REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 8TH MARCH 2018

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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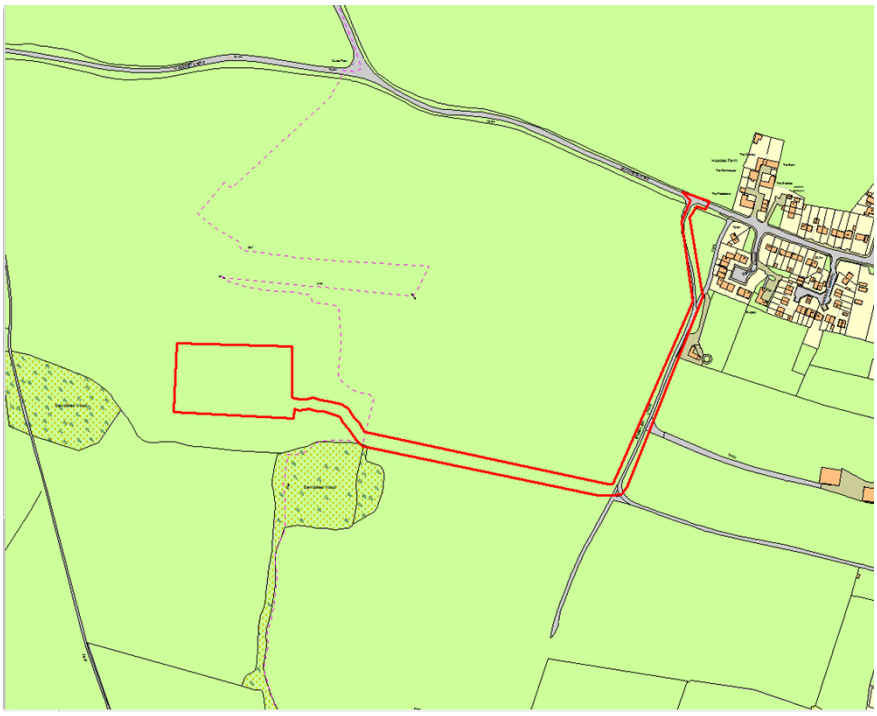
Application Number	**RB2017/1577**
Proposal and Location	Construction of a well site including the creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill and pressure transient test a vertical hydrocarbon exploratory core well and mobilisation 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 Dinnington Road, Woodsetts, Rotherham, S81 8RJ.
Recommendation	**Refuse**

Introduction

No hydraulic fracturing (fracking) is proposed as part of this planning application. This application only seeks permission for an exploratory vertical core well and associated geological testing and logging.



Site Description and Location

The proposed exploratory well site is located in the south of the Rotherham Borough to the west of Woodsetts village (the "site"). The site is approximately 850m west of the centre of the village and 500m from the nearest houses located on Berne Square of Dinnington Road.

The site lies on the southern side of Dinnington Road, a two lane road which connects North Anston with Woodsetts. The site lies to the north of Dewidales Wood which is split into two separate areas of woodland, both of which comprise of Ancient Woodlands. The majority of the eastern block of the woodland is Ancient Woodland with a small section of the eastern section being outside of this category.

The planning application boundary comprises a roughly rectangular area which is approximately 1.86 ha in area and lies to the north-west of the easternmost block of Woodland. Access is proposed to be taken from Cross Lane, a predominantly single lane track which connects to Dinnington Road and is approximately 330m to the south of the main road.

The site lies within the lowest flood risk category (Zone 1) on Environment Agency maps and does not lie within a locally identified surface water flood risk area.

Several public footpaths connect the areas around the site along its southern (Anston Bridleway No. 39) and western (Anston Bridleway No. 23) boundaries.

Background

The site does not have any previous planning history. Applications for a Stable block off the eastern side of Cross Lane were approved in 1989, 1990 and 2016.

The Secretary of State for Energy and Climate Change previously issued Petroleum Exploration and Development Licences (PEDL) for a defined geographical area and specified period of time, although responsibility for this now lies with the Oil and Gas Authority (OGA) as an executive agency sponsored by the newly formed Department for Business, Energy and Industrial Strategy (DBEIS). The licences give exclusive rights for the licensee to “search, bore for and get‟ petroleum. However, the licences do not in their own right confer on the licensee any consent, permission or authorisation to carry out development activity.

INEOS was awarded PEDL 304 by the Department for Business, Energy & Industrial Strategy (BEIS) (formally the Department of Energy and Climate Change - DECC) following the 14th Licencing Round.
The hydrocarbon extraction process involves three distinct phases:

1. Exploration: Through the drilling of a vertical well. This is the stage proposed by this planning application;

2. Appraisal: Through gas flow testing following horizontal drilling and hydraulic fracturing either from existing core well sites or new sites (3D seismic data will be acquired to enable placement of wells involving hydraulic fracturing).

3. Production: Through drilling of horizontal wells from multi-well pads followed by hydraulic fracturing, production, decommissioning and restoration.

Planning permission is required for each phase, with the cumulative environmental effects of combined applications at different stages being considered each time an application is made.

The applicant (INEOS) has also submitted planning applications for similar exploratory well development:

- Off Common Road, close to Harthill village (reference RB2017/0805). This application is subject to an appeal against non-determination and will be considered by the Planning Inspectorate.

- In Marsh Lane, north east Derbyshire, approximately 15km to the south west of the site. This application is currently undetermined and is being considered by Derbyshire County Council. An appeal against non-determination has also been submitted in respect of that application which will also be considered by the Planning Inspectorate.

Screening Opinion:
Following an initial Screening Request, the Council determined that the planning application at Woodsetts did not represent Environmental Impact Assessment (EIA) development.

The applicant also submitted a Screening Request to the Planning Casework Unit (similar to the Harthill site). However, the PCU declined to determine this request on account that this did not represent an efficient use of resources along with the absence of a challenge from third parties. The Council's Screening Opinion is therefore still considered valid.

The Environment Agency have also confirmed that a Standard Rules Permit has been issued for the site (ref EPR/FB3503KK/A001).

Proposal

The proposal is to drill a vertical core well to a depth of approximately 2,800m and to recover cores of the target geological formations. Subsurface data would be collected during the drilling process and the core samples would be removed from site for testing of the potential to produce hydrocarbons. Testing of the borehole will then be undertaken, including a "Pressure Transient Test" which checks whether the rocks have enough pressure naturally to push gas into the borehole. Once drilled and cored, the well would be suspended for a period of time, for potential later use as a "listening well" during the potential development of other sites in the area.

Planning permission is sought for a temporary period of five years and during this time the proposed development would comprise five phases. These phases can be briefly summarised as follows:

Stage 1: Site development and establishment
Estimated duration: 3 months
Working hours: 7am-7pm Monday-Friday; 7am-1pm Saturday

Operations include:

- Mobilisation– this would involve any necessary pre-commencement surveys, including geotechnical surveys, site investigation surveys, road construction surveys and environmental surveys. Any construction equipment would also be brought to site during mobilisation.
- Access Tracks – formal access construction including visibility splays and geotextile membrane to be covered with aggregate and on-site parking provision.
- Site Clearance – the site would cover 120m by 100m (1.2 hectares). Vegetation clearance and hedge trimming, topsoil/subsoil removal (up to 300mm) would occur.
- Site Development and Lining – impermeable site liner trench and

subsequent appropriate infilling at foot of topsoil bund to be installed immediately around the drill site. The bund would be approximately 2m high on the perimeter of the site created from topsoil from within the site. The bund would assist with visual and noise screening. The site hardstanding area (drill pad) would be constructed within the central site area.

- Development of Drainage – perimeter water storage pipe installation to be fed into from across site to catch any potential surface water runoff. All surface runoff from the core well site would therefore be retained on the site and removed by a licensed waste contractor. Drainage from the central rig area would feed into a separate bunded tank for removal and treatment by a licensed waste contractor.
- Development of Site Accommodation – cabins stacked (up to two high) on top of each other would be placed at the perimeter of the site, to provide further screening.
- Installation of Monitoring Boreholes – groundwater monitoring boreholes installed, in liaison with the Environment Agency (EA), under permitted development rights, not part of this application.
- Construction of Well Cellar – a well cellar (2.5m diameter and 3m deep) would be excavated, from which the well would be drilled. A conductor installation rig up to 10m in height would be set in the top section of the well bore. The conductor rig would be a smaller drilling rig designed to drill to shallower depths. This would also allow for greater flexibility of drilling and reducing the amount of time the main rig is in place.
- Installation of Conductor/ Surface Casing - a Conductor/ Surface drill rig or auger of up to 32 m, would be mobilised to site. This would drill the upper section of the well, and install the upper strings of casing to approximately 610 m (2,000 ft.). This would isolate mine workings in the Westphalian coal measures and aquifers. The rig would be operational for 24 hours a day, for approximately 3 weeks and would then be demobilised.
- Demobilisation – grass seeded geotextile membrane introduced to soil bunds and security measures and lighting installed around site. Demobilisation of construction equipment in preparation for mobilising main drilling rig and equipment.

<u>Stage 2: Drilling, coring and testing</u>
Estimated Duration: 5 months
Working hours: 24-hour for drilling; 7am-7pm Monday-Friday; 7am-1pm Saturday for mobilisation, deliveries and Pressure Transient Test.

Operations:

- Mobilisation of drill rig and associated equipment including temporary mobile lighting (up to 9m in height).
- Drill rig, drill pipe and water and mud pumps brought onto site
- Drilling and Coring- well drilled to a depth of approximately 2,805m with a drill rig up to 60m in height. The well would be logged during drilling and cores would be sent off site for laboratory analysis. No flow testing would be undertaken.
- Pressure Transient Test to establish reservoir properties
- Main rig replaced by 32m workover rig
- Well perforated and packer (a device to seal the borehole) lowered into well

- 10m3 (maximum) potassium chloride solution (2-4%) squeezed into formation at target zone at pressure
- Pressure monitored for two weeks
- Plug removed
- Process repeated in up to two additional target zones
- Workover rig and waste removed
- Demobilisation – drill rig and ancillary equipment would be removed from site including waste from drilling and coring process (drill cuttings and waste drill muds).

INEOS indicates that standard well safety equipment would be present on site during drilling, including a blow-out preventer, vent for emergency venting of gas, and methane monitoring.

Stage 3: Maintenance of the Suspended Well Site
Working hours: 7am-7pm Monday-Friday; 7am-1pm Saturday

Operations:
Once the suspended well is in place, routine visits to the core well site would be made for maintenance. These checks would include:

- Integrity of pipework and site surface;
- Integrity of fencing and security arrangements;
- Site drainage and containment, including tanks;
- Wellhead structure and pressure monitoring;
- The core well site would be unmanned once the well is suspended, but site security including CCTV would remain.

Stage 3a: Possible Workover of the Suspended Well
Up to one month as required. This stage is included as a contingency and would only be required if the well required to be re-entered for maintenance or similar purposes. However, the planning application requests for the potential to undertake these operations to allow a rapid deployment of the drill rig if required.

Stage 4: Undertaking Listening well operations
Estimated duration: 5 weeks
Working hours: 7am-7pm Monday-Friday; 7am-1pm Saturday
This work would be carried out to undertake baseline monitoring.

Activities during Stage 4 would only take place to undertake baseline monitoring or when another well is hydraulically fractured, subject to separate consent for that activity being granted within the period of planning consent for this well. Activities during Phase 4 would include:

Operations:

- Mobilisation of wireline truck or workover rig (maximum 32 m), 30 tonne mobile crane (50m maximum), mast, elevated work platform and temporary welfare facilities
- Placement of geophones (small seismic receivers) on wireline inside reservoir casing
- Demobilisation

Stage 5: Decommissioning and Restoration
Decommissioning of the well would take place on a 24 hour basis for up to two weeks
Restoration estimated duration: 2 months
Working hours: 7am-7pm Monday-Friday; 7am-1pm Saturday

Operations

- Plugging and decommissioning the well. Decommissioning of the well would be undertaken in accordance with Oil and Gas UK Guidelines on Well Abandonment and according to an abandonment plan to be agreed with the Environment Agency, Health and Safety Executive (HSE) and an independent Well Examiner.
- Wellhead removed and casing/cement cut to 2m below ground
- 32m workover rig required for a short period during the 1 month abandonment and restoration stage.
- Removal of site equipment and surfacing. The site would be fenced with temporary Heras fencing to allow the permanent fencing and security fencing to be removed.
- Restoration
  - Soil in bunds levelled across surface
  - Field drainage re-developed if required
  - Site reseeded for agriculture
  - Access tracks and road amendments would also be restored as agreed with the landowner and Highways Authority, or retained for continued use, subject to any necessary further planning consent.
- Aftercare - an aftercare plan would be put in place as a condition of planning consent, to ensure appropriate aftercare of the site as agricultural land. A monitoring plan as agreed with the Environment Agency would be followed

Future Application Proposals:
This application only seeks approval for the drilling, testing, suspension, decommissioning and restoration of the proposed well, including possible use as a listening well. This application would not authorise any other future activities on this site.

Whilst the application proposals are not considered to require a formal Environmental Impact Assessment, it is accompanied by an Environmental Report and this can be summarised into the following main areas:

Noise

- A noise assessment was undertaken to consider the potential impacts of the daytime construction (Stage 1) and drilling and coring (Stage 2) of the well. These stages are representative of the worst case noise emission from all stages of the proposal.
- The nearest residential properties in the vicinity of the site include Woodsetts residential properties on Berne Square (approximately 425 m northeast of the site); Manor Farm residential properties (approximately 670 m east of the site); properties in Rackford Road (approximately 900 km west of the site), the residential properties Nirvana, Wildways and Lofties (approximately 590 m

south of the site and the residential priorities at the south end of Lindrick Road (approximately 960 m southeast of the site).

- The assessment has shown that noise from construction is expected to exceed the assessment criteria at residential properties on Berne Square. However, the works are expected to be of limited duration during the 2-3 week bellmouth and access track construction period, and the effects are not likely to be significant.
- Traffic during the construction period is expected to result in noise impacts which are likely to be imperceptible against the current baseline and therefore the noise impact is considered to be negligible.
- Drilling and coring activities are expected to be below the Planning Practice Guidance (PPG) 42 dB LAeq (free-field) noise limit for night. Daytime noise levels during drilling will also be well below the PPG absolute noise limit of 55 dB LAeq and the limit for daytime and evening based on background plus 10 dB(A). Taking both the temporary change in noise level and absolute noise level assessment into consideration, it is considered that the proposal will not result in a significant adverse impact to quality of life.
- There are no anticipated impacts that would arise due to ground borne vibration resulting directly from the drilling operations. During the construction of the access road there is potential for short term vibration effects at Berne Square. This is likely to be short lived and therefore its effect is not expected to be significant, however, to mitigate potential impacts non-vibratory compaction equipment would be used during road construction in this location.

Traffic and Transport

The applicant has indicated that construction workers will be taken to the site by minibus, so there will be no private parking of vehicles belonging to workers on the site during working shifts.

- The traffic and transport assessment considered the access to the site and the impact of the proposal on traffic flows and highway safety.
- Following a route assessment of the surrounding road network against a range of criteria, a recommended route of approximately 12.5 km from the M1 motorway to the site has been proposed. This route exits the M1 motorway at junction 31 and follows the road network (A57 Worksop Road) between the M1 and Gateford for approximately 9.5 km. The remaining 3 km of the route is undertaken on Woodsetts Lane, Worksop Road and Dinnington Road.
- Access to the site will be provided from Dinnington Road via a priority junction. The speed limit on Dinnington Road is 60 mph in the vicinity of the site; however, vehicles are unlikely to achieve this speed due to fact that they are slowing down for the 30 mph speed to the east of the site access.
- A swept path assessment was also undertaken of constrained junctions and links identified on the recommended route. These showed that whilst traffic management measures will be required along the route, the range of vehicles travelling to the site will be able to gain access along the road network.
- In order to consider the effect of traffic generated by the proposal, baseline traffic data was collected from three points on the local highway network. The traffic analysis assessed the percentage change from baseline due to the peak vehicle movements generated by the project (70 total daily movements

with 60 HGV movements, which occurs for a period during site development and establishment). The assessment concluded that the proposal will not have a material impact on the highway network that will be utilised as part of the route. The maximum impact of the development traffic on the links within the study area is approximately 1% increase over baseline which is below the 10% threshold set out in the Guidelines for the Environmental Assessment of Road Traffic (Institute for Environmental Assessment) for when separate traffic environmental assessments should be undertaken.

- A Route Management Strategy (RMS) and Traffic Management Plan (TMP) will be developed and implemented, following consultation with the Local Highway Authority, to manage vehicle movements to site. A draft TMP has been included with the application.
- Based on the assessment undertaken traffic and transport should not be considered opposing factors in granting planning permission.

Proposed Mitigation:
The proposed mitigation is largely embedded into the design of the proposed development. However, a Draft Traffic Management Plan has been prepared which includes details of the route management, driver behaviour and parking strategies for the site.

An additional addendum to the Transport Appraisal was submitted and can be summarised as follows:

- Clarification of HGV definition. The vehicle classification was based on the number of axles and the wheelbase.
- It has been demonstrated in the Environmental Report that the proposal will generate a maximum of 70 vehicle movements per day. This is equivalent to a maximum of 6 movements per hour based on a 12-hour working day.
- It is not intended to change the speed limit as part of the development proposals. Drawing 65863-06002 shows the visibility splays based on the existing speed limit (60mph) of the road. This shows that the required visibility of 4.5m x 215m is achievable within the adopted highway boundary.
- During the planning of the route, the applicant has tried to avoid sensitive areas such as schools, leisure centres, town centres and areas of congestion.
- A near site assessment of the well location was conducted, assessing any potential transport conflicts incurred from the point of exiting a main road and reaching the site entrance.

Following concerns raised by Highways England, further details on this aspect have been submitted, including Swept Path Analysis.

<u>Ecology</u>

- The site is situated wholly within an arable field, with the nearest area of habitat loss occurring 30 m to the north of Dewidales Wood, which is a Local Wildlife Site and listed on the Ancient Woodland Inventory.
- An ecological assessment (extended Phase 1 habitat survey) of the site and surrounding area was carried out in July 2017, to identify potential ecological constraints, provide initial recommendations for avoidance of impacts and mitigation measures, and to determine whether any further ecological surveys were required.

- The habitat which will be lost from the site is of low botanical value, but could support ground nesting birds, typical of farmland areas, including quail (a protected species). Given the low numbers likely to be affected, and the extent of similar habitat in the surrounding area, significant effects on birds are not predicted. Standard approaches will be adopted to avoid any direct effects on birds during site clearance.
- The nearest habitat of botanical value is Dewidales Wood Local Wildlife Site (an ancient semi-natural woodland), comprising two blocks of woodland and connecting species poor, gappy, hedgerows that could support a range of bird and other fauna species. The woodland and hedgerows will not be directly affected and the site design includes a buffer zone of 30m from the perimeter fence to the wood to reduce the risk of secondary effects (eg from noise, human activities and lights around the site). It is possible that the upper parts of the woodland edge facing the site may be illuminated by the site lights; light levels of a maximum of 2.96 lux at a height of 15 m above ground level have been predicted along the northern aspect of Dewidales Wood.
- A bat activity survey was undertaken in August to cover the summer maternity season, which confirmed low numbers of bats foraging along the northern boundary of Dewidales Wood and associated hedgerow. The presence of light-shy species (such as Myotis) which could be roosting within the woodland could be impacted, although only low numbers could be displaced and the effects would be temporary.
- A second activity survey was undertaken in September to cover the autumn transitional period of bats. The September survey supported the findings of the August survey, identifying low numbers of common and soprano pipistrelles using the woodland edge for foraging. Noctule, Leisler's bat, brown long-eared bat and Myotis species were also heard but not seen near to the site.
- Alongside the activity surveys, dusk emergence and pre-dawn re-entry surveys were carried out along the northern edge of the east section of Dewidales Wood (ie to the south of the proposed site). These were also undertaken in September. The dusk emergence survey identified an area on the northeast corner of the woodland which supported pipistrelle bats displaying highly social behaviour with social calls recorded. The social behaviour suggests that there could be a hibernation site nearby. This area was also very active during the walked transect.
- A separate dusk emergence survey was undertaken on the eastern side of the west section of Dewidales Wood on 20th September 2017. No roosts were identified but pipistrelles calls were recorded near to sunset suggesting that a roost is nearby.
- The access track is unlit and initially follows an existing track and then passes through the arable field along the remainder of its length. It will not result in any significant effects.
- As a potential enhancement, gaps in the existing hedgerows linking the two sections of Dewidales Wood LWS could be planted with native species of local provenance, including fruit and berry bearing species. This would be subject to landowner agreement.
- Consequently ecology and biodiversity should not be considered opposing factors in granting planning permission.

The applicant has subsequently included Target Notes on the Phase 1 Habitat Map (8th February 2018) at the request of the Council's Ecologist.

