

Cuadrilla Elswick Ltd
Temporary Shale Gas Exploration
Roseacre Wood, Lancashire

Planning Statement Addendum

March 2018



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1 Introduction

1. This report has been written in support of the ongoing planning appeal ref. APP/Q2371/W/15/3134385 submitted by Cuadrilla Elswick Limited (“Cuadrilla”) in respect of proposed temporary shale gas exploration works at Roseacre Wood in Lancashire.
2. As confirmed in his decision letter of 6 October 2016, the Secretary of State (SoS) is minded to grant this appeal subject to the re-opening of the inquiry to hear further evidence on highway safety. That inquiry is due to take place in April 2018, after which Inspector Mel Middleton will prepare an addendum inspector’s report for the SoS on highway safety. It is then expected that the SoS will make his final decision on this appeal at some stage thereafter.
3. This Planning Statement Addendum has been prepared to provide an update to the SoS on whether there have been any relevant non-highway safety related changes to policy, guidance and legislation and any other material changes that have arisen since the SoS decision letter was issued. This report will not form part of the evidence base for the inquiry, which will solely consider highway safety, and will be the subject of separate public consultation.
4. Except as set out below in this report, all other planning matters remain unchanged from the position as at the date of the SoS’s decision letter.

2 Planning Context and Project Update

2.1 Planning History of Exploration Works within the Licence Area

1. Whilst there is no material change to the information presented in Section 2.3 of the 2014 Planning Statement, work at Cuadrilla’s Preston New Road site commenced in January 2017.

2.2 Groundwater Monitoring Wells (Subject of a Separate Application)

2. The updated Environment Agency (EA) document ‘*The Environment Agency’s approach to groundwater protection* (EA, 2017)’ refers to the *Infrastructure Act 2015*⁶ stressing the importance of measuring methane emissions for 12 months prior to hydraulic fracturing.
3. The monitoring of dissolved methane in groundwater commenced on site on 13th October 2016. Since this date a groundwater sample for dissolved methane has been collected and analysed by an external laboratory each month (the analysis also includes a test for carbon dioxide and other hydrocarbons C₃-C₆). At the time of

writing, 11 months of monitoring has been completed with the most recent sample taken on 30th August 2017.

2.3 Environmental Management

4. Other than the new requirement for an Invasive Species Management Plan (see Section 3, below) there has been no material change to the environmental management, which includes environmental monitoring, as considered in the 2014 Planning Statement.

3 Site and Surroundings

3.1 Access

1. Section 4.6 in the 2014 Environmental Statement (ES) describes the assessment of impacts and arrangements for offsite access. This has since been updated based on a revised HGV Route Strategy, and is presented in the Traffic Addendum, evidence on this will be submitted for examination at the April 2018 inquiry.

3.2 Ecological Context

2. Updated baseline ecological surveys were carried out for the Project in 2017. The 2017 ecological survey results were comparable with those undertaken in 2013 and 2014.
3. The only additional finding was the identification of a single area of Rhododendron within 10m of the proposed access route into the Site. As a result, an Invasive Species Management Plan will be required for works in close proximity to the stand of Rhododendron identified in Roseacre Wood.

4 The Proposed Development

4.1 Well Pad Construction and Drilling

1. Based on experience of constructing the Preston New Road exploration site, Cuadrilla is likely to use construction techniques which reduce the aggregate required to construct the site foundation, and therefore reduce the number of HGVs which might otherwise be necessary. Assuming the use of these techniques and based on experience of the actual length of the site construction and the drilling of wells 1 and 2 at the Preston New Road exploration site, it is anticipated that the site construction and drilling phase for wells 1 and 2 for the Roseacre Wood site will last approximately 7 and 12 months respectively, however 2 months of these phases overlap with each other so the total consecutive length of time is actually 17 months.

2. At the previous planning inquiry in 2016, it was estimated that construction of the Roseacre Wood site would take 2 months¹. This has now been revised to 7 months following the experience at Preston New Road. The drilling of wells 1 and 2 was originally estimated to take 8 months at the previous inquiry but this has been revised to 12 months. Finally the restoration of the site was originally estimated to take 2 months² and this has been revised to 4.5 months.
3. Note that, irrespective of the phase of operation, the imposition of a cap on HGV movements of 50 movements (25 HGVs in and 25 HGVs out) per day ensures that in environmental terms the duration of any particular phase and the total number of HGV movements, within the life of the planning permission, would not affect the significance of the environmental effects. In addition the revised indicative programme complies with the proposed planning condition that all operations are completed within a period of 75 months from commencement of development.

