



Appeal Decision

Inquiry held between 19 and 29 June 2018

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2018

Appeal Ref: APP/U1050/W/17/3190838

Land adjacent to Bramley Moor Lane, near Marsh Lane, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ineos Upstream Ltd against Derbyshire County Council.
 - The application Ref CM4/0517/10, is dated 8 May 2017.
 - The development proposed is the construction of a well site and creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill a vertical hydrocarbon exploratory core well and mobilisation of workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years.
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Preliminary matters

1. The inquiry sat for a total of 8 days on 19-22 June and 26-29 June 2018, inclusive. An accompanied site took place on 21 June 2018 and unaccompanied site visits took place during and after the inquiry.
2. There were three Statements of Common Ground (SoCG): one on general planning matters, one on noise issues and one on highway matters, all signed by the Council and the appellant.
3. A draft planning obligation was submitted to the Council and accompanied the appeal material. In the event, it was agreed at the inquiry that the matters covered in the proposed obligation could be covered by suitably-worded conditions and these are discussed below.
4. Eckington against Fracking (EAF) requested, and was granted, Rule 6 (6) status and appeared as a main party at the appeal.
5. A revised National Planning Policy Framework (NPPF) was issued on 24 July 2018, after the inquiry had closed. I requested comments from the main parties on the revised document, which I have taken into account in the decision. A Written Ministerial Statement (WMS) was issued by Rt Hon Greg Clark, Secretary of State for Business, Energy and Industrial Strategy, and Rt Hon James Brokenshire, Secretary of State for Housing, Communities and Local Government on 15 May 2018, covering Energy Policy. I also requested comments on this document from the main parties, which I have taken into account in the decision.
6. The proposed development was discussed by the Council's Regulatory Planning Committee on 5 February 2018, with an officer recommendation to approve the proposal subject to certain requirements being met through suitably-worded

conditions or planning obligations. However, at the meeting, the elected members resolved to oppose the development at the appeal inquiry on the grounds of: 1) impact on the Green Belt, 2) impacts from traffic on the relevant highway network, and 3) the impact of night-time noise. No putative reasons for refusal were issued. These matters form the main issues for the appeal, set out below.

Decision

7. The appeal is allowed and planning permission is granted for the construction of a well site and creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill a vertical hydrocarbon exploratory core well and mobilisation of workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years on land adjacent to Bramleymoore Lane, near Marsh Lane, Derbyshire in accordance with the terms of the application, Ref. CM4/0517/10, dated 8 May 2017, subject to the conditions listed in the schedule at the end of this decision.

Main Issues

8. I consider the main issues to be:
 - 1) whether the proposal would be inappropriate development in the Green Belt, having regard to its impact on the openness of the Green Belt and the reasons for including land in the Green Belt;
 - 2) the impact of the proposal on the living conditions of neighbouring occupiers, in terms of night-time noise; and,
 - 3) the impact of the proposal on the safety and convenience of the users of the adjacent highway network and proposed access route.

Reasons

Green Belt

9. The proposed development would be in the North East Derbyshire Green Belt. Saved Policy GS2 of the North East Derbyshire Local Plan (NEDLP) on Green Belt does not explicitly cover mineral development. Paragraph 213 of the NPPF states that weight should be given to existing policies according to their degree of consistency with the NPPF. Since this policy does not include mineral development and the specific tests that apply to it in the Green Belt, as included in the NPPF, I consider that it has limited weight in the context of this appeal, despite arguments at the inquiry that various elements of policy GS2 could be applied to the proposal. Draft policy SS10 of the emerging North East Derbyshire Local Plan 2014-2034 (eNEDLP), covering Green Belt, includes minerals development but that Plan is still at an early stage and I consider that it also has limited weight, together with the rest of the policies in that Plan. Similarly the emerging Derbyshire and Derby Minerals Local Plan is still at an early stage and has limited weight. Therefore, I consider that that paragraph 146 of the NPPF provides more up-to-date policies on mineral development in the Green Belt on which to determine this appeal.
10. Paragraph 146 of the NPPF states that mineral extraction, along with other specified forms of development, is not inappropriate in the Green Belt, provided

it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Case law in *Europa Oil and Gas Ltd. v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin) has established that mineral exploration should be considered as an early phase of mineral extraction, despite any subsequent phases requiring a further planning approval. Paragraph 133 of the NPPF states that the essential characteristics of the Green Belt are its openness and permanence. Paragraph 134 of the NPPF sets out the purposes of including land in the Green Belt.

11. In terms of openness, the first matter to consider is the physical characteristics of the site and its surroundings and the development proposed on it. The site lies within a field on sloping ground near the top of a ridge and is currently in agricultural use with an arable crop. It is surrounded by other agricultural land and land used for grazing horses, with the proposed access track running approximately north to the B6056. There is a derelict building just outside the red line boundary which, according to evidence, might have had either an agricultural or military use, and is the only building within the immediate area around the site.
12. The compound area for the operation would be about 9,000m² and, as such, the footprint combined with the proposed access track and surrounding bunds/fencing would be relatively small in the context of the much wider agricultural landscapes that surround it. In terms of the amount of built development to be introduced, the proposal would have 5 stages, lasting a maximum of 5 years in total, with varying degrees of development in each stage. The site would be most intensively used during Stage 2 when active drilling was taking place, over about 3 months. At this time there would be the compound, including hardstanding and car parking, access road and splay, security fencing/ bunding between about 2 and 5.5m high, a wellhead area and temporary site cabins rising to about 5.5m in height around most sides of the site, together with storage facilities. The drill rig at this stage would be a maximum of 60m high.
13. Given the height of some of these items there would be a visual impact on the surrounding area, as shown on the plans of the Zone of Theoretical Visibility (ZTV) in the Environmental Report, for both the temporary cabins at their full extent and height and the 60m drill rig. In terms of the drill rig the impact would extend up to about 10km, although views of the temporary cabins would be much more restricted. During Stages 1, 3 and 4 there would be fewer cabins along only one side of the site and a reduced height of drill rig/ crane height for Stages 3a and 4. Furthermore, there would be fewer personnel and much reduced activity in comparison with Stage 2 and therefore the impacts would be significantly reduced. By Stage 5, there would be a progressive clearance of the site of all development and it would be restored to agriculture. There would be no lasting visual impact on the surrounding area.
14. The Landscape and Visual Impact Assessment (LVIA) shows that there would be substantial effects during Stage 2 in the area enclosed by the B6056, Bramley Moor Lane and Morton Lane and extending to a maximum of 1.5km to the south and north-west. This area has a low sensitivity to change. Any impact is likely to be greatest for the occupiers of the nearest properties and the users of the adjacent highways. The area that would be most affected lies outside the Special Landscape Area (SLA) to the north as the ZTV shows that much of the SLA would be screened by the topography and vegetation, limiting

- its impact. Apart from Stage 2, the LVIA shows that any impact would reduce to minor and I agree with this assessment.
15. The impact on the landscape would be partly mitigated by the use of suitably-worded conditions to ensure a recessive colour for the cabins and the control of lighting and other elements of the development. Nevertheless, the development would be visible during the operation of the site, more especially in Stage 2. Whilst there have been objections based on the cumulative impact from other drilling sites, for example, at Harthill and Woodsetts, I consider that any impact would be negligible due to the distances involved and the limited nature of any such views. As such, it would be in accordance with paragraph 205 of the NPPF, in terms of cumulative impact.
 16. With minerals exploration, some degree of operational development has to be expected. All of the proposed temporary buildings and other development on site would be necessary for carrying out the proposal and there are no elements which would not be normal and appropriate for this type of operation. The rig would be tall but a maximum height would be conditioned and the submission of rig details, once selected, would also be the subject of a suitably-worded condition. The judgements in the *Sam Smith's case*, (*Samuel Smith's Old Brewery(Tadcaster) and Oxtan Farm vs North Yorkshire Council and Darrington Quarries Ltd* [2018] EWCA Civ 489) at paragraph 16, and paragraph 66 of the *Europa* case, require that the function of the building(s) are taken into account, in determining whether there would be an impact on openness. Paragraph 67 of the *Europa* case goes on to say that one factor which affects appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. In this case, as the buildings are associated with the exploration, the duration would be temporary, for a maximum of 5 years, and the effects would be completely reversible with a restoration to agriculture. Green Belt policy is essentially a long-term policy, with paragraph 133 of the NPPF making reference to one of the characteristics of the Green Belt being its permanence. In this case there would be no permanent harm and a suitably-worded condition would ensure that all of the temporary development would be completely removed, ensuring the long-term openness of the Green Belt.
 17. Paragraph 134 of the NPPF sets out the reasons for including land within the Green Belt. In this appeal the only purpose to which objection has been made is the safeguarding of the countryside from encroachment. During the last review of Green Belt boundaries, the site was not reviewed. It is not immediately on the edge of any settlement and its temporary use would not amount to the encroachment of development from the settlement of Marsh Lane. There would be no permanent effect of encroachment into the countryside, since the development would be removed. In any event, the winning and working of primary minerals is largely an activity which takes place in the countryside and many of the elements on the site, for example, temporary cabins, access tracks, hardstanding, car parking, surface water management, machinery and equipment, are similar to other minerals operations in the countryside.
 18. It has been suggested by EAF that the development would be contrary to policy GS6 of the NEDLP, which seeks to protect the countryside from development. This plan was not prepared by the mineral planning authority and makes no reference to minerals development. In the case in *Calow*, quoted by EAF,

(APP/U1050/W/15/3002704), the Inspector said that the criteria for this policy did not comply with the approach to minerals taken in paragraph 144 of the previous NPPF (paragraph 205 of the July 2018 version) and its weight should be reduced. I consider that this is still the case for this appeal and the most relevant consideration is the need to protect the countryside from encroachment set out in paragraph 134 of the NPPF. Similarly, policy GS8 of NEDLP, which covers temporary development does not relate specifically to minerals development, which is a specific form of temporary development. Paragraph 213 states that weight should be given to existing policies according to their degree of consistency with the NPPF and there is nothing in the NPPF that suggests that temporary development should be the subject of a separate policy. In this case, Section 17 of the NPPF provides more up-to-date guidance on minerals development, together with the DDMLP. As such I consider that policy GS8 also has limited weight in the context of this appeal.