Landscape and Visual

- A landscape and visual appraisal was undertaken to assess potential effects of the proposal on the landscape (as a resource in its own right), and on views and visual amenity.
- The site is located within the East Rotherham Limestone Plateau and 750 m to the northwest of the Ryton Farmlands Landscape Character Areas (LCA), as defined within the Rotherham Landscape Character Assessment and Landscape Capacity Study (RLCA, 2010). These LCAs form part of the Southern Magnesian Limestone National Landscape Character Area (NCA), as defined within National Character Area Profile: 30 (2013). The sensitivity of the site, the wider East Rotherham Limestone Plateau LCA, and the neighbouring Ryton Farmlands LCA to the proposal is considered medium.
- During Site Development and Establishment (Stage 1), substantial effects are predicted on the landscape of the site and on the local landscape within approximately 1 km of the site boundary. Beyond this distance, the effect on the wider landscape will be moderate and lowering to minor beyond 1.5 km. This is primarily due to the presence of the conductor / surface rig which will be used during the latter part of Stage 1.
- During drilling and coring and pressure transient testing (Stage 2), the main activity with the potential to affect landscape character will be the erection and 24-hour operation of the drilling rig (up to 60 m high) with 15 m drill sub-structure and associated lighting. Substantial effects are predicted for the site and within the local landscape of the East Rotherham Limestone Plateau LCA, up to 1.5 km of the site boundary with a theoretical visibility of the drilling rig. For areas of the East Rotherham Limestone Plateau LCA that are within the drilling rig ZTVs and beyond 1.5 km of the site boundary, the level of effect will lower to moderate and minor beyond 3 km. Due to the limited amount of visibility of the drilling rig from areas of the Ryton Farmlands LCA, within 1.5 km of the site, substantial effects are considered unlikely.
- During maintenance of the site (Stage 3), the effects on the site will be minor, and effects on the wider landscape will be negligible.
- If a workover rig of up to 32 m high is required during the possible workover of the suspended well (Stage 3a), or during the listening well stage (Stage 4), substantial effects will affect the site and the local landscape within 1 km. This effect will reduce to moderate or negligible beyond 1 km and then minor beyond 1.5 km. These effects, however, will be experienced for a short time period of up to five weeks.
- During the listening well stage (Stage 4), if a workover rig or crane is not required, the effects on the site will be moderate, and effects on the wider landscape will be negligible.
- Decommissioning and restoration (Stage 5) effects are anticipated to be substantial within the site and the local landscape up to 1 km of the site, falling to low or negligible beyond 1.5 km and across the wider LCA. This is primarily due to the presence of a smaller rig used for the decommissioning purposes.
- Based on the viewpoint assessment undertaken, and with regard to the ZTV and the extent of localised screening, moderate or substantial effects on

views may occur during all stages of the proposal. These effects, however, will be experienced only by higher-sensitivity receptors with a clear view towards the site and that are in relatively close range. This will include some residents of houses along the western edge of Woodsetts, a very limited number of residents of houses on the eastern edge of North Anston, and users of a limited number of PRoW and National Cycle Route 674 that are within close proximity to the site (i.e.1 km).

- Substantial visual effects may also be experienced by users of Woodsetts Road, Swinston Road and Dinnington Road that run in close proximity to the north of the site. During the drilling and coring and pressure transient test (Stage 2) operations the effect of the proposal on views will be more widespread. Although the drilling rig is likely to be partially screened by localised screening and woodland, up to substantial visual effects are predicted during daylight and night-time hours.
- At greater distances it is considered likely that only the drilling and coring and pressure transient test stage of the proposal will be noticeable in views due to the presence of the 60 m rig on-site. Due to the level of screening in the landscape, the distribution of receptors, and the temporary nature of the stage, visual effects are not predicted to be greater than minor at distances over 2 km from the site.
- Following the decommissioning and restoration activities no above ground features of the well will remain, and all impacts on visual amenity will cease. The permanent restoration of the site to its original agricultural use is considered to be a neutral effect on views. All the above effects are therefore considered to be temporary.
- On the basis of this assessment, landscape and visual should not be considered opposing factors in granting planning permission.

<u>Surface Water and Flooding</u>

- An assessment of the potential effects on water resources (including water quality) and drainage as a result of the proposal was undertaken.
- The site is not within an area at risk from flooding and is designed to be self-contained with regards to surface water runoff. The nearest surface watercourse, within hydraulic connection of the site, is Owlands Wood Dyke, located approximately 1.1 km east of the site. Anston Brook is technically closer to the site (approximately 820 m to the south); however, this water course is within a separate catchment and is not within hydraulic connection.
- Effects on the surface water quality of watercourses and other sensitive receptors within the surrounding area of the site have been assessed for Stages 1 to 5 of the proposal activities. Given the proposed embedded mitigation measures, the environmental assessment concluded:
  - A neutral effect on the water quality of nearby watercourses.
  - A neutral effect on the biodiversity of the surrounding area, including designated areas, as these are sufficiently distant from the proposal, and are not expected to be affected by the negligible magnitude of impacts to surface watercourses from the proposal.
  - A neutral effect on pressures on water resources in the surrounding area, due to the non-intensive nature of on-site activities.

- A neutral effect on recreational uses within the surrounding area due to these being concentrated in areas greater than 2.1 km distant from the proposal and not within hydraulic connection.

- Flooding, residual and climate change impacts have been assessed as negligible due to Environment Agency flood maps showing the proposal as having a 'Low' risk of flooding from fluvial and pluvial water sources and based on the topography of the site and surrounding area. The proposal is not anticipated to result in any material increase in flood risk elsewhere.
- Surface water and flooding should not be considered opposing factors in granting planning permission.

Hydrogeology and groundwater

- An assessment on the potential hydrogeological effects resulting from the proposal was undertaken. Effects on the groundwater quality of the underlying bedrock aquifers and other sensitive receptors within the surrounding area of the site have been assessed for Stages 1 to 5 of the proposal activities.
- The site is within an area containing the Cadeby Formation Principal Aquifer, Pennine Upper Coal Measures Secondary B Aquifer, and Pennine Middle Coal Measures Secondary A Aquifer.
- There is one groundwater abstraction within the 2 km of the site, located at the Lindrick golf course. The site sits within Source Protection Zone (SPZ) 3, and is located over 3.1 km from the closest SPZ2.
- Environment Agency records identify a historic landfill site approximately 1.7 km west of the site (to the south of Rackford Road), at the site of the current water treatment works, as such landfill gas generation and migration is likely to be a low risk.
- The proposed drilling method has been frequently implemented in the UK and contains barrier mitigation and monitoring approaches to minimise the risk to hydrogeology. Key elements include staged steel casing to seal off aquifer sections and flow paths that may be encountered (such as that caused by former mining sections) and drilling sections of the well with non-hazardous water based fluids.
- Embedded mitigation measures will also be implemented to prevent groundwater pollution from accidental surface spillages and the handling/management of drilling fluids and cuttings. Given the proposed embedded mitigation measures, the environmental assessment concluded:
    - A neutral effect on the shallow groundwater quality of the surrounding area due to the non–intensive nature of the on-site activities.
    - A neutral impact on the groundwater quality, due to the drilling and well design using multiple casing solutions to seal off aquifer sections during drilling and well operation.
    - A neutral effect on groundwater quality due to protection afforded by multiple casing solutions to seal off aquifer sections during well testing activities and the separation distance between the PTT zone and overlying aquifers. The location of the site within an SPZ3 increases the risk to local groundwater quality if a leak were to occur, however, the mitigation proposed is designed to ensure that such an event cannot occur.

- A neutral effect on groundwater resource availability due to the water use being contained within a closed loop.
- A neutral effect on the transport and dilution capability of groundwater aquifers within the local area.
- A neutral effect on the biodiversity of the surrounding area including designated areas. The on-site activities are not expected to affect groundwater availability or quality.
- A neutral impact on pressures on water resources in the surrounding area, due to the non-intensive nature of on-site activities.

On the basis of the assessment, hydrogeology should not be an opposing factor in granting planning permission

Archaeology and Cultural Heritage

- An assessment of potential impacts on cultural heritage assets resulting from the construction and operation of the proposal was undertaken. The assessment considers the potential for significant effects as a result of the proposal on cultural heritage under three sub-topics of 'archaeological remains', 'historic buildings' and 'historic landscape'.
- Based on Historic England guidance presented in Settings and Views of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Historic England 2017) a study area for archaeological remains and historic building was defined as an area extending 2 km in all directions from the footprint of the site.
- A total of 37 cultural heritage assets have been identified within the study area comprising 22 archaeological remains, nine historic buildings and six historic landscape types. The assets include Woodsetts Conservation Area (Asset 38); designated in 1977, it is characterised by several late 19th century brick built houses, including Woodsetts House, concentrated along the main north-south and east-west roads of the settlement.
- No impacts on identified cultural heritage assets are predicted as a result of construction. While the proposal represents the introduction of a new piece of infrastructure into the setting of four designated assets (Grade II Listed Buildings), the proposal is temporary and, as a result of the distance between the assets and the components of the proposal, is not predicted to result in a significant effect on the assets, this assessment includes consideration of the potential for causing substantial harm as defined within the NPPF.
- As a result of desk-based work, including historic air photograph analysis and historic map regression, this study has identified high potential for unknown buried archaeology within the site and study area. This conclusion is based on the high concentration of archaeological finds from within the ploughsoil of the study area from a number of prehistoric and historic periods. In addition, historic air photographs have demonstrated the possibility for the presence of a late Iron Age, early Roman period enclosure approximately 50 m to the north of the site.
- The possibility of unknown buried archaeology within the proposal footprint has been managed through a non-intrusive geophysical survey covering the area of the extent of surface works. This demonstrated the presence of a number of anomalies of potential archaeological origin, principally comprising linear and curvilinear anomalies falling within the area of the proposal. These

anomalies are indicative of former land divisions and enclosures potentially dating to the Iron Age or Romano-British period. Further investigation of these features would be managed through standard archaeological investigation processes during the planning and construction phases, potentially comprising a watching brief and / or a programme of strip, map and sample.

Emissions to air

- Emissions to air would include vehicle and equipment exhaust fumes, dust and potentially hydrocarbon release (methane) during the drilling period.
- Road traffic associated with the proposal would produce emissions to air during the temporary construction and drilling phases, similar to any construction site. The percentage change against existing traffic flows means the site does not trigger the assessment thresholds in the current guidance for planning (Planning for Air Quality, IAQM 2017).
- On-site generators and the drilling rig (both diesel powered) would produce temporary, localised emissions to air, likely to include NOx, SOx, PM10 and 2.5, CO and VOCs. Generators would be sized appropriately for site energy requirements and would be efficient, with emissions reduced as far as possible. These would be similar to generators on construction sites. Emissions from operating the rig would also be reduced through choice of an efficient rig appropriate for the site, with minimal emissions.
- The majority of the required generators would be present on the site for less than 6 months, although a single generator will be required throughout the operating period. The 60 m rig will be on-site for around 3 months during the 5 month Stage 2 operations.
- Dust from site preparation, construction and vehicle passage on access roads will be controlled with standard dust-control measures (as outlined in the Proposal) and is not considered likely to present a nuisance to site neighbours. As the well is only proposed to be cored and subject to a pressure transient test, there is very limited potential for hydrocarbon gas (methane) to be released during the drilling process. Any emissions which do occur will be short-term and very small in volume and are not expected to have a material effect on local air quality.
- The scale of the proposal is such that significant effects to air quality are not anticipated. The site is not within an Air Quality Management Area and so is not close to exceeding any air quality objective levels.

Climate Change

- The potential contribution of the proposal to national greenhouse gas emissions would be negligible. Climate change emissions associated with the proposal are expected to be limited primarily to those from vehicles and drilling equipment which are considered to be generally small and are not considered to be significant. The proposal does not include the extraction of hydrocarbons and as such there is minimal potential for the release of methane to atmosphere. Whilst not the operational expectation, there does remain a possibility of some fugitive hydrocarbons being vented during drilling and coring. These would not be material in relation to national greenhouse gas emissions.

Existing Contamination

- The site is located on and surrounded by arable land. Examination of historical maps shows that there are no potentially contaminative historic land-uses on-site, although there is a historic landfill near to the site which will not be affected by the proposed development.

Human Health

- The proposal is for an exploratory core well only. Low risk activities are recognised by the Environment Agency through "Standard Rules" permits. These permits set out a number of operational controls which INEOS will need to comply with. The proposed activities comply with the operational and locational criteria necessary to qualify for a standard rule environmental permit. On this basis it is considered that the risk to human health is negligible.

Following a detailed objection from Woodsetts Against Fracking (WAF) (a local residents group), the applicant was invited to respond to the content of the objection. The applicant's response can be summarised as follows:

- *Section 3 Traffic and Transport – No sustainable highways reasons to refuse this application.*
- *Section 4 Ecology Objection - The potential for bats to be affected by site lighting on the proposed development was assessed and stated in the Environmental Report. INEOS has demonstrated that an effective lighting strategy can control light levels, and avoid the risk of significant effects from lighting on any bat species in or around Dewidales Wood, and the connecting hedgerow.*
- *Section 5 Landscape and Visual – The predicted extent of visibility of the 60 m drilling rig is shown in the zone of theoretical visibility (ZTV). The receptors that are likely to be affected are noted, including residents in Woodsetts and North Anston, and users of roads, cycleways and footpaths within 1-2 km of the site. The level of effect is judged to be "up to substantial". The effects considered to be substantial will occur over short time periods within the 5-year timescale, when drilling rigs are present on site. The longest period when a rig is anticipated to be present is up to five months during Stage 2.*
- *Section 6 Surface Water and Flood Risks – The proposed development would be constructed within the catchment of the Owlands Dike. Figure 3.1 in the Environment Report clearly delineates the surface water catchment of the upper Owland Dike. Although it is correct to state that Owland Dike is a tributary of the River Ryton, as is Anston Brook, for a surface water hydraulic connection to exist between the site and the Anston Brook, would require water to flow up and over the drainage divide.*
- *The self-contained site drainage system, installed to prevent fluids from the site interacting with either ground or surface water, will result in a small reduction in the quantity of water that is able to soak into the underlying aquifer.*
- *Excess water will be removed from the unit as required by a licensed waste contractor. Surface drainage / soakaway from the wheel wash will not be required and the facilities will not increase local flood risk in the area.*

- *Section 8 Cultural Heritage - Vibration issues have been addressed in the Environment Report, Section 2 (Noise and Vibration).*

- *Other issues*
  1) *Noise – The highest predicted level from the rig at the nearest noise sensitive receptor (Berne Square) is 39 dB LAeq, and would not result in noise levels above LA90+ 10 dB(A) unless the representative background level was commonly below 30 dB(A).*
  2) *Land Contamination - The land contamination incident (burial of cement bonded asbestos roofing) reported at Grange Farm in 2009 was not on land which will be used, or vulnerable from disturbance, by the proposal. Further, the incident was subject to a successful prosecution at Worksop Magistrates Court on 17th February 2011 and waste material was removed from the land in 2011 following action by the Environment Agency.*
  3) *Application Plans – The issues raised in relation to the 30 m buffer between the site and Dewidales Wood have been responded to in the applicant's response (dated 14 January 2018) to the Council's Ecology comments.*
  4) *Test well application as a stand-alone development WAF's position is noted.*
  5) *Cumulative development – INEOS is aware of both of the applications referred to, and both are likely to change the current traffic position on the A57 roundabout. However, as they are significant housing developments, they have been subject to their own highways assessment process and will be providing any necessary mitigation to ensure that there is no significant effect on the junctions that will be shared by INEOS traffic.*

Statement of Community Involvement

A Statement of Community Involvement has also been submitted with the application and this can be summarised as follows:

- In August 2017 the applicant set up a consultation website (https://www.ineos.com/businesses/ineosshale/our-operations/woodsetts/). This webpage introduced the scheme, included a list of frequently asked questions, provided copies of relevant information, and publicised details of the forthcoming public consultation events.
- The applicant held a public exhibition event in advance of submitting the planning application at Woodsetts Village Hall. The applicant invited residents to the exhibition through posting two letters directly to residents. These being the residents' information sheet first and the exhibition invite second. Updates were also provided on the applicant's consultation website.
- The exhibition was held on Monday 25 September 2017 (between 2:30pm and 7.30pm). 180 members of the public attended and provided written feedback. The main concerns raised were on the following areas
  - Why are small villages being targeted? If Shale Gas is found, this will cause more disruption to small villages.
  - Existing road system and amenities are not compatible with the intended work.
  - Against the extraction of Shale Gas – mining was considered unsafe.

  - The map doesn't show the Bridle Path.
  - The proposed development will adversely affect the environment, including increase traffic, pollution in the village, house prices, water and wildlife.
  - Providing the licence is fully controlled by INEOS Shale i.e. environment security and health and safety aspects.
  - Renewable energy sources should be a priority.
  - Concerns over residents with medical conditions, such as dementia.
  - Hope that all interpretations heard at the exhibition can be relied on and the views of the public matter
- Woodsetts Parish Council organised a special meeting on 16 August 2017. Lynn Calder, Peter Reilly and Gordon Grant of INEOS were in attendance. Also in attendance were the Parish Councillors, at least two Rotherham Metropolitan Borough Councillors, the local MP (Sir Kevin Barron) and over 100 members of the public.
- Tom Pickering, Peter Reilly and Gordon Grant of INEOS attended a meeting at the home of a Woodsetts resident on 29 August 2017 to discuss forming a Community Liaison Group (CLG). The second CLG meeting met on 16 October 2017.
- INEOS also wrote directly to the local MP (Sir Kevin Barron), Ward Councillors and the Parish Council informing of their forthcoming application.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The site is allocated for Green Belt purposes in the UDP and is within an Area of High Landscape Value. Dewidales Wood is within an area of Ancient Woodlands.

The site is also allocated for Green Belt purposes on the Rotherham Local Plan Publication Sites and Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS4 Green Belt
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS25 Dealing with Flood Risk
CS26 Minerals
CS28 Sustainable Design
Unitary Development Plan 'saved' policy(s):
ENV2 'Conserving the Environment'
ENV3 'Borough landscaper'
ENV3.7 'Control of Pollution'

MIN4 'Oil and Gas'
MIN5 'Criteria in the Assessment of all Minerals Extraction Proposals'

T6 ‘Location and layout of Development’

Sites and Policies Local Plan:
SP2 Development in Green Belt
SP37 Sites Protected for Nature Conservation
SP45 Archaeology and Scheduled Ancient Monuments
SP51 Assessment of Mineral Extraction Proposals
SP53 Exploration and Appraisal of Hydrocarbons

Other Material Considerations

The Water Framework Directive relates to groundwater issues and is monitored by the Environment Agency.

Hedgerow Regulations 1997.

The Offshore Installations and Wells Regulations 1996 (Design and Construction).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on 27th March 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay” – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

The Core Strategy/Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The emerging Policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy. The weight given to these Policies is dependent on the status of the Local Plan at the time of consideration and on the comments received from the Inspector (dealing with the adoption of the Local Plan) in relation to each specific Policy following the Examination in Public. The Inspector wrote to the Council on 3 November 2017 setting out the Proposed Main Modifications that he considers necessary to make the plan sound. The consultation on the Main Modifications is programmed for 8 January to 19 February 2018. It is expected that the Inspector’s final report will be

produced in April or early May 2018, with adoption of the plan by the Council following in July 2018.

Publicity

The application has been publicised by means of 16 site notices (8 November 2017 and again on 2 February 2018) placed around the site and within Woodsetts village, along with press notification (Rotherham Advertiser and Dinnington Guardian, 17 November 2017 and again on 2 February 2018). The Council has received approximately 550 objections to the proposed development (including from Woodsetts, Letwell and Firbeck Parish Councils). One letter has been received in support of the application.

Although a smaller total number of objections in comparison to the Harthill Test Drilling application (RB2017/0805), a very significant number of representations have been received to this application. Members should be aware of the following differences between the objections received in relation to the two applications:

- A much higher proportion of the objections are from within the Rotherham Borough, and particularly from the Woodsetts area.
- The length of the objections is generally longer with a greater level of detail provided within the objections.
- Woodsetts Against Fracking (WAF) have provided a very high level of detail within their objections. These are summarised in more detail in the paragraphs below.

The representations can be broken down into the following main areas:

<u>Standardised tick box letter</u>

Traffic

- Increase in traffic
- Increase in non HGV traffic from the south
- Concerns about introduction of parking restrictions on Worksop and Dinnington Road
- Pedestrian safety and damage to parked cars
- Lack of credibility of INEOS baseline data

Environmental

- Pollution from traffic
- Pollution from on-site generators
- Pollution from emissions from the well
- Light pollution from night working
- Unsightly nature of drilling station
- Risk from old mine workings
- Removal of high quality land from agricultural use
- Increase in greenhouse gas emissions from continued use of fossil fuels

School and Children

- The school is directly downwind of the plant in the prevailing wind direction
- Gas emissions from the well

- Reduction in amenity with the loss of a main bridleway and footpath route

Health
- Stress and poor sleeping patterns from 24/7 noise and light pollution
- Short and long tern concerns over emissions from well
- Special concern about the residential area on the east side of the village, including the school

Ecological
- Contamination of water table
- Dangerous gas emissions
- Long term damage to farmland
- Change in the character of the area from rural to industrial
- Risk of faults from natural geology
- Effect on skylark population
- Effect on vulnerable geological features
- Inability of application to sustain potential rectification cost of a significant ecological or environmental incident

Property and district
- Damage to houses from vibration and seismic activity
- Increased cost of home insurance
- Reduction in property values and difficulties in selling
- Potential damage to listed buildings from seismic activity
- Development contrary to aims of the RMBC Core Strategy

Protesters coming into village
- Potential influx of protestors with subsequent adverse publicity for the village
- High police costs of maintaining fracking operations
- Disruption to traffic from protests
- Arrests and incidents in village will affect insurance and credit ratings for residents.

Other
- Concerns over uncertainty that these applications bring
- The process is banned in other countries meaning it must be unsafe
- Fracking proven to be unsafe in the USA
- Conflict between HGVs and other road users, particularly cyclists
- Effect on the future of our grandchildren
- The coal mines should never have been closed
- Loss of flora and fauna
- Fracking will not turn out to be financially viable

<u>Standardised letter template</u>
- Significant increase in heavy traffic
- Increase in volumes of lighter traffic
- Increase in pollution along with noise and disruption from traffic
- Visual blight from the proposed drilling rig
- Increased seismic activity from disturbance of old mine workings

- Loss of agricultural land
- Use of fossil fuels is a retrograde step
- Increased risk that gas released will contain harmful material
- Increase in noise from drilling operations negatively affecting quality of life for residents
- The school is downwind of any gas releases from the site
- Loss of agricultural land
- Negative impact on local skylark population
- Anston Woods includes an area of SSSI
- Will the bill of any potential incident be passed onto taxpayers
- Increased cost of home insurance
- Reduction in property values even before a planning application was submitted with further and difficulties in selling
- Development contrary to aims of the RMBC Core Strategy
- Potential influx of protestors with subsequent adverse publicity and disruption for the village
- The fracking process is banned in France, Germany and Scotland

The individual letters received also cover similar points to those summarised above.

