

Annex A

Development Control Committee Update – 26th February 2014

Item 4 - Application 01/13/1267 – Lancaster Waste Water Treatment Works

Lancaster City Council – the EHO recommends that further information should be provided regarding noise emissions from kiosks and transformers and the likely impact on the nearest residential properties.

Advice

Condition 4 requires that equipment shall be fitted with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Item 8 – Application 05/13/0800 – Preese Hall

Health and Safety Executive – Additional comments in response to Friends of the Earth representation.

"Third, the well is deformed following the earthquakes which occurred at the site April - May 2011"

The lower part of the production casing was deformed during the fracing operations on the well. The deformed casing was at a greater depth than higher perforated and fraced zones and played no further part in the integrity of the well.

This well has, subsequent to the deformation of the casing, been long term suspended with cement from 7000ft to 8500ft which was pressure tested and a bridge plug at 4000ft. This is in excess of the minimum requirements of Oil and Gas UK Guidelines on the suspension and abandonment of wells. The well has been monitored post suspension for any pressures and none have been found indicative of a good hydraulic seal between formations and the production casing.

For the abandonment of the well the Well Operator will submit a notification to the Executive with details of the abandonment programme. The notification, as required by the "Borehole sites and operations regulations 1995" will need to comply with the "Wells aspects of the offshore installations and wells regulations 1996" and also the minimum requirements as set out in the Oil and Gas UK Guidelines for the suspension and abandonment of wells.

The notification will be inspected by a Well Operations Inspector of the Executive and will also be examined by the Well Operators Independent Well Examiner

It should be noted that in the letter reference is made to "well head integrity" being lost. This is not the case - both the well head and borehole have been tested and demonstrate full pressure integrity.

Notifications and material changes to notifications have been submitted by the Well Operator in compliance with the Borehole sites and operations regulations 1995. [It should be noted that the legal requirement for submission of notifications is a minimum of 21 days prior to start of the operations and they do not have to be submitted at the time of a planning application].

Each Notification and material change has been inspected by a Well Operations Inspector. A notification for the full abandonment has recently been submitted by the Well operator which will be inspected by a Well Operations Inspector for compliance with the "Wells aspects of the offshore installations and wells regulations 1996" and also the minimum requirements as set out in the Oil and Gas UK Guidelines for the suspension and abandonment of wells.

The EA make their own assessment of protection of ground water through their own legislation at the design stage of the borehole. This assessment is augmented by the inspection of the well notification of the borehole design by the Executive Well Operations Inspector and also by the Independent well Examiners examination of the design documents. These assessments were made at the initial design of the borehole and the design passed as suitable for ground water protection. There is a duty on the Well Operator to take into account the final abandonment of the well at the design stage of the borehole

Uncertainty about the plan

As stated above the Well Operator need legally only submit a compliance notification with the Borehole sites and operations regulations for well abandonment a minimum of 21 days prior to start of operations and not with the planning application. The Well Operator has included an outline programme I would suggest to be proactive with the planning authorities. The final well abandonment will be inspected by a Well Operations Inspector of the Executive

Environment Agency – Additional comments in response to Friends of the Earth representation.

Consideration of Risk to Groundwater through Well abandonment

The Environment Agency is the competent authority in England for protecting groundwater and implementing the requirements of the Groundwater Directive 2006/118.

Before any gas or oil operation starts in England, operators must submit details of their plans to the Environment Agency (EA). The plans must contain a hydro-geological assessment, including details of the presence of groundwater or surface water, details of borehole construction, monitoring plan, fracturing fluids.

The Environment Agency assesses the proposal's risks and decides whether to issue a permit to protect groundwater under the Environmental Permitting (England and Wales) Regulations 2010 (Groundwater Activity Permit). If groundwater could be contaminated, either directly by drilling fluids, frack fluids or indirectly by a substance disturbed by the borehole or fracking, then we may find the risk to the environment unacceptable and not grant a permit. A permit may be issued if the risk is, or can be limited, by, for example, the geology, the design of the well, monitoring or limiting the concentration of chemicals.