19. The Council has questioned the need to develop this particular site in the Green Belt when other potential sites, both in this Petroleum Exploration and Development Licence area ((PEDL) 300) and others for which the appellant has a licence, might be found outside the Green Belt. The case of *Trusthouse Forte (Trusthouse Forte Hotels Ltd vs the Secretary of State for the Environment and Another*, [1987] 53 P. & C.R. 293 was quoted in summary form, which held that alternative sites should be sought outside the Green Belt before using a Green Belt site for an hotel. However, in that case the development was a new building, which would have been deemed to be inappropriate following the wording of paragraph 145 of the NPPF. This is distinct from the development here, which is subject to paragraph 146, which states that certain forms of development are not inappropriate, subject to preserving the openness of the Green Belt and the reasons for including land within it. In the quoted case the appellant already knew the development was inappropriate and therefore harmful and might have been expected to look elsewhere, which is not necessarily the case with mineral development, as minerals can only be worked where they are found.
20. The site selection procedure for this site is set out in the evidence of the appellant's geologist and planning consultant. It does not include Green Belt as a constraint, but there is no specific guidance preventing hydrocarbon exploration taking place in the Green Belt, subject to paragraph 146 of the NPPF. The main geological evidence that was taken into account related to the East Midlands hydrocarbons province, based on previous exploration, desk studies, seismic data and modelling. The appellant has identified three strata of potential interest and is targeting: the Millstone Grit Group; organic-rich shales of Namurian age, equivalent to the Bowland Shale in NW England; and, possible organic-rich shales of Visean age within the Carboniferous Limestone Group. The proposed well would give further information on all these groups.
21. The appellant has drawn attention to a previous planning permission on the site for a borehole in 1987, Bramley Moor 1 (BM1), which is mentioned in the Derbyshire and Derby Minerals Local Plan (DDMLP) at paragraph 14.28. Although local residents stated that the drilling rig could have been a mobile one and not on the site for long, the depth of the well drilled would suggest that it was a conventional rig and, whilst the planning permission was not before the inquiry, oral evidence was that the permission was for a 12 month period. It was confirmed that the appellant already had information from this borehole, which would corroborate the data from the new borehole (described

as BM2 in some of the evidence) from two out of three of the target groups, which was important and stated to be a unique opportunity by the appellant. Whilst other boreholes might be able to explore the deeper levels in due course, as admitted by the appellant's geologist, there is nowhere else where comparable evidence exists in the upper geological levels within PEDL300. I consider this to be an important factor in the borehole's location and I give it considerable weight in the selection of this site.

22. In addition, with minerals sites, having a willing landowner is important in ensuring that any planning permission can be successfully implemented, which is the case here.
23. Other planning applications, local to the site, in the Green Belt and refused planning permission, were cited by EAF, for example, a telecommunications mast, the use of land for car boot sales and an agricultural worker's dwelling. However, these are different from the proposal that is the subject of this appeal as they could more readily be sited elsewhere as opposed to minerals development, which is limited to locations where a mineral exists, or, in this case, exploration for it is likely to be successful.
24. The openness of the Green Belt has to be regarded in the context of its permanence and the long-term maintenance of its existing condition. In following the approach to considering minerals development in the Green Belt in the legal cases of *Sam Smith* and *Europa*, I find that there would be no harm to the Green Belt. The proposal would not be inappropriate development in the Green Belt and it would not be harmful to the openness of the Green Belt and the purposes of including land within it. As such, it would comply with paragraph 146 of the NPPF.

Night-time noise

25. In the SoCG on Noise, it was agreed by the Council and the appellant that daytime and evening noise could be controlled through the use of suitably-worded conditions. From the evidence, I accept that there would be no adverse noise impact as a result of the traffic generated by the proposal, nor would there be any significant vibration at the nearest properties. However, the control over night-time noise was not agreed and by the end of the inquiry the Council requested a condition requiring a maximum of 35dB_{L_{Aeq}1hour(free field)} whilst the appellant contended that a maximum of 42dB_{L_{Aeq}1hour(free field)} in the period 22:00 to 07:00 hours would be sufficient to protect the living conditions of local residents. EAF concur with the Council on this point, in terms of the condition to be imposed. The Planning Practice Guidance - Minerals (PPGM) refers to 42dB_{L_{Aeq}1hour(free field)} as the maximum level at a noise sensitive property allowed during these hours.
26. Although EAF have a number of detailed concerns about the baseline noise measurements taken for the Environmental Report, it is generally agreed that background noise levels are low within this mainly rural area, and the Council and the appellant have agreed a figure of 24dB modal average LA90. I consider that this is a reasonable estimate, notwithstanding EAF's concerns. The predicted noise levels during the period that 24-hour drilling would take place (about 10 weeks of the 3-month period of Stage 2) have been modelled as 37dB_{L_{Aeq}1hour(free field)} at NSR4 (Ash Lane Farm), 39dB_{L_{Aeq}1hour(free field)} at NSR2 (Lightwood, Bramley Road) and 41dB_{L_{Aeq}1hour(free field)} at NSR1 Ten

Acres Farm (Bramley Moor) and NSR3 (Heatherlee Farm). These figures are also agreed between the Council and the appellant and represent a worst case scenario, including a downwind gradient.

27. The PPGM states daytime and evening noise levels should be set at a level that would not exceed 10dB over the background noise level (measured as LA90, 1hour) and should not exceed a maximum of 55dB $L_{Aeq1hour}(free\ field)$. However, no such limits are set for night-time noise and the appellant suggested that this was deliberate and that no further controls would be necessary. Instead the PPGM requires that noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the minerals operator. It also requires that the character of the noise is considered. The need to minimise any adverse impacts is in accordance with the NPPF, particularly paragraphs 180 and 205, and ID: 27-021-20140306 of the PPGM, although the latter states that the 42dB value should not be regarded as a fixed threshold, as specific circumstances may justify some small variation being allowed.
28. In terms of adverse impact, the PPGM requires an assessment of whether there would be a significant adverse impact in terms of the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL), derived from the Noise Policy Statement for England (NPSE) and Planning Practice Guidance on Noise (PPGN), and whether a good standard of amenity could be achieved. However, the wording of the PPGM suggests that 42dB $L_{Aeq1hour}(free\ field)$ is an upper limit. This was also found in the appeals at *Preston New Road* (PNR) (APP/Q2371/W/15/3134386, 3130923, 3134385 and 3130924). As such, adverse effects and significant adverse effects could be found below that limit and it should not be regarded as the LOAEL. However, this case differs from the PNR case in that the drilling is for a significantly shorter time, a maximum of 3 months as against 14 months in total for PNR, where tighter limits were required.
29. Since the limit to be assessed is for night-time noise, the main impact is on sleep disturbance. Specific guidance exists for this in the World Health Organisation (WHO)'s Night Time Noise Guidance (NNG), which puts forward a LOAEL of 40dB $L_{night,outside}$ during the hours when most people are asleep, and a threshold for protecting from health impacts of 42dB $L_{night,outside}$. It states that this level would be a health-based limit to protect the public including vulnerable people. These limits are for annual exposure. The appellant says that, if averaged over a 3-month period, the drilling noise would comply with the LOAEL of 40dB $L_{night,outside}$ and that an overall level of 42dB $L_{night,outside}$ would protect wellbeing as an annual exposure level. The Council accept that the proposal would comply with both the WHO NNG and the PPGM in this respect.
30. The Council assessment has used BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound to look at the levels at the four modelled points, NSR1 – 4. This might be appropriate for the drilling operation (Stage 2) where industrial types of equipment are being used. For Stages 1 and 5, which would be largely concerned with construction and restoration activity, such as soil movement, BS5228-1:2009 Code of Practice for Noise and Vibration Control on construction and open sites might be more appropriate. This was used by the appellant to assess impact. However, BS4142:2014 states that it should not be used where other guidance would apply (in this case, PPGM) and BS5228-1:2009 states that it does not apply to mineral

extraction sites. As such, I consider that the appropriate guidance for this appeal is the PPGM.

31. The Council considers that a condition to limit night-time noise should be imposed of 35dB $L_{Aeq1hour}(free\ field)$, although the original officer recommendation in the Committee report suggested 40dB $L_{Aeq1hour}(freefield)$. The 40dB figure was seen as a compromise between setting appropriate noise levels and not imposing an unacceptable burden on the operator. Even at 35dB the WHO's NNG states that there can be complaints on night-time noise and, in any event, I do not consider that it would be achievable in this case. Given the difference between the accepted background levels of about 24dB and the modelled noise levels which are some 15-19dB above it, then it is possible that some complaints would arise, depending on the susceptibility of individuals.
32. However, when meteorological conditions are taken into account, including local wind speed and direction, the predicted noise levels of 41dB $L_{Aeq1hour}(free\ field)$ at Heatherlee Farm and Ten Acres Farm would be likely to reduce. In addition, Heatherlee Farm faces away from the site and does not have any windows facing it, reducing further the impact of the noise. A reduction of 3dB(A) was suggested by the appellant but not agreed. Ten Acres Farm is single storey and apart from the on-site bunding and stacked cabins, there are no other substantial barriers between the property and the well head and therefore it is unlikely that much further reduction in noise levels could be achieved. However, the Council also accepts that engineering and other solutions might well remove the need for an additional 2dB(A) to be added to the total for tonality. On this basis it is likely that the noise levels would be reduced below the 40dB $L_{Aeq1hour}(free\ field)$ originally suggested by the Council as an acceptable level. Therefore, I consider that the appellant's proposed condition would be appropriate to limit overall noise levels to 42dB $L_{Aeq1hour}(free\ field)$. Nevertheless, there would still be the possibility of complaint because of the difference between background and modelled noise levels, and it could not be ruled out that there would be some harm to the living conditions of neighbouring occupiers, in terms of night-time noise.
33. The appellant's case is that to reduce the noise levels further would involve significant work and would be an unreasonable burden and, in any event, some mitigation would already be built in, for example, in the choice of a quieter drilling rig. It also has to be borne in mind in this case that the drilling period would be for a maximum of 3 months, the duration of which would be controlled through a suitably-worded condition, and the short-lived nature of the work would be a factor in examining its impact. Policy MLP3(2) of the DDMLP allows minerals development where any adverse effects can be reduced to an acceptable level with particular regard to the duration of the operation, as one of the policy's considerations. The purpose of the work is for exploration and therefore there would not be any income from it and it is not yet known whether there would be any hydrocarbons resulting from the exploration from which profit could be made. The drilling costs of the well would be about £6m.
34. The most effective way to reduce night-time noise would be to prevent night-time drilling. This would cost about £2m and might incur risks to safety and to the operation. In addition, it would lengthen the time to which local people would be subject to daytime/evening noise. To enclose the works and rig would

be likely to be unacceptable due to its visual impact and, in any event, would cost about £13m. Reducing the top drive rotation would also increase drilling time and cost about £1m. No other evidence was produced to show that these estimates were incorrect and I consider that the appellant has already done all that they can to reduce noise on the site without imposing unreasonable cost. As such, given the noise levels that can be achieved, I consider that it would not be necessary to look for any further measures to reduce noise.

