



27th July 2021

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/20/01695/CDM

PROPOSAL 1: VARY CONDITION 4 OF PLANNING PERMISSION 1/15/01498/CDM TO EXTEND THE EVALUATION AND RESTORATION PERIOD OF THE SITE FOR A FURTHER 3 YEARS UNTIL NOVEMBER 2023 AND TO RELINQUISH DRILLING THE HORIZONTAL WELL

BASSETLAW DISTRICT REF. NO.: 1/21/00157/CDM

PROPOSAL 2: VARY CONDITION 6 OF PLANNING PERMISSION 1/15/01034/CDM TO EXTEND THE LIFE OF THE GROUNDWATER MONITORING BOREHOLES FOR A FURTHER 3 YEARS TO FALL IN LINE WITH THE LIFE OF THE EXPLORATORY WELL

LOCATION: LAND OFF SPRINGS ROAD, MISSON, DN10 6ET

APPLICANT: ISLAND GAS LIMITED

Purpose of Report

1. To consider two planning applications seeking a three-year extension to the time limited permissions at the Misson Springs exploratory shale gas site.
2. Hydrocarbon exploration activities have been undertaken since 2017/18 however the site is currently mothballed and largely clear of equipment following the drilling of the vertical well in 2019. Although no hydraulic fracturing (or 'fracking') has taken place a national moratorium has been enacted on any future associated hydraulic fracturing.
3. The first application seeks a variation to condition 4 of planning permission 1/15/01498/CDM in order to extend the timescales for the evaluation and restoration stages at the well site for a further three years until November 2023. The original permission also included scope for a second, horizontally drilled well, however the application clarifies that this horizontal well would not now be drilled as part of this proposal.
4. The second application seeks to vary condition 6 of planning permission 1/15/01034/CDM in order to retain a series of associated groundwater monitoring boreholes, again for an additional three years and to fall in line with the extended life being sought for the wider well site.
5. The key question to determine with these linked applications is whether the well site should be retained (in an essentially mothballed state) for a further 3-year

period- a) if there appears to be a reasonable prospect that the well site may still be needed for future hydrocarbon related development (or alternatives) to justify this, versus the desirability of restoring such sites if and once they are no longer required and b) if the further retention and delay to the site's restoration would in itself result in any unacceptable environmental or local amenity impacts.

6. The recommendation is to grant the section 73 planning permissions subject to the conditions set out in Appendix 1 and 2 for applications 1/20/01695/CDM and 1/21/00157/CDM respectively and in respect of the first application proposal ref 1/20/01695/CDM, also subject to the prior completion of a legal agreement-deed of variation.

The Site and Surroundings

7. The Misson Springs exploratory shale gas site is located in the north of Nottinghamshire, within the district of Bassetlaw and the parish of Misson. The site is approximately 3.2km north-east of the centre of Misson village and 3.5~4km to the east of Robin Hood (Doncaster Sheffield) Airport and Finningley village (see Plan 1).
8. The site is accessed off Springs Road, which joins the B1396 (Bank End Road/Sanderson's Bank) to the north and to the south enters Misson. The wider area is rural in character, comprising open agricultural fields and a generally flat topography as part of the Idle valley.
9. The application site itself is located within the commercial premises known as the 'Rocket Site' -the L Jackson and Co site, a company specialising in the sale of ex-military vehicles and equipment. This covers approx. 25 ha with a series of large warehouse buildings and external storage areas.
10. Historically this site was part of RAF Misson, a ground-based training facility, with an associated bombing range. For a short period in the 1960s it was home to a Bloodhound Missile surface-to-air defence unit, part of the air defence of the 'V-bomber' bases, including nearby RAF Finningley. There were two 'fire units', each one containing 16 missile pads located around a square loop road. The missile pads and associated road infrastructure remain largely intact although the northern unit is now partly covered by the exploratory well site. Whilst not listed this former military site is considered to have a non-designated heritage interest.
11. The nearest listed building is Newland Farm House (Grade II listed) approximately 540m to the north of the application site beyond the railway line.
12. The nearest residential properties are those at 'Prospect Farm' (currently undergoing redevelopment) and 'Levels Farm' located on Springs Road, approximately 130m north of the site access and 260m north-west of the well pad respectively. A further property – Misson Springs Cottage – is within the control of the applicant and is required by planning condition to remain unoccupied during the life of the well site. These are shown on plan 2.
13. The main application boundary remains as originally submitted and comprises a 5.3 hectare rectangular area surrounding the area of the northern missile pads/fire unit, with an access route through the L Jackson and Co site onto Springs Road.

14. The well site has been developed in accordance with planning and other regulatory requirements. Presently it comprises the well pad area and several stacked shipping containers around the boundary. The well head or “Christmas Tree” is housed within a further container in the centre. There is a site cabin and some stored equipment, however the main drilling rig has been removed and the site is mothballed. The series of four groundwater monitoring boreholes are located in grassed areas around the periphery of the well pad and alongside the access road. There are outer layers of high-security hoardings/fencing and other security measures are in place.
15. The well site sits behind and to the east of a row of large warehouse buildings running in a north to south orientation, which separate the well site and the former missile pads from Springs Road to the west. The southern fire unit/former missile pads remains within the L Jackson and Co operations and is used for vehicle and general storage. To the east there is a row of trees, beyond which is a field and then the Misson Training Area Site of Special Scientific Interest (SSSI) (also known as Misson Carr) (the historic bombing range). To the north of the site is a tree and scrub boundary, beyond which is open agricultural land.
16. The Misson Training Area SSSI is approximately 125m to the east of the application boundary and is designated on account of its fenland habitat including open water, tall-herb-fen, unimproved neutral and acidic grassland, dry oak woodland and nationally restricted wet woodland. This SSSI is also designated as a Local Wildlife Site (LWS). Two further SSSIs lie approximately 1.7km-2km south-east beside the River Idle (see Plan 3). There are also a number of drainage ditches within the surrounding area which have LWS status. This low-level landscape, including the application site, is at high risk of flooding (Flood Zone 3a).

Background

17. Hydrocarbon minerals are vested in the Crown and the rights to search for and exploit such resources are granted through the Government issuing Petroleum Exploration and Development Licences (PEDLs). The applicant is the operating company acting for a consortium which hold PEDLs across parts of north Nottinghamshire and neighbouring areas. