

Appendix 10

Land Use

Proposal

The applicant has undertaken an assessment of the potential for the proposal to impact on the agricultural land use in and around the site. The agricultural land affected would include an area of approximately 2.6ha and is currently fields used for cattle grazing and access track as party of a 275ha farm holding (0.9%). The land affected by the proposal has been assessed as moderate in terms of its agricultural land quality. The exploration activities would involve surface works and below ground works. The surface works would include the construction, operation and restoration of the well pad, access track and potentially any infrastructure required to connect the site to the gas grid during extended flow testing. Soil would be excavated to create a well pad and associated drainage ditch and then would be utilised to construct earth banks seeded with grass and wild flowers at the northern and southern ends of the well pad.

The proposed development would last for up to 6 years. Due to the clay content of the soil there is the potential for an adverse significant effect on soil resources from compaction from heavy plant and machinery during the construction of the access track and well pad and presence of the site. Stripped soils would be retained on site, stored and used in site restoration.

The ES states that approximately of the 2.6ha of land affected 0.02ha is classed as good quality (Class 3a) with approximately 2.58ha being of moderate quality (Class 3b). Policy EP22 of the Fylde Local Plan protects the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a). The applicant states that as the majority of the site is sub grade 3 due to the wetness of the soil, the land as a resource is of low sensitivity. Further, the scale of change is small and is assessed as being of negligible magnitude. The Environmental Statement points out that due to the vulnerability of clay soils there is the potential for the soil to be irreparably damaged and rendered unusable to fulfil agricultural or ecological functions which would be an effect of high magnitude. Therefore, the temporary impact on soil resources is moderate to major and a significant effect.

The assessment concludes the impact on the loss of agricultural land is not significant.

Stripped soils would be retained on site, stored and used in site restoration.

Policy

National Planning Policy Framework (NPPF)

Paragraph 28 of the NPPF seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 122 states that local planning authorities should focus on deciding whether the development itself is an appropriate use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under control pollution regimes.

Paragraph 144 sets out matters to consider in determining applications for mineral development including (in summary) giving great weight to the benefits of mineral extraction, and ensuring that there is no unacceptable adverse impacts on the natural and historic environment.

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 of the JLMWLP supports developments for mineral operations (including hydrocarbons) where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

Fylde Local Plan

Policy SP2 states that development in such areas will not be permitted except where proposals are essentially required for the purposes of agriculture, horticulture or forestry or other use appropriate to a rural area.

Policy EP22 of the Fylde Local Plan does not permit development which would involve the permanent loss of the best and most versatile agricultural land where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land.

Emerging Fylde Local Plan

Policy GD1 directs development towards existing settlements and within settlement boundaries. National Policy and any relevant Local Plan policies will be used to assess development outside settlement boundaries.

Policy EC3 seeks to protect the best and most versatile agricultural land outside settlement boundaries unless it is necessary to deliver development allocated in the local plan or for strategic infrastructure.

Consultees and representations

There are no consultees specifically for land use.

There is no heading for objections relating to land use but representations objecting to the proposal include the following:

- The proposal will destroy/degrade/permanently damage the beautiful Lancashire/Fylde countryside by industrialisation and traffic.
- Rich arable land / grazing land will be polluted from leaching of chemicals onto the land and water supply with subsequent entry into the food chain, rendering produce unsalable.
- Cannot sacrifice food growing, need to keep prime farming land safe for food production, for local economy and to avoid world food shortages.
- Impact on coastal settlements from potential loss of jobs in tourism/farming
- Fracking fluid contains carcinogens, toxins, radioactive and hazardous materials which will contaminate land and water sources affecting food production and drinking water.

Assessment of Impacts

The applicant has stated that policies CS1 and CS4 of the JLMWDF predate the proposed development and as such the development is not a departure from the Core Strategy. Rather, the JLMWDF is silent and out of date in regard to land use and shale gas exploration. It is acknowledged that the JLMWDF does not make reference to this type of proposal and therefore the application must be assessed against national policy, the local development plan in this case the Fylde Local Plan, the emerging Fylde Local Plan and any other material considerations. Whilst the JLMWDF may not be relevant with regard to specific land use based policies for shale gas, the proposal would still need to be assessed against the development management policies relating to the criteria to assess waste and mineral applications as set out in the JLMWLP.

The main land use issues include the impact of the development within open countryside and the potential loss of agricultural land.

The proposal map that accompanies the Fylde Local Plan identifies the site as being in Open Countryside and is subject to Policy SP2. This policy states that development in such areas will not be permitted except where proposals are essentially required for the purposes of agriculture, horticulture or forestry or other use appropriate to a rural area. The emerging Fylde Local Plan includes Policy GD1 which directs development towards existing settlements and makes clear that development outside settlement boundaries would be assessed against national policy and other relevant local plan policies.

Whilst it is acknowledged that minerals can only be worked where they are found, the Bowland Shale occurs beneath most of the Fylde area and therefore there may be some flexibility as to where an exploration site can be located. A suggestion has been put forward that this type of development would be more suited to an industrial location. The applicant maintains that there has been an active decision to choose site locations away from large population centres so that the development would only affect a small number of people and would minimise the extent of any potential disturbance. The site has also been identified due to its relatively consistent geology to undertake gas exploration. Therefore, given the temporary nature of the proposal, the geological conditions and the need to ensure that there is a separation between exploration sites and main areas of population, the location within the open countryside could be found acceptable.

The exploration site and access covers an area of approximately 2.65ha and is located within a parcel of agricultural land approximately 7.2ha. Approximately 1.5ha is classed as good quality (Class 3a) with approximately 1.1 ha moderate quality (Class 3b). Policy EP22 of the Fylde Local Plan protects the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a). The applicant has advised that the majority of the land associated with the well pad and access track has been assessed as moderate quality. The Environmental Statement states that there is the potential for an adverse significant effect on soil resources from compaction due to the clay content in the soil, whilst the access track and well pad are constructed. The applicant has advised that they would implement best practice measures for the excavation and handling of soils to mitigate this aspect during construction. Whilst the main land use issue would be the loss of agricultural land associated with the main site and the monitoring arrays, it is considered that this would be minimal and for a temporary period. A condition requiring the reinstatement of the land following cessation could be imposed. As the development is for a temporary period it would not involve the permanent loss of agricultural land and would not therefore conflict with Policy EP22 of the Fylde Local Plan.

With regard to representations received, the proposal is for a temporary period. It would not destroy/degrade/permanently damage the Lancashire/Fylde countryside by industrialisation and traffic. The land is not arable, is used for grazing and subject to the employment of good practices in accordance with conditions, permits or licences grazing land would not be polluted from leaching of chemicals onto the land and water supply with subsequent entry into the food chain, rendering produce unsalable. The loss of agricultural land is small scale and would not adversely affect prime farming land for food production, or affect the local economy or create world food shortages. It would not result in an unacceptable impact on coastal settlements from potential loss of jobs in tourism/farming.

Conclusion

The impact of the proposal in terms of land use planning would not be significant. The loss of agricultural land would be for a temporary period and provided that appropriate mitigation measures are imposed with regard to soil compaction and conditions controlling the storage of soils and the reinstatement of the land, the proposal would be acceptable. The proposal would not be contrary to the policies of the NPPF or the policies of the development plan.