The letter in support of the application can be summarised as follows:

- The benefits outweigh the drawbacks.
- Even exploratory drilling will bring investment to the area, along with jobs, and hopefully in the long run, much needed clean source of natural gas.
- If proper control of traffic ingress and egress routes was established, negative impact on local residents could be minimised.

In addition to comments from the general public, comments have also been received from the following bodies:

<u>Firbeck Parish Council</u>

Objects on the following grounds:

Visual and Landscape

- Change of character from rural to industrial
- Industrialisation of the Green Belt
- Risk from geological faults
- Potential impact on wildlife
- Visual impact of 60m drilling rig
- Operation of a 24hour industrial facility and subsequent noise and light pollution
- Proximity to Woodsetts village

Transport

- Increase in HGV movements, up to 60 per day and subsequent concerns about pedestrian safety, damage to cars and increase in pollution

Environmental

- Impact on air quality, increase in noise and light pollution, risk of pollutants escaping from site and impact on public health
- This is a small community that will be subject to considerable stress
- Conflict with Core Development Strategy 1 to support low carbon industry, development green industry and improve Rotherham as a visitor destination.

Letwell Parish Council

Objects on the following grounds:

- Danger from the increase of heavy vehicles travelling to and from the site day and night.
- Impact on the lives of countless families living within very close proximity to the 60 m high drilling rig which will be operating 24 hours a day seven days a week. Light pollution will be highly damaging too and blight the sky at night.
- Noise from drilling equipment and diesel generators will affect the quality of life for those living nearby.
- Large scale industrialisation of the Green Belt and destruction of the peaceful rural landscape.
- Air pollution from noxious emissions and an increase in diesel particulates which threatens the health of families and children living in the village. The nearby junior school will be directly in the path of the prevailing wind from the drilling site.
- Loss of a large area of highly productive farmland at a time when food production should be prioritised by landowners.
- Vulnerability of listed buildings with no foundations - as they face the threat of possible damage.
- The development is contrary to the aims of RMBC's own Core Development strategy to support low carbon industry and develop green technology.
- The parish council also has concerns about the applicant's involvement in the project - given that the company has no experience of fracking in the UK.

Woodsetts Parish Council

Objects to this proposal on the following grounds:

Highway safety issues:

- Woodsetts is a rural village and not suited to the construction phase traffic or the increase in traffic after construction phase.
- Woodsetts Road is used by parents and children attending the local School and the safety of them should be a major priority for the Borough Council.
- Given the regular excess speed of vehicles in the village the visibility splays onto and from the site are not adequate and the Borough Council / police need to ensure that speed limits are adhered to.
- Proposed Escort vehicles will cause much disruption to residents, through traffic and possible obstructions caused will lead to unnecessary manoeuvres on a busy road.
- This development will exacerbate the traffic problems that have been a serious concern for villagers for many years.

- The development is dangerously close to the Footpath/Bridleway and walkers/children/animals will be put in danger.

Traffic Generation:

- The Parish Council is extremely concerned that the increase in traffic through the village and particularly the size of these vehicles will cause inconvenience to the Emergency Services.
- The proposed Road sweeping will also add to problem traffic in the village.
- Increase in “Road Furniture” in the picturesque village is unwelcome and visually unappealing.
- Public Transport will be adversely affected by the excessive new traffic created.
- The increase in traffic will lead to further damage to already poor road surfaces throughout the village.
- The moving of the 30mph zone and the humps will cause unwelcome inconvenience to local road users.

Loss of outlook to the detriment of residential amenity and loss of important open spaces:

- This proposed site is in the Green Belt and of high visual importance to residents.
- Due to its location it is highly visible, and the proposed development will be to the detriment of an area of high landscape quality.
- Walkers and families who use the Footpath and Bridleway will lose a vast majority of their enjoyment in this area, i.e. quiet, peaceful and visually attractive views which at present increase the quality of life for many local residents.

Noise and disturbance resulting from use during hours of operation:

- The noise and fumes from the diesel generators on site will cause a significant nuisance and health disturbance to local residents.
- In addition, the prevailing wind direction will mean that the school may be affected also. Bernes Square residents are all elderly and some are vulnerable.
- At their time of life they should not be subjected to such a major upheaval and nuisance.
- It has been reported to our Councillors the stress and anguish of this proposed development is already having a detrimental effect on their mental and physical well-being.

Smells and Fumes:

- People who use the footpath and bridleway should have the right to a peaceful and clean enjoyment. The fumes, noise and light pollution from this proposed site will have an adverse effect on home owners and pedestrians in our village.

Possible contamination of mining works and water supplies:

- The village has many unused mines and springs and any contamination of the water supplies and natural springs in Woodsetts is of significant concern.

Effect on trees and wildlife:

- The proposed site is very close to a historic woodland and this woodland and its surrounds house 5 different species of bats, Midwife Toads, hares, deer, partridge, quale and slow worms to name but a few. This proposed development would have a catastrophic effect on all this wildlife.

Inappropriate means of enclosure:

- The proposed enclosure is not in keeping with the surrounding area and would be visually intrusive.

Scale and dominance:

- The proposed development's overall size is not in keeping with the surrounding area and will have an adverse effect on local properties. It will have an overbearing and disproportionate impact on the surrounding area.

Archaeology:

- Woodsetts has 37 Cultural Assets including many pre-historic sites. An iron-age settlement was discovered just 50 m from this proposed site. Any undiscovered history and archaeology present at the proposed site will be lost forever if it goes ahead.

Economic impact and sustainability:

- This site does not offer any more advantages to the developer than one placed in a location away from houses and schools.
- The applicant has not explored fully or to our satisfaction alternative sites.

Overall, Woodsetts Parish Council recommend refusal of the application and request a full Environmental Impact Assessment.

<u>Woodsetts Against Fracking (WAF)</u>

Woodsetts Against Fracking is a residents' community action group that has submitted detailed objections, the main areas of which can be summarised below:

Traffic and Transport:

- The baseline data used to calculate impact are incorrectly applied.
- The route used has not been sufficiently researched resulting in errors and omissions.
- There is non-compliance with the NPPF.
- The development runs counter to aspects of the Rotherham Core Strategy.
- The Traffic Management Plan does not refer to this development and is generic and vague on detail.
- There is no Route Management Strategy outlined.
- The development will have a much greater impact on road users, village residents and the road network than the applicant claims with reference to pollution, noise, safety, severance and intimidation.
- There is a failure to mitigate for some issues.
- The applicant has not taken into account the cumulative effect of other developments on traffic volumes occurring close to the identified route in another planning authority.

- WAF carried out a Traffic Survey within Woodsetts Village on 11th October 2017. This was a visual survey with the data from this survey compared to a comparable day and sample position from the applicant's data.
- WAF data was slightly up on the applicant's data set total transit numbers, but the variance was not significant and it was concluded that the data sets were largely comparable.
- WAF assert that if the correct input figures were used, and the actual tonnage of the vehicles to be operated would show between 300% and 600% increase.

Ecology:

- The submitted environmental report appears to contain a number of inaccuracies and is deficient.
- The surveying ecologists have failed to contact South Yorkshire Bat Group for any records / data that it may hold for the surrounding area relying solely on data from Rotherham biological records centre.
- No bat data post September 2017 has been submitted with the application. As a result, no assessment of the swarming potential / use of the application site in relation to the known hibernacula roosts within a 1km radius has been provided.
- The information submitted within the proposed application fails to correctly consider/ assess potential impacts on bat species other than Pipistrelles.
- Whilst Table 4.4 of the environmental statement states that no birds were recorded on site the survey was undertaken in July 2017, it is likely that some species will have bred and disbanded by the time of the survey.

Landscape and Visual:

- The applicant has sought to downplay the effects of their proposed development on the landscape around Woodsetts and the consequent visual impact:
    - Devaluing the landscape by primarily assessing it in a national context rather than a far more relevant local context.
    - Devaluing the proposed sites AHLV designation.
    - Continually emphasising the temporary nature of the development.
    - Completely dismissing the potential 5+ year impact of this temporary stage. Especially given that the current application is the first stage of a longer plan that has the potential for a further planning application to hydraulically frack.
    - Underplaying the numbers of people significantly affected.
- Users of Swinston Hill Road, Woodsetts Road and Dinnington Road will be significantly impacted on a daily basis (approx. 5,500 per day).
- The proposed site is important for its tranquillity, landscape quality and dark skies. The site remains designated as being within an Area of High Landscape Value.
- Greater weight should be given to the substantial visual impact and effect upon the landscape that will occur for a significant proportion of that time.
- Given that this application for a test core well is inextricably linked to the intention to hydraulically frack, then the period of time that the visual amenity could be affected is potentially as long as 30 years. WAF feel that this should be taken into account at this stage of the planning, even if the next stage of planning has not been submitted.

Cultural Heritage:

- The proposal will directly impact upon the adjacent Ancient Dewidales Woodland, with its industrial structures adversely affecting the use, sustainability and views of the Woodland.
- Fails to meet the Standing Advice provided by Natural England and Forestry Commission (a material Planning consideration) to provide the minimum 50m buffer zone between the Woodland and the development – required when soil will be compacted by machinery.
- Goes against the RMBC Core Strategy CS20, to, as a Priority, conserve and enhance woodland.
- Will contravene RMBC Core Strategy CS21 and detract from the landscape and visual character of the area, as the site falls within an Area of High Landscape Value.
- Fails to meet the guidance provided by Historic England on assessing the heritage value of a view.
- Is non-compliant with NPPF.
- Impacts upon the local Conservation Area and contravenes Rotherham Local Plan SP44.
- Will result in 'unacceptable' harm to farmland and open countryside, within the Green Belt; in direct contravention of RMBC Policy SP2.
- Represents an unacceptable loss of fertile Agricultural Land and fails RMBC Core Strategy.
- Fails to acknowledge the existence of key archaeological finds discovered in the proposed site and adjacent Woodlands.
- Fails to follow the full Advice provided by the South Yorkshire Archaeological Society at the pre-planning consultation stage.
- Impacts negatively on Known Assets of Cultural Heritage including nearby Historic Buildings.

Matter 1: Impact on Ancient Woodland
Matter 2: Visual Impact on Heritage Assets, including Landscape & Buildings
Matter 3: Impact on Conservation Area
Matter 4: Unacceptable harm to Green Belt Land
Matter 5: Unacceptable Loss of fertile Agricultural Land
Matter 7: Impact on Known Assets of Cultural Heritage (Historic Buildings) and other buildings
Matter 8: Uncertainty regarding previous Mining extractions and Pipelines on or under the site
Matter 9: Air, Noise, Vibration and Light Pollution: Impact on Known Assets
Matter 10: Loss of Amenities
Matter 11: Legacy

Other Issues

- Noise
    - The LAeq exceed 40dB this corresponds with the increase change in wind speed shown on the same graph. This would indicate that the sensor was measuring changes in sound level related to the changing air movements, probably due to fluting and flutter within the windshield used. It should be noted that when the wind level drops to under 2m/s the ambient LAeq drops to under 30dB.

- Land contamination
  - The applicant has not identified a significant land contamination incident at Grange Farm on 19th November 2009. The information below is publically available using the Environment Agency website

- Application Plans
  - The accuracy of a full 30m buffer zone is queried.
  - The buffer zone at the left hand side of the diagram, closest to P1 shows 30 measured but on the same drawing, the buffer zone narrows to 28 and 23 and 21.4 from the wood. The measurements are arbitrary, but are relative to each other and clearly show inconsistencies with the technical drawing buffer zone of 30m, down to 21.4, almost a third variance.

- Test well application as a stand-alone development
  - This represents cumulative development

As summarised within the proposals section, the applicant has provided a further response to this objection.

Finally, WAF have indicated to the Council in additional correspondence the following:

- WAF are disappointed with the lack of communication from INEOS and do not consider that INEOS have fully engaged with them or the local community.
- Insufficient notification periods have been given in advance of intended additional survey work, leading to further confusion in the community.
- The INEOS information website has not been regularly updated and still dates from October 2017 (4 months ago).

<u>Campaign for the Protection of Rural England (CPRE)</u>

Objects on the following grounds:

Impacts of the proposed development on the negative impact on landscape, local amenity, tranquillity, and contrary to local policies in the Development Plan.

The potential benefits do not outweigh the local impacts. Furthermore any claimed benefits of the supply of future shale gas, in terms of energy supply and security, must be discounted as this is only an exploration well. If such benefits fall to be considered, then also should the disbenefits of extracting fossil fuels and the likely failure to meet climate change targets.

The proposed development site will detract from the surroundings.

<u>Yorkshire Wildlife Trust</u>

Objects on the following grounds:

Inadequacies of ecological survey information.

Impacts on protected species – breeding birds. No breeding bird surveys have been been undertaken of the site or adjacent areas of ancient woodland. Yorkshire

Wildlife Trust has also been informed that the site supports skylark. Many other farmland bird species may also be on the site such as yellowhammer and linnet. All farmland birds are declining and have been identified as Biodiversity Action Plan (BAP) species. Developments should therefore not result in net declines of farmland birds.

Mitigation and enhancement. Paragraph 4.4.3 of the applicant's Environmental Report indicates that hedgerow enhancements may be possible as part of the scheme. Paragraph 118 of the NPPF states that ecological enhancements should be incorporated into developments. YWT advise that ecological enhancements are delivered as part of the proposed scheme, and secured by an appropriately worded condition in the event of any approval.

Rights to Speak

A total of 7 Right to Speak requests (including from the applicant) have been received as part of the application process.

Consultations

Specific Shale Gas consultees

Oil and Gas Authority (OGA) – The OGA does not offer specific geotechnical advice regarding the planning application. The OGA will only grant consent to drill after all the other regulatory permits and permissions are obtained.

Public Health England (PHE) – No objections subject to informative. The application does not include any horizontal drilling, nor does it include any hydraulic fracturing (fracking). The main issue of potential public health concern is noise. This is most likely to be encountered during stages 1 and 2, with the possibility of some recurrence in stage 3a, if it is required. This response is based on the assumption that the applicant will take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

British Geological Survey (BGS) – No response received.

Business, Energy and Industrial Strategy (BEIS) – formerly Department for Energy and Climate Change (DECC). Application submission noted, the Department does not comment on individual applications.

Health and Safety Executive (HSE) – No objections subject to informatives.

Environment Agency (EA) – No objections subject to conditions and informatives.

External

Civil Aviation Authority – No response.

Traffic England (Highways Agency) –.No objections to revised details, subject to a condition that abnormal loads should only be undertaken between 1000-1600 hours.

Natural England – No formal objection. Raised concerns with the proximity of the proposals with the Dewidales Ancient Woodlands

Historic England – Concerns raised of the potential vibration on listed buildings. Overall, however, no objections.

Coal Authority – No objections subject to informative.

South Yorkshire Mining Advisory Service – No objections.

South Yorkshire Police – Have raised general concerns regarding future potential protest activity. The main forms of protest have been outlined as follows:

- Local Residents/protest groups blockading the entrance to the site.
- A "slow walk" with protestors walking in front of attending vehicles in an effort to publicise their cause.
- Vehicle occupation – where a protestor will climb onto an attending contractor's vehicle and either lock on with some sort of device or simply refuse to remove them.
- Lock ons – where a protestor secures themselves to entrance gates to the proposed site or anywhere along the route that would prevent access for vehicles.

South Yorkshire Archaeology Society – Overall, no objections

Environment Agency (Flood Risk) – No objections subject to conditions and informatives.

Yorkshire Water – No objections.

Severn Trent Water – No objections following the submission of additional information

Sheffield Airport – No comments received.

<u>RMBC – Internal</u>

Transportation and Highways Design – Overall, no objections to the revised/clarified details, subject to conditions.

Environmental Health – Overall, no objections. The site does have the potential to have a noise impact on the nearest residential properties. No concerns are raised subject to conditions on final noise monitoring details. In respect of air quality there are no objections subject to recommended condition.

Ecologist – Overall the Ecological surveys and assessments are deficient in a large number of areas as explained in the appraisal section and the Ecologist's responses to the planning department dated 13 December 2017, 5 January 2018 and 23 February 2018.

- The Phase 1 habitat survey should have included Dewidales Wood as well as the application area.

- The distance from the nearest point of the compound to the nearest block of Dewidales Wood is less than 50m with the red-edge site area less than 25m from the woodland, whereas Natural England has issued new guidance (November 2017) recommending 50m buffers to ancient woodland. This has been subject to further modification (January 2018) with a buffer of 15m accepted.
- No information has been provided on the hedgerows.
- Surveys are also recommended where protected species (such as bats, badgers and breeding birds) are likely to be impacted by adjacent developments.
- The lack of survey work on breeding birds, badgers or other wildlife by the applicant within Dewidales Wood means that it is not possible to know what is present and consequently the Council does not know what might be impacted.
- Whilst it is accepted that access to Dewidales Wood was denied to the applicant, signs of badgers could have been recorded from the margins of the woods or by the use of trail cameras, night scopes, on the edge of the woodland.
- The edge of Dewidales Wood and associated hedgerows, in particular, have at least moderate habitat suitability for bats and consequently this would have required monthly activity and automated surveys.
- There is a bat buffer zone just to the south of Dewidales Wood (East). Bat surveys are required within bat buffer zones.
- The applicant stated that access to land was not arranged until late July and this precluded breeding bird surveys. Breeding birds could have easily been recorded from the margins of the wood (from Bridleway No. 38 or from land the applicant had permission to access) using bird song.
- The names of surveyors along with their experience, qualifications, accreditation and licences held are not provided despite this being best practice. These could have been provided to the Council in private and names redacted from the report.

Tree Service Manager – No specific objections to the proposals, subject to a condition to protect existing trees.

Landscape Design – Overall no formal objection. The development will result in substantial adverse landscape and visual effects, albeit experience locally within 1-1.5km of the site and over the short term.

Main Drainage – No objections following additional clarifications from the applicant.

Public Rights of Way – No objections.

<u>Neighbouring Local Authorities</u>

Bassetlaw Council – No comments received.

Bolsover Council – No objections.

Appraisal

Where an application is made to a local planning authority for planning permission, in dealing with such an application the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application;
(b) any local finance considerations, so far as material to the application; and
(c) any other material considerations. - S.70 (2) TCPA 1990.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The planning application seeks the development of a hydrocarbon well site which incorporates the drilling of a vertical exploratory well through the use of a drilling rig together with associated ancillary works. The purpose of the proposed development is logging and coring of the shale strata, which would be assessed by the applicant. The assessment is to see whether future flow testing of the well(s) (which may involve well stimulation through hydraulic fracturing – or 'fracking') would be worthwhile.

Hydraulic fracturing (fracking) and/or flow testing are not part of this planning application. If either are demonstrated to be worthwhile then a further planning application would be required to be submitted. If the results are negative the site would be decommissioned and restored.

The Regulatory Regimes

Rotherham Council, as Minerals Planning Authority (MPA), is just one of the key Regulators involved in the hydrocarbon development process, each one of which must be satisfied before development can commence. The key Regulators and their involvement summarised as follows:

a) The Oil and Gas Authority (OGA) – which issues Petroleum Licences, gives consent to drill under the licence once the other permissions and approvals are in place, and have responsibility for assessing risk of and monitoring seismic activity, as well as granting consent for flaring and venting.

b) The Minerals Planning Authority – which where appropriate grants permission for the location of any wells and well-pads, and imposes conditions to ensure that the impact on the use of the land is acceptable.

c) The Environment Agency – protects water resources (including groundwater aquifers), ensures appropriate treatment and disposal of mining wastes, emissions to air, and suitable treatment and management of naturally occurring radioactive materials.

d) Health and Safety Executive – regulates the safety aspects of all phases of extraction, in particular they have responsibility for ensuring the appropriate design and construction of a well casing for any borehole.

There are other bodies which may be involved in the consenting of hydrocarbon development, including:

a) The Coal Authority – whose permission will be required should drilling through a coal seam take place.

b) Natural England – who may need to issue European Protected Licences in certain circumstances.

c) British Geological Society – who need to be notified by licensees of their intention to undertake drilling and, upon completion of drilling, must also receive drilling records and cores.

d) Hazardous Substances Authorities – who may need to provide hazardous substance consent(s).

e) Public Health England – are consulted during the planning process and advise on public health matters.

There may also be other additional consents and orders, such as stopping up rights of way or temporary road orders, which may need to be obtained in certain locations.

The main considerations in the determination of the application are as follows:

- Principle of the development in the Green Belt
- Site selection process
- Traffic and transportation
- Public Rights of Way
- Ecological issues and impact on habitats
- Impact on hedges and trees
- Landscaping and visual impact
- Lighting
- Archaeology
- Heritage
- Noise and vibration
- Well design and safety
- Air quality
- Ground contamination, land stability and impact of mining legacy
- Flood risk
- Drainage
- Hydrology and groundwater
- Socio-economic impacts
- Health impacts
- Climate change
- Cumulative impacts
- Restoration and after use
- Other material considerations
- Other issues

Principle of the development in the Green Belt

The Development Plan currently consists of the Core Strategy and the relevant 'saved' Policies in the Unitary Development Plan, although regard should also be had to emerging Policies in the Rotherham Local Plan 'Publication Sites and Policies.'

The site is located within the Green Belt and Core Strategy Policy CS4 'Green Belt' states that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy.