35. EAF raise the issue of the impacts of noise on livestock, horses and pets, which can be sensitive to noise. However, there is no specific protection for these type of animals set out in planning policy. The most effective way to prevent disturbance to them is to control the noise environment overall, which would be done through suitably-worded conditions.
36. Therefore I conclude that there would be minor harm from the proposed development to the living conditions of neighbouring occupiers in terms of night-time noise, due to the likelihood of complaint. This would be contrary to policy MP1(1) of the Derby and Derbyshire Minerals Local Plan (DDMLP) which concerns noise. However, it would be possible to control overall noise levels to those set in the PPGM and NNG, to which I give significant weight.

Highways and transport

37. A SoCG was agreed between the appellant and the Council, which agreed the preferred access route from the M1, with the need for the management of two junctions to allow the passage of abnormal loads. The number of traffic movements, including the number of HGVs, is also agreed in the SoCG. EAF dispute the traffic figures from their own traffic count, although there were a number of discrepancies in their submitted figures. As requested by EAF these impacts have been examined using the Institute of Environmental Assessment (IEA) Guidelines in evidence to assess their environmental significance.
38. The IEA assessment showed there being a slight impact (30-60%) on Eckington Road and the B6056 having a moderate impact (60-90%) during the construction period. The average increases of about 1-2 additional vehicles per hour appear low, but the increase would be more noticeable in the construction period when the vehicle numbers were higher, especially if the HGVs were travelling in convoy. Given the numbers involved I consider that the slight to moderate impact is a correct assessment of the environmental impact on the access route, especially given the temporary nature of the project.
39. Both the appellant and EAF have reviewed the accident data on local roads around the site, up to 1.5 km. EAF have also looked at the access route in terms of accidents. The appellant's figures relate to a 3-year period 2014-2016 and EAF's to a 5 year period of 2013 to early 2018. Given the longer stretch of road examined by EAF over a longer period, it would be expected that there would be a larger number of accidents recorded in the statistics. Collisions at key junctions, as set out in the Environmental Report, show only 2 collisions. Whilst EAF draw attention to older people using the access route to go to the 3 garden centres along it, there was no evidence of higher accident rates as a result. As such I do not consider that the current accident record for the roads examined is particularly poor. The accident figures for the roads were also examined by the highway authority and they have no objections to the development on this basis or on the basis of any other highway matter, as set out in the Committee Report of February 2018.

40. However, at the inquiry, the Council largely supported the views of EAF that any increased traffic, especially HGVs, on rural roads, especially in terms of their width, would have adverse impacts on vulnerable highway users, such as pedestrians, cyclists and horse riders, for their safety and their enjoyment of the rural environment.
41. The issue of the increase in traffic, including HGVs, has already been covered above and there would be an increase in HGV traffic as a result of the proposal. It would be greatest on the B6056 which is a classified road and one which evidence suggests horse riders already avoid. The general area around the site is popular with horse riders it contains a number of equestrian establishments, whose riders wish to access the Moss Valley and other rural bridleways. On my unaccompanied site visits I saw horses on the local roads, together with cyclists. Many of the local rural roads do not have footpaths or lighting and, where there are verges, these are not always clear and safe for horse riders and pedestrians.
42. There were disputes about some particular road widths and alignments and their implications for HGVs passing each other and also passing vulnerable highway users. During the inquiry, at my request, representatives from the main parties measured the disputed widths. Consistently EAF had underestimated the widths of the road at the points chosen by 1m or more. Whilst this might have been explained by the distances being measured from the white carriageway lines as opposed to the width of tarmac, I consider that if vehicles met each other they would choose to use the full width of the tarmacked road, not stay within the white carriageway markings. Photographs have been submitted to show vehicle tyre marks on verges locally but the exact circumstances of these events is unknown. EAF accept that 6m would be sufficient width for larger vehicles to pass at slow speed and this has been provided even in the identified pinch points.
43. In terms of horse riders and cyclists, there would be adequate space on the access route to pass these types of road users, even with the extra space that they require. There might be a need for drivers to wait to pass on more winding sections of the route but I do not consider that this would lead to any significant delays. In the case of horses, there is already guidance from the British Horse Society (BHS) as part of their "deadslow" campaign and the appellant intends to ensure that any drivers using the access route are aware of the likelihood of meeting horses on the rural sections of the road by issuing them with the BHS advice. There would be more traffic on the local roads around the local Riding Club but mainly during the week, rather than on weekends when events are advertised as occurring. In any event, some of the participants arrive by horsebox, rather than by riding. There have been objections on the basis of the increased use of Bramley Moor Lane, which is used by riders, but the lane does not form part of any access route to the site and access from there would be prevented by the use of a suitably-worded condition.
44. The proposed access to the site has been agreed with the Council and an adequate visibility splay would be possible, given the national speed limit outside the site on the B6056. Whilst EAF question the safety of the access with the speeds on the road outside, these have been estimated by the Council to be well below the speed limit at about 46mph and in any event the access is designed for the national speed limit.

45. Therefore I conclude that there would be no harmful impact of the proposal on the safety and convenience of the users of the adjacent highway network and proposed access route. It would comply with policy T2 of NEDLP and policies MP1, MP3, MP4 and MP18 of DDMLP, which cover impacts on highways and transport issues. In addition, the residual cumulative impacts of the development would not be severe and there would be no unacceptable impact on highway safety, in terms of paragraph 109 of the NPPF.

Other matters

General

46. A number of the representations concern the possibility that “fracking” would take place as part of the proposal. However, this application is only for exploratory drilling with a vertical core well. Any hydraulic fracturing would need to be the subject of another planning application relating to that development, as would any off-site well which might be listened to in Stage 4 of the proposal. In addition, the development has been granted an Environmental Permit by the Environment Agency. The permit does not allow any hydraulic fracturing but only the management of extractive waste.
47. Concerns have also been raised about the possibility of seismic effects from the drilling, resulting in structural damage to property, raising questions of the impact on household insurance and the need for a bond. Although academic research is continuing into the effects of hydrocarbon extraction in historic mining areas and its impact on fault systems, the evidence mainly relates to the extraction phase. However, it was also suggested in oral evidence that there might also be impacts from vertical drilling as well.
48. The general area has been extensively mined for coal, although there have been no objections from the Coal Authority. The previous borehole near the site, BM1, encountered no mine workings. The Coal Authority notes that there is a mine shaft to the east of the site but that its zone of influence does not impact on the development and hence it regards the site as being outside any Development High Risk Area. It does not consider that a Coal Mining Risk Assessment would be necessary and has not objected to the proposal. Therefore the proposal complies with paragraph 178 of the NPPF.
49. Although the appellant considers that the likelihood of the risk of any seismic effect is low, there are adequate procedures in place to deal with such an eventuality. I also consider that there are sufficient measures to ensure that the site is properly restored and not abandoned. As such, I do not consider that the appellant should be required to insure or lodge a bond against such events. The impact of the proposal was also linked by objectors to a potential fall in house values. However, that is a private interest matter and as planning is concerned with the use of land in the public interest, it cannot be taken into account in this appeal.
50. The well design and the drilling operation would be regulated by the Health and Safety Executive (HSE) and, along with the Environmental Permit regulated by the Environment Agency, this would ensure that the operation was carried out safely at all stages. There is no evidence that there would be any harmful emission of gases from the well, either during or after the operation, and the capping of the well would also be subject to Health and Safety Regulations. Whilst some objectors have concerns about leaks of radon gas and the

contamination of ground and surface water from water and oil-based fluids, there have been no objections from Public Health England or the Environment Agency in this regard. Furthermore, there is no reason to doubt that the various regulators involved in the process would be effective in controlling it and paragraph 183 of the NPPF states that it should be assumed that regulators will operate effectively in controlling pollution. Environmental problems with other sites have been raised by objectors but these are generally outside England and are subject to different regulatory systems to those in this country. The above regulatory bodies would protect human health and, although some objectors state that a Health Impact Assessment should have been prepared as part of the planning application, there is no evidence to suggest that it would be necessary in this case.

51. The 2018 WMS on Energy Policy, which largely re-iterates the 2015 WMS on Planning for Onshore Oil and Gas, indicates that the UK has gone from being an exporter of gas in 2003 to being a net importer from then onwards, due to a decline mainly in North Sea production. The Government's view is that gas has a key role in fulfilling the change to secure low carbon energy and there are potentially substantial benefits to the economy from the safe and sustainable exploration and the development of our own onshore shale gas resources. The longer-term aim is to support measures to combat climate change, in accordance with paragraph 148 of the NPPF. The WMS states that shale gas development is of national importance and that this document should be a material consideration in the determination of planning applications, which should be dealt with quickly.
52. Furthermore, paragraph 205 of the NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy, and exploration forms the first part of this process. Paragraph 209 of the NPPF states that decision-makers should recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low carbon economy. It also requires positive planning for all 3 phases of development including exploration. The PPGM says that there is a pressing need for this type of exploration to establish whether there are viable amounts of hydrocarbons which can be extracted that can add to the variety of resources from which energy can be produced. The primary purpose of extracting the gas would be for fuel, but, even if the gas were not used in this way, the appellant could use it as a raw material in their production processes, which would help to boost the economy.
53. The Government has already granted a PEDL for this area which supports the Government's view that such exploration is needed to establish whether there are sufficient recoverable hydrocarbons on-shore to facilitate economically-viable full-scale production. Whilst some objectors support alternative approaches to energy production, such matters are for debate elsewhere and not within a planning appeal.
54. I consider that any potential impacts in respect of the well design, construction and operation would be adequately managed by the relevant regulatory bodies. The support given by national policy, including paragraphs 205 and 209 of the NPPF, the WMS and through the promotion of licences for the PEDLs, weigh heavily in support of the proposal and I give these matters substantial weight in the decision.

