition 3 of planning permission LCC/2014/0047 requires the development to be undertaken in accordance with the submitted drawings. The approved drawings are listed in part b) of the condition, one of which shows the design of the rig to be used for the plugging and abandonment of the exploration well.

The non material amendment now sought proposes that a different design of rig be used for these operations. The rig would be 32 metres high compared to 22 metres high as shown on the drawing forming part of permission LCC/2014/0047.

Description and Location of Site

The application relates to a hydrocarbon exploration well site located within an area of flat agricultural land approximately 1.5 km northwest of Banks and 3km west of Becconsall. The site is located approximately 700 metres north of Marsh Road from which access to the site is gained via an agricultural track known as Bonny Barn Road.

The site covers an area of 1ha and consists of a hardcore drilling platform surrounded by fencing with soil storage mounds on two sides and the well head in the centre of the platform.

The nearest residential properties are located at Marsh Nurseries 200 metres to the west and at Marshfield Farm 400 metres to the north. Other properties are located off Marsh Road. A public right of way is located approximately 290 metres to the east of the drilling platform.

The site is located within the Marsh Farm Fields /North Meols Biological Heritage Site. The Ribble Estuary SSSI and Morecambe Bay SPA are located approximately 650 metres to the north beyond the embankment / flood defence that forms the edge of the agricultural land.

The site is located within the Green Belt.

Background

History: Planning permission was originally granted on this site for an exploration well for hydrocarbons in 2010 (permission 8/10/973). In 2015 a further permission ref LCC/2014/0047 was granted for the retention of the well site for a further period of three years to allow for the pressure monitoring of the Bowland shale reservoir followed by plugging and abandonment and restoration of the site.

Planning Policy

National Planning Policy Framework

Paragraphs 6 -14, 17, 90 and 144 - 147 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, Green Belt and the control of mineral workings

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy SP1 A sustainable development framework for West Lancashire.

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural environment.

Consultations

No formal consultations are required with applications for non material amendments.

Representations – No statutory advertisement or publicity is required for non material amendment applications. However, a number of representations have been received as follows:-

Friends of the Earth: Maintain that there is no evidence to justify the increase in the height of the rig and that the application should be accompanied by a revised Landscape and Visual Impact Assessment to allow the additional visual impacts to be determined.

A further five representations have been received including from Preston New Road Action Group and Residents Action on Fylde Fracking who raise the following issues:-

- The increase in rig height is substantial and should therefore only be considered through a full planning application and not a non material amendment
- The application should be considered by Committee
- The increase in rig height would impact upon visual amenity
- There is no justification for an increase in the rig height for restoration purposes.

Advice

Planning permission was originally granted on this site in 2010 for the drilling of an exploration well to assess hydrocarbon potential in the Bowland Shale and other Carboniferous formations. The borehole was drilled in 2011.

A further planning permission ref LCC/2014/0047 was granted in 2015 to allow the well site to be retained for a further period of three years to allow pressure monitoring of the well followed by plugging and abandonment of the borehole and restoration to return the land to agricultural use.

The applicant does not now propose to undertake the pressure monitoring. However, it is still necessary to plug and abandon the well and to restore the site to its former agricultural use as is required by the conditions of the existing permission.

The plugging and abandonment works require the use of a rig for a temporary period in order to allow the placement of cement and other materials so that the well can be safely sealed prior to the site being restored. Condition 3b of planning permission ref LCC/2014/0047 included a list of approved drawings, one of which showed the design of the rig to be used for the plugging and abandoning works. The rig to be used was to be 22 metres high.

The applicant has advised that the rig that was to have been used for these works is no longer available. The only rig that is now available to carry out these works has a height of 32 metres and is therefore different from the rig design permitted by virtue of condition 3b of permission LCC/2014/0047. As the applicant is unable to comply with the existing permission, an application for a non material amendment of the condition has been submitted.

Section 96A of the Town and Country Planning Act allows applicants to seek non material amendments to existing permissions or conditions. The ability to apply for non material amendments was introduced in 2009 as a streamlined procedure for seeking minor changes to existing permissions where the planning authority is satisfied that the change is not material. There is no statutory definition of what constitutes a non material amendment and it is a matter of judgement in each case having regard to the effect of the change, together with any previous changes made under s96A, on the planning permission as originally granted.

The amendment that is sought would result in the height of the rig increasing from 22 metres to 32 metres. However, as the applicant does not now propose to undertake any pressure monitoring, the rig would now only be required for a period of around five weeks compared to around 4 months as originally proposed. Although the rig would be higher, it would be present on the site for considerably less time than currently permitted.

The site is in the Green Belt and given the flat and open nature of the landscape, the exploration site is visible from a wide area including from the residential properties on Marsh Lane. However, the increased height of the rig would have only a minor additional visual impact especially given the distance to the main view points on Marsh Road. Friends of the Earth consider that the amendment should be the subject of an updated Landscape and Visual Impact Assessment. However, such an assessment is not considered to be necessary given the nature of the amendment that is proposed.

Due to the proximity of this site to the Ribble Estuary, there have been issues on this site in relation to impacts on ecology, in particular over wintering birds. However, the applicant proposes to undertake the restoration of this site in summer 2017 and therefore the additional rig height would not have any implications for ecology.

Given its temporary short term duration of the rig, it is considered that the change proposed would be non material in nature. No other amendments to permission LCC/2014/0047 have been previously approved which would result in incremental changes having a material impact. The use of s96A is considered to be an acceptable way to determine the amendment that is proposed. Moreover the proposed change is considered to be acceptable in terms of visual amenity and ecology and complies with the policies of the Development Plan.

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

Recommendation

That condition 3b of planning permission LCC/2014/0047 be amended to read as follows

3b)

Submitted Plans received by the County Planning Authority on 27th March 2014:

Drawing No. Figure 1 – Planning Application Boundary

Drawing No. Figure 2 – Planning Application Boundary

Plan submitted with application LCC/2014/0047/NM showing design of workover rig

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

Paper	Date	Contact/Ext
LCC/2014/0047/NM		

30th January 2017

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Reason for Inclusion in Part II, if appropriate
N/A