Core Strategy Policy CS26 'Minerals' adds that: *"Energy Minerals - Proposals for underground coal mine extensions (including colliery spoil disposal) and surface mining in addition to proposals for the exploration, appraisal and production of onshore oil and gas, including the gasification of coal, coal mine methane and coal bed methane will be assessed on their merits against all material planning considerations including national planning policy."*

Policy SP2 'Development in the Green Belt' of the Rotherham Local Plan 'Publication Sites and Policies' (as amended following Examination in Public) states that in considering planning applications for new development, including mineral workings within the Green Belt, and to ensure proposals minimise the impact of the development on the openness of the Green Belt, particular regard will be had to the following factors: the size, scale, volume, height, massing, position, lighting and any proposed enclosures of the proposals.

National Planning Policy Framework (NPPF)

At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

Paragraph 90 of the NPPF indicates that certain forms of development, which includes mineral extraction, are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. An earlier appeal (after initially being dismissed) was subsequently approved in a High Court decision (July 2013) for Europa Oil & Gas at Holmwood, Surrey County Council [*Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government & Ors [2013] EWHC 2643 (Admin), Court of Appeal (June 2014) EWCA Civ 825*]. This was then approved by the Planning Inspectorate in a re-determined appeal APP/B3600/A/11/2166561. The Inspector indicated that:

> *"This means that exploration and appraisal of a mineral resource are not inappropriate activities by definition, but would only be treated as inappropriate if they adversely affect the openness or any other purposes of the Green Belt designation identified in paragraph 80 of the Framework…. Without exploration and appraisal it would be extremely difficult, if not*

impossible, to prove the extent and viability of a mineral resource, the extraction and production of which would not necessarily be inappropriate. As paragraph 90 of the Framework advises, inappropriateness would only arise in circumstances where the openness and/or other purposes of the Green Belt would be compromised. As such, it is necessary to move to ascertain if appeal scheme would be inappropriate development in the Green Belt, by assessing its effect on Green Belt openness, its permanence and the purposes of the Green Belt."

The principle is therefore not considered to represent "inappropriate development" in the Green Belt. This is still subject to development preserving openness and providing it does not conflict with the purposes of including land in the Green Belt.

It is accepted that the provision of the 60m rig, security fencing and the temporary portacabins, as well as other ancillary equipment, would have an impact on the openness of the Green Belt, though this would be over a relatively short term period, at the end of which the site would be restored with all equipment/fencing/bunding being removed. As such, it is considered that the proposals do not represent inappropriate development in the Green Belt.

In addition, Policy SP53 'Exploration and Appraisal of Hydrocarbons' of the Rotherham Local Plan 'Publication Sites and Policies' (as amended following Examination in Public) states:

"Proposals for exploration and appraisal of conventional and unconventional hydrocarbons will be permitted where:

a. they are supported by an overall scheme which allows for the exploration and appraisal of an oil or gas field together with any other fields in close proximity so far as is reasonable and practicable before production commences. This must include an indication of the extent of the resources and the extent of the area of search within the resource;
b. the integrity of the geological structure is demonstrated to be suitable;
c. infrastructure and associated facilities are sited in the least sensitive location from which the target resources can be accessed, so as to avoid the environmental and ecological impact of development wherever possible;
d. any adverse impacts can be mitigated to an acceptable level, with safeguards to protect environmental and amenity interests put in place as necessary;
e. operations are for an agreed, temporary period; and
f. sites and associated facilities are restored in line with a scheme to be agreed by the Council at the earliest practicable opportunity if resources are not found in economically viable volumes, or they are developed within a time frame agreed."

The explanatory text to the Policy states:

"As an emerging form of energy supply, there is a pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gas and coalbed methane present to facilitate economically viable full scale production."

Policy SP54 ‘Hydrocarbon Production Facilities and Ancillary Development’ of the Rotherham Local Plan ‘Publication Sites and Policies’ states:

> *“Proposals for conventional and unconventional hydrocarbon production and other related ancillary development, will be permitted where:*
> *a. a full appraisal of the hydrocarbon resource field has been completed and agreed with the Council;*
> *b. they form part of a comprehensive scheme for the full development of the hydrocarbon resource within an agreed timescale;*
> *c. infrastructure and facilities are justified in terms of their number and extent, sited in the least sensitive location from which the target resources can be accessed, and designed and operated to minimise environmental and amenity impacts;*
> *d. any individual and cumulative adverse impacts can be mitigated to an acceptable level;*
> *e. existing facilities are used for the development of any additional fields discovered unless the applicant satisfies the Council that this would not be technically feasible and any adverse impacts can be mitigated.”*

Paragraph 144 of the NPPF sets out the considerations for local authorities when determining minerals planning applications. The relevant considerations are summarised below:

- Give great weight to the benefits of mineral extraction, including to the economy;
- Ensure in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- Ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

Given that exploration is one of the phases of extraction, great weight can be given to the benefits of the proposed development in line with Paragraph 144 of the NPPF.

Paragraph 147 has further specific advice for hydrocarbon development stating that when planning for on-shore oil and gas development, including unconventional hydrocarbons, Minerals Planning Authorities should clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.

Overall, it is not considered that there would be an adverse effect on the long term permanence of the Green Belt in this area. Any harm to the openness of the Green Belt is considered temporary. Landscape character effects are considered further below. The application is for minerals development which can only be undertaken

where resources are located and the number of sites available for appraisal will be limited in this respect.

National Planning Practice Guidance (NPPG)

The National Planning Practice Guidance identifies a pressing need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gas present to facilitate economically viable full scale production.

The NPPG explains that the exploratory phase of hydrocarbon extraction seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing (fracking), although no fracking would take place as part of the exploratory phase in this instance.

In view of the above it is considered that the temporary use of the site as part of associated mineral extraction, whether at this site or another nearby, is acceptable in principle, and other impacts of the scheme will now be looked assessed.

Future applications

As indicated above, this application only seeks approval for the drilling, testing, suspension, decommissioning and restoration of the proposed well, including possible use as a listening well. This application would not authorise any other future activities on this site.

A number of objectors wish to know whether or not this is likely to lead to a future application for high volume hydraulic fracturing, or “fracking”. The applicant indicates that until the potential commercial viability of the target resource is established through the laboratory analysis of the extracted core of shale rock, the prospect of development being taken forward to the appraisal stage is uncertain, both in respect of the content and timing of any future application.

Therefore, there are a number of possible outcomes that could follow this application. However, the present intention is for this site to be restored. If future appraisal or production proposals were to be brought forward, either on the application site or within the surrounding area, an application for planning permission would be required along with a range of consents from other regulators.

<u>Site selection process</u>

Identifying a suitable exploratory site depends upon a number of factors, including environmental constraints, appropriate mitigation measures and land availability. However, the fundamental and most essential requisite for a new well site is the subsurface geology. As with any other mineral resource, hydrocarbons can only be extracted where they are located. In order for a vertical core well to be worthwhile, the well pad needs to be immediately above the geological formation where existing data has identified potentially hydrocarbon-bearing strata.
It is stated that to achieve these objectives a vertical well would be drilled through each of the geological strata to achieve a full assessment of the strata to be made.

The application is also required to stay within the licence boundaries of PEDL 304.

The applicant has identified that within the search area the choice of location took into account a range of environmental and planning constraints, site availability and logistics. The constraints that were considered include:

Landscape
National Parks
Areas of Outstanding Natural Beauty, and
Country Parks

Ecology
Ramsar Sites
Special Areas of Conservation (Habitats Directive) and candidate SACs
Special Protection Areas (Birds Directive) and potential SPAs
Sites of Special Scientific Interest
Ancient Woodlands
Biosphere Reserves
Core Grassland/Heathland/Mire/Fen/Bog
National Nature Reserves,
Local Nature Reserves

Land use and Access
Agricultural Land Classification
Coastal Paths
Countryside Rights of Way Access Areas
Environmentally Sensitive Areas (agricultural),
National Trails

Cultural Heritage
World Heritage sites
Listed Buildings (by grade)
Scheduled monuments
Heritage Coast,
Conservation Areas

Water
Flood plain
Main rivers,
Groundwater aquifers providing potable water supplies (including Source Protection Zones)

General
Areas with sensitive properties (schools, hospitals and care homes for the elderly),
Air Quality Management Areas

Sites are preferably greater than 400m from residential properties. This broad guiding principle was then reviewed once site specific factors could be taken into account to ensure that the chosen site was not likely to have a significant effect on any nearby receptors.

Whilst the applicant has not identified other potential sites within the supporting detail of this application, it is understood that the selected site meets the criteria set out above. The application is not defined as EIA development and the applicant is not required to list and discount sites in order of their sequential preference in policy terms. The detail of the application will be examined further below.

Traffic and transportation

RMBC's Transportation Unit disagree with the submitted information around classification of HGVs and consider the more appropriate definition of an HGV to be a vehicle with an operating weight exceeding 7.5 tonnes. This would indicate a significant percentage increase in HGV traffic travelling through Woodsetts. However, the actual number of HGV movements would be relatively modest (i.e. a maximum of 60 No. per day on the basis of 30 in and 30 out at an average of 5 No. per hour assuming a 12 hour day). The carriageway width along the C70 between the A57 at Gateford Roundabout and the site varies between 5.5m and 7.3m (approx.), which is considered to be capable of satisfactorily accommodating the additional vehicular traffic anticipated. Furthermore, the route through the village is subject to a 30 mph limit, with traffic calming and separate pedestrian facilities.

The revised draft Traffic Management Plan now confirms the route as being between the Gateford Roundabout along the C70 to the site and lists intended mitigation measures such as signage, escort vehicles (when required), convoy system from staging areas etc.

The traffic and transport objections detailed in the document dated 11th January 2018 submitted by Woodsetts Against Fracking have been considered, indeed some of these issues have already been addressed (see above). The road safety concerns are noted. The research from the Transportation Unit reveals there have been 8 No. personal injury accidents recorded along the C70 between the Worksop Road/Owday Lane junction and the intended site access in the period January 2012 to December 2016. None of these accidents involved a pedestrian or horse rider. Records for 2017 (currently incomplete) reveal 1 No. personal injury accident.

In these circumstances, the Transportation Unit are of the opinion that safe and suitable access to the site can be achieved and the cumulative impact of the development in transport terms is unlikely to be severe. Accordingly, the development can be supported from a highway aspect subject to conditions. These include

1/ Prior to the development being commenced, details of a Traffic Management Plan and Route Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the duration of the development.

2/ The development shall not be commenced until a signage scheme for C70 between Gateford Roundabout and the site access has been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

3/ Details of the surfacing and draining of on-site vehicular areas shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved details shall be implemented.

4/ Details of on-site parking and turning facilities for staff and construction traffic shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved facilities shall be retained throughout the duration of the development.

In addition, Highways England were also consulted. Highways England initially raised concerns on the Traffic and Transport plan. However, these were subsequently withdrawn following the submission of additional supporting information to the Traffic Management Plan (TMP) and Route Management Strategy (RMS) to control vehicle movements associated with the proposed development and reduce the traffic impact on the surrounding highway network. The final response from Highways England is to raise no objections to the revised details, subject to conditions that abnormal loads should only be undertaken between 1000-1600 hours and the traffic stages of the development be agreed with Highways England.

Overall, subject to future conditions, both RMBC's Transportation Unit and Highways England have concluded that they are able to support the proposal on road safety grounds.

Public Rights of Way

The proposal does not involve any path closures. The Council's Public Rights of Way (PROW) officer indicates that there are no Definitive Public Rights of Way recorded passing through the site itself, though there are adjacent public bridleways. These routes carry equestrian rights as well as those for walkers and cyclists.
Overall, subject to final details of the traffic management plan the Council's PROW department have not raised any objections to the proposals.

Ecological issues and impact on habitats

National policy

Paragraphs 9 and 118 of the NPPF state that "*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):…moving from a net loss of bio-diversity to achieving net gains for nature*".

and

> *"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
>
> - *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"*

Responses from nature conservation organisations

Yorkshire Wildlife Trust (YWT) and the Campaign for the Protection of Rural England (CPRE) have objected to the ecological element of the application and criticise the ecological information submitted as being insufficient.

Natural England have assessed the proposed development with specific regard to the likely future impacts on the nearby SSSI and Dewidales Ancient Woodlands.

Natural England (NE) have indicated that this application is in close proximity to Anston Stones Wood, Lindrick Golf Course and Creswell Crags Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, including the embedded mitigation measures listed, will not damage or destroy the interest features for which the sites have been notified. NE advise the Planning Authority that these SSSI's do not represent a constraint in determining this application.

NE have not assessed this application and associated documents for impacts on protected species. They would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above and recommend that further information is sought from the appropriate bodies (which may include the local records centre and wildlife trust.

Swinston Hill Woods LWS is 617m to the north-west of the application site and is designated for its neutral/calcareous woodland and ancient woodland. Lindrick Common LWS located 717m to the south-east has been designated on the basis of several mosses, plants, invertebrates, neutral/calcareous grassland, wet grassland, rich fen, ancient woodland, etc. Anston Stones Wood LWS is 777m to the south-west. This important site is designated for its grassland and woodland habitats, local plants, local insects and other infrequent species. The other woodland Local Wildlife Sites could be indirectly impacted unless suitable mitigation was put in place.

The Council's Ecologist retains a number of concerns, which are considered in more detail below.

Potential Impact on Dewidales Wood Ancient Woodland

The development proposal is located approximately 25m from Dewidales Wood, which is an ancient woodland site. Dewidales Wood AW could easily be impacted by the development. NE has issued standing advice on ancient woodland and veteran trees, which provides advice on how ancient woodland and plantations on ancient woodland sites should be considered in the planning process (see https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences. Standing advice is a 'material' planning consideration. This means

you should take it into account when making decisions on relevant planning applications. The Standing Advice as it relates to ancient woodland states:

> *"You and the developer should identify ways to avoid negative effects on ancient woodland or veteran trees, such as selecting an alternative site for development, or redesigning the scheme._You should decide on the weight given to ancient woodland and veteran trees on a case-by-case basis, taking account of the NPPF and relevant development plan policies. If you decide to grant planning permission, you should use planning conditions or obligations to make sure the developer either:*

- *avoids damage*
- *mitigates against damage*
- *compensates for loss or damage (use as a last resort)"*

The Council's Ecologist is of the opinion that because the applicant did not survey the Dewidales Wood Ancient Woodland, the Council has no baseline against which to assess and monitor the impacts of the development and cannot tailor mitigation for the woodland because due to lack of data.

The NPPF indicates that "*Ancient woodland or veteran trees are irreplaceable…."*

Buffer Zones to Ancient Woodland

In February 2017, the Government indicated its desire to increase protection for ancient woodland under the Housing White Paper. The Woodland Trust has recently provided guidance in deciding on how ancient woodlands should be assessed in planning applications[1], which takes account of Natural England's Standing Advice, the Housing White Paper mentioned above and other recent initiatives. One result is that the Woodland Trust recommends a buffer of 50m between development and ancient woodland (p. 20 of the document cited in the link).

More recently (November 2017), Natural England issued new guidance recommending 50m buffers to ancient woodland, which – although amended back to 15m (in January 2018) – Indicates that Natural England recognise and would like to recommend wider buffers around ancient woodlands where there are development applications on adjacent land. If the guidance for a 50m buffer had remained extant, then the applicant's compound would have fallen entirely within this new buffer zone. On the provision of an appropriate buffer, the Council's Ecologist considers that the applicant should revisit their assessment alongside putting further measures to protect the woodland into place.

When scaled from the applicant's submitted plan (ref P304-S21-PA-10), the distance from Dewidales Wood is approximately 24m to the red-edge site area, increasing to approximately 28m to the edge of the proposed site bund, 38m from a proposed waste area within the site and 41m from the nearest offices. Overall, there is significant built form along with the bund and fencing within 50m of the ancient woodland.

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[1] This is available at: https://www.woodlandtrust.org.uk/publications/2017/09/planning-for-ancient-woodland/

Local Wildlife Sites

Dewidales Wood is a Local Wildlife Site and adjoins the south-eastern corner of the site. Dewidales Wood was designated on the basis of its neutral/calcareous woodland types and rich/ancient hedgerow(s). Dewidales Wood could easily be impacted by the development. Natural England's Standing Advice is that Local Wildlife Sites which adjoin planning application sites should be surveyed. This has not been done here and consequently the possible impact of the proposed development on Dewidales Wood LWS cannot be properly assessed.

General comments on protected species

The most likely impacts on protected species are likely to be indirect impacts produced by light pollution, noise and human disturbance.

Natural England's Standing Advice recommends that surveys are conducted in woodlands where protected species (such as bats, badgers and breeding birds) are likely to be impacted by adjacent developments. This has not been done by the applicant. Protected species such as badgers, bats and breeding birds are protected by the Wildlife & Countryside Act 1981 and its amendments. It is illegal to disturb a protected species, it's nest/sett/roost or associated structure/shelter. The proposed well site would be separated from Dewidales Wood (East) by a public right of way (Anston Bridleway No.38) but is effectively adjacent to the woodland. The Council's Ecologist considers that a bat, badger and breeding bird survey of Dewidales Wood is essential to assess the impacts of the development.

The lack of such survey work means that it is not clear what is present. Consequently, the Council does not know what might be impacted. A precautionary approach is possible to some extent but is difficult, for example, without specific knowledge of exactly where badger setts or sensitive birds are nesting.

Badger survey

The Council's Ecologist acknowledges that access to Dewidales Wood was denied to the applicant. However, signs of badgers could have been recorded from the margins of the woods or by the use of trail cameras, night scopes, video, etc. The applicant could easily have employed modern technology from outside the wood to try to determine whether badgers are present. Other consultants have recently used such technology for planning applications in Rotherham Borough.

The applicant could also have approached South Yorkshire Badger Group for data on Dewidales Wood but has not, to the Council's knowledge, done this. This would have been prudent given that they could not access Dewidales Wood.

The Council's Ecologist notes that mammal burrows in Dewidales Wood (East) were observed on 1st February 2018 from the PROW. He could not be sure whether these related to deer, fox or badger.

Overall, the Council considers that the supporting information on this aspect of the application was insufficient.

Bat survey

The Council's Ecologist accepts that the track and test well site are likely to be of low habitat value for bats but this is not the case with Dewidales Wood or the hedgerow connecting them. The Ecologist is of the opinion that the edge of Dewidales Wood and associated hedgerows, in particular, have at least moderate habitat suitability for bats and consequently this would have required monthly bat activity and automated surveys. The Bat Conservation Guidelines (Collins 2016) state that for moderate habitat suitability for bats, monthly transects should be undertaken along with monthly automated bat recordings. The applicant has conducted bat surveys in August and September only.

There is a bat constraint zone (as shown on RMBC's Mapper software) just to the south of Dewidales Wood (East). Bat surveys are required within bat buffer zones.

Woodsetts against Fracking (WAF) have added further comments on bats. These comments appear to have been derived from local bat experts. They have added them for completeness and because they appear to be valid criticisms of the bat survey in the opinion of the Council's Ecologist.

"…No reference, or indeed impact analysis, has been made to the documented common pipistrelle maternity roost (some 200 individuals strong), approximately 0.78km to the south east of the proposed application site."

Section 4.4 of the submitted environmental report indicates that bat activity surveys were undertaken in August and September 2017, covering the summer maternity season. It is incorrect to say that these months cover the summer maternity season; surveys commencing the 27 August onwards cannot be classified as covering the main maternity season when, in all reality, breeding roosts will have disbanded. As a result, no consideration has been given to impacts of breeding bats within the adjacent Dewidales wood and to other maternity roosts within the vicinity of the application site.

The executive summary of the submitted bat report states: "*There is also a possibility that the lighting would provide more foraging resources for light tolerant bat species as there would be an increase in insect numbers.*" This is a very misleading statement and, whilst some evidence does support this theory, substantial literature highlights that where excessive lighting of habitats occurs this diminishes insects which in turn reduce feeding resources for bat species that are less tolerant to light pollution, including *Plecotus* and *Myotis* species, both of which were recorded during bat surveys of the application site. These species could be at a severe foraging disadvantage should light levels on the proposed application site impact on the species known to be present within the area and potentially within the adjacent Local Wildlife site. This is of particular concern to nursing females as survey data submitted cannot confidently confirm presence/ likely absence of maternity roosts adjacent to the application site.

The Bat Survey report states "*One pass of a Myotis species was recorded one hour after sunset, but the bat was not observed*." Furthermore, the author states that light-shy bat species (*Myotis* species and brown long-eared bat) were recorded in lower numbers in comparison to the light intolerant species, concluding there were no

visual observations of these species during the surveys, and suggesting that they do not frequently use the northern edge of the woodland. Due to the late mean emergence times of light-shy bat species and the fact that they are often not seen during surveys, how can this conclusion be drawn? Brown long-eared bat and some *Myotis* species have a mean emergence time of 55 – 60 minutes post-sunset when it is dark; thus, this assumption is incorrect. WAF have indicated that during a recent court case (CPCA vs The Secretary of State) it was accepted by the courts that a small impact to a secondary commuting route is a disturbance, which may require a licence, as it causes bats to deviate from their normal flight route 4 - 3.

The information submitted within the proposed application fails to correctly consider/ assess potential impacts on bat species other than pipistrelles.

Brown long eared, soprano pipistrelle and noctule bats all of which were recorded during the field survey work feature on the National Biodiversity Action Plan which is not mentioned in the report.

Dewidales Wood and the hedgerow network provide value habitat for bats and as such should be subject to monthly transect and automated bat recordings in line with guidance outlined with the Bat Conservation Guidelines (Collins 2016). The applicant has submitted data from the latter end of the recognised ecological survey period for bats and as such have provided no information to confirm presence/ likely absence of bat roosts within Dewidales Wood within the peak bat activity season. Furthermore, no consideration has been given to the potential impacts of bats striking the drilling rig.

Appendix A of the submitted bat survey report (page 485) records a serotine bat pass at 19:54 on the 19th September 2017. Furthermore, section 2.6.1 of the bat activity assessment, foraging and commuting, paragraph 2 states: static detectors recorded *Nyctalus*/*Eptesicus* species which could not be identified to species level. The report concluding that due to the location of the application site and previous recorded bat activity the species was most probably noctule or leisler's bat. Whilst the serotine bat is generally regarded as a southern species serotines have been recorded previously "near Rotherham" by respected bat ecologist Michael Thompson (Thompson 1977 in Delaney 1985 Yorkshire Mammals). As a result, the presence of serotine bat would be deemed as a new recent county record for the area and be of county importance. Due to the surveys being undertaken in the latter part of the bat activity survey further surveys should be conducted to ascertain presence/ likely absence of serotine bat on or near the application site.

The applicant could also have approached South Yorkshire Bat Group for data on Dewidales Wood or the wider area but has not done this. This would have been encouraged given that it could not access Dewidales Wood. Overall the Council considers that the supporting information on this aspect of the application was insufficient.

Breeding bird survey

The applicant stated that access to land was not arranged until late July and this precluded breeding bird surveys. The Council is of the opinion that the applicant ought to have carried out a breeding bird survey for spring 2017. Ideally, discussions

should have been going on with the landowner over the winter ready for the new season.

Whilst the Council's Ecologist acknowledges that access to Dewidales Wood was denied to the applicant, breeding birds could have easily been recorded from the margins of the wood (from Bridleway No. 38 or from land the applicant had permission to access) using bird song (the standard method for recording breeding birds) and by visually recording birds active at the edge of the wood, or flying overhead.

Breeding bird surveys should also have been undertaken for the test well site, tracks, adjacent hedgerows and the arable fields shown on the Phase 1 Habitat Survey. Natural England's Standing Advice states that bird surveys should be conducted where there is "floodlighting green space within 50 metres of woodland, water, *hedgerows* [Council Ecologist's italics] or lines of trees connected to woodland or water".

Farmland birds have been declining more than other groups of birds and those that might be expected such as skylark, lapwing, grey partridge, yellowhammer and quail are either Red List (first four) or Amber List (quail) species and consequently of enhanced nature conservation concern. Breeding bird surveys could have been undertaken over three or more visits in spring and this would not have been onerous or expensive in our opinion.

The Council's Ecologist considers it remiss that no birds were recorded on the Phase 1 Habitat Survey. Several species will have been evident when the ecologist(s) did their survey and it is a simple task to note these down and add them to the report.

Table 4.4 in the applicant's Environment Report states "*No birds were observed on the proposed site during the extended Phase 1 habitat survey or during subsequent visits to the site for bat surveys"*. The Council's Ecologist considers it unlikely there were no birds whatsoever on any of the surveys.

The three bird species that the applicant mentions might be breeding are skylark, lapwing and possibly quail. Skylark and lapwing are Red List, Species of Principal Importance and UK Biodiversity Action Plan species, whilst quail is Amber List, so, even the applicant believes there are three birds of conservation concern breeding on the well site and yet they did not consider it prudent to undertake a survey. The datasearch conducted by the applicant found records of other birds of conservation concern within 2km of the site including grey partridge, house sparrow, tree sparrow and yellowhammer and these could easily occur on the site. Others such as linnet and twite could easily occur. It is worth adding that a breeding bird survey could have involved as few as three dawn visits and would not have been expensive to undertake.

The development may only cover 1.86ha but it will potentially disturb the entire field and all birds nesting here, as well as the hedgerows alongside the access track and running alongside Dewidales Wood and the Dewidales Wood itself. This is particularly so given that the development will be a tall structure and 24 hour working

during drilling. Sensitive nocturnal species such as owls could easily be disturbed as well as daytime species.

Potential impacts

The Council's Ecologist does not accept the Significance given in Table 4.5. The Impacts on all Items (Receptors) are assessed as 'Not Significant'. With the gaps in survey work, the Ecologist does not consider it reasonable that these conclusions could be reached.

There may be disturbance to protected and other species cause by human activity, by construction and development, by light pollution, vehicle movements and possibly by noise and vibration. It is difficult to know what impact vibrations would have on protected and other species (because there is little published on this). Lighting could very easily impact on bats, badgers, owls and other nocturnal wildlife in Dewidales Wood and the surrounding area which is rural countryside and some distance from other sources of lighting. The Council would suggest a condition would have to be set for lighting which would specify wildlife friendly lighting including the use of cowls and directional lighting aimed at the ground, the well or on buildings but not on Dewidales Wood or the nearby hedgerow. The impacts on nocturnal wildlife will be increased during the period when 24-hour working takes place.

The Council's Ecologist would be concerned if the fencing did not screen activities within the compound from the wood and act as a barrier to noise, light, visible human activity, etc.

The Council's Ecologist is concerned with any lighting above the level of the fencing or single storey temporary buildings around or within the compound or on the rig even if these are cowled or hooded. Lights at height will stand out in particular because of the lack of other illumination here. Consequently, any lights at height could easily illuminate parts of the field and Dewidales Wood and potentially affect bats, owls, badgers, moths and other nocturnal wildlife.

Mitigation

If the applicant considers that it is unable to offer much in the way of mitigation because it does not own land on or near the application site, or is unwilling to purchase land, then the provision of monies to be used in securing nature conservation ends may be appropriate. The Council or third parties such as YWT may be better able to make agreements with the owner of Dewidales Wood (or Lofties Plantation or other sites nearby) for sympathetic habitat management work.

Biological Data

The applicant does not state who they consulted for their previous biological records but Rotherham Biological Records Centre (BRC) was not approached. Had Rotherham BRC been approached they could probably have provided more data. The source of the biological data should be given.

Phase 1 Habitat Survey

The original Phase 1 Habitat map had no target notes. It would normally have been expected to have at least six to ten on a standard Phase 1 Habitat. Target Notes could have been provided at the track entrance, at the defunct hedge100m south of the entrance, where the track does a 90 degree right bend, one within the test well site itself, two or three for the northern edge of Dewidales Wood and one on the hedge connecting the two woodland blocks. The applicant did provide an amended Phase 1 Habitat Map in February 2018 based on a site visit on 1st February 2018. However, this date is outside the optimum period for Phase 1 Habitat surveys.

No plant list has been provided with the Phase 1 Habitat survey (separate lists could have been provided for the track and well head location, a separate list for the wider Phase 1 Habitat area including the Dewidales Wood margins.

It is noted from aerial photographs, that the arable fields have headlands running around the periphery of the fields. These should lead to greater floristic species richness and diversity of the fields. They could be important to farmland birds within the field in which the application is located.

Hedgerows

No information has been provided on the hedgerows. Although the Council realises that no hedgerows are to be removed, hedgerows run alongside the access track and a significant one runs between the two blocks of Dewidales Wood which is located very close to the test well site. Dewidales Wood was formerly much larger and included the ancient woodland block to the west. The majority of the woodland was removed post 1967 based on historical aerial photos. The hedgerow connecting both fragments of Dewidales Wood is therefore a remnant of the wider ancient woodland that occurred here and has the potential to be a species-rich hedgerow and to support ancient woodland plant species. Since its close proximity (approximately 15m) to the proposed compound; it should therefore have been surveyed and properly assessed. A hedgerow survey of this and the surrounding hedges would have been appropriate and could have been done at the same time as the Phase 1 Habitat Survey and reported at the same time.

Surveyors

The Council considers that the applicant should have provided more information on the surveyor's qualifications, experience and licences held. This could have been done without identifying the surveyor. The provision of details of surveyor's including their names, experience, qualifications, accreditation and licences held, is stated best practice for Preliminary Ecological Assessments (i.e. British Standard on Biodiversity, CIEEM Guidelines on Preliminary Ecological Assessments, Bat Survey Guidelines 2016).

Summary

Overall, the Council's Ecologist considers that the application has a significant lack of supporting data due to lack of, or incomplete surveys and as such the Council cannot adequately assess the submitted details. The Council considers that the

applicant has submitted insufficient evidence of attempts to try alternative methods where access could not be obtained. It is not considered that these issues could be satisfactorily considered and it is therefore recommended that the application is refused on lack of ecological information and in conflict with paragraph 118 of the NPPF.

Landscaping and Visual Impact

The Council's Landscape Team have reviewed the landscape and visual appraisal, and are satisfied that the judgements made in the report in respect of both landscape effects and visual effects are a reasonable representation of the likely worst case effects of the proposed operations included within this development.

The effects are summarised the effects in the table below as there are a number of stages of development, with different levels of effect.

Stage	Max height of elements	Duration	Nature of effect
Stage 1 Development & Establishment	32m surface rig	3 months	Site – Substantial adverse effect Landscape character - Moderate adverse effect Up to 1km Minor adverse effect beyond 1.5km.
Stage 2 Drilling & Core Pressure Transient Test	60m mobile drilling rig & sub-structure up to 15m (including lighting, double stacked containers (5m) 32m workover rig	5 months Up to 2 months after drilling	Site – Substantial adverse effect Landscape character – Moderate adverse effect 1- 3km Minor adverse effect beyond 3km
Stage 3 Maintenance of Site	2m high fencing and bund, gatehouse.	Up to 5 years	Site - Minor adverse effect Landscape character – Negligible effect
Stage 3a Possible Workover of Well (the process of pulling and replacing a well completion)	Max 32m	Up to 1 month	Site – Substantial adverse effect Landscape character - Moderate adverse effect up to 1km Minor adverse effect beyond 1.5km
Stage 4 Use of Listening Well	Workover rig 32m, or wireline truck and	5 weeks	Site – Substantial adverse effect

	30tonne crane (up to 35m)		Landscape character - Moderate adverse effect up to 1km Minor adverse effect beyond 1.5km.
Stage 5 Decommissioning & Restoration	Up to 32m initially and reducing to nil	Up to 2 months (aftercare 5 years)	Site - Neutral effect Landscape character – Moderate adverse effect up to 1km Minor adverse effect beyond 1.5km Neutral effect upon completion of restoration stage.

Those elements of the development involving tall structures/ cranes & drill rigs (32m, 35m and 60m respectively) will result in a substantial adverse effect locally (within 1-1.5km of the site). These effects are likely to be experienced over a short period of time of less than 1 year. For the remaining time during operations, when taller structures are not present (up to 15m) the visual effects are considerably reduced and are more likely to be screened by the on-site mitigation bunding or existing woodland blocks. As such, this is likely to result in Moderate to Minor adverse effects again, experienced over a relatively short period of time of up to 5 years.

On rig height, the applicant has further specified a 60m height as this is the highest rig available which can drill to the required depth. This is a worst case scenario as the applicant has not yet determined which drilling rig will be used. The selected rig will also depend on rig availability at the time of drilling. The parameters set allow for a range of rigs to be used. The applicant has indicated that a 36m rig would be operationally inefficient when drilling to this depth and, further, has indicated that:

> "….*Whilst a 36m rig may be technically capable of reaching the required depth, it may require more time and will therefore take longer to reach the depth than the 60m equivalent. We wish to maintain the drilling period at the 5 month "worst case" maximum we have set. Our preference would be to not increase the time period during which the effects of the operation are occurring. To use a shorter rig for longer would simply extend the period of effects, whilst not removing what is still likely to be temporarily harmful visual effects".*

Policy CS21 states that in areas of High Landscape Value, development will only be permitted "*where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved*".

Furthermore, Policy CS21 then states:

> *"Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development". Emerging Policy SP35 is also relevant, with the policy requiring consideration of landscape impact."*

Concerns have also been raised that the photos submitted show only existing views, thereby omitting how the proposed development would appear in the landscape (e.g. landscape bunding, site infrastructure, site accommodation.

The findings of the Zone of Theoretical Visibility (ZTV) suggest that the substantial (i.e. significant) landscape and visual effects will only be "*short term and temporary*". Criticism has been made of the evidence supplied and on the conclusions drawn.

The Council's Landscaping Team indicate that the development will result in substantial adverse landscape and visual effects, albeit experience locally within 1-1.5km of the site and over the short term. Whilst soil bunding and site cabins (34no. cabins stacked 2no. high) are referred to as offering screening of the site activities their very presence is incongruous to this rural setting and as such are likely to result in Moderate adverse effects. It should be noted however that these changes and effects will be experienced over a relatively short period of time of up to 5 years.

This will result in a noticeable deterioration in the landscape character of the area and its enjoyment by the local community, as is noted by the strength of local objections raised. However, the Council's Landscaping Team have not raised a formal objection to the proposals on visual amenity grounds due to the temporary nature of the development.

Overall, whilst the development is in a moderately sensitive location with identified, short-term, substantial adverse landscape and visual effects, the Council's Landscaping Team have not raised a formal objection against the development from a visual amenity perspective. On balance, therefore, and taking into account the objections raised, it is not therefore considered that a refusal against the development on visual amenity grounds could be sustained.

Lighting

The applicant indicates that it is proposed for the site to operate for 24 hours a day during drilling activities (Stage 2) and temporary lighting will therefore be installed to ensure that the site can operate safely. This will be for a limited period during the lifetime of the proposed development and the most intensive working periods will be limited in duration to 21 weeks.

The applicant has stated - and conditions could be imposed to ensure - that lighting will be located to avoid direct glare outside the site and will be shielded to direct light to where it is needed. The lighting will be shielded and directed to where it is required. Lighting levels will be minimised to the lowest level possible, there is no potential for direct glare impacts at these properties. The drilling rig will have lighting on its mast, but these are limited in both intensity and number. The lighting will be relatively low level and directed at the rig itself. The applicant goes onto indicate that this is designed for safety of working purposes rather than lighting a wider area. Whilst this will make the rig visible at night, there should be no significant effects such as direct glare to habitable room windows.

Local Airports (Doncaster Robin Hood, Sheffield) as well as the Civil Aviation Authority have raised no objections from a safety aspect and the lighting is not considered to have any adverse impact on flight navigation systems.

On the issue of light, the Council's Environmental Health department note that the site is to have lighting as it will operate 24 hours. This is shown in draft format though no detailed design of the lighting units has been shown, including Lux levels. However, Environmental Health consider that this element could be satisfactory controlled by condition, including the type and intensity of lights, types of masking or baffle at head, as well as the number, height and colour of lighting columns.

Overall from a residential amenity perspective the Environmental Health department have not raised any objections to this aspect of the proposals.

Archaeology

In line with the requirements set out in Paragraphs 128 and 129 of the NPPF the applicant has described the significance of the heritage assets. The level of detail is considered proportionate to understand the assets' importance and the potential impact of the proposal on their significance.

The Environmental Report includes a desk based archaeological assessment and a geophysical survey, which concludes that there should not be a significant effect on built heritage or designated assets. The geophysical survey, along with aerial photography analysis has shown a series of linear features across the site. It is not clear whether these are archaeological or geological in nature. Following comments from the South Yorkshire Archaeologist, further archaeological and trial trenching has been undertaken to inform a detailed programme of mitigation.

Emerging policy SP45 Archaeology and Scheduled Ancient Monuments further notes that the preservation of archaeological remains in situ is the preferred solution, but where this is not justified preservation by record would be acceptable.

The applicant initially indicated that there is potential for non-designated heritage assets to be discovered on the site, but on the basis of the desk based report and investigations available to date, these are unlikely to be significant. Following further discussions with SYAS a more comprehensive Archaeological Evaluation Report was submitted.

The evaluation comprised nine trial trenches (Trenches 1-9), representing a 3% sample of the Site. Each trench measured 30 m by 2 m and targeted geophysical anomalies. The evaluation was undertaken between 15 and 19 January 2018.

No prehistoric remains are known within 1km of the Site, although assemblages of worked stone are known from the wider area.

The archaeological evaluation was executed as designed. Apart from a 19th century boundary ditch, no other archaeological features, deposits or artefacts were encountered. With the exception of the 19th century ditch, anomalies previously identified during geophysical survey did not translate into archaeological features.

The SYAS assessed the report and concluded that there are no significant archaeological features within the proposed development boundary.

Heritage

National Policy seeks positive management of the historic environment. Where there is likely to be an effect on a heritage asset its significance needs to be understood and a proportionate assessment of the effects of the development must be undertaken. Where a development will result in effects on a non-designated heritage asset, policy notes that a balanced judgement must be made having regard to the scale of any loss.

The UDP seeks to protect and enhance the historic environment, whilst supporting appropriate development. The Core Strategy has a similar aim and notes that proposals will be supported which protect the heritage significance and setting of locally identified heritage assets.

The site and immediately surrounding area does not have any listed buildings or scheduled ancient monuments on it and it is not within a conservation area. There will be no direct effects on any surface based heritage assets. There are several listed buildings in Woodsetts and the village centre also lies within a Conservation Area. However, these are all village related structures (houses, church stones, barns, etc) which are located within the village. Whilst there may be some visibility of the drilling rig when that is on site, it is considered that the development would be unlikely to have any direct effect on the structures or their setting.

Historic England have raised concerns about potential visual impact on listed buildings in the earlier phases as well as the possibility of damage from vibration during the drilling phase. However, no formal objections are raised on this aspect of the proposals. The applicant has covered this within the supporting details within the noise and vibration section of the application and it is not considered that the drilling phase would significantly increase levels of vibration as indicated in the paragraphs below.

A number of the objections also highlight the potential negative impact on the heritage of Woodsetts, along with the potential for negative publicity for the village.

Overall, taking into account the issues raised above along with the site being located in excess of 500m from the nearest heritage asset, it is not considered that the proposal would have any adverse effect on heritage or conservation aspects and it is not considered that a refusal on these grounds could be justified.

Noise and Vibration

The aspect under consideration in this planning application relates primarily due to noise from traffic and access into the site associated with the development. Any noise emissions to air, water or land associated with the regulated activities on the site including noise and vibration, odour and fugitive emissions are regulated under Environmental Permits. The EA are responsible for granting or refusing Environmental Permits and if the former, setting any conditions and ensuring that permit holders comply with these conditions.

The permit issued by the EA seeks to regulate noise and vibration arising from the oil and gas prospecting activities. This relates to noise and vibration generated from

those activities that extract / process material that is classed as waste. Materials that are brought out of the well as a result of these activities are classed as waste.

The mining waste permit has regulatory control over noise and vibration arising from: operations and equipment within the permitted surface operation boundary which is used in the handling / treatment of waste material.

A mining waste permit does **not** have regulatory control over noise and vibration arising from:

- Operations and equipment used for any treatment/movement/use of non-waste materials.
- All operations and equipment not within the permitted surface operation boundary and therefore not engaged in activities regulated by the permit. For example, noise from vehicle movements outside the permitted surface operation boundary.

Paragraph 144 of the NPPF requires decision-makers to ensure that there are no unacceptable adverse impacts upon human health and that they take into account the cumulative effect of impacts from individual sites. The applicant states that the works will conform to the relevant Industry Standards, including the Borehole Sites & Regulations 1995, the Construction (Design & Management) Regulations 2007 and the Offshore Installations & Wells (Design & Construction etc.) Regulations 1996.

The main issue of potential public health concern raised by consultees and the local community has been identified as noise and vibration. This is most likely to be encountered during stages 1 and 2, with the possibility of some recurrence in stage 3a, if it is required. The applicant has considered the potential for noise to arise from the proposed works, and noted the possibility for night time noise from the site.

While it is inevitable that some noise will arise from works of this type, the applicant has considered this potential within the noise report, which concludes that the noise arising from the construction will be lower than the night time noise LAeq, 1hour of 42dB, at 37dB.

The applicant further proposes sympathetic working practices such as bunding and silencers/noise attenuation equipment in order to mitigate any potential for nuisance.

The applicant has highlighted that the most sensitive properties around the site as being:

- Manor Farm along the west site of Lindrick Road (in excess of 670m to the east of the site of the proposed site);
- Berne Square residential properties (approximately 425m northeast of the site and approximately 30 m east of the access track at the closest point);
- The residential properties of Rackford Road (approximately 900 m west of the site);
- The residential properties Nirvana, Wildways, Lofties located along the north side of the private road that connects the south end of Lindrick Road with Workshop road (approximately 590 m south of the site); and
- The residential priorities at the south end of Lindrick Road (approximately 960 m south-east of the site).

Given that noise has also been identified as a potential source of concern by the local community, it would be prudent for the applicant to ensure that the local community is kept up to date with progress on works and to provide advance warning (as far as possible) of any particularly noisy periods.

Overall, Public Health England have raised no significant concerns regarding the risk to the health of the local population from the installation.

In terms of the hours of operation, the applicant has indicated that site preparation, earthworks, site construction and HGV deliveries shall only take place during the hours of 07.00 hours and 19.00 hours Monday to Friday and 07.00 hours and 13.00 hours on Saturdays, unless there is an operational need which has been agreed in writing in advance with the Minerals Planning Authority.

Assembly and demobilisation of the drilling rigs at the wellsite shall only take place during the hours of 07.00 hours and 19.00 hours Monday to Saturday.

In its role as a planning consultee on this application, the EA has raised no objections to the proposal, subject to a recommended condition in case potential ground contamination is discovered. The Environmental Permit will regulate noise and vibration from the oil and gas prospecting activities and the operator will have to abide by the permit.

The Council's Environmental Health department (EHO) would seek to regulate operations and equipment used for any treatment/movement/use of non-waste material and noise from vehicle movements outside the permitted surface operation boundary.

The noise modelling has been carried out using SondPLAN software (v7.4). The model has been run using a receiver height of 5m to represent the noise impact from night-time operations that would be experienced on the top floors (to represent bedroom space). This is to assess any potential noise disturbance that the occupier may experience at the property which may affect sleep. The model can also predict the noise levels at the ground floor whilst calculating the top floor. The model has predicted the noise level to be the same on the ground floor as on the top floor.