Aviation

55. The evidence for the appellant and EAF come to similar conclusions about the impact of the proposal on Coal Aston airstrip. Although there would need to be a change to the approach to the airstrip by planes to avoid the drilling rig, pilots contacting the airstrip to land would be advised of the need for the revised approach and it would not present any difficulty for experienced pilots. In addition, there would be no venting or flaring of any gases that might present a hazard to approaching aircraft. A number of paragraphs of the NPPF, including 104 and 205, include provisions for aviation safety but there is no evidence to suggest that there would be an adverse effect on safety in this case. Whilst EAF have concerns about the longer-term future of the airstrip, I consider that there would be no harm to aviation safety as a result of this proposal.

Landscape

56. The site lies within the Wooded Hills and Valleys Landscape Character Type (LCT). However, the site contains none of the more sensitive characteristics of the LCT, like the wooded slopes and small-scale valleys and its value is diminished further by the presence of the classified road, B6056, close to the site, which also affects the tranquillity of the area. As such it has a low sensitivity to change. In any event, it would be returned to agricultural use which would protect its current characteristics. This contrasts with the *Calow* appeal site, referenced above, which had many of the important and sensitive characteristics of that LCT. The site is not within the Special Landscape Area or the proposed Area of Multiple Environmental Sensitivity in the eNEDLP, which lie to the north of the area and there would be no permanent impact on these areas.
57. As such I conclude that the proposal would be in accordance with policies GS1, NE1 and NE7 of the NEDLP and policies MP1, MP3 and MP13 of DDMLP, which seek to protect landscape character.

Living conditions (air quality)

58. During site construction and restoration in particular, there would be significant movement of soils and traffic on and around the site, creating dust. This would be similar to any other construction site or minerals operation. Such matters are normally controlled through suitably-worded conditions and I see no reason why this should not be so in this case.
59. The amount of additional traffic, including HGVs, would be low to moderate in the local area and on access routes, as set out above, which would ensure that there was little impact on air quality. In any event, the access routes do not pass through any Air Quality Management Areas. Similarly, impacts in terms of air quality on foraging bees and other wildlife/ ecology would be negligible.
60. The environmental permit does not allow any point source emissions and there would be very limited vehicle and plant emissions, as set out above, protecting air quality. Therefore, the proposal would be in accordance with policy GS6 of NEDLP and policies MP1, MP3 and MP13 of DDMLP, which seek to protect air quality.

Historic environment

61. West Handley Conservation Area lies approximately 700m south of the site and contains one grade II* listed building, Handley Hall, and 5 other grade II listed buildings. The Moss Valley Conservation Area is a larger and more diverse area which lies approximately 250m to the north of the site and contains no listed buildings. The distances involved and intervening topography and vegetation would mitigate the impact to some extent but the impact would be greatest during Stage 2, when the rig would be at its tallest. Nevertheless this would only affect part of the setting of the listed buildings to the south and limited parts of the Conservation Areas. Any effect would be limited in duration and completely reversible. As such, I consider that it would not result in harm to the significance of the designated assets and would preserve their settings. There might also be some limited potential for archaeological finds during the development and these would be protected through the use of a suitably-worded condition. Therefore the proposal would comply with Policies BE6, BE9 and BE11 of NEDLP and policies MP1, MP3, MP4 and MP7 of the DDMLP, which seek to protect heritage assets.

Ecology

62. The site is in agricultural use and has low ecological value with the exception of the hedgerows. A short section of hedgerow would be removed to create the new access and visibility splay but this would be replaced and hedgerows strengthened on the restoration of the site. The remaining hedgerows and trees adjacent to the site would be retained and would not be affected by the development. Any hedgerow or site clearance would be undertaken at a time to ensure that breeding birds were not disturbed. The site is within a Site of Special Scientific Interest (SSSI) Impact Zone but the SSSI is sufficiently far away for there to be no adverse impacts or disturbance to it.
63. The site and the surrounding area has a badger population and it is likely that they use the site as a foraging area. Subject to the use of suitably-worded conditions this protected species would not be adversely affected by the development. Walkover surveys for badger activity prior to development would prevent their harm. Lighting has already been discussed in terms of visual impact and since the design would be the subject of a suitably-worded condition it could be ensured that species such as bats were protected.
64. I consider that the appellant has addressed the ecological issues on the site satisfactorily and once restoration has taken place, the proposal would contribute to and enhance the natural environment in accordance with paragraph 170 of the NPPF. It would comply with policies BE2, NE3 and NE7 of the NEDLP and policies MP1, MP3, MP4, MP6 and MP13 of the DDMLP, which seek to protect ecology and promote biodiversity.

Agricultural land

65. The site comprises Grade 3 agricultural land, which could include land in the category of the best and most versatile agricultural land (Grade 3A). Paragraph 170 of the NPPF says its economic and other benefits should be taken into account when considering development proposals. However, the use would be a temporary one, which would not have an adverse effect on the existing agricultural business, and would be completely reversible. The restoration of the site, which would be to agricultural use, would be covered

through suitably-worded conditions which ensure proper soil handling, restoration and aftercare. As such there would be no harm to the quality of the agricultural land and the development would be in accordance with policy GS6 of the NEDLP and paragraph 170 of the NPPF, which seek to protect best and most versatile agricultural land.

Local economic issues

66. It is likely that there would be a small benefit in employment and local spending from the proposal and paragraph 80 of the NPPF says that significant weight should be placed on the need to supporting economic growth and productivity. The eNEDLP envisages a local economy which would be strongly based on the natural assets of the region to encourage tourism, as part of regeneration following the decline of former industries such as coal mining. A number of objectors have started to build businesses on the basis of the attractive landscapes in the area and their potential for recreation, including walking and horse riding. Whilst there might be concerns over the impact over the longer-term development of the hydrocarbon industry in the wider area, this proposal is temporary and the 3 months of drilling, when the site would be most obvious, would have little adverse impact on the local economy in terms of tourism overall. As such, I consider that it would not be detrimental to the eNEDLP economic strategy and would provide a small benefit in this respect.

Surface water

67. EAF have concerns that as there is no drainage on the site then water would drain off across the surface of the site in an uncontrolled manner, if inadequate water storage was not provided on site. A membrane would be installed on the surface of the site, anchored to prevent any animal tunnelling, to allow for the collection of surface water. This would be stored in an above ground tank and in an underground pipe, and then taken away by tanker for treatment/recycling, the movements for which are already accounted for in the highways section of the Environmental Report. There would be sufficient storage on-site for surface water and the design of the systems would prevent any pollution of the site and any groundwater or off-site surface water. Both the EA and the HSE need to be satisfied that there is nothing in the design that would lead to fire or explosions from contaminated water and other substances before issuing their consents. The EA are satisfied with the pollution prevention provisions, with the permit not allowing any point source emissions. As such, it would be in accordance with policy CSU4 of the NEDLP and policies MP1, MP3, MP4 and MP13 of the DDMLP13 and the PPGM, which seek to protect water resources and quality and prevent pollution.

Human rights

68. Representations were made that the rights of local residents under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights would be violated if the appeal were to be allowed, on the general basis that the operation would prevent them enjoying their property and would have an adverse impact on private and family life. I have found that the proposal would give rise to minor harm in terms of night-time noise to living conditions. However, it needs to be borne in mind that this would be a temporary use, with a maximum period of 3 months when there would be night-time noise, which it would not be possible to mitigate. The Government has set out the need for this type of development in a number of policy documents referred to above, to

which I have given substantial weight. The need for the development in this location and its compliance with other policies of the development plan has also been discussed above. As such, it would not be proportionate to prevent the development on this basis.

Conditions

69. Conditions would be necessary for the commencement and completion of the development and to list the approved plans and documents to define the development, in the interests of precision and enforceability. A condition would be necessary to limit the period of drilling to 3 months in order to protect the living conditions of local residents in terms of noise. A condition would be necessary to ensure that details of the drill rig to be used were submitted to and approved in writing by the Mineral Planning Authority, to allow for an assessment of its impact on the environment. Conditions would be necessary to ensure that documents are available at all times and that notice is given to the Council of key stages of the development to allow for monitoring and ensure compliance with the planning permission.
70. A condition to cover the colour of the painted/ clad surface of the proposed cabins would be necessary to protect the character and appearance of the area. Conditions to limit Permitted Development Rights should only be imposed in exceptional circumstances. However, in this case the site is in the Green Belt and therefore such a condition is necessary to protect it from further development. A condition to limit the hours of work for each stage of the development is necessary in order to protect the living conditions of neighbouring occupiers. It was agreed that hours for deliveries would be included in the Traffic Management Plan. It is necessary that this Plan is provided through the imposition of a separate condition, which would ensure the safety and convenience of other highway users. However, the third bullet point of the proposed condition in part duplicates a condition to monitor the highway access route and repair any damage caused and mentions Traffic Regulation Orders. These would be the subject of separate legislation and as such, should not be included in a planning condition.
71. A planning obligation was first proposed to cover the need for payments should road surfaces become dilapidated by HGV use. At the inquiry the Council said that they would accept a condition instead of the obligation. However, the proposed condition included a requirement for payment, which the PPG says is generally not acceptable. Instead, at the appellant's suggestion, the wording of a similar condition imposed at *Harthill* (APP/P4415/W/17/3190843) requiring a dilapidation survey and a scheme to repair any damage has been substituted. This condition would be necessary in the interests of highway safety.
72. Conditions to ensure onsite parking and turning areas, the means of vehicular access and restricting access to the site from the B6056 only would be necessary in the interests of highway safety. The appellant has queried the need for a separate height for vegetation in the visibility splays when 1m is allowed for other objects. As worded, this seems unnecessarily complex in terms of the implementation of this condition, necessary for highway safety, and therefore I have set the height for all objects and vegetation at 1m. The gradient for the access and the provision of measures to prevent mud, clay and other material being deposited on the road are necessary in the interests of highway safety.