5 Key Benefits and the Justification for Natural Gas from Shale

5.1 Local and National Economic Benefit

1. The HM Treasury (2016)³ has consulted on a Shale Wealth Fund which could deliver £1 billion of funding that would be paid to communities in which the resource is being developed over the next 25 years. The fund has been proposed to ensure that economic growth and investment are spread as widely as possible in the local community, thereby addressing at a national level any concerns over a narrow spread of economic benefit and furthering Government commitment to the development of shale gas and local communities.
2. Consultation closed on 26 October 2016, during which it emerged that the Shale Wealth Fund should benefit the communities who host shale sites, and that local communities should have a say over how the money is spent in their area. This was confirmed by the Government in their Autumn Statement 2016.
3. On 25 January 2018, the SoS issued a written statement in which he confirmed that "Exploring and developing the UK's shale gas resources could bring substantial benefits and the Government's view is that there is a national need to develop these resources in a safe, sustainable and timely way." As set out in the clean growth strategy, the Government are fully committed to the development and deployment of low-carbon technologies for heat and electricity generation. As we move towards this low-carbon economy, natural gas will continue to play an important role in our energy system. The Government are confident that the right protections are in place

¹ CUA/INQ/024 estimated 3 months for construction and the indicative programme in Figure 2 of Mr Smith's proof cited 5 months, though the main position at the previous inquiry, as set out in the Transport Proof of Mr Ojeil submitted on behalf of Cuadrilla, was considered to be 2 months.

² The indicative programme in Figure 2 of Mr Smith's proof cited 12 months for restoration, though the main position at the previous inquiry, as set out in the Mr Ojeil's Transport Proof, was considered to be 2 months.

to explore shale safely and have always been clear that shale development must be safe and environmentally sound.

6 Accordance with Planning Policy

6.1 Relevant Policy and Guidance

6.1.1 Emerging Fylde Local Plan

1. The Fylde Borough Local Plan (1996-2006) is due to be replaced in due course by the Emerging Fylde Local Plan (to 2032).
2. The Emerging Fylde Local Plan will cover the plan period 1 April 2011 up to 31 March 2032.
3. Following the issue of the SoS's decision letter on the Roseacre Wood appeal in October 2016, the Fylde Local Plan Submission Version was submitted to the SoS on 9 December 2016 for Examination in Public, which took place between March and December 2017. The Examination Inspector has not yet published her report.
4. The current published timetable for adoption of the plan is early summer 2018. However, as confirmed at a Planning Committee meeting that took place on 17 January 2018, Fylde Borough Council is in the process of producing a modified version of the plan which will be subject to a further round of consultation. The Examination Inspector will consider any consultation responses before deciding whether any further changes are required to make the plan sound.

6.2 Land use and Agriculture

6.2.1 Countryside

5. Policy SP2 (Development in Countryside Areas) in the Fylde Borough Local Plan (1996-2006) is due to be replaced in due course by the Submission Fylde Local Plan (to 2032) Policy GD4 (Development in the Countryside). Under these policies the Site is designated as Countryside. Policy GD4 defines the types of development which are acceptable in the countryside in appropriate circumstances. These include a number of uses including minor extensions to existing buildings and developing isolated new homes. It also states that development in the countryside will be limited to:

“That needed for the purposes of...other uses appropriate to a rural area, including which would help to diversify the rural economy.”

6. The exploration and extraction of shale gas and oil is considered to be appropriate to a rural location, subject to appropriate environmental criteria. This is due to the open and un-built nature of the countryside which means that there is less potential for development to pose any harm to the residential amenity of any surrounding occupiers of residential properties. The development would help to diversify the

rural economy in accordance with the emerging plan's vision for the site which seeks to “*remain flexible in its approach to changing economic and employment patterns*” and promotes an “*energy hub*” in Fylde with a “*cluster of energy based companies*”. Policy GD4 is considered relevant to the extraction of Shale Gas as it will form an important part of diversifying the rural communities with an industry which can provide many investment opportunities into the provision of local services.