The EHO notes that the noise from construction activities has been predicted as being 81 dB LAeq,1h at location NSR2 which is the nearest noise sensitive receiver location. This level exceeds the recommended level in the BS5228 for construction noise and therefore is of some concern as the operator has not submitted any mitigation measures to reduce this level and impact on future residential amenity and has only stated that it will be temporary for 2-3 weeks.

However, the applicant has taken the high levels of noise that will be produced from this activity into consideration and has stated that no construction works will be carried out or undertaken during the evening or night time period. If the working hours for construction work are restricted to daytime only then the predicted level of 81dB LAeq,1hr will only have a significant observed adverse effect level on local residents during the daytime period.

Providing that the working hours for construction work are restricted to daytime only then the Council's Environmental Health department do not consider that there will be any significant or adverse health impact on local residents during the evening or the night time periods.

Road traffic noise is being predicted to be notable as heavy goods vehicles (HGV) will be using Dinnington Road to access the site but the impact from this additional traffic has not be calculated by the applicant since there are no noise sensitive receptors along this route.

In terms of vibration occurring during the drilling stage, the applicant has indicated that the drills are rotary bored only and therefore impart relatively small amounts of energy into the ground, particularly when compared to percussive pilling techniques. The applicant goes onto indicate that data available for rigs used during conductor installation suggests that ground borne vibration would be imperceptible at distances of greater than 20 m. Vibration levels from the drilling operations are not expected to be significantly different in magnitude. Consequently, at the nearest receptor ground borne vibration would be considerably lower, and certainly not perceptible.

Based on the above, the Council considers the likely impact from ground borne vibration resulting directly from the drilling rig to be small.

Overall, the Council's Environmental Health department have raised no objections to the application, subject to conditions on noise monitoring. The proposals will potentially have adverse health effects on local residents mainly during the daytime period. However, the noise impact from the drilling will be temporary with a maximum duration of 3 months. It is recommended that a condition detailing rig specifications be incorporated into any future permission as well conditions detailing a noise monitoring strategy and management plan to ensure that noise levels will be at or below the night time (22:00-07:00) level of 37dB and day and evening time (07:00-22:00) levels of 55 dB.

EA Permitting

The EA are responsible for granting or refusing Environmental Permits and if the former, setting any conditions and ensuring that permit holders comply with these conditions. Environmental permitting is the method specific industrial and commercial activities are regulated to protect the environment and people.

The permitting process is completely separate from the planning process. The planning process determines whether the development is an acceptable use of land, taking into account the impact of the proposed use, and considers a broad range of matters such as visual impact, traffic and access, which do not form part of our permit decision-making process. Permits allow sites to operate, within certain environmental constraints, once built.

The EA indicate that a mining waste operation permit is required under EPR 2010 for this activity. It is noted that the proposals at this time include no hydrocarbon production/storage and no hydraulic fracturing activities. Should future development of the site operations intend to include such operations then further permissions under the EPR regulations may be required, potentially including a radioactive

substances activity permit, an installation permit and/or a groundwater activity permit.

The applicant, INEOS Shale Ltd, has applied for a standard rules permit (SR2015 No.1) entitled:

> *"The management of extractive waste, not including a waste facility, generated from onshore oil and gas prospecting activities including drilling, coring, leak off testing (LOT), acid wash and decommissioning but excluding hydraulic fracturing for the production of oil or gas (using oil and water based drilling mud)"*

The EA has indicated that a permit has been approved and conditions are in place requiring controls for the following areas:

- The management of the site
- The drilling operations on the site
- Any emissions to air, water or land associated with the regulated activities on the site including noise and vibration, odour and fugitive emissions
- Monitoring requirements (as specified in the waste management plan) associated with the regulated activities on the site
- Information requirements including record keeping, reporting and actions requiring notification to the Environment Agency

Paragraph 122 of the National Planning Policy Framework states that "*local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively."*

The above paragraph makes it clear to planning authorities they should assume that where processes or emissions are subject to approval under pollution control regimes these will be effectively controlled. Accordingly, it is considered that this element of the proposal would be adequately regulated by other environmental legislation.

As indicated in the paragraphs below, the HSE and EA have not raised objections on potential future groundwater contamination. The detailed wellhead design would be subject to separate legation by an independent third party well examiner to ensure wellbore integrity. From a Development Management standpoint there are no objections to this element of the proposals.

<u>Well Design and safety</u>

The detailed design of shale oil and gas wells is not an issue that the Local Planning Authority can assess. An oil or gas well is a complex engineered construction, most of which is below ground and not accessible to visual inspection.

The detailed well design is regulated by the Health and Safety Executive (HSE). The HSE have indicated that wells drilled to explore for shale oil or gas are designed and constructed to the same standards as all other oil and gas wells that have been in operation in UK for a number of years. There have been 350 onshore oil and gas wells drilled in the UK since 2000.

HSE's regulatory approach has two main elements:

1. *Specialist well engineers help develop best practice standards for the industry as a whole.*
2. *The second element is to use risk-based interventions on particular sites and operators to ensure the operator is managing risk to well integrity in the appropriate way.*

All wells must be constructed to recognised industry standards and are cased using steel and cement to ensure the risk of an unplanned leak of fluids is as low as reasonably practicable. Near the surface, where there is nearby groundwater, or an aquifer, there are normally three layers of this steel casing. The operator will conduct a range of checks on the well to test for leaks. Suitable well control equipment must also be provided to protect against the risk of a release of fluids (liquid or gas) from the well.

The Borehole Sites and Operations Regulations 1995 (BSOR) apply to all onshore oil and gas wells. These Regulations require notifications to be sent to HSE about the design, construction and operation of wells, and the development of a health and safety plan which sets out how risks are managed on site.

The Offshore Installations and Wells (Design and Construction etc) Regulations 1996 (DCR) include specific requirements for all wells, whether onshore or offshore, and include well integrity provisions which apply throughout the life of shale gas or oil wells. They also require the well operator to send a weekly report to HSE during the construction of the well so that inspectors can check that work is progressing as described in the notification.

The operator must also appoint an independent well examiner who has an important quality control role in ensuring that the well is designed, constructed operated and abandoned to industry and company standards and that regulatory requirements are met.

This combination of duties ensures that HSE is provided with information at key stages in the lifecycle of a well and allows HSE inspectors to assess whether risks are being adequately controlled and, if not, to take the appropriate regulatory action.

To comply with BSOR, the well operator must submit a notification to HSE at least 21 days before work commences. It consists of information on the design and construction of the well including:

- The design of the well,
- Equipment to be used,
- Programme of work,
- Location, depth and direction of the borehole,
- Its relationship with other wells and mines,
- The geology of the drilling site,
- Risks identified with the work and how these risks will be managed.

In this instance, the HSE have not raised any objections to the proposal at the planning application stage.

Any concerns raised by objectors about the detail of well design and its construction and integrity would be controlled by the Design and Construction Regulations. The operator must report to HSE every week during construction of the well and during work to abandon the well. This provides HSE with assurance that the operator is constructing and operating the well as described in the notification. If they are not, HSE can take the appropriate regulatory action.

The weekly report gives details of all work that has taken place since the previous report including:

- Well integrity tests,
- The depth and diameter of the borehole,
- The depth and diameter of the well casing,
- Details of the drill fluid density which allows the inspector to gauge the pressure in the well and identify any stability issues.

There is also a specific set of occurrences that the well operator must report to HSE under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations):

- A blowout, i.e. an uncontrolled flow of well fluids,
- The unplanned use of blowout prevention equipment,
- The unexpected detection of H2S (hydrogen sulphide – an explosive gas),
- Failure to maintain minimum separation distance between wells,
- Mechanical failure of any safety-critical element of a well.

Air Quality

Emissions to air would include vehicle and equipment exhaust fumes, dust and potentially hydrocarbon release (methane) during the drilling period.

Road traffic associated with the proposal would produce emissions to air during the temporary construction and drilling phases. The applicant considers that these are likely to be of a similar scale to any construction site. Dust from site preparation, construction and vehicle passage on access roads will be controlled with standard dust-control measures.

The Council's Air Quality Officer has confirmed that the site is not in an Air Quality Management Area and so is not at risk of exceeding the national objectives for common pollutants. The development is not considered to generate a level of traffic which would suggest that there will be a vehicle emission related air quality issue in this area. The key phase of development when air quality impacts could occur is during construction and particularly during phases 1 and 2. The Environmental Report and Proposals set out a range of industry best practice mitigation measures which will ensure that dust suppression measures are in place. These include selecting and maintaining equipment, as well as simple practices like sheeting lorries which deliver loose materials, damping down any exposed earth in dry and windy conditions, and seeding stored top soil bunds to bind soil.

Rotherham's Community Protection Team have been contacted by members of the public and have started to monitor levels of air pollution in the area. This monitoring will be on-going. Overall, it is considered that a monitoring regime to be carried out during the timeframe of the application should be conditioned. They have concluded

that subject to conditions to ensure mitigation is in place they would have no objection to the development.

Flood Risk

The applicant has undertaken a Flood Risk Assessment (FRA) to support the proposed development. The applicant highlights that the proposed development is located within Flood Zone 3a (risk to the site of a 1 in 100 year fluvial event – 1% Annual Exceedance Probability (AEP)) based on Environment Agency mapping.

The applicant indicates that flooding, residual and climate change impacts have been assessed as negligible due to Environment Agency flood maps showing the proposal as having a 'Very Low' risk of flooding from fluvial and pluvial water sources and based on the topography of the site and surrounding area.

The EA have not raised any objections on flood risk grounds and the proposal is not anticipated to result in any material increase in flood risk elsewhere.

The Council's Drainage Officer has raised no objections to the proposal from a flood risk perspective.

Drainage

The applicant has summarised the proposals to protect groundwater sources and prevent cross-contamination occurring from surface water runoff in the table below. It is considered that the stage 1, followed by stage 2 of the process is the most critical to ensure prevention of surface water runoff becoming contaminated. A number of these issues will also be covered by the permitting process of the EA as well as good well design monitored by the HSE.

Stage 1

Aim	**Measures built into Proposal**
Prevent pollution of soil, groundwater or surface water from leaks from construction vehicles or on-site tanks	A triple-layered geotextile/ HDPE membrane would be laid between the site surface and soil by a qualified groundwork contractor under a Construction Quality Assurance Plan to make an impermeable site surface. All fuels, oils, lubricants and other chemicals would be stored in double-skinned tanks (or a bunded, impermeable area) to provide appropriate secondary containment All vehicles would be maintained regularly and would be subject to daily inspection at the start of the working day by plant operatives.

	Any equipment maintenance would take place in a designated area within the construction compound where reasonably practicable. Fuel and oil deliveries and any refuelling on-site would only be undertaken in appropriate impermeable areas. Double-skinned fuel tanks (or a bunded, impermeable area) would be used for refuelling trucks and pumps as well as fuel storage. Standing machinery and refuelling points would have drip trays placed underneath to prevent oil and fuel leaks causing pollution. Spill kits would be present on-site, and staff trained in spill response via contingency plans. On-site welfare facilities would be adequately designed and maintained, and all sanitary waste water and sewage would be removed from site by licensed waste contractors
Prevent pollution of soil, groundwater or surface water from runoff from site surface	No water would be discharged from the site to the surrounding environment once the drainage system was in place. All water would be removed from site by a licensed waste contractor. Works would be undertaken in suitable weather conditions to prevent silting of watercourses (especially avoiding periods of high rainfall). Runoff from access tracks would be to the surrounding road / field drainage. Aggregate used on these would ensure sediment laden runoff was not produced.
Prevent pollution from other construction activities	Concrete mixing for the rig pad would be undertaken by a mixer unit, with the components of the concrete enclosed in the unit prior to and during mixing. The mixer would be used on the lined site only.

	Shutters would be used when concrete is poured, and no concrete would be used where there is standing water. Pumps would be used to keep excavations dry if needed. Method statements would be produced for all activities that could pose a risk to the water environment and would clearly state what mitigation measures and monitoring requirements should be in place prior to and while the activity is underway.
Prevention of pollution of soil, groundwater or surface water from installing conductor and monitoring boreholes	Borehole design and operation (for example, fluids to be used) would be approved by Environment Agency (via Environmental Permit), Oil and Gas Authority, HSE, Coal Authority and an accredited Independent Well Examiner prior to drilling. Only air and water based fluids would be used as drilling fluids to install the conductor/ surface casing and monitoring boreholes. Once installed the cellar and conductor/ surface casing would be checked to ensure there are no leaks to the environment.
Prevent pollution of watercourses through engineering works	The Environment Agency permits engineering works in the water environment where required, through Flood Risk Activity permits. The site is located over 100 m from the nearest watercourse, and good practice to prevent silting and dust would prevent harm to the watercourse as a result of engineering works.
Monitoring	The site will be subject to an Environmental Monitoring Plan to be agreed with the Environment Agency. The area around the site (soils, field drains etc.) would be checked daily for visual signs of pollution (e.g. fuel oil, noticeable silting). An Environmental Clerk of Works would be present during Stage 1 to oversee the enabling works and construction and ensure operations proceed in accordance with management

	plans and planning conditions. Mitigation measures put in place (e.g. impermeable membrane, drainage system etc.), would be inspected regularly and suitably maintained to ensure they remain fully operational and effective. Where failures or shortfalls within mitigation measures were noted, these would be recorded, action identified and undertaken within a suitable timeframe.
Stage 2	
Preventing pollution of soil, groundwater or surface water from leaks from construction vehicles or on-site tanks	The geomembrane and "closed loop" drainage system would be maintained to ensure all liquids remained on the site for removal by a licensed waste contractor, and treatment prior to disposal if required. Frequent checking of integrity of site surface and drainage system. Cement mixing for well cement would take place in truck-mounted silos on the concrete hardstanding area. Rigs would be refuelled from dedicated tanks, which would be filled directly from fuel tankers that deliver to the site. This would be undertaken in the hardstanding area to ensure any spillage would drain to the impermeable cellar rather than the perimeter drainage pipe. Drilling fluids (muds) would be stored in a mud tank with a closed-loop system to prevent leakage. Water for the drilling process would be contained within a closed-loop system with any potential excess water from the drilling process being transported off site in suitable tankers by a licensed contractor.
INEOS Safety Health and Environment (SHE) representative will ensure operations proceed in accordance with management plans and planning conditions	The area surrounding the site would be checked daily for visual signs of pollution (e.g. fuel oil, leakage from perimeter, noticeable silting) in accordance with the Environmental Monitoring Plan to be agreed with the Environment Agency.

The applicant has indicated that any water falling onto site would feed into the site perimeter drain and be removed by a licensed waste contractor for treatment and disposal as appropriate. It is intended that all rain falling on the whole of the site for the whole duration of phases 2-4 will either be removed from site by tanker or used on site. The liner passes under the perimeter pipe and then extends up into the face of the surrounding bund, to ensure that the entire system is sealed.

The applicant has confirmed that the access track will not be lined. Run off from the access track will either permeate through the track, or run off to the sides. It is not intended to direct any of this flow into a highway drain. It would all be directed back to the field to soak away.

In terms of discharge from the onsite pumps, the applicant has confirmed that the system is closed and the perimeter ditch will collect water, which will be pumped to an above ground storage tank, which also sits on the lined area of the site. Tankers will come to empty the storage tank as required.

Some concerns were raised regarding the potential for perimeter bunds within the field having the potential to interrupt natural flow paths. The applicant has confirmed that field drainage will be maintained. They go onto indicate that a drainage strategy has been adopted which relies on a combination of (a) natural run off and soaking away at the fringe areas around the well pad and on the access track, to (b) a contained system which drains by gravity to a ditch and sump within the sealed working area.

The applicant goes onto indicate that the site will be levelled and for the most part lined and isolated from the surface water regime, with all water being collected by tanker. There will be areas where the site is not lined (access track and bunds). They anticipate that these will simply soakaway in the same manner as the existing land, so this should leave a neutral effect. On this basis, the applicant has asserted that the direction of the drainage is unlikely to be a material factor.

Regarding a future water supply to the site, Yorkshire Water have confirmed that there are no groundwater abstractions for the public water in the vicinity of the proposed development. The site is remote from the existing water supply network and Yorkshire Water have raised no objections to the proposals.

The Severn Trent Water Authority initially raised some queries regarding abstraction and drill casing details and the composition of drilling muds to be used. However, following the submission of additional information, they have withdrawn these concerns at the Planning Application stage, and will seek further data and observation boreholes in conjunction with the EA under separate legislation. Abstraction licence details are a separate process and are not being considered in this application.

The EA agency have raised no objections to this aspect of the proposal but have indicated that the permit will require an operator to manage the site in accordance with a Waste Management Plan (WMP). A standard WMP has been produced to accompany the standard rules permit which the operator is expected to follow. The WMP sets out measures for the appropriate management of an uncontrolled discharge, as in a ‘spill’, on site.

After several clarifications, the Council's Drainage Officer has confirmed that the drainage aspects of the proposal are acceptable, subject to condition.

Hydrology and groundwater

In terms of potential future contamination of groundwater, this would generally be assessed as part of the overall Well Design and would be covered by other regulators, in particular the HSE and the EA.

The main issues relevant to hydrogeology include: the prevention of groundwater pollution from spillages and the handling/management of drilling fluids and cuttings. Prevention of the escape of drilling fluids, gas and formation fluids into groundwater by good well design.

In terms of surface damage, it is understood that site vehicles tracking on bare ground would have appropriate tyres to prevent damage, the use of temporary tracks or peat-boards, minimal works undertaken in periods of high rainfall. Bunding would ensure soils were stored appropriately, and kept separate from other construction activities. Vegetation removal would be minimised and works would be undertaken to minimise the area of soils exposed at any one time.

The applicant has supplied an indication of Environmental Protection Measures during ground restoration works which can be summarised as follows:

Aim	Measures built into Proposal
Prevent soil damage during soil strip prior to laying of membrane/ development of access tracks	Site vehicles tracking on bare ground would have appropriate tyres to prevent damage. If large numbers of vehicle movements are needed on bare ground, temporary tracks or peat-boards would be used. Works would be undertaken in suitable weather conditions to prevent soil damage (especially avoiding periods of high rainfall). Bunding would ensure soils were stored appropriately, and kept separate from other construction activities. Vegetation removal would be minimised and carried out according to good practice. Works would be undertaken to minimise the area of soils exposed at any one time. Barriers and/or netting would be used to prevent vehicle movements in sensitive areas.
Preventing pollution of aquifer during drilling	Appropriate well design would be used. Any potential excess water or mud from the drilling process would be transported off site in suitable tankers. Drilling activities would be designed to ensure that there would be no inputs of pollutants to groundwater.

	Drilling fluids would be used in accordance with good practice as described in the Health and Safety Executive (HSE)'s guidance on 'The Offshore Installations and Wells (Design and Construction etc.) Regulations 1996' (DCR)) (in particular that they would be designed to prevent exchange of fluids between the borehole and any groundwater-bearing formation) and Borehole Sites Operations Regulations 1995. Drilling fluids would exclude hazardous substances as defined in paragraph 4 of Schedule 22 to the EPR 2016 If karstic or highly fissured conditions were anticipated, INEOS would gain the Environment Agency's agreement to use any additives other than inert materials. Casing would be installed and cemented into the low permeability formation beneath the groundwater body once that formation was reached. The maximum depth defined for a groundwater body is taken to be 400 m. (the surface casing for this well is anticipated to extend to 470 m (1,550 ft.) to isolate old mine workings).
Preventing pollution of soil, groundwater or surface water from leaks from construction vehicles or on-site tanks	The geomembrane and "closed-loop" drainage system would be maintained to ensure all liquids remained on the site for removal by a licensed waste contractor, and treatment prior to disposal if required. Frequent checking of integrity of site surface and drainage system. Cement mixing for well cement would take place in truck-mounted silos on the hardstanding area. Rigs would be refuelled from dedicated tanks, which would be filled directly from fuel tankers that deliver to the site. This would be undertaken in the hardstanding area to ensure any spillage would drain to the impermeable cellar rather than the perimeter drainage pipe. Drilling fluids (muds) would be stored in a mud tank with a closed-loop system to prevent leakage. Water for the drilling process would be contained within a closed-loop system with any potential excess water from the drilling process being transported off site in suitable tankers by a licensed contractor.
Minimising soil damage during ground restoration works	Once the site surface membrane was removed, care would be taken to avoid pollution of soil, groundwater or surface water from fuel leaks or routine activities during ground restoration. Aggregate and concrete (pad and cellar) would be fully removed from site before the impermeable liner was removed so any residual contamination would not be washed into soil.

Avoid pollution of aquifer during decommissioning	Measures would be taken when decommissioning the vertical core well to ensure there would be no inputs of pollutants to groundwater and that there was no subsequent leakage of groundwater, including any gas or other contaminants that this may contain, into the well or to other geological horizons.
Prevention of leaks of gas or suspension fluid from vertical core well once abandoned	At decommissioning, two permanent barriers would be set within the wellbore to seal the well. The well has been designed in accordance with the Borehole Regulations reviewed by the HSE and by an independent third party well examiner to ensure wellbore integrity. Suspension/ Decommissioning fluid would be brine

The applicant has indicated that the methods in the restoration and aftercare plan would be followed to prevent soil damage. Once the site surface membrane was removed, care would be taken to avoid pollution of soil, groundwater or surface water from fuel leaks or routine activities during ground restoration. Aggregate and concrete (pad and cellar) would be fully removed from site before the impermeable liner was removed so any residual contamination would not be washed into soil.

The applicant has briefly outlined the measures that would be taken when decommissioning the vertical core well to ensure there would be no inputs of pollutants to groundwater and that there was no subsequent leakage of groundwater, including any gas or other contaminants that this may contain, into the well or to other geological horizons.

The applicant indicates that the well has been designed in accordance with the Borehole Regulations reviewed by the HSE and by an independent third party well examiner to ensure wellbore integrity.