73. The Council suggested a condition which would prevent gates or barriers within 5m of the highway boundary, in order to allow vehicles to pull clear of the highway if the gates were shut. The appellant has objected on the grounds that this area might be used by protesters to gather and prevent access to the site, as has happened in other locations. The site gate would be manned continuously and there would be no wait for vehicles to enter the site. In any event outside the site the verge is gravelled for a distance around the proposed access point, which would allow vehicles to pull off the highway and not create an obstruction. As such, I consider that the condition would not be necessary.
74. I consider that it would be necessary to have a condition requiring records to be kept of HGV movements in and out of the site to ensure the adherence to the number of movements set in the Traffic Management Plan, in the interests of highway safety and convenience. However, I consider that a condition to set the numbers of HGVs would not be necessary since it would be set in the Traffic Management Plan.
75. The issue of night-time noise was discussed under the main issues and conclusions were drawn on an appropriate condition necessary to control overall noise levels. As such, a condition is necessary to impose these limits. The appellant proposes a condition similar to that imposed at *Harthill* to cover all the remainder of the noise concerns through a Noise Management Plan. Whilst the noise environment at *Harthill* is different, the need for a noise management plan, a noise monitoring scheme and for dealing with complaints is not so and I consider that a single condition incorporating all these elements could be achieved that would help to protect neighbouring residents' living conditions. In addition, for the same reason, conditions would be necessary to ensure that efficient silencers were fitted to site based vehicles, plant and machinery.
76. The appellant objected to a condition for reversing warning systems for all vehicles, as they had concerns that it would adversely impact contractors' vehicles or single vehicle visits and wanted it only to apply to on-site vehicles. Reversing beepers from vehicles on minerals sites can be a considerable cause of complaint. However, it would be more likely that visiting vehicles would use the one-way traffic system in and out of the site for deliveries and the on-site vehicles unloading them and manoeuvring, including reversing. As such, I consider that it would be reasonable to impose a condition that the on-site vehicles should have a reversing warning system fitted with devices that are non-audible, ambient-related, broadband or low tone, but that this should not apply to visiting vehicles.
77. It would be necessary to have a condition requiring a Dust Management Plan and a scheme for external lighting to be submitted in order to protect the living conditions of local residents, the local environment and also ecology. Conditions would be necessary to submit a scheme for surface water and foul drainage, ensure appropriate bunding of oils, fuels and chemicals on-site and ensure the collection and disposal of waste materials in order to protect the water environment and the local area. It would also be necessary for a written scheme of investigation for archaeology to be submitted and approved in writing prior to development taking place in order to protect the historic environment.

78. In order to prevent damage to soils and allow for restoration for agricultural purposes conditions on the stripping and storage of soils, the prevention of export of soils and details of the grading and planting of the subsequent mounds would be necessary. In order to protect security and the character and appearance of the area, a condition would be necessary to cover the height, location and appearance of the fencing and security gates.
79. In terms of the protection of ecology, conditions would be necessary to protect breeding birds and badgers. The appellant has objected to a condition to protect trees and hedgerows. Another condition would allow for the maintenance and protection of the hedgerow along the B6056, once the access had been created. Two rows of fencing on the site, one of which is positioned to ensure protection of the trees on its edge, would protect both the trees and other hedgerows locally. These are shown on the plans, which are the subject of one of the conditions above. As such, I consider that there would be adequate protection for the hedgerows and trees.
80. A condition would be necessary to ensure that the restoration and aftercare of the site was carried out according to an agreed scheme, to accord with policy MP10 of the DDMLP. The agreed afteruse of the site is one of agriculture and the appellant does not agree that a general landscaping scheme would be necessary, including seeding. Once the site is restored there should not be anything to screen, since site levels will be restored and all materials removed. I consider that the restoration and aftercare should accord with the principles set out in "The Proposal" (submitted with the planning application), which ties the aftercare to the wishes of the landowner in returning it to agricultural use and that the restoration should be tied to "The Proposal" and relevant plan instead. This would allow for its return to a condition suitable for its agreed afteruse, in accordance with policy MP10 of the DDMLP.
81. A condition would be necessary to ensure that a community liaison group was set up, with representatives from the Mineral Planning Authority and the local community. EAF asked to be specifically included in this latter group but it would be for the local community to decide who would best represent them.
82. EAF also asked for a number of other conditions to be considered. The matters which they cover include: a financial bond; aviation safety and Health Impact Assessment. They have been covered elsewhere in this decision. EAF also requested a condition to cover emergency planning. This is not a matter for the town and country planning regime and therefore it would not be appropriate to include a condition on it.
83. I have amended some of the conditions in the interests of precision and clarity.

Conclusions

84. I have taken into account all of the representations made. I have found that there would be slight harm in terms of the living conditions of neighbouring occupiers, in terms of night-time noise, to which I give limited weight. However, this would not outweigh the benefits of the exploration in terms of its potential to improve resources for energy supplies to which I give substantial weight. On all other matters I consider that the impact is neutral overall. The conditions following this decision would ensure the development would be carried out in an acceptable manner.

85. Whilst I have found that the proposal would not comply with policy MP1(1) of the DDMLP, it would be in accordance with the other relevant policies of development plan read as a whole, especially the specific policies covering this type of development, MP13 and MP35. In any event, the minor harm in this case is outweighed by other material considerations.

86. Therefore, I conclude that the appeal should be allowed.

E A Hill

INSPECTOR

APPEARANCES

FOR THE MINERAL PLANNING AUTHORITY: Mr R Kimblin QC,
instructed by Mr McElveney, Legal Department, DCC

He called
Mr K Gayler, CSci, CEnv, BSc(Hons), MIEnvSc, MIEMA, MIOA
Cllr P Smith, DCC
Cllr R Parkinson, DCC
Mr P Ellingham, MA, MRTPI

FOR THE APPELLANT: Mr G Steele, QC (Scotland), instructed by DLA Piper

He called
Mr A Sloan CEng, MiMMM
Mr T Pickering
Cdr J Taylor
Mr G Beamish BSc, MSc, FGS, MAAPG, MPESGB
Dr C Hazell-Marshall BSc(Hons), PhD, MIAQM
Mr A Coates BSc (Hons), MSc, MCIEEM
Dr A Buroni BSc(Hons), MSc, PhD, FRSM, FRSPH
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Mr Fraser BSc, MPhil, MIOA, CEnv
Mr L Prazsky, BSc(Hons), MSc, MCIWM
Mr P Macrae, MA(Hons), CMLI
Mr K Martin, BEng, CEng, MICE
Mr S Bell, MRTPI

FOR ECKINGTON AGAINST FRACKING (RULE 6(6) PARTY): Mr D Kesteven (with
Mr C Streeten, of Counsel on 28 June 2018)

He called
Mr D King
Mr A Jones
Ms T Lund
Ms J Booth
Cllr M Gordon
Mr D Swift
Mr R Hitchcock
Mr R Pointer
Mr Lee Rowley MP

INTERESTED PERSONS:

Mr R Street	Local resident
Mr D Ross	Local resident
Ms L Hopkinson	Transition Chesterfield
Cllr A Dale	Local councillor
Cllr Ms A Foster	Local councillor
Cllr A Hutchinson	Local councillor
Ms C Hutchinson	For Ms M Rawlinson, local resident
Cllr M Gordon	Local councillor
Mr S Meek	Local resident
Ms D Glossop	Local resident
Mr P Glossop	Local resident
Ms G Havenhand	Local resident
Mr H Barnes	Local resident
Mr J Percival	Local resident
Ms D Gibson	Local resident
Prof P Styles	Keele University
Dr A Tickle	CPRE
Ms K Gordon	Friends of the Earth
Ms N Dowling	Local resident
Ms F Marsh	Headteacher, Marsh Lane Primary School
Mr D Harrison	Local resident
Mr K Freeman	Local resident
Ms R Steele	Local resident
Ms M Fry	Local resident
Ms T Lund	Also, for Mr and Ms Watford, local residents
Mr J Kenyon	Local resident
Mr A Holmes	Local resident
Mr A Baldwin	Local resident
Mr N Banks	Local resident
Mr Bowden	Local resident
Mr Ashmore	Local resident
Ms S Butcher	Local resident
Mr M Watford	Local resident

DOCUMENTS

General

G1	Letter of notification
G2	Bundle of responses in respect of the inquiry
G3	Statement of Common Ground – Planning
G4	Statement of Common Ground – Noise
G5	Statement of Common Ground – Transport, submitted at the inquiry
G6	Site visit itinerary, drawn up by parties at the inquiry

Core documents

1. Application Documents	
CD1.1	Document 1 Covering Letter
CD1.2	Document 2 Application Forms and Checklist
CD1.3	Document 3 Our Proposals Explained
CD1.4	Document 4 The Proposal (May 2017)
CD1.5	Document 5 Application Drawings
CD1.6	Document 6 Planning Statement
CD1.7	Document 7 Environmental Report
CD1.8	Document 8 Statement of Community Involvement
2. National Legislation, Policy Documents and Guidance	
CD2.1	National Planning Policy Framework (March 2012)
CD2.2	Landscape Institute (2013) <i>Guidelines for Landscape and Visual Impact Assessment</i> . 3 rd Edition. Routledge. Extract pages 84 – 85 and 152 – 155.
CD2.3	Bat Conservation Ireland (2010). <i>Bats & Lighting, Guidance Notes for: Planners, Engineers, Architects and Developers</i>
CD2.4	Bat Conservation Trust and Institute of Lighting Engineers (2009). <i>Bats and Lighting in the UK. Bats and the Built Environmental Series</i> .
CD2.5	British Standards Institution (2013). <i>BS 42020:2013 Biodiversity – Code of Practice for Planning and Development</i> . British Standards Institution (BSI), London. Extract pages 9 – 12.
CD2.6	Wood White Factsheet. Butterfly Conservation. https://butterfly-conservation.org/50-603/wood-white.html
CD2.7	Collins, J (ed) (2016). <i>Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed)</i> . The Bat Conservation Trust. Extract pages 14 – 23; 32 – 37; 44 – 49.
CD2.8	DEFRA (2007). <i>Hedgerow Survey Handbook: A standard procedure for local surveys in the UK</i> . 2 nd Edition.
CD2.9	English Nature (now Natural England) (2002). <i>Badgers and Development</i>
CD2.10	Gilbert <i>et al.</i> (1998) <i>The Shortened BTO Common Birds Census (CBC) methodology</i> . Extract pages 386 – 388.
CD2.11	Institute of Environmental Assessment (1995). <i>Guidelines for Baseline Ecological Assessment</i> . Spon, London. Extract pages 9 – 27.
CD2.12	Institution of Lighting professionals, 2011 <i>Guidance notes for the Reduction of Obtrusive Light GN01.2011</i>
CD2.13	Joint Nature Conservation Committee (JNCC) (2010) <i>Handbook for Phase 1 habitat survey – a technique for environmental audit</i>