All operators must comply with a comprehensive set of health and safety regulations on well design, construction, operation and monitoring to minimise the risk of leaks regulated by the Health & Safety Executive. Like all oil and gas operations, drilling must be done in accordance with best industry practice and standards established in consultation with the Department of Energy and climate change.

A determination for the need for Cuadrilla to apply for a Groundwater Activity Permit was carried out in June 2010. It was determined that no groundwater activity was going to be taking place and therefore no Groundwater Activity permit would be required. This was concluded on the basis that the Bowland Shale strata does not contain groundwater and is not in connection with any strata containing groundwater, and that the borehole is designed to ensure that there is no interconnection between any groundwater bearing strata or with surface features.

The Environment Agency also reviewed the chemicals used by Cuadrilla in its 'fracking' fluid to ensure they were classed as non-hazardous under the Groundwater Directive 2006. Our decision was peer-reviewed by the Joint Agencies Groundwater Directive Advisory Group (JAGDAG). The Joint Agencies Groundwater Directive Advisory Group (JAGDAG) reviews assessments made by the agencies. JAGDAG comprises the Environment Agency (EA), the Scottish Environment Protection Agency (SEPA), the Northern Ireland Environment Agency (NIEA), the Environmental Protection Agency Ireland (EPA), Health Protection Agency (HPA), Department of Environment, Food and Rural Affairs (Defra), Welsh Assembly Government (WAG) and industry representatives. Assessments are then subject to public consultation, and may be subject to further review by the respective governments, before a final determination is made. Hazardous substances must be prevented from entering groundwater and the input of non-hazardous pollutants must be limited to ensure that groundwater does not become polluted. JAGDAG's role is to advise on the determination of the status of substances

For the site, at this time it was determined that sufficient information had been supplied to satisfy the requirement to notify the Environment Agency of the intent to drill a borehole to explore for mineral under s.199 notification of the Water Resources Act, and that no further notification would be required. It was not considered necessary to issue a conservation notice under s.199(2) to protect groundwater or a Groundwater Activity Permit. The Environment Agency only issue conservation notices when specific actions are required to be carried out by the operator.

The Environment Agency subsequently reviewed the impact of the seismic activity on the well at Preese Hall in that occurred in 2011 and do not consider that there

was any increased risk of pollution to groundwater. We are satisfied that the assessment carried out to determine that the site did not require a Groundwater Activity Permit remained valid. Our assessment concluded that there continued to be no requirement to permit the hydraulic fracturing operations under requirements of the Groundwater Directive 2006/118.

The seismic activity caused a deformation of the borehole close to the base of the well around 8500ft below the ground and was the subject of an independent report that Cuadrilla commissioned for the Department of Energy and Climate Change (DEC) ' Geomechanical study of Bowland Shale Seismicity' dated November 2011. The location, at greater depth than the higher perforated and hydraulically fractured zones and degree of the deformation makes it clear that the wellbore integrity was not compromised.

When operations finish, the operator is responsible for safe abandonment of the well and for restoring the well-site to its previous state or a suitable condition for re-use. The procedures for abandoning a well ensure that all the fluids it contains are permanently sealed. This is done by inserting cement plugs to seal the well, removing some of the steel casing and fitting a steel cap, in compliance with the Oil & Gas UK guidelines for the suspension and abandonment of wells regulated by the Health and Safety Executive.

As part of this process the Environment Agency has written to Cuadrilla requiring that additional information should be provided to the Environment Agency to identify any fluids remaining either within the vertical well bore or within the rocks from the fracturing process, together with a risk assessment to confirm that that any such fluids do not present a risk to any groundwater. The details submitted should include the potential processes which could result in fluids discharging into a groundwater bearing strata. We would hope to receive this information at least 28 days prior to work commencing on site.