The Council acknowledges the above comments, but considers that the potential impact on groundwater sources is not an issue that would be covered within the planning regulatory aspect of the application. This is considered an issue that would be covered by satisfactory well design and is regulated by the Environmental Permit and overseen by the HSE.

Ground contamination, land stability and impact on mining legacy

In terms of land stability and historic subsidence, South Yorkshire Mining Advisory Service (SYMAS) has indicated that the area has been subject to deep coal mining with one coal seam has been worked as follows:

Barnsley depth ~584m worked in the 1950s

SYMAS indicate that the abandonment plan records indicate that the propose drill well will intercept Dinnington Colliery coal seams working at a depth of approximately 584m. There are no mine workings from other coal seams directly beneath the proposed borehole.

SYMAS indicate that deep coal mining subsidence has now ceased and the area can be regarded as stable. They have raised no objections to this aspect and indicate that well design would be subject to approval by other regulators (Oil and Gas Authority, Coal Authority, HSE and EA).

The Coal Authority have indicated that the application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. There is therefore no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. The Coal Authority have therefore not raised any objections to proposal, though they have recommended that The Coal Authority's Standing Advice should be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Specific ground contamination issues

The site has predominantly been used for agricultural purposes since the 1850's and it is therefore unlikely that significant contamination of the land has occurred. There may be some potential for minor contamination to exist within the surface soils from the use of insecticides, pesticides, agricultural machinery, unrecorded deposited wastes and natural sources of contamination.

The Council's Pollution Control Officer has indicated that inert waste poses a low risk of generating leachate which may migrate into shallow surface waters. Embedded mitigation measures in the proposal around groundwater monitoring will provide the opportunity to establish current groundwater quality prior to commencement of the proposal operations.

The vertical exploratory well to be installed will pass through gas bearing stratum and a release of methane gas could occur. The Environmental Report provided by the applicant confirms that gas monitoring is to be undertaken on a continuous basis during the drilling works but is light on any details and how it will be reported. It is suggested that gas venting/flaring will not be required at the site. No information has been provided to suggest that any gas monitoring wells will be installed at the site to assess for any potential migration of methane gas or the impact of gases generated from off-site sources.

The applicant indicates that all surface water that will be generated at the site will be retained on site and then removed by an approved Waste Management Licenced Contractor. It is reported that no water will be discharged from site to the surrounding environment once a drainage system for the site is put in place. However, the site is located on an elevated plateau and any waters/accidental spillages will run towards nearby water courses and surface water features. The Pollution Control Officer indicates that measures to be put in place to ensure the collection and disposal of contaminated waters (flow back waters from the drilling techniques used) produced as part of the exploratory investigations should be deemed to be adequate and sufficient.

The nearest waterbody to the site is Owlands Wood Dyke, a minor watercourse which drains surrounding farmland and flows east, then northeast towards the River Ryton. Other surface water features include two impounded ponds on the Pudding

Dyke at Lindrick Dale, immediately upstream of the confluence with the River Ryton. These waterbodies are located within approximately 1.3 km to the south of the site.

Key elements include staged steel casing to seal off aquifer sections and flow paths that may be encountered (such as that caused by former mining sections). The well plans include an initial conductor (surface casing) to approximately 490 m, which provides a barrier to migration for all currently designated aquifer formations and the suspected coal mining depth zones. Detailed review of mining abandonment plans has been undertaken to understand and design for the depths of former mine workings. This section will be drilled with water-based fluids. A second deeper section would also then be cased (intermediate casing) inside the primary casing. This would seal off to approximately 1,183 m depth and protect any further coal measures horizons prior to encountering the formations of interest (Namurian age). Thus the upper potable units and mine zones will have double cased sealing to protect units. The target zone of interest would be cased to approximately 1,679 m, providing a third sealing structure. The well would then be drilled to a total depth (approximately 2,800 m) and a liner installed. Final depths will be confirmed during detailed well design but will adopt the principles above and be subject to third party review.

The groundwater boreholes to be installed are reported to fall outside the scope of this planning application and will be installed under Permitted Development Rights. However, no details regarding the groundwater monitoring have been provided along with details of any surface water monitoring. An environmental monitoring plan will need to be specified and agreed to in order to ensure that contamination is monitored for prior to construction, during the exploratory works and post demolition/restoration works. Establishing a monitoring regime will help with the understanding of any environmental impacts from the drilling works and the communication of risks to the community of Woodsetts.

The applicant has confirmed however that a range of monitoring data will be collected and reported to the Environment Agency. Little information is reported on the monitoring locations, the long term schedule for monitoring and what is being monitored for, particularly in terms of the groundwater and surface water monitoring. This information is suggested will become available under the Environmental Permit to be issued by the EA. The Council's Pollution Control Officer has also recommended that the Council imposes a planning condition on the proposed monitoring to be undertaken. Details for long term monitoring of exploratory well integrity will also need defining.

The Council's Pollution Control Officer initially raised a concern that the applicant may seek the EA's agreement to use additives other than the inert low-toxic oil based drilling muds currently proposed. This may occur in the event that karstic or highly fissured conditions are encountered (which could be present within the principal aquifer on site of dolomite and limestone bedrock). The concern relates to the potential for future contamination. No specific information has been presented by the applicant as to what would happen in the event of alternative drilling additives being used or issues around potential well failure. However, this is not an issue that can be addressed within the planning element of the proposal. The site works fall under and to be regulated by the EA under an Environmental Permit which stems from the Environmental Permitting Regulations 2016. The EA consider that these

activities are of a ‘low risk’ operation and therefore only a standard rules permit will be necessary which follow a set of standard rules relating to Waste Management for the site.

Overall, it is considered that the majority of any potential ground contamination issues will be safeguarded through the Permitting Regulations outside of this planning process. Subject to any additional planning conditions, this element of the proposal is acceptable.

Socio-Economic impacts

Paragraph 120 of the Minerals PPG advises that individual applications for the exploratory phase should be considered on their own merits. They should not be assessed by taking account of hypothetical future activities for which consent has not yet been sought.

A number of objections raise the issue that any future jobs created will not necessarily be available to local people, that INEOS are not a local company, as well as querying the economic benefit to the local area. A number of the jobs would be short term since the duration of the construction elements of the site are limited.

The applicant refers to potential wider economic benefits of shale gas production at this exploration stage carry limited weight. Although they also acknowledge that there may be some degree of economic dis-benefit to local residents and local businesses in close proximity to the site, these are indicated that the impacts will be localised and short in duration. Pollution control and potential health impacts can be addressed satisfactorily through planning conditions and other regulatory regimes and these have been discussed in more detail in the paragraphs above.

The numbers of jobs created is not explicitly specified by the applicant and it is not possible to quantify the numbers of jobs. At a regional and national level this is a growing industry and in future years this is likely to contribute to an increasing proportion of the wider UK economy.

Health impacts

Paragraph 144 of the NPPF requires decision-makers to ensure that there are no unacceptable adverse impacts upon human health and that they take into account the cumulative effect of impacts from individual sites. The Health and Well-Being PPG requires these matters to be considered in the planning decision-making process. The main public health impacts have been discussed in more detail in the paragraphs above, in particular on highway safety aspects, noise and vibration, groundwater supply, surface water quality and flood risk and land contamination and pollution control aspects.

The Environment Agency permit supplies conditions, though these conditions only apply directly to the activities specified by the permit, namely, the management of extractive waste. Additionally the conditions only apply to relevant activities inside the permitted area. Operations on site that are not associated with this activity would not be subject to these permit conditions. Activities outside the permitted area, for

example traffic movement on access roads would not be subject to regulation under the permit and need to be considered as part of the planning application.

As indicated within the paragraphs relating to noise and vibration, it is considered that this, along with the volume of construction traffic is likely to have the most impact on public health.

Vibration is separate to seismic activity. Seismic activity is regulated by the Department of Energy and Climate Change (DECC).

As indicated within the noise paragraphs of this appraisal, Public Health England have not raised any objections from a health or noise impact.

The EA along with the Council's Environmental Health department have also not raised any objections on this aspect.

Climate Change

Paragraph 7 of the NPPF highlights the need for the planning system to perform an environmental role, including minimising waste and pollution and mitigating and adapting to climate change including moving to a low carbon economy. Paragraph 93 of the NPPF adds that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change.

The Written Ministerial Statement, Shale Gas and Oil Policy (dated 16 September 2015, the "WMS") states that there is a national need to explore the UK's shale gas and oil resources. The WMS states that the Government remains fully committed to the development and deployment of renewable technologies for heat and electricity generation but gas is required to support the Government's climate change target by providing flexibility and reducing reliance upon high-carbon coal. The Government therefore supports the exploration for shale gas as part of the UK's response to climate change.

The WMS represents the Government's position in relation to the need for shale gas exploration and the need for gas to support its climate change target. The potential contribution of this proposed construction of an exploratory well to national greenhouse gas emissions is not likely to be large. The proposal is not considered to have any significant impact upon the national planning policy objectives relating to climate change and is therefore consistent with the NPPF.

The applicant indicates that there is relatively little that an exploratory well can do to minimise its impact upon the causes of climate change. The applicant has indicated that the preferred access route for vehicles is the most appropriate route to the A-road network in order to try and minimise vehicle emissions.

The applicant further indicates that exploration emissions are generally small, although little information is available on emissions associated with exploration. Climate change emissions associated with the proposed development are expected to be predominantly to those from vehicles and drilling equipment which are considered to be generally small and are not considered to be significant.

Objections received indicate that the application contains insufficient information regarding fugitive methane emissions, with the risks therefore unknown. No information is provided regarding Air Quality, especially estimated quantities of escaping gas (leakage), nor how this will be dealt with.

The objections also indicate that it is known that methane escapes from onshore oil production processes. Methane is an extremely potent heat trapping greenhouse gas and thus leakage of methane from onshore oil sites should be part of risk assessment.

Whilst this proposed development is for exploration there would not be any well testing which would result in gas releases and there are no plans by the operator to vent methane. Indeed, the conditions of the Mining Waste Permit do not allow any point source emissions from the site. As such, emissions relating to this proposal would primarily be from the vehicle movements associated with the development and the drilling of the exploration well which, as stated in the Committee on Climate Changes report, are likely to be small.

Overall, from a planning standpoint it is not considered that there are any specific objections to this proposal on climate change grounds. With reference to its wider context and the general advice of the NPPF, this proposal is not likely to have more effects that are over and above that which could normally be expected on a development of this size.

Cumulative impacts

Objections on cumulative impacts have been raised. A number of these objections raise the possibility of future hydraulic fracturing taking place on the same of an adjacent site. The objections go onto indicate that this could be a precursor to a longer term development which could last longer than 5 years, once applications to vary restoration conditions and new phase two applications are submitted by Ineos, if phase 1 tests are successful.

The Council is currently considering this site and application on its own merits. There is currently an application at Common Road, Harthill within the borough. However, that application will be determined by the Planning Inspectorate, following an appeal against non-determination. The Council will be resisting the appeal.

Other similar test well drilling applications covered by different PEDL licences have been approved in other local authorities including Mission Springs, Nottinghamshire 2015. There is also an undetermined application by the same operator in Marsh Lane, north east Derbyshire. However, these sites are at least 10km from Dinnington Road.

This application is considered to be a singular project that is a discrete proposal that could proceed independently. There are no wind turbines within 3km of the site. It is noted that the rig would only be on site for a short period of time (up to 5 months). As indicated in the landscaping and visual paragraphs above, this is considered to substantially reduce any long term cumulative impact on the surrounding environment.

Restoration and after use

The applicant states that if the results of the exploration work do not warrant further development, the wells would be made safe by plugging and abandoning in accordance with the relevant regulations and industry best practice.

The application indicates that the well would be plugged and decommissioned in accordance with i) good practice; ii) Oil and Gas UK Guidelines on Well Abandonment; and iii) an abandonment plan to be agreed with the Environment Agency, HSE and an independent Well Examiner. The application indicates that two permanent tested barriers (cement) will be set within the steel casing to seal the wellbore. The casing would then be cut approximately 2m below surface and capped with a steel plate. All on-site structures including any welfare and support buildings, the well cellar and sump-lining would be removed. Any residual waste or materials would be removed from the site along with the site lining. The land would be re-graded and deep scarified in accordance with best agricultural practice. Stored subsoil and top soil would be loose spread over the re-graded ground and subsoil to relieve compaction. The site would be re-contoured and restored to agricultural use.

The site would be fenced with temporary 'Heras fencing' to allow the permanent fencing and security fencing to be removed. The concrete pad and cellar would be broken for removal by a licensed waste contractor, and aggregate, drainage pipework and other infrastructure would be removed from the surface.

Paragraph 144 of the NPPF states that Mineral Planning Authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions where necessary.

The applicant has applied for a five year planning permission and the supporting statement anticipates that restoration conditions would be used to ensure restoration upon completion of the development. It is considered that this could be adequately controlled by condition.

It is anticipated that the decommissioning and restoration section of the application would require up to two months to carry out the works in full. The applicant indicates that all restoration would be undertaken in appropriate weather conditions to minimise any further disruption and soil erosion. Access tracks and road amendments (junction amendments) would also be restored as agreed with the landowner and Highways Authority, or retained for continued use, subject to any necessary further planning consent.

Other issues

Many of the public representations to this application have objected for reasons linked to fracking, as set out in the publicity section of this report. Fracking forms no part of this application and the proposals have been assessed on their own merits. No further consideration is given to such comments.

Public representations have stated that granting this application would set a precedent for future fracking applications and would inevitably lead to more.

However, any future application(s) would be assessed on their own merits and do not form part of the decision making process of this application.

South Yorkshire Police have raised concerns that the extraction of Shale oil gas is highly contentious and brings with it many challenges to Policing in the form of protest activity. A number of residents have also highlighted potential disruption and cost to the taxpayer of policing future protest. The main forms of protest have been outlined as follows:

- Local Residents/protest groups blockading the entrance to the site.
- A “slow walk” with protestors walking in front of attending vehicles in an effort to publicise their cause.
- Vehicle occupation – where a protestor will climb onto an attending contractors’ vehicles and either lock on with some sort of device or simply refuse to remove themselves.
- Lock ons – where a protestor secures themselves to entrance gates to the proposed site or anywhere along the route that would prevent access for vehicles.

Whilst these issues are noted, they are not considered to represent material planning considerations that can be given weight when determining a planning application.

The potential detrimental impact on house prices has been raised as well as increased insurance premiums along with the negative reputation to the village. As is the case in all planning applications, this is not a material consideration and cannot be afforded any weight.

A number of objections raise concerns that INEOS (nor other operators) have previous experience of drilling in the UK and the industry remains untested. This is acknowledged, though again this cannot be afforded any planning weight.

The behaviour and profit motives of the industry are also not issues that can be afforded any material planning weight in the determination of this planning application.

Conclusion

The applicant seeks temporary permission for a maximum of 5 years, including restoration proposals. The site is in an area of open rural Green Belt. This would involve the temporary introduction of built development, but this is temporary and has also been supported by future restoration proposals. The NPPG identifies a pressing need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gas present to facilitate economically viable full scale production. It is not considered that there would be an adverse effect on the long term permanence of the Green Belt in this area. The proposals are not considered to represent inappropriate development in this Green Belt location and, therefore, the principle of development in this location is considered acceptable.

From a highway safety perspective, the Council’s Transportation Unit along with Highways England have concluded that a safe and suitable access to the site can be

achieved and the cumulative impact of the development in transport terms is unlikely to be severe. Accordingly, the development can be supported from a highway aspect subject to conditions.

In terms of ecology, the red-edge site plan lies less than 30m from the Dewidales Ancient Woodland, eastern section and insufficient justification has been submitted to demonstrate that there will be no adverse impact on the ancient woodland. Overall it is considered that there are a number of deficiencies and omissions within the supporting ecological data, including insufficient surveying work on badgers, bats and breeding birds. The Council's Ecologist acknowledges that the applicant has had restricted access to the ancient woodlands to carry out survey work but considers that the applicant has submitted insufficient evidence of attempts to try alternative methods where access could not be obtained. The omissions are of such significance such that these deficiencies cannot be satisfactorily overcome through the imposition of conditions to potentially mitigate against future detrimental ecological impact. Consequently, the Council is not able to fully assess the proposals against national and local policy and the application cannot be supported on lack of ecological supporting details. It is therefore recommended that the application is refused on lack of ecological information and in conflict with paragraph 118 of the NPPF.

On landscaping and visual amenity, it is acknowledged that the development will result in substantial adverse landscape and visual effects, although these will be from generally within 1.5km of the site and over the short term only. This will also increase the potential for light pollution. The Council's Landscaping Team have not formally objected on visual amenity grounds and it is not considered that there are any formal objections in this regard.

In terms of noise and vibration, no objections have been raised from the principal regulators (the Environment Agency, RMBC Environmental Health or Public Health England). It is considered that noise levels would not be at such an adverse level that would justify a refusal. Subject to recommended conditions including a noise monitoring strategy and management plan, this is considered to safeguard future noise levels would be contained within acceptable parameters.

In terms of heritage and archaeological impacts, the South Yorkshire Archaeology Service indicated that there are significant archaeological features within the proposed development boundary. However, subject to an archaeological condition this is considered to mitigate this concern, the proposal is not considered to have a detrimental impact on the nearest listed buildings within Woodsetts village centre. Likewise, Historic England have not objected on heritage grounds.

The site lies within the lowest flood risk level and is not within a known surface water drainage area. Both the Council's Drainage Officer and the Environment Agency have raised no objections to future drainage, subject to conditions. Likewise, the proposal is not considered to materially increase the potential for future flood risk.

The Council is currently considering this site on its own merits. Whilst there is a similar proposal currently at the Harthill site which is currently subject to appeal, this site is approximately 5km away and it is not considered that there are any significant cumulative impacts arising.

Summarising the issues involving potential future contamination, pollution of ground water and general pollution control issues, as indicated in the appraisal, all issues of well design and construction is considered by the HSE and Environment Agency regulators and is beyond the scope of this planning application. Both regulators have raised no objections to this aspect of the application and there are no planning objections to this element. The Council's Pollution Control Officer has raised no objections, subject to conditions.

A number of other issues have been raised and all representations received have been taken into account. The level of public interest in this application and the volume of objections received from the public is acknowledged, although this does not by itself constitute material grounds for refusal.

Reason for refusal

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The Council considers that the supporting ecological information provided with the application is deficient to determine the application. The application red-edge site area lies approximately 25m from Dewidales Ancient Woodlands (eastern block) and there is significant built development less than 50m of the woodland boundary. The applicant has submitted insufficient evidence to justify this limited buffer protection area. The Council further notes that due to the lack of an adequate bat, badger and breeding bird survey, it cannot fully assess the potential future adverse impact on the adjacent wildlife and local ecology. Accordingly the applicant has not sufficiently demonstrated that the development can satisfactorily mitigate the potential for harm to the ecology of the surrounding rural environment, contrary to paragraph 118 of the National Planning Policy Framework which indicates that if significant harm resulting from a development cannot be avoided then planning permission should be refused.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. Additional ecological information was submitted during the determination of the panning application, but these did not overcome the concerns of the Planning Authority. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

Application Number	**RB2017/1840**
Proposal and Location	Erection of 58 dwellinghouses at Land at Bellows Road, Rawmarsh.
Recommendation	Grant subject to conditions

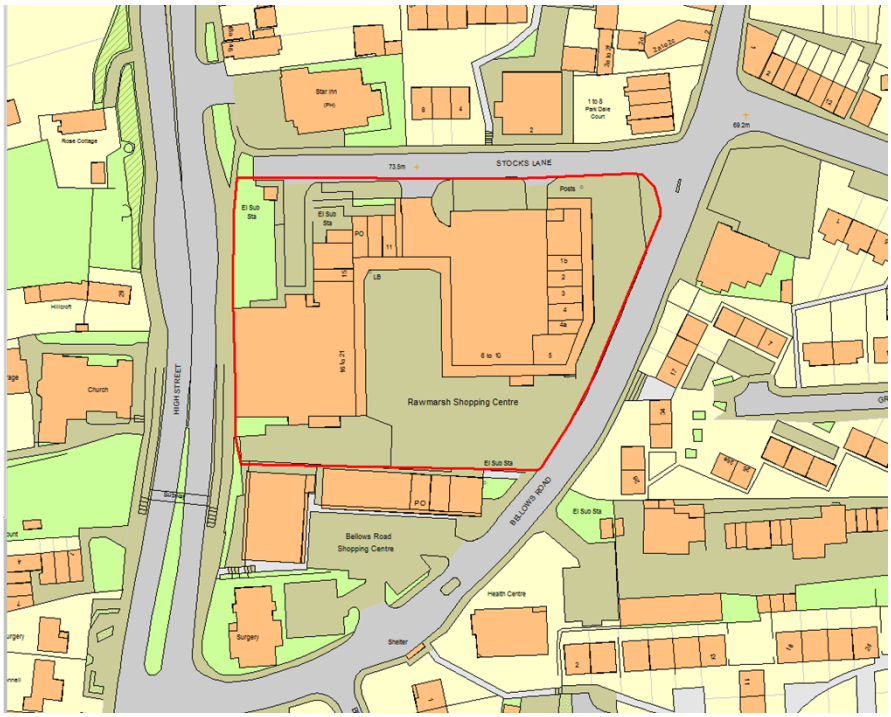
Recommendation

A) That the developer provides a satisfactory Legal Agreement for the purposes of securing the following:

- Financial contribution of £22,000 towards the improvement of existing green space, in particular for the provision of children's equipped play at Barbers Avenue.
- Financial contribution of £29,000 per unit towards funding a light controlled crossing to replace the subway to enable access to sustainable forms of transport.

B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the relevant conditions.

This application is being presented to Planning Board as the application is classed as a Major in the Council's Scheme of Delegation.