CD2.14	Mitchell-Jones A.J. (2004) <i>Bat Mitigation Guidelines</i> . Peterborough: Joint Nature Conservation Committee (JNCC).
CD2.15	Natural England (2014) (last updated 4/01/2018). <i>Ancient woodland and veteran trees: protecting them from development</i> .
CD2.16	Natural England (2015). <i>Standing advice for local planning authorities to assess impacts of development on bats</i> .
CD2.17	DEFRA and Natural England, August 2016, Protected sites and how to review applications that might affect protected sites and areas. https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications
CD2.18	Joint Nature Conservation Committee UK BAP Priority terrestrial mammal species http://jncc.defra.gov.uk/page-5170
CD2.19	Hayhow, D.B. et al 2017. The State of the UK's Birds. British Trust for Ornithology
CD2.20	Eaton, M.A. et al. (2015) Birds of Conservation Concern 4. RSPB
CD2.21	Natural Environment and Rural Communities Act (2006). Section 41: Species of Principal Importance in England.
CD2.22	Planning Practice Guidance on Minerals (Minerals PPG) 17 October 2014 https://www.gov.uk/guidance/minerals
CD2.23	Written Ministerial Statement on Shale gas and oil policy HCWS202, 16 September 2015
CD2.24	World Health Organization (WHO) (1999) <i>Guidelines for Community Noise</i> .
CD2.25	World Health Organization (WHO) (2009) <i>Night Noise Guidelines for Europe</i> .
CD2.26	The British Standards Institution (2014) <i>BSI Standards Publication BS 4142:2014 Methods for rating and assessing industrial and commercial sound</i> .
CD2.27	The British Standards Institution (2009) <i>BSI Standards Publication BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise</i> .
CD2.28	DEFRA (2010) <i>Noise Policy Statement for England</i> .
CD2.29	International Organization for Standardization (ISO) <i>International Standard ISO 9613-2 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation. First Edition 1996-12-15</i> .
CD2.30	Department for Transport (2007) <i>Manual for Streets</i> . Extracts pages 74; 79; 91.
CD2.31	The Chartered Institution of Highways and Transportation (2010) <i>Manual for Streets 2</i> . Extract page 75.
CD2.32	The Road Traffic Regulation Act 1984, Section 14.
CD2.33	Chartered Institute of Ecology and Environmental Management (CIEEM) (2017) <i>Guidelines for Preliminary Ecological Appraisal. Second Edition</i> .
CD2.34	Chartered Institute of Ecology and Environmental Management (2017) <i>Guidelines for Ecological Report Writing. Second Edition</i> .
CD2.35	Chartered Institute of Ecology and Environmental Management (2016) <i>Guidelines for Ecological Impact Assessment in the UK & Ireland. Terrestrial, Freshwater & Coastal. Second Edition</i> .
CD2.36	DEFRA (2014) <i>Protected Species: how to review planning applications</i> . Last updated August 2016.
CD2.37	Department for Energy and Climate Change (December 2015)

	Onshore oil and gas exploration in the UK: regulation and best practice
CD2.38	Institute of Environmental Assessment (1993) Guidelines for the Environmental Assessment of Road Traffic, Guidance Notes No. 1.
CD2.39	Civil Aviation Authority (July 2010) Civil Aviation Publication (CAP) 793 Safe Operating Practices at Unlicensed Aerodromes.
CD2.40	Civil Aviation Authority (March 2014) Civil Aviation Publication (CAP) 168 Licensing of Aerodromes, version 10. Extracts: Chapter 3, page 1 and Chapter 4 pages 1 – 29.
CD2.41	Institute of Air Quality Management (2017) Land-Use Planning & Development Control: Planning For Air Quality.
CD2.42	Institute of Air Quality Management (2014) Guidance on the assessment of dust from demolition and construction.
CD2.43	Written Ministerial Statement on Planning Policy – HCWS689, 17 May 2018
CD2.44	Hedgerow Regulations 1997
CD2.45	The Petroleum Act 1998, Section 9A.
CD2.46	Public Health England. (2014). Review of the Potential Public Health Impacts of Exposures to Chemical and Radioactive Pollutants as a Result of the Shale Gas Extraction Process. Section 5.6.
CD2.47	Written Statement – HCWS690 made by Greg Clarke (Secretary of State for Business, Energy and Industrial Strategy), 17 May 2018

3. Development Plan and Evidence Base

CD3.1	The Derbyshire Minerals and Waste Development Framework (Adopted April 2000)
CD3.2	North East Derbyshire District Council: Local Plan 2001 – 2011 (Saved Local Plan) (Adopted November 2005). Extracts.
CD3.3	North East Derbyshire Local Plan (2011 – 2031) Publication Draft (February 2018). Extracts.
CD3.4	Derbyshire County Council: Towards a Minerals Local Plan: Spring 2018 Consultation (March 2018 – May 2018)
CD3.5	Derbyshire County Council (2013) The Landscape Character of Derbyshire
CD3.6	Derbyshire County Council (2013) Technical Support Document 1: Areas of Multiple Environmental Sensitivity
CD3.7	Derbyshire County Council (2013) Technical Support Document 2: Tranquillity
CD3.8	North East Derbyshire Green Belt Review 2017 – Part 1 Policy Review
CD3.9	North East Derbyshire Green Belt Review 2017 – Part 2 Methodology and Results
CD3.10	North East Derbyshire Green Belt Review 2017 – Appendix 1 - Green Belt Parcel Assessment – Map Insets – NLP Green Belt Review Scores: Marsh Lane & Eckington (W) (Drawing No. GIS\41714\02-50)

4. Correspondence with LPA (including additional information submitted)

CD4.1	Secretary of State Screening Direction Letter and Written Statement (26 June 2017)
CD4.2	Derbyshire County Council Screening Opinion (28 February 2017)
CD4.3	Letter of response to Ecology, Archaeology, Landscape conservation and North East Derbyshire District Council (15 August 2017)
CD4.4	Letter of response to Derbyshire Wildlife Trust (18 August 2017)

CD4.5	Letter of response to South Yorkshire Campaign to Protect Rural England, Friends of the Earth, Mr Lee Rowley MP and Eckington against Fracking (12 September 2017)
CD4.6	Letter of response to District Council Environmental Health Team (15 September 2017)
CD4.7	Letter of response to District Council Environmental Health Team (02 October 2017)
CD4.8	Email to Derbyshire County Council confirming extension of time (03 November 2017)
CD4.9	Draft Legal Undertaking (S111 Agreement) (01 December 2017)
CD4.10	Letter of response to Derbyshire County Council regarding Hedgerows, Lighting and Legal Agreement
CD4.11	Noise Management Plan, submitted 31 October 2017
CD4.12	Drawing showing access from B6056 (no. 64351-101 Rev C), submitted 15 August 2017
CD4.13	Lighting Report, submitted 01 December 2017
CD4.14	Hedgerow Report, submitted 01 December 2017
CD4.15	Access Route Options Review Report (04 May 2018), submitted 11 May 2018
CD4.16	AECOM Review Report of Traffic and Transport Matters (11 May 2018), submitted 11 May 2018

5. Inquiry Documents

CD5.1	Statement of Common Ground between Appellant and Derbyshire County Council
CD5.2	Derbyshire County Council Statement of Case
CD5.3	INEOS Statement of Case
CD5.4	Eckington Against Fracking Statement of Case Under Rule 6
CD5.5	Statement of Common Ground (Noise) between Appellant and Derbyshire County Council

6. Consultation Responses

CD6.1	Landscape Team, Conservation, Heritage and Design Service (15 June 2017)
CD6.2	Natural England (20 June 2017)
CD6.3	Environmental Health Officer (03 August 2017)
CD6.4	Environmental Health Officer (23 November 2017)
CD6.5	Derbyshire Wildlife Trust (31 June 2017)
CD6.6	Derbyshire Wildlife Trust (18 October 2017)
CD6.7	Public Health England (09 August 2017)
CD6.8	Health and Safety Executive (05 June 2017)
CD6.9	Environment Agency (22 June 2017)

7. Other Points of Reference

CD7.1	Environmental Permit 28 June 2017
CD7.2	Officer Report to Planning Committee 5 February 2018
CD7.3	CON29M Non-Residential Mining Report (YO18FW23), The Coal Authority
CD7.4	(1) Samuel Smith Old Brewery (Tadcaster) (2) Oxtton Farm V (1) North Yorkshire Council (2) Darrington Quarries Ltd [2018] EWCA Civ 489