6.2.2 Agricultural Land

7. Consultation saw Policy EC3 evolve into Policy GD1 in the Submission Fylde Local Plan (to 2032), which states:

“The significant loss of the best and most versatile agricultural land will be resisted unless it is necessary to deliver development allocated in the Local Plan, or for strategic infrastructure.”

8. Policy GD1 moves away from the term “*irreversible*” towards “*significant*” implying that a loss of the best and most versatile agricultural land is permissible in certain circumstances. This policy also seeks to ensure that the loss of the best and most versatile land throughout the district and not just outside of settlement boundaries is minimised.
9. The best and most versatile agricultural land is defined as Grades 1, 2 and 3a. The loss of grade 3a land is not considered to be significant as any permission would be temporary and on a relatively small scale. Furthermore, the excavated top-soil and sub-soil will be stored during the works and restored during decommissioning and restoration in line with industry best practice. Taking land out of intensive agricultural practices for a period of time would also see a reduction of artificial inputs (fertilizers, pesticides and herbicides) into the natural environment.

6.3 Biodiversity

10. Policy ENV2 (Biodiversity) in the Submission Fylde Local Plan (to 2032) seeks to replace in due course several policies from the Fylde Local Plan (1996-2006) including policies EP15, EP16, EP17 (Nature Conservation, Sites of Specific Scientific Interest and Biological Heritage Sites) and EP19 (Special Protected Sites). Policy ENV2 is considered relevant to the extraction of Shale Gas as it seeks to ensure the strongest possible protection will be given to sites designated for their biodiversity value.
11. In terms of the natural environment, there is one statutory designated ecological site within a 5km radius surrounding the Site. Fishwick Bottoms Local Nature Reserve is c.3km south-east of the Site. It is ecologically distinct from the Site and is sufficient distance that it would not be affected by the Project. Morecombe Bay Ramsar and Special Protection Area (SPA) are located approximately 6km to the north-west of the Site. No non-statutory designations are located within the Site boundary and there are none within a 1km radius surrounding the Site. The application would lead to no significant detrimental impact in terms of biodiversity.

12. EP18 (Existing Natural Features) in the Fylde Local Plan (1996-2006) is due to be replaced in due course by ENV1 (Landscapes) in the Submission Fylde Local Plan (to 2032). This is discussed further below.

6.4 Landscape Character

13. Policy ENV1 (Landscape) in the Submission Fylde Local Plan (to 2032) is due to replace in due course both Policies EP11 (New Development in Rural Areas) in the Fylde Local Plan (1996-2006) and the Preferred Options Policy ENV1 (Landscape and Biodiversity).

14. Policy ENV1 (Landscape) states:

“Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. In addition:

- *A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development;*
- *In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features, including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features;*
- *Suitable landscape planting of native species, appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off.”*

15. The Submission Fylde Local Plan (to 2032) outlines that landscape buffers will need to be provided in the open countryside, rather than just outside of settlement boundaries as outlined in the Preferred Options Report, and it should be of an appropriate depth.
16. The visual impacts of the Project would be short term, temporary and reversible. Cuadrilla has outlined that they will provide a sufficient and an appropriate buffer to screen the impacts of the Project. This includes the planting of trees and shrubs around the periphery of the well pad and planting to fill gaps in existing hedgerows where they increase visibility of the Site. These commitments are captured by draft planning conditions 39, 40 and 41 (Appendix C – Planning Conditions, SoS decision letter).

17. Policy ENV1 cannot be sensibly applied due to the short term, temporary and reversible nature of the Project.

6.5 Existing Open Space

18. It is noted that the SoS decision letter makes reference to Policy ENV4 (Protecting existing open space).
19. Policy ENV3 and ENV4 of the Submission Fylde Local Plan (to 2032) refer to the protection of existing open space and provision of new open space (the Green Infrastructure network) respectively.
20. Policy ENV3 refers to the protection of the Green Infrastructure network from inappropriate development. The Project does not affect any existing public open space, loss of land currently used for allotments, or impinges on Fylde's Public Rights of Way network and as such Policy ENV3 cannot be sensibly applied.
21. Policy ENV4 covers policy for housing developers to provide open space as part of their proposal, for developers to contribute to the Green Infrastructure network or for developers to provide money for other local enhancement. The Project does not involve any new housing and as such Policy ENV4 cannot be sensibly applied.