Site Description and Location

The application site consists of an area of land formerly occupied by the Rawmarsh Shopping Centre. The site is bounded to the north by Stocks Land and to the east by Bellows Road. High Street lies to the west and the new shopping centre which was constructed in 2011/2012.

The Bellows Road shopping centre was demolished in 2009/10 and the site has remained vacant for some time. The site is now largely roughly grassed and the western most part slopes steeply up to High Street which is at a significantly higher level. The site slopes down from High Street to Bellows Road. There is an informal car park off Bellows Road which is hardsurfaced and appears to be used for car parking in relation to the adjacent shopping centre.

The area is a mix of residential and commercial uses. The Rawmarsh shopping centre consists of new build retail premises with the entrances and main elevations facing to the south. The closest residential properties are on the opposite side of Bellows Road and there are also residential properties to the north off Stocks Lane. High Street is prominent as it lies at a higher level and Rawmarsh church is directly opposite the site on High Street.

The materials vary significantly from brickwork in red and dark brown to modern cladding and stonework. There are bungalow properties on the opposite side of Bellows Road and a large new building (takeaway and restaurant) on the corner of Bellows Road and Green Lane. On Stocks Lane there are two storey properties which are retail/commercial uses at ground floor and appear to be residential units above.

There are some relatively small trees and an area of landscaping on High Street close to the top of Stocks Lane. A subway which is accessed on the site frontage gives pedestrian access to the opposite side of High Street.

Background

There is a significant amount of history relating to this site. The most relevant applications are summarised as follows:

RA1096/1089 – Erect shopping precinct and car park – Granted Conditionally

RB2009/0700 – Outline application for the demolition of existing buildings and erection of retail and residential development – Granted Conditionally

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for Affordable Housing. This scheme is a wholly affordable housing scheme and there is exempt from CIL.

Proposal

This application seeks permission for the erection of 58 dwellings in the form of two blocks of apartments containing 21 apartments and 37 dwellings. The dwellings will be wholly affordable housing developed by the Council.

The proposed site plan shows two blocks of apartments sited on the High Street frontage with the residential dwellings sited to the east on the remainder of the site. The development is orientated in a way which results in front elevations of dwellings facing on to both Stocks Lane and Bellows Road and additional dwellings facing on to the access road internally. The site slopes from west to east with the highest point being the High Street site frontage. The remainder of the site slopes relatively

gently towards Bellows Road. The proposed dwellings are stepped in height with those on the Bellows Road frontage being the lowest point. It is proposed alter existing site levels to create a level point on which to develop the apartments on the site frontage and construct a retaining wall to allow for level car parking directly behind the apartments.
The proposed blocks of apartments are split level in design due to the level differences/sloping nature of the site. This results in the front elevation facing High Street being 2 storeys in height and the rear elevation facing to the east and into the site being 3 storeys. The proposed dwellings are all two storeys in height with the exception of House Type 3 which has rooms in the roofspace and Velux windows.

It is proposed to develop two vehicular accesses to the site; both from Stocks Lane; one will serve the majority of the dwellings on the internal section of the site and an additional access serves the parking spaces to the apartments adjacent to Block B. There is an additional pedestrian access from Bellows Road and a number of dwellings around the perimeter of the site have direct vehicular access to driveways within their curtilage. Plots 9-18 have parking spaces accessed directly from Bellows Road, similarly 6 plots on Stocks Lane have direct vehicular access. The remainder of the plots utilise the internal vehicular access. The apartments are served by parking which is also accessed from the internal road from Stocks Lane and have no vehicular access from High Street.

The design of the proposed development is relatively traditional in form with mainly two storey detached dwellings with regular fenestration. The apartments are of a greater scale and sited in an elevated position. The design and materials are proposed to follow those across the development and have regular fenestration. On the elevation facing High Street, the design has regular window and door openings to provide a domestic scale and appearance of houses rather than a block of apartments. It is proposed to use a mix of materials (buff and red brick with dark roof tiles) including some cladding.

The following documents have been submitted in support of the application:

Design and Access Statement

This document sets out the background to the proposal and presents a proposed site layout together with an analysis of the appearance, layout, character, sustainability and access of the site. It concludes that the development is sustainable, bringing economic, social and environmental benefits.

Travel Plan

This document assesses the sustainability of the site and sets out the measures that will be taken to ensure that occupiers of the proposed development have travel choices. It sets out the aim of the Travel Plan as follows:

“To make the development a place where residents can make fully informed travel choices for all journeys they make, and in doing so can reduce their reliance upon the private car and the resultant impact upon the local environment.”
Tree Survey

The Tree Survey assesses the quality, health and significance of a group of trees on the north west corner of the site. It concludes that the trees are not of a sufficient quality to warrant retention as a part of the proposed development.

Drainage Strategy

The Drainage Strategy sets out the key drainage principles to be implemented as part of the proposed development. The detailed design of the proposed drainage arrangements will be undertaken at a later date, should the planning approval be granted.

Affordable Housing Statement

This is a wholly affordable housing scheme which will be developed by the Council. The units developed will be offered for both affordable rent and shared ownership tenures.

Biodiversity survey

The Biodiversity survey concludes that the site is of low ecological value for flora, comprising common species synonymous with a neglected, urban site. The site is assessed as having negligible habitat for protected or BAP fauna species; other than low potential for bats, solely isolated to trees on the western boundary. It is considered that the site would benefit from a sensitive planting scheme to include native broadleaved trees and wildflower species to increase invertebrate species and enhance the attractiveness of the site for birds, bats and other fauna.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential use in the Unitary Development Plan. The site is also allocated for new housing (Site H13). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
ENV3.7 Control of Pollution

T8 ‘Access’

The Rotherham Local Plan ‘Publication Sites and Policies’ document policy(s):

Policy SP1 ‘Sites allocated for Development’ - Allocation Reference H13 ‘Bellows Road’
SP12’ Development in Residential Areas’
SP40 ‘New and Improvements to existing greenspace’
SP58 ‘Design Principles’
SP59 ‘Car Parking Layout’

Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy / Unitary Development Plan Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of press notice and site notice. Letters were also sent to local residents. Five letters of objection have been received. The points raised are as follows:

- The design of the driveways do not allow for cars to park side by side which will result in additional manoeuvring in the highway;
- The development will result in additional parking on Bellows Road, a main bus route which will cause highway safety issues;
- There are already too few parking spaces for the adjacent shopping complex;
- There is no provision for a rear access road for the adjacent shops;
- The car parking on site is used by carers and visitors to the older person housing on the opposite side of Bellows Road. The loss of these spaces would be detrimental to those neighbouring properties;

- The development should include bungalows for those with specific needs.

Consultations

Yorkshire Water – no objections subject to conditions
South Yorkshire Police Architectural Liaison Officer – has provided advice on how to ensure that the development can meet with Secured by Design standards.
Geology (SAGT): Have no objections

RMBC - Transportation and Highways Design – No objections subject to conditions.
RMBC – Drainage Section – No objections subject to conditions.
RMBC – Leisure and Greenspaces – no objections.
RMBC – Landscape Team – no objections subject to a condition requiring a full landscape scheme to be submitted.
RMBC – Environmental Health – no objections subject to conditions

Appraisal

Where an application is made to a local planning authority for planning permission…..In dealing with such an application the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- Principle of development
- Design, scale and appearance
- General Amenity
- Highway safety
- Contribution towards sustainable transport measures
- Heritage Implications
- Provision of Greenspace
- Affordable Housing

<u>Principle of development</u>

The application site is allocated for residential purposes within the adopted Unitary Development Plan and it is identified as a site for residential development within the emerging Sites and Policies document under Housing Allocation H13.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay.

It is considered that the site would be in a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

Sites and Policies Policy SP 1 “Sites Allocated for Development” states that:

“The sites set out in tables 2 to 6, and as shown on the Policies Map, are allocated for development and contribute to meeting requirements set out in the Core Strategy as follows:
a. Residential use (Table 2 'Sites allocated for residential use')
b. Gypsy and Traveller use (Table 3 'Sites allocated for Gypsy and Traveller use')
c. Business use (Table 4 'Sites allocated for business use')
d. Industrial and business use (Table 5 'Sites allocated for industrial and business use')
e. Retail use (Table 6 'Sites allocated for retail use')

Chapter 5 'Site development principles' identifies specific key development principles for these sites, which should be taken into account in any proposed development. These are not exhaustive and development proposals must satisfy all other relevant planning policies.”

The site is allocated as a housing site in the Emerging Sites and Policies document (reference H13). The specific allocation under Site Development Guidelines states that:

“Development has commenced to implement the extant planning application in the wider area.

- Potential archaeological objections to allocation, future development proposals will need to be supported with a Heritage Statement

Based on the above, in principle, the residential development of the site is considered to be acceptable.

Design, scale and appearance

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.” Paragraph 17 further states planning should always seek to secure a high standard of design.

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense

of place with well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Core Strategy Policy CS6 'Meeting the Housing Requirement' further states that: "Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area."

Emerging policy SP58, states: *"all forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings"*.

The application site occupies a prominent position with road frontages on 3 sides. The existing street scenes along High Street, Bellows Road and Stocks Lane are extremely varied both in terms of building design but also in materials. High Street forms a major route into Rotherham and due to the sloping nature of the site the development at this point will be elevated in relation to Bellows Road. The adjacent retail development is visible from Bellows Road and is of a modern design. The Star Public House on High Street is a traditional two storey brick building and has a domestic scale although it is set back from the highway. There is also evidence of render buildings on High Street and directly opposite the site is a large imposing stone built Church. Stocks Lane consists a row of two commercial buildings and on the corner with Bellows Road is a pair of semi-detached dwellings (of modern brick construction). These properties were constructed relatively recently and have small bay windows and brick built boundary walls. Bellows Road has a varied street scene with a new restaurant building being mainly clad with a modern design and traditional bungalow properties in a dark coloured brick.

The proposed layout shows that the main access to the site is via Stocks Lane, there is also a lower hierarchy access to the car parking spaces adjacent to the flats (also off Stocks Lane). The layout of the site provides for a strong frontage to all three street scenes which results in the majority of the dwellings facing out of the site. The internal part of the site is further developed with a 'T' shaped road arrangement and an additional pedestrian access to Bellows Road.

The proposal involves the erection of a mix of semi-detached dwellinghouses and 2no. blocks of apartments. The residential dwellings are two storeys in height and the development is designed with main elevations facing onto Bellows Road, Stocks Lane and High Street. The apartments are split level to account for the level differences on site which results in the rear elevation facing into the site being 3 storeys. The proposed dwellings are exclusively two storeys in height with one housetype having Velux style windows to the roof slope allowing for accommodation to be provided over 3 floors. The height of the this housetype is slightly taller than the remainder of the development, however there are only three pairs of this housetype, one being on Stocks Lane, one on Bellows Road and one internally within the site. It is considered that the use of this housetype in the middle of a run of more standard two storey semi-detached dwellings will add some architectural detail to the street scene. The proposed street scene along Stocks Lane shows the

dwellings stepping down in height towards Bellows Road to account for the sloping site levels.

Those dwellings on Bellows Road and Stocks Lane which have main elevations facing the street are set back from the back edge of the footway to provide some front garden area which will allow for landscaping. There are three instances where side elevations face onto the street (two on Stocks Lane and one on Bellows Road). Where side elevations face onto Stocks Lane or internally within the site, the inclusion of bay window features to the side elevations prevent a blank gable elevation being visible. This means that there is visual interest but also ensures that those areas of the site are overlooked in the interest of the security of the site. It is proposed to include some 'Juliet style' balconies to the apartments. It is considered that this will add visual interest to the apartment elevations.

The apartment blocks are afforded with central stairwells which enable the roofline of the buildings to be varied and decreases the density of the elevation when viewed from both within the site and from High Street. The elevations are also afforded with regular fenestration and individual entrance doorways to the front elevation which gives the apartment block a more domestic feel of individual dwellings rather than a large block of apartments. On the three storey rear elevation, there are windows and doors to ground, first and second floor levels which results in single aspect apartments at ground floor level. The use of three floors does however, prevent the occurrence of a large brick elevation at ground floor level.

Boundary treatment across the site consists of a mix of 1.2 metre high railings, brick boundary walls and timber screen fencing. The use of black railings along Stocks Land and Bellows Road is considered to be an appropriate form of enclosure which will define boundaries and have a high quality appearance; it is also consistent with the boundary treatment to the front of the existing bungalows on the opposite side of Bellows Road. A retaining wall will be required around the front of the site (High Street) and it is proposed to construct this from brickwork to match with the proposed development.

The dwellings meet the minimum standards for external amenity set out in the South Yorkshire Residential Design Guide. There is also an area of amenity space around the front of the flats which is proposed to be soft landscaped. In addition the proposed dwellings and apartments meet the internal spacing standards set out in the South Yorkshire Residential Design Guide.

The materials to be used in the construction of the dwellings comprises of both buff and red brick work with dark roof tiles and panels of cladding to provide visual interest. The materials reflect the varied nature of the surrounding street scene and the inclusion of buff brick to the elevations of the apartments on High Street will follow the form of the adjacent retail development and also relate to the presence of stone in the High Street street scene.

Overall, it is considered that the development makes efficient use of the land and that the density of development achieved is appropriate for this urban part of Rotherham. The proposed materials, design and form of the proposed development is considered to be acceptable particularly bearing in mind the varied form of the surrounding area. Furthermore, the site is currently vacant and its reuse is

considered to contribute to the regeneration of the area and vastly improve its appearance within the area. Therefore, in conclusion it is considered that the proposed development accords with the above mentioned policies.

General Amenity issues

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The closest existing dwellings lie on the opposite side of Bellows Road and also on Stocks Lane, the entirety of the development meets the minimum spacing standards which aim to ensure good levels of residential amenity. The minimum spacing standards are also achieved within the site between the proposed units. The apartment blocks are three storeys in height on the rear elevation and it is acknowledged that there will be some degree of overlooking from the rear elevation of the apartments to the dwellings adjacent. However, the positioning of the car parking adjacent to the apartments provides a 15 metre separation distance from the rear elevation of the apartments to the boundaries of private rear garden areas of the closest residential dwellings. This distance is 5 metres in excess of the recommended 10m separation between elevations and private rear garden areas set out in the South Yorkshire Residential Design Guide. In addition, the stepping of the adjacent dwellings to account for the site levels will further reduce the impact of overlooking.

At present the site is vacant and there is a small area of informal car parking that appears to be used by visitors to the adjacent shopping centre. This is however informal and the car parking associated with the adjacent retail uses is to the south and directly adjacent to the actual units.

It is should be noted that previously the site was occupied by a large shopping centre and car parking. The redevelopment of the site will contribute in a positive way to the regeneration of the area and whilst it is acknowledged that there will be increased activity at the site over and above that which existing since the site was cleared, in comparison to the previous use of the site the activity will be significantly less.

Overall, the minimum separation distances are achieved both to existing residential properties surrounding the site and within the site between the proposed residential properties. It is therefore considered that the development accords with the above mentioned policies and would not result in a materially detrimental impact to existing residents and will ensure a good standard of amenity for new residents.

Transportation issues

Policy CS14 and emerging policy SP59, guide how accessibility should be addressed through development, whilst ameliorating travel behaviour. Emerging policy SP29, states *"as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate"*.

The Transport Statement submitted in support of the application considers the site to be a suitable location for the proposed development and states that there are no detrimental highways or transport issues.

The proposal involves the creation of two new vehicular access to the site from Stocks Lane and a new pedestrian access from Bellows Road. There are a number of small areas of highway on Stocks Lane which remain from the previous use of the site which will need to be Stopped Up subsequent to planning permission being granted. The applicant will therefore need to apply for a Stopping Up Order under S247 of the Town and Country Planning Act 1990 and the works cannot commence until the Order has been granted.

There are a number of objections relating to the loss of car parking on the site in relation to the adjacent shopping centre. Whilst, it is acknowledged that there is some indiscriminate parking on the site, the formal car parking adjacent to the shopping centre meets with the Council's standards for this retail development. As such, the site is within a sustainable location where there is access to a range of transport options, on balance whilst the concerns of residents are noted, the loss of this informal car parking would not be detrimental to highway safety.

Contribution towards sustainable transport measures

The Council's Good Practice Guidance entitled 'Transport Assessments, Travel Plans and Parking Standards' dated October 2014 states that "*Where a planning obligation is used to secure a travel plan, it will comply with the law as expressed in the Town and Country Planning Act 1990. In order to promote sustainable transport a figure of approximately £500 per dwelling is proposed to fund a range of measures which might include, but not be limited to:*

- *Provision of a subsidised public transport ticket*
- *A discount voucher for a pedal cycle*
- *Individual or family cycle training*
- *Provision of an enhanced bus service (larger developments)*
- *Membership of a car club (where available)*
- *Provision of a car share group*
- *Mechanisms to deliver real time public transport information*
- *Personal journey planning"*

In this regard, the applicant has, in their supporting Transport Assessment, considered this guidance and has offered to provide the £500 per dwelling towards the purchase of Travel Master Passes for each dwelling which will help to mitigate the additional trips and given the site's location within easy access to local bus routes, this provision is considered to be acceptable and in accordance with the guidance and the Community Infrastructure Regulations 2010

In summary it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Provision of Greenspace

Emerging Sites and Policies Policy SP40 sets out a requirement for new and improvements to Greenspace required as a result of new residential development. It sets out the requirement for the provision of additional Greenspace which will be applicable to residential developments over 35 dwellings. In this instance, there is an existing commitment to upgrade a play area at a park within the recommended walking distance to the site. Due to the sloping nature of the site and the desire to upgrade an existing well located and well utilised park, the Greenspaces Team have recommended a financial contribution in leiu of on-site provision of play equipment. This would be used, along with other funding already identified (total funding, including the £22k, approx. £70k), for provision of children's equipped play at Barbers Avenue. The Barbers Avenue site will cater for children who currently have no local provision within a reasonable distance from their homes.

Affordable Housing

As indicated above the scheme is for the provision of a fully Affordable Housing development. This and its associated community benefit forms part of the reason for overcoming the loss of Urban Greenspace. The site is also currently within Council ownership, it is also considered necessary that a planning condition is attached to the permission in order to safeguard the affordable housing on the site in perpetuity.

Conclusion

Having regard to the above it is considered that the proposed residential development represents an acceptable form of development within a residential area and that the proposed dwellings by virtue of their layout, scale and design along with the associated landscaping, would not be detrimental to the overall character of the area.

It is further considered that the new dwellings would not have any undue detrimental impact in terms of overdominating building form or loss of privacy due to overlooking, by either the current occupiers of adjacent occupiers or future occupiers of the proposed dwellings.

Furthermore it is considered that adequate provision has been made for parking for the proposed dwellings such that it is not considered that the development will result in any impact on highway safety.

Overall, it would represent an acceptable and appropriate form of development on this sustainable site that is allocated for residential purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the emerging Sites and Policies document and the advice within the NPPF and NPPG.

In respect of other material considerations raised it is recommended that planning permission be granted subject to the signing of the relevant Legal Agreement and the suggested conditions set out below.

Conditions

General

01
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason
In order to comply with the requirements of the Town and Country Planning Act 1990.

02
The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)
Drawing numbers

Received January and February 2018

Reason
To define the permission and for the avoidance of doubt.

Landscaping

03
Before the development is brought into use, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

-The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
-The extent of any changes to existing ground levels, where these are proposed.
-Any constraints in the form of existing or proposed site services, or visibility requirements.
-Areas of structural and ornamental planting that are to be carried out.
-The positions, design, materials and type of any boundary treatment to be erected.
-A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
-A written specification for ground preparation and soft landscape works.
-The programme for implementation.
-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

04
Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

Noise

05
No dwelling shall be occupied unless it has been constructed in accordance with a scheme submitted to, and approved by the LPA, so as to ensure that the building envelope provides sound attenuation against external noise, with windows shut and other means of ventilation provided, to achieve an internal noise level of no greater than:

35 dB(A) Leq, $_{1\ hour}$, measured at the mid-point in any bedroom;

45 dB(A) Leq, $_{1\ hour}$, measured at the mid-point in any living room.

Reason
In order to ensure a good standard of amenity for the new residents of the development.

Drainage

06
The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy prepared by Rotherham MBC (Report 17/174/542 dated December 2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage

07
No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the water main i .e. a protected strip width of 6 (six) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker .

Reason
In order to allow sufficient access for maintenance and repair work at all times

08
The development shall not be brought into use until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason
To ensure that the development can be properly drained in accordance with the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications

09
A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason
To ensure that the development can be properly drained.

<u>Affordable Housing</u>

10
The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
i. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason
The development of the application would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS7 of the Core Strategy and the provisions of the NPPF.

Highways

11
Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason
In the interests of highway safety and residential amenity.

12
Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;
b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason
To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

13
Before the development is brought into use the car parking area shown on the Proposed Site plan shall be provided, marked out and thereafter maintained for car parking.

Reason
To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

14
Road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is brought into use.

Reason
No details having been submitted they are reserved for approval.

Site Investigation

13
In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

14
In the event that subsoils / topsoils are required to be imported to site for remedial works, these soils shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing shall be presented in the format of a Validation Report.

Reason
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15
Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Heritage

16
Prior to the commencement of development an archaeological evaluation and Heritage Statement shall be undertaken to establish the significance and condition of

archaeological heritage assets at the site taking the identified archaeological evidence into consideration. The Heritage Statement shall detail the design strategy adopted, based on the results of a staged evaluation should include Fieldwalking, Geophysical survey and Trial trenching. The results of the archaeological evaluation and heritage statement shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with any recommendations made within the report.

Reason
There is known or predicted archaeological remains at the site and the report is required to evaluate the presence of any such remains and make recommendations in accordance with the Site Development Principles set out in the Minor Modifications to the Sites and Policies document.

Informative

INF 11 Control of working practices during construction phase

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990 .Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting

and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.