



Request to Inspector

Report to the Secretary of State concerning Appeal coming within Section 4A Petroleum Act 1998 – Provision of information

These are the provisions referred to in my report dated:

by Wendy McKay LLB Solicitor (Non-practising)

Site at: Agricultural land that forms part of Plumpton Hall Farm, west of the farm buildings, north of Preston New Road, off Preston New Road, Preston, Lancashire

Appeal ref: APP/Q2371/W/15/3134386

- i) Under the provisions of Section 4A of the Petroleum Act 1998 (c.17)¹ ('the Act'), inserted by section 50 of the Infrastructure Act 2015 (c. 7), the Secretary of State for Energy and Climate Change ('DECC Secretary of State') cannot issue a hydraulic fracturing consent² unless she is satisfied that the conditions in the table at s4A(5) and 4A(6) have been met.
- ii) In order to allow the DECC Secretary of State to satisfy herself that the conditions in the table at s4A(5) have been met, Inspectors are requested to provide the information set out below when planning permission is granted (or recommended for grant of planning permission in a report to the Secretary of State for Communities & Local Government) in respect of any development that involves the boring for or getting of oil and natural gas from shale ('relevant planning permission').
- iii) Column one of the table at s4A(5) to the Act lists six substantive conditions that relate to the planning system namely, conditions 1, 6, 7, 9, 10 & 11. In connection to this, the Inspector is requested to provide information in accordance with the details specified below.
- iv) Where you are taking a decision where a relevant planning permission is granted, please complete the Notice which is required to be issued to the appellant/ applicant and to the Office of Unconventional Gas & Oil, Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2AW. The Notice should be issued on the same day as that planning permission. A copy of the notice should be kept on the case file. Where you are reporting to the Secretary of State, whether or not the recommendation is to approve or refuse the application, or allow or dismiss the appeal, please complete the Case Note

¹ Which came into force on 6 April 2016.

² Applicable for proposals that exceed the thresholds set out in s4B (a) & (b) of the Petroleum Act 1998.

which should be included in the case file submitted to the Department of Communities and Local Government with the Inspector's report.

Case Note

Section 4A Petroleum Act 1998

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Condition No.	Issue for confirmation	Yes/No	Document ref and Inspector report ref(s)	Comments (if applicable)
1	Environmental information has been taken into account in deciding to recommend the grant of the relevant planning permission	Yes	CD 5.11-5.43 Report paras 1.64-1.78	Adequacy of ES raised by Rule 6 parties and rejected – See paras 1.9-1.29
6	The area in respect of which the relevant planning permission has been granted does not include any land within a National Park, the Broads, an Area of Outstanding Natural Beauty or a World Heritage Site	Yes	CUA/3/1 CD 5.11, Section 3, para 3.2 Report para 2.69	
7	The cumulative effects of: i) the application; and ii) other applications for the exploitation of onshore petroleum that involve hydraulic fracturing; have been taken into account (where relevant) in deciding to grant the relevant planning permission;	Yes	CD 5.11-5.43 See CD 5.11, Section 2, para 2.8	
9	Consideration has been given as to whether to	Yes	CD 52.14 Report para	

	impose a restoration condition in relation to the relevant planning permission;		11.882 Report Appendix A Conditions 6, 15, 16, 17, 18, 44, 45, 46, and 47	
10	The requirements to consult a water or sewerage undertaker pursuant to article 18, 19 or 20 and paragraph (zf) of Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order ('the DMPO 2015') have been complied with in relation to the relevant planning permission; and	Yes	CD 39.2 CD 39.3 Appendix 16 water resources	United Utilities consulted
11	The requirements in article 14 and 15 of the DMPO 2015 have been complied with in relation to the relevant planning permission.	Yes	CD 12.1 CD 12.2 CD12.3 CD 12.4	

Notice under Section 4A Petroleum Act 1998 – Provision of information

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I, Wendy McKay, an Inspector appointed by the Secretary of State for Communities, in recommending the grant of a relevant planning permission within s4A of the Petroleum Act 1998 give notice that:-

Condition No.	Issue for confirmation	Yes/No
1	Environmental information has been taken into account in deciding to grant the relevant planning permission	Yes
6	The area in respect of which the relevant planning permission has been granted does not include any land within a National Park, the Broads, an Area of Outstanding Natural Beauty or a World Heritage Site	Yes
7	The cumulative effects of: i) the application; and ii) other applications for the exploitation of onshore petroleum that involve hydraulic fracturing; have been taken into account (where relevant) in deciding to grant the relevant planning permission;	Yes
9	Consideration has been given as to whether to impose a restoration condition in relation to the relevant planning permission;	yes
10	The requirements to consult a water or sewerage undertaker pursuant to article 18, 19 or 20 and paragraph (zf) of Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order ('the DMPO 2015') have been complied with in relation to the relevant planning permission; and	Yes
11	The requirements in article 14 and 15 of the DMPO 2015 have been complied with in relation to the relevant planning permission.	Yes