On the basis of this information the Environment Agency will assess the proposal's risks and decides whether to issue a permit to protect groundwater under the Environmental Permitting (England and Wales) Regulations 2010. If groundwater could be contaminated, either directly by drilling fluids, frack fluids or indirectly by a substance disturbed by the borehole or fracking, then we may find the risk to the environment unacceptable and not allow the abandonment of the well to proceed. A permit may be issued if the risk can be limited by, for example, the design of the process or monitoring.

Mining Wastes

The Environment Agency is the competent authority in England for protecting implementing the requirements of the Mining waste Directive 2006/118.

In December 2011 the Environment Agency received guidance from the European Commission to consider the flow back fluid from Hydraulic Fracturing under the Mining Waste Directive. We made UKOOG (United Kingdom On Shore Operators Group for Oil and Gas) aware that future oil and gas exploratory sites would require an application for a mining waste permit under EPR 2010.

The management of extractive waste from drilling and stimulating onshore oil and gas wells will require an environmental permit. Permits will be issued under the Environmental Permitting (England and Wales) Regulations 2010 for a mining waste operation, namely the management of extractive waste whether or not it involves a waste facility. Any new permits will include the extractive waste generated from the well abandonment phase.

The Environment Agency's regulatory position statement (LIT9054) Onshore oil and gas well decommissioning and abandonment for wells drilled prior to 1 October 2013 sets out our position where oil or gas wells were drilled before 1 October 2013 and the only new activity which would require a permit for a mining waste operation is the management of extractive waste, not involving a waste facility, generated by well abandonment.

This means that the Environment Agency would not require an environmental permit under the 2010 regulations to be in place to manage the wastes arising from well abandonment at Anna's Road and Presse Hall sites, provided certain conditions have been met.

1. The Health and Safety Executive is satisfied that the following regulations are complied with in full;

- The Borehole Sites and Operations Regulations 1995; and
- The land-based requirements of the Offshore Installations and Wells (Design & Construction etc)

Regulations 1996; and under which an operator is required to appoint an independent well examiner for well abandonment (and well suspension) designs and operations.

2. The following guidance is complied with in full;

UK Onshore Operators Group (UKOOG) entitled "UK Onshore Shale Gas Well Guidance"

<http://www.ukoog.org.uk/elements/pdfs/ShaleGasWellGuidelines.pdf>; and Environment Agency, Good Practice for Decommissioning Redundant Boreholes and Wells October 2012. (LIT 6478 / 657_12) http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_6478_8cbe6f.pdf

3. The Petroleum Exploration and Development Licence issued by DECC is complied with in full:

4. The activities do not include the management of extractive waste involving a waste facility: and

5. The requirements of Article 4 of the Mining Waste Directive are complied with namely, that extractive waste is managed without endangering human health and

without using processes or methods which could harm the environment, and in particular without risk to water, air, soil and fauna and flora, without causing a nuisance through noise or odour and without adversely affecting the landscape or places of special interest.

Waste that is removed from site will need to comply with normal regulatory requirements, including duty of care and must be transported to a suitably permitted waste management facility.

Our position is qualified in that if any of the requirements above are not complied with in full or there is a risk of pollution, we have made it clear that we will take enforcement action in line with our Enforcement and Sanctions guidance. This can be found on the 'How we regulate you' page in the Business & Industry section of our web site at.

<http://www.environmentagency.gov.uk/business/regulation/default.aspx>

This position relates only to the need for a permit to authorise a mining waste operation limited to the management of extractive waste not involving a waste facility. It does not extend to any other form of regulated facility as defined in the 2010 regulations. For example compliance with the groundwater directive as we have set out above.

We have written to Cuadrilla and asked them how they intend to provide evidence to demonstrate the requirements of the position statement have been met.

In summary

The Environment Agency is the competent authority for the legal implementation of the Groundwater and Mining Waste Directives. The Environment Agency would not anticipate that the Planning Committee could or would want to make a decision on their implementation.