6.6 Pollution

6.6.1 Surface Water

22. Policy EP23 (Development that would affect coastal waters and rivers etc.) in the Fylde Local Plan (1996-2006) is due to be replaced in due course by Policy INF1 (Service Accessibility and Infrastructure) in the Submission Fylde Local Plan (to 2032) (in accordance with paragraph 100 of the National Planning Policy Framework (NPPF)). The policy is considered relevant as it requires development to demonstrate that it will support the infrastructure requirements as outlined in the Infrastructure Delivery Plan and states:
 23. "In order for Fylde to protect and create sustainable communities, proposals for development should:
 - *Minimise any negative impacts on the quality of existing infrastructure as a result of new development;*
 - *Mitigate any environmental impacts of new infrastructure provision;*
 - *Use sustainable natural resources where appropriate.*"
24. In accordance with this policy, the Project is not anticipated to have any negative impacts on existing infrastructure. Mains water will be supplied by the local United Utilities mains; all foul sewage water will be collected and tankered off site. Electricity will be supplied by onsite diesel generators. Small power (mains electricity) and telecom communications may be provided to the site welfare facilities. Demands on utility services will thus be minimal.

25. Policy CL1 (Flood Alleviations, Water Quality and Water Efficiency) of the Submission Fylde Local Plan (to 2032) is considered relevant as it makes provisions for a requirement for new development to minimise flood risk impacts on the environment. The policy notes that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations. The key sections of this policy updated from the Preferred Options version and with relation to the Project include:
- *“a) Ensuring that development incorporates the most sustainable form of managing surface water, subject to the requirement for approval from the drainage authority. This will be expected to be investigated and confirmed as part of any planning application submission. It will be necessary to attenuate any discharge of surface water through the incorporation of sustainable drainage systems (SuDS), following the SuDS hierarchy. This would be greenfield run-off rate on greenfield sites. On previously developed land, surface water betterment will be expected. The preference will be for no surface water to discharge to the public sewer, directly or indirectly, if more sustainable alternatives are available. The priority options for the management of surface water are set out in detail in the Infrastructure Delivery Plan.*
 - *e) Ensuring that watercourses, which require watercourse consent are protected from encroachment and adverse impacts and that water quality is maintained and improved.*
26. Provisions relating to surface water are also covered in Policy CL2 (Surface Water Run-Off and Sustainable Drainage) of the Submission Fylde Local Plan (to 2032). The Policy is considered relevant as it sets a requirement for discharge rates to be pre-agreed with relevant parties and outlines a number of attenuation measures that must be incorporated into new developments, for example:
27. “Store rainwater for later use; and
28. The first 5mm of rainfall should infiltrate. In areas where infiltrations rates are slow, e.g. soils with a high proportion of clay, then permeable surfaces may be under-drained. This will have the effect of slowed surface water run-off rates”
29. “Attenuate rainwater in ponds or open features for gradual release into the watercourse”; or
30. “Attenuate rainwater by storing in tanks or sealed water features for gradual release into a watercourse.”
31. Where compelling and detailed evidence demonstrates that the above measures are not feasible or would adversely affect viability, then the following national discharge (SuDS) hierarchy will be considered in priority order:
1. Controlled discharge of rainwater direct to a watercourse;
 2. Controlled discharge of rainwater to a surface water drain; and

3. Controlled discharge of rainwater to the combined sewer. Development must utilise SuDs whenever practical; and reduce discharge to greenfield run-off rates wherever feasible.
32. In accordance with these policies, any discharge of surface water via an interceptor from the Site will be discussed and agreed with the Environment Agency. Approval will be sought from the Environment Agency for any discharge to a watercourse.

