

Appendix 19

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 28th January, 2015 at 10.00 am
in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Munsif Dad (Chair)

County Councillors

R Newman- Thompson	P Hayhurst S Holgate
T Aldridge	D Howarth
M Barron	M Johnstone
P Buckley	N Penney
M Devaney	K Sedgewick
K Ellard	B Yates
M Green	

Co-opted members

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Buckley declared a non pecuniary interest in agenda items 3, 4, 5, & 6 as his wife is a member of the Borough Council for the area concerned.

County Councillor P Hayhurst declared a non pecuniary interest in agenda items 3, 4, 5 & 6 as a member of Fylde Borough Council and in agenda items 5 & 6 as the county councillor for Fylde West. Councillor Hayhurst also declared a non pecuniary interest in the agenda items 3, 4, 5 & 6 as a member of Elswick Parish Council and Elswick Community Project both of which had received grants from the applicant.

3. Fylde Borough Council: application number. LCC/2014/0096 Construction and operation of a site for drilling up to four exploration wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and access onto the highway, security

fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land to the north of Preston New Road, Little Plumpton.

See Comment below.

- 4. Fylde Borough Council: application number. LCC/2014/0097
Application for monitoring works in a 4 km radius of the proposed Preston New Road exploration site comprising: the construction, operation and restoration of two seismic monitoring arrays comprising of 80 buried seismic monitoring stations and 10 surface seismic monitoring stations. The seismic monitoring stations will comprise underground installation of seismicity sensors; enclosed equipment and fenced enclosures. The surface array will also comprise monitoring cabinets. The application is also for the drilling of three boreholes, each installed with 2 monitoring wells, to monitor groundwater and ground gas, including fencing at the perimeter of the Preston New Road exploration site near Little Plumpton**

See Comment below.

- 5. Fylde Borough Council: application number. LCC/2014/0101
Construction and operation of a site for drilling up to four exploration wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and access onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure land at Roseacre Wood, Roseacre.**

See Comment below.

- 6. Fylde Borough Council: application number. LCC/2014/0102
Application for monitoring works in a 4 km radius of the proposed Roseacre Wood exploration site comprising: the construction, operation and restoration of two seismic monitoring arrays comprising of 80 buried seismic monitoring stations and 8 surface seismic monitoring stations. The seismic monitoring stations will comprise underground installation of seismicity sensors; enclosed equipment and fenced enclosures. The surface array will also comprise monitoring cabinets. The application is also for the drilling of three boreholes, each installed with 2 monitoring wells, to**

monitor groundwater and ground gas, including fencing at the perimeter of the Roseacre wood exploration site. Monitoring works in a 4km radius of the proposed Roseacre Wood site, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston.

See Comment below.

Comment

Items 3 & 5 - Planning applications LCC/2014/0096 and LCC/2015/0101 Request for a deferral

The Chair of the Committee announced that on Friday 23rd January 2015, the applicant had submitted additional information in relation to items 3 and 5 of the agenda - planning applications LCC/2014/0096 and LCC/2015/0101.

The applicant requested a deferral of consideration of the items, in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

To facilitate this, the applicant was willing to agree to time extensions for the applications to be determined for a further period.

The Chair therefore invited the views of the committee on the request by the applicant.

In considering the matter, the Committee requested clarification on the legal position of the council. It was noted that the provision of such advice would require the Committee to exclude the press and public from the meeting whilst the advice was presented.

The Committee was therefore asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considered that the public should be excluded from the meeting during consideration of the request for a deferral on the grounds that there would be a likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A to the Local Government Act, 1972.

On being put to the vote it was:

Resolved: That the press and members of the public be excluded from the meeting during consideration of whether to defer items 3 and 5 of agenda on the grounds that there would be a likely disclosure of exempt information as defined in paragraph 5 of Part 1 of schedule 12A to the Local Government Act, 1972. It

was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Following an adjournment, the meeting reconvened and moved back into Part I.

The County Secretary and Solicitor issued the following statement:

"The applicant has submitted additional information in relation to both applications. In relation to the Preston New Road site new proposals in relation to noise mitigation had been received. In relation to the Roseacre site, proposals in relation to both noise mitigation and traffic measures have been received. That information of course relates directly to the grounds for refusal recommended by officers.

The applicant has in each case submitted that this information is of a substantive nature and should therefore be the subject of public consultation as required by Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

In these circumstances the applicant has requested that both applications be deferred so that the additional information can be assessed by the Council and therefore considered by the Committee.

The applicant's request for deferral and their submissions in support of the request have been considered carefully by officers, in particular the legal basis for the request.

Having done so, and with the benefit of advice from Leading Counsel, it is my unequivocal advice to the Committee that the proposals now submitted by the applicant in respect of both noise and traffic must be regarded as substantive information. It therefore follows that the proposals must be advertised and consulted on by the Council.

In these circumstances it is my advice to the Committee that the determination of both applications must be deferred, not to do so in my view would mean that the Council would be acting unlawfully.

If the Committee were not to accept my advice then the applicant would have clear grounds to challenge a refusal to defer and a legal challenge would inevitably be successful, leading to further delay and cost consequences for the Council.

If my advice is accepted and the decisions deferred, the Committee should be aware that it is likely to be a minimum of 8 weeks before the Committee would be able to reconvene to consider the applications".

Having considered the advice from the County Secretary and Solicitor above, the Committee was asked to consider whether to defer consideration of applications LCC/2014/0096 and LCC/2014/0101.

Following debate it was Moved and Seconded:

"That consideration of applications LCC/2014/0096 and LCC/2014/0101 be deferred".

On being put to the vote the Motion was Carried whereupon it was:

Resolved: That consideration of the applications LCC/2014/0096 and LCC/2014/0101 be deferred.

**Items 4 & 6 – Planning applications LCC/2014/0097 and LCC/2015/0102
Request for a deferral**

The Committee was further advised that should it resolve to defer applications LCC/2014/0096 and LCC/2014/0101, the applicant had confirmed they would also accept deferral on applications LCC/2014/0097 and LCC/2014/0102 so that all the applications could be considered at the same time.

It was therefore Moved and Seconded:

"That consideration of applications LCC/2014/0097 and LCC/2014/0102 be deferred"

On being put to the vote the Motion was Carried whereupon it was:

Resolved: That consideration of applications LCC/2014/0097 and LCC/2014/0102 be deferred.

Items 3 to 6 were therefore deferred.

7. Urgent Business

There were no items of urgent business.

I Young
County Secretary and Solicitor

County Hall
Preston