CD7.5	Appeal Decision: Land off Bath Road, Leonard Stanley. Appeal Ref APP/C1625/A/13/2207324.21 July 2014.
CD7.6	Appeal decision: Land west of Enifer Downs Farm and east of Archers Court Road and Little Pineham Farm, Langdon. Appeal Ref APP/X2220/A/08/2071880. 16 March 2009
CD7.7	Adams, Rick A; Pedersen, Scott C (2000). <i>Ontogeny, Functional Ecology, and Evolution of Bats</i> . Cambridge University Press pp 139-140 ISBN 0521626323. Extract pages 136 – 143.
CD7.8	Newton, I (2017). <i>Farming and Birds</i> . William Collins
CD7.9	Wray S, Well, D, Long E & Mitchell-Jones T (2010). <i>Valuing Bats in Ecological Impact Assessment</i> . In Practice, Edition 70, December 2010.Extract pages 23 – 25.
CD.7.10	Official Journal of the European Communities (25 June 2002) <i>Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise</i> .
CD7.11	URS (October 2014) <i>Evidence and Usage of LOAEL, SOAEL etc</i> . Prepared for DEFRA.
CD7.12	Harris, et al (1989) <i>Surveying badgers</i> . <i>Mammal Society Occ. Publication</i> . No. 9.
CD7.13	RSPB. Land Management for Wildlife. Corn Bunting (<i>Emberiza Calandra</i>).
CD7.14	Stone, E.L. (2014) <i>Bats and Lighting. Overview of current evidence & mitigation guidance</i> . University of Bristol.
CD7.15	CPRE (2007) Tranquillity Map, Derbyshire
CD7.16	Cuadrilla Bowland Limited (2014) Temporary shale gas exploration at Preston New Road, Lancashire. Environmental Statement Volume 1 – Main Document. Extract figure 4.2, page 30 and table 16.5, page 458.
CD7.17	Appeal A: Appeal made by Cuadrilla Bowland Limited Exploration Site on land that forms part of Plumpton Hall Farm, West of the farm buildings, north of Preston New Road, off Preston New Road, Preston , Lancashire. LPA ref. LCC/2014/0096. Appeal Ref. APP/Q2371/W/15/3134386. Extract page 315, paragraph 12.215.
CD7.18	Notice of High Court Injunction order dated 12 December 2017
CD7.19	Officer Report to Planning Regulatory Board – Rotherham Metropolitan Borough Council, 25 January 2018 – Proposal on land adjacent to Common Road, Harthill, Rotherham, S26 7XH (LPA ref. RB2017/0805).
CD7.20	Europa Oil and Gas High Court Decision [2013] EWHC 2643 (Admin). 25 July 2013.
CD7.21	Officers Report to Planning and Regulatory Committee 25 May 2011 – Minerals and Waste Application MO09/0110, Bury Hill Wood, off Coldharbour Lane, Holmwood (Europa Oil and Gas Limited)
CD7.22	Report to Sub-Committee 4 May 2018
CD7.23	Europa Oil and Gas Court of Appeal Decision [2014] EWCA Civ 825. Thursday 19 June 2014.
CD7.24	Appeal Decision ref. APP/P4415/W/17/3190843 Land adjacent to Common Road, Harthill, Rotherham. 7 June 2018.
CD7.25	Appeal A: Appeal made by Cuadrilla Bowland Limited Exploration Site on land that forms part of Plumpton Hall Farm, West of the farm buildings, north of Preston New Road, off Preston New Road, Preston , Lancashire. LPA ref. LCC/2014/0096. Appeal Ref.

Documents submitted by the Council

DCC/KG1-2 Mr K Gayler, Summary and Proof
DCC/RP/1 Cllr R Parkinson, Proof
DCC/PS/1 Cllr P Smith, Proof
DCC/PE/1-3 Mr P Ellingham, Summary, Proof and Appendices

Submitted during the inquiry

DCC1 Opening statement
DCC2 Trusthouse Forte Hotels Ltd v Secretary of State for the Environment and Another
DCC3 Very special circumstances
DCC4 Conditions seeking developer contributions
DCC5 Conditions v6-9
DCC6 Closing statement
DCC7 DCC comments on Revised NPPF, submitted after the inquiry

Documents submitted by the Appellant

IN1 Access Route Options – Curtins
IN2 Review of traffic and transport matters - AECOM
IN3 Comments on WMS
IN/AS/1-2 Mr A Sloan, Summary and Proof
IN/TP/1-3 Mr T Pickering, Summary, Proof and Appendices
IN/JT/1-2 Cdr J Taylor, Summary and Proof
IN/GB/1-3 Mr G Beamish, Summary, Proof and Appendices
IN/CH/1-2 Dr C Hazell-Marshall, Summary and Proof
IN/AC/1-3 Mr A Coates, Summary, Proof and Appendices
IN/AB/1-2 Dr A Buroni, Summary and Proof
IN/DR/1-2 Mr D Russell, Summary and Proof
IN/SF/1-3 Mr S Fraser, Summary, Proof and Appendices
IN/LP/1-2 Mr L Prazsky, Summary and Proof
IN/PM/1-2 Mr P Macrae, Summary and Proof
IN/KM/1-2 Mr K Martin, Summary and Proof
IN/SB/1-3 Mr S Bell, Summary, Proof and Appendices
IN/AT/1-2 Mr A Tilley, Summary and proof (not presented)

Submitted during the inquiry

IN4 Opening statement
IN5 Closing statement
IN6 Comments on the revised NPPF, submitted after the inquiry

Documents submitted by Eckington against Fracking

EAF1 Comments on WMS
EAF/DK/1-2 Mr D King, Proof and Appendices
EAF/AJ/1-2 Mr A Jones, Proof and Appendices
EAF/TL/1-2 Ms T Lund, Proof and Appendices
EAF/JB/1-2 Ms J Booth, Proof and Appendices
EAF/DS/1-2 Mr D Swift, Proof and Appendices

EAF/BH/1-2 Mr B Hitchcock, Proof and Appendices
EAF/RP/1-2 Mr R Pointer, Proof and Appendices
EAF/LR/1-2 Mr L Rowley MP, Proof and Appendices

Submitted during the inquiry

EAF2 Opening statement
EAF3 Drill or drop article re Mr King's evidence
EAF4 Statement of Cllr Michael Gordon
EAF5 Suffolk Coastal District Council v Hopkins Homes and another. Richborough Estates Partnership LLP and another v Cheshire East Borough Council, [2017] UKSC37
EAF6 Comments on conditions and proposed further conditions
EAF7 Closing statement
EAF8 Comments on the revised NPPF, submitted after the inquiry

Documents submitted by Interested Persons at the inquiry

IP1 Statement, Mr R Street
IP2 Objection letter, Mr D Ross
IP3 Statement, Ms L Hopkinson, Transition Chesterfield
IP4 Statement, Cllr A Dale
IP5 Statement, Cllr Ms A Foster
IP6 Statement, Cllr A Hutchinson
IP7 Notes, Ms C Hutchinson
IP8 Statement, Cllr M Gordon
IP9 Statement, Ms D Glossop
IP10 Statement, Mr P Glossop
IP11 Statement, Ms G Havenhand
IP12 Statement, Mr H Barnes
IP13 Statement, Mr J Percival
IP14 Statement and presentation slides, Prof P Styles, Keele University
IP15 Statement, Ms K Gordon, Friends of the Earth
IP16 Statement, Ms N Dowling
IP17 Statement, Ms F Marsh, Marsh Lane Primary School
IP18 Statement, Ms T Lund and Statement of Mr and Mrs Watford
IP19 Statement, Mr J Kenyon
IP20 Statement and Appendix, Mr D Harrison

PHOTOGRAPHS

Photo A - Lorries stuck on Eckington Road, submitted by EAF
Photo B - Surface water run-off, submitted by EAF
Photo C - Surface water run-off, submitted by EAF

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. The Mineral Planning Authority shall be given at least five working days prior written notice of the date of commencement of development (the commencement of development will be taken to include any earthworks and access creation).

2. The development shall be completed within five years of the date of commencement as notified under condition 6 below. For the purposes of this condition, the term completed means the achievement of the proposed restoration scheme as required by condition 3 below. The timing of aftercare (including landscaping works) will be controlled by the terms of other conditions below.

3. The development shall be carried out in accordance with the approved plans and documents, unless otherwise amended by conditions of this permission. The approved plans and documents are:

'The Proposal' document, dated May 2017

P300-S1-PA-00 Rev A Strategic Location Plan

P300-S1-PA-01 Rev G Application Site Plan

P300-S1-PA-04 Rev E Existing Ground Plan

P300-S1-PA-05 Rev E Proposed Site Entrance & Highway works

P300-S1-PA-06 Rev E Proposed Site Layout Plan - Construction

P300-S1-PA-07 Rev E Proposed Site Layout Plan - Drilling Stage

P300-S1-PA-08 Rev G Proposed Site Layout Plan - Listening Stage

P300-S1-PA-09 Rev E Proposed Site Restoration

P300-S1-PA-10 Rev D Proposed Lighting Plan - Drilling & Coring

P300-S1-PA-11 Rev E Proposed Drainage Plan

P300-S1-PA-12 Rev C Proposed Site Layout Plan - Suspension

P300-S1-PA-13 Rev E Proposed Internal Access Plan

P300-S1-PA-16 Rev E Proposed Sections & Details

Curtins Drawing 64351-104 Access from B6056

4. Drilling operations associated with Stage 2 of the development as set out in Page 14 of The Proposal Document May 2017 shall not exceed 3 months in total.

5. From the commencement of development until its completion, a copy of this permission, including all the documents hereby approved or cited in the following conditions, and any other documents subsequently approved in accordance with any condition of this permission, shall be kept available at the developers Bramleymoor Lane site offices at all times.

6. The Mineral Planning Authority shall be given at least five working days prior written notice of the following operations:

- i) the commencement of construction of the site access and access road;
- ii) notwithstanding the requirement under part i) of this condition, the commencement of other operations in Stage 1 (Site Development and Establishment) of the development;
- iii) the drill rig being brought to and removed from site;
- iv) any other abnormal sized HGV deliveries to the site (specifying actually vehicle size limits);
- v) the commencement of drilling operations in Stage 2 (Drilling, Coring and Suspension) of the development;
- vi) the completion of drilling operations in Stage 2;
- vii) the commencement of any operations in Stage 3a (Possible workover of the Suspended Well), including the delivery of a workover rig to site and Stage 4 (Use of the well as a Listening Well). Information regarding the anticipated duration of the operations in each Stage shall also be provided;
- viii) the commencement of operations in Stage 5 (Abandonment [Decommissioning] and Restoration), including the delivery of a workover rig to the site, the removal of the access road and reinstatement of the boundary and hedgerows removed as part of the creation of the new access; and
- ix) completion of site restoration.