6.6.2 Ground Water

33. Policy EP23 (Development that would affect coastal waters and rivers etc.) in the Fylde Local Plan (1996-2006) is due to be replaced in due course by Policy INF1 (Service Accessibility and Infrastructure) in the Submission Fylde Local Plan (to 2032) (in accordance with paragraph 100 of the NPPF).
34. Provisions made for the protection of groundwater are also outlined in Submission Fylde Local Plan (to 2032) Policy CL1 (Flood Alleviations, Water Quality and Water Efficiency), which states:
35. “Where development potentially impacts on groundwater, satisfactory mitigation is possible. However, there are some types of development which are unlikely to be acceptable within Source Protection Zones”.
36. The implications of these policies are relevant to the Project.
37. In accordance with these policies, the monitoring of dissolved methane in groundwater commenced on site on 13th October 2016. At the time of writing, 11 months of monitoring has been completed with the most recent sample taken on 30th August 2017.
38. In addition to this, hydraulic fracturing is prohibited in protected groundwater source areas. According to the current classification of aquifers in the Fylde area there are no protected groundwater source areas.
39. The monitoring scope and reporting procedures will be agreed with the regulators and presented in advance in the Environmental Management and Monitoring Plan (EMMP). Cuadrilla will liaise with the EA to discuss the EMMP in the context of recent regulatory updates.

6.6.3 Light Pollution

40. Policy EP28 (Light Pollution) of the Fylde Local Plan (1996-2006) has not been replaced in the Submission Fylde Local Plan (to 2032), instead light pollution will be dealt with in accordance with paragraph 125 of the NPPF, which encourages the use of good design to “*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”.
41. The implications of this NPPF policy are relevant to the Project.

42. It is acknowledged that the Site would be lit at night. However, in accordance with the NPPF, this would be subject to a detailed lighting scheme to limit light pollution.

6.6.4 Air Quality

43. Policy EP26 (Air Pollution) of the Fylde Local Plan (1996-2006) is due to be replaced in due course in accordance with paragraph 124 of the NPPF, which states *“planning policies should sustain compliance and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and cumulative impact on air quality from individual sites in local areas”*.
44. The implications of this NPPF policy are relevant to the Project.
45. According to the ⁴Defra website, there remain no Air Quality Management Areas (AQMAs) within the vicinity of the Site. A re-assessment of impacts of the Project has concluded that in accordance with the NPPF policy, the residual air quality effects of the Project are of negligible significance under a conservative operating scenario.

6.7 Noise

46. The Planning Inspector made reference to Policy EP27 (Noise Pollution) in the Fylde Borough Local Plan (1996-2006), which states:

“Development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted. Where appropriate, planning permission will be granted subject to conditions to minimise or prevent noise pollution.”

47. Policy EP27 has not been replaced in the Submission Fylde Local Plan (to 2032). Instead, noise pollution will be dealt with in accordance with paragraph 123 of the NPPF, which states:

“Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

⁴ <https://www.gov.uk/preventing-air-pollution>

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*”
48. At paragraph 12.293 of the Inspector's Report appended to the SoS's October 2016 decision letter, the Inspector states that setting a noise limit of 39db would not entirely eliminate all adverse effects, it would reduce them to an acceptable level and as a result there would be no significant adverse noise impact. He concludes that subject to the imposition of appropriate planning conditions, the Project would be in accordance with policy EP27.
49. It is considered that, with the imposition of conditions, the Project also complies with paragraph 123 of the framework.
50. The implications of this NPPF policy are therefore relevant to the Project.

6.8 Cultural Heritage

51. It is noted that the SoS decision letter makes reference to Policy ENV6 (Historic environment).
52. Policy EP21 (Archaeology) of the Fylde Borough Local Plan (1996-2006) are due to be replaced in due course by Policy ENV5 (Historic Environment) of the Submission Fylde Local Plan (to 2032).
53. ENV6 related to good design in new development, was subsequently dropped in the Submission Plan.
54. There are no World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, Listed Buildings or Conservation Areas within proximity (within 1km) of the Site. Whilst Policy ENV5 is considered relevant, there would be no significant environmental effects on any of the features designated for their heritage or historic value. No harm will be generated by the proposal to their historical significance or the setting of these heritage assets.

7 Conclusion

1. On review, there has been no material change that would alter the position as set out in the SoS decision letter. The Project continues to be in alignment with Government policy and its support for shale gas exploration.