LCC Specialist Advisor (Ecology) – No objection but advise that appropriate working methods should be adopted to prevent any impact on both nesting birds within the site or the adjacent woodland and upon any amphibians within the site.

Advice

The additional comments made by the EA and the HSE demonstrate that there is sufficient regulation in place to ensure the well is abandoned in a way that is safe and prevents contamination and that the risks associated with such are properly managed. On this basis it is considered reasonable for the County Council to defer to such regulations and be satisfied that the risks associated with such do not need to be addressed by an EIA.

To avoid impacts on the adjacent Lucas Flash Wood and areas of vegetation such as hedges, additional conditions are proposed requiring the implementation of protection measures and the restriction of vehicle movements and the storage of materials only to those areas within the red edge of the planning application. An

advice note is also proposed regarding the need for site workers to be made aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works such as, for example, the movement of any amphibians found in the open drainage ditch along the west side of the drilling platform.

Additional conditions:

'All hedges and trees forming part of the boundaries of the red edge of the application site shall be protected from any damage and maintained throughout the restoration of the site.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

'Vehicle movements and the storage of materials shall be restricted only to those areas within the red edge of the planning application.

Reason: In the interests of local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

Note: The developer should be aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works including the possibility of the presence of amphibians in the open drainage ditch along the west side of the drilling platform.

Item 10 – Application 07/13/0660/1 – Samlesbury junction

LCC – Lighting – proposed lighting is acceptable and can be approved

Advice

The submitted details for the lighting of the compound for the purposes of condition 6 are acceptable and can be approved.

Item –13 Application LCC/2014/0012 – Queens Drive Community Primary

Preston City Council – No objection

LCC –Developer Support (Highways) - No objection as long as the loss of the play area is not to future detriment of existing car parking spaces. If in future a replacement play area is required, this should not be to the detriment of the number of car parking spaces provided within the site.

One letter of representation which includes a petition of 20 signatures has been received raising the following summarised points:

- The proposal would be unacceptable on the surrounding roads and would not comply with Policy ST2 of the Preston Local Plan 2012-2026 and Policy T19 of the adopted Preston Local Plan 2004
- The proposal would have a detrimental effect on highway safety, parking and increase in litter.
- There would be an increase in traffic congestion, greater danger to life through inappropriate parking and more tension in the community.
- There has been a history of endless complaints about the volume, unsafe driving and parking obstruction to the schools as well as the police and at the PACT meetings.
- Bats have been spotted in my garden every night together with a newt with orange/black spots.
- The proposal would have an impact upon the Conservation Area particularly by virtue of noise.

Advice

Policy ST2 General Transport Considerations of the Preston Local Plan 2012-2026 carries limited weight as the Plan has not been formally adopted. Policy T19 General Transport Considerations of the Adopted Preston Local Plan 2004 is a saved policy and provides a framework to consider the full impact of development on all highway users. It is acknowledged that there would be an increase of 2 staff members and that similar to most schools across the County there are issues with car parking at dropping off and picking up times. LCC Highways has advised that they have no objection to the proposal and it is therefore considered that the proposal would not have a detrimental impact upon the existing traffic conditions and meets the aims of Policy T19 of the adopted Preston Local Plan.

As no trees would be felled and the free standing school building would be constructed on an existing hard playground, the proposal would not impact upon protected species.

The Harris Conservation Area forms the southern boundary of the school site but the application site is approximately 68m to the north of the Conservation Area with part of the existing school buildings and school car park in between. As the development is small scale and at an existing school site it is considered that any noise would not unduly impact upon the Conservation Area.

Item - 12 Application LCC/2014/0004 – Fairfield Nursery

Representation received showing three photographs, two photographs taken during mid-week showing parked cars on Fairfield Street and the third photograph taken on a Saturday with no parked cars.

Item - 15 Application LCC/2014/0016 – Britannia Community Primary School

Rossendale Council- No objection