7. All site buildings/cabins shall be painted and/or clad using the colour BS12 B 29 (dark green) or an alternative specific type colour which has received the prior written approval of the Mineral Planning Authority.

8. Notwithstanding the provisions of Article 3 and Part 17 Class A & B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any successor legislation, no fixed plant or machinery, buildings or structures in the nature of plant or machinery and no mobile processing plant shall be placed or erected on the site except as existing or previously authorised or as required by this schedule of conditions without the prior written approval of the Mineral Planning Authority.

9. Except in the event of an emergency, as set out in The Proposal Document May 2017 the following hours of working shall apply to the development:

Stage/Activity	Permitted hours of Work
Stage 1 (Site Development and Establishment)	0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays. There shall be no working on Sundays or Public or Bank Holidays
Stage 2 (Drilling, Coring and Suspension) Mobilisation and Assembly of the drill rig, drilling and coring and suspension and demobilisation	24 hours/ 7 days a week
Stage 3 (Maintenance of the Suspended well), Stage 3a	0700 hours to 1900 hours Monday to Friday. There shall be no working on

(Possible Workover of the Suspended Well) and Stage 4 (Use of the Well as a Listening Well)	Saturdays, Sundays or Public or Bank Holidays
Stage 5 Abandonment, [Decommissioning] and Restoration	
Decommissioning the well	24 hours / 7 days a week
Removal of site equipment and restoration	0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays. There shall be no working on Sundays or Public or Bank Holidays

10. Prior to the commencement of development, as to be notified under condition 6 above, full details of the drill rig to be used shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include plans showing the elevations of the rig and the site layout with the selected drill rig. Only the approved rig shall be used on the site.

11. No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing by, the Mineral Planning Authority. The submitted Traffic Management Plan shall cover the following aspects:-

- The anticipated number, frequency and types of vehicles used during the development, method of access and routing of vehicles.
 - Parking of vehicles by site operatives and visitors.
 - Details of how HGV access will be controlled and managed to ensure appropriate timing of deliveries, avoiding school pick up and drop off times when and where appropriate and use of the off-site holding areas when required.
 - In the event of an unforeseen closure on the identified access route, provide details of where site traffic will be held.
 - Arrangements for loading and unloading of plant, materials and waste.
 - Vehicular turning arrangements, to include provision for a max length HGV to leave the site in a forward gear at all phases of the development.
- Development shall be carried out in accordance with the approved plan.

12. There shall be no heavy goods vehicles brought onto the site until a photographic dilapidation survey recording the condition of the existing highway from the site access on the B6056 up to the Derbyshire/Sheffield boundary on Dyche Lane has been undertaken and submitted, and approved in writing by the Mineral Planning Authority. A scheme for the repair of any damage incurred as a direct result of site traffic using the aforementioned highway, which shall include a delivery mechanism and programme for the works, shall be submitted to the Mineral Planning Authority, for approval in writing, within 14 days of being requested. The approved scheme shall thereafter be implemented in full.

13. Space shall be laid out for vehicular parking and turning facilities, storage of plant and materials, site accommodation, loading and unloading of goods vehicles in accordance with the details shown on the approved plans for each stage of the development, and shall thereafter be kept available for those purposes for the duration of that stage of development.

14. Before any other operations are commenced (excluding Condition 13 above) a new vehicular access shall be created to the B6056 in accordance with drawing 64351-104. The area in advance of the sightlines shall be maintained throughout the life of the development clear of any object or vegetation greater than 1m in height relative to the adjoining nearside carriageway channel level.

15. The sole means of vehicular access to the application site shall be from B6056 only. There shall be no means of access to Bramley Moor Lane.

16. The proposed access drive to B6056 shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained for the duration of the development.

17. No development shall take place until details of the measures to prevent the deposit of mud, clay and other deleterious materials upon the public highway have been submitted to, and approved in writing by, the Mineral Planning Authority. The measures shall include as appropriate:

- i) the provision and use of wheel-cleaning facilities;
- ii) the provision and use of lorry sheeting;
- iii) the use of a mechanically propelled road sweeper on the public highway; and
- iv) a timescale for providing the above.

Development shall be carried out in accordance with the approved measures. In the event that the measures do not adequately prevent the deposit of mud, clay and other deleterious materials upon the public highway then, within 7 days of a written request from the Mineral Planning Authority, a scheme of revised and timetabled additional measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the Mineral Planning Authority for its approval in writing. Following any approval, development shall thereafter be carried out in accordance with the approved revised and timetabled additional measures.

18. Daily records shall be kept at the site office of the number of HGV movements in to and out of the site. These records shall be made available for visual inspection on site to the Mineral Planning Authority.

19. Noise emissions from operations carried out at the site shall not exceed the following noise limits as measured at the boundary of any residential property at a height of 1.2m – 1.5m above ground:

- i) between the hours 0700 to 1900 a maximum noise level of 47 dB LAeq1hour (free field);
- ii) between the hours 1900 to 2200 a maximum noise level of 43 dB LAeq1hour (free field);

iii) between the hours 2200 to 0700 a maximum noise level of 42 dB LAeq1hour (free field).

20. No development shall take place until a Noise Management Plan has been submitted to, and approved in writing by, the Mineral Planning Authority. The plan shall include:

- i) data from the relevant manufacturers' noise tests for each item of noise-emitting plant to be used on site, to establish whether noise emissions are likely to be compliant with the noise limits set out in condition 19;
- ii) if noise-emitting plant is not likely to be compliant, details of what mitigation would be introduced and timescales for mitigation implementation;
- iii) procedures for addressing any complaints received;
- iv) details of a Noise Monitoring Scheme, including a mechanism to address any non-compliance with the noise limits set out in condition 19;
- v) management responsibilities including operator training, compliance response and investigation, and routine environmental noise monitoring and reporting; and
- vi) methods to determine whether noise is free from tonal, intermittent or impulsive characteristics, the incorporation of these methods in the Noise Monitoring Scheme and a mechanism for the setting of any necessary noise limits and weighting together with any mitigation, including approval in writing by the Mineral Planning Authority.

The Plan shall be implemented as approved.

21. Efficient silencers shall be fitted to, used and maintained in accordance with the manufacturers' instructions on all site-based vehicles, plant and machinery used on the site. Except in the event of an emergency, machinery shall not be operated with the covers open or removed.

22. The reversing warning system on all vehicles based on the site shall be fitted with reversing warning devices that are non-audible, ambient related, broadband or low-tone devices.

23. Prior to the commencement of any works on site a Dust Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The Plan shall set out details in relation to the measures for controlling airborne dust during the construction, operation and restoration phases. Development shall be carried out fully in accordance with the approved Plan.

24. Notwithstanding condition 3, no external lighting shall be utilised in respect of any phase of the development hereby permitted until details of all external lighting for that phase have been submitted to, and approved in writing by, the Mineral Planning Authority. The submitted details shall substantially accord with the lighting report submitted with the planning application. The submitted details shall also have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals and "Bats and Lighting in the UK", the Bat Conservation Trust & Institute of Lighting Engineers (2009), Bats and the Built Environment Series BCT, and include details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being dazzled). The approved lighting details for any phase shall be implemented in full before the lighting for that phase

is first used, and the approved lighting shall be retained for the duration of that phase, unless otherwise approved in writing by the Mineral Planning Authority.

25. 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.

26. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be directed to discharge downwards into the bund.

27. All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a suitable container until disposed of offsite in a suitable facility.

28. a) No development shall take place until a Written Scheme of Investigation (WSI) for archaeological work has been submitted to and approved by the Mineral Planning Authority in writing, and until any pre-start element of the approved scheme has been completed and has the written approval of the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the WSI
7. A timetable for the completion of all site investigation and post-investigation works.

b) No development shall take place other than in accordance with the archaeological WSI approved under condition (a)."

c) All elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work shall be undertaken in accordance with the programme as approved in the WSI.

29. Prior to the construction of the site access road, site compound, the drilling pad, erection of buildings, plant or equipment and surfacing of any areas of the site, all available topsoil and subsoil 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").

30. No topsoils or subsoils shall be exported from the site.

31. All topsoil and subsoil mounds shall be shaped, graded and grass seeded within one month of the first planting season, in accordance with details that have submitted to and received the prior written approval of the Mineral Planning Authority. The soil storage mounds shall thereafter be retained in a grassed, weed free condition throughout the duration of the development, pending their use in the restoration of the site.

32. Prior to the commencement of development, a scheme identifying the height, location and appearance of any fencing and security gates which may be required to be installed on the site shall be submitted to and approved in writing by the Mineral Planning Authority. Only security fencing and gates as approved shall be erected on the site. Any security fencing and gates installed shall be removed upon completion of site decommissioning.

33. Vegetation removal, including the removal and cutting of hedgerows, the clearance of grassland or other vegetation, shall not be carried out during the bird breeding season (March to August inclusive) except under the guidance of a suitably experienced ecologist. In the event that nests are found, they should be left undisturbed until all young have fledged.

34. The ecological recommendations in relation to badgers set out in table 4.6 of the Environmental Report shall be fully implemented. This shall include a walkover survey of the site immediately prior to the commencement of development and the covering up of any excavated holes/trenches overnight during the construction and restoration stages.

35. No development shall be begun until a scheme for cutting back/laying and ongoing maintenance of the hedgerow to be retained along the site boundary adjoining the B6056 in order to create the visibility splays on the site access has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall then be implemented as approved.

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 to the Mineral Planning Authority for its written approval. The restoration scheme shall substantially accord with the proposals as illustrated on drawing no. P300-S1-PA-09 Rev E and The Proposal and provide details of the following:

- a) works of restoration to restore the site to agricultural land, including:
 - soil reinstatement measures for the borehole area and across the rest of the site;
 - reinstatement of the hedgerow removed to create the site access, and supplementing existing hedgerows to reduce gaps. Any species planted 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; and,

- 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 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.

37. No development shall take place until a scheme to convene and operate a Community Liaison Group has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include measures to seek membership from the Mineral Planning Authority and the local community. The scheme shall be implemented as approved, unless otherwise approved in writing by the Mineral Planning Authority.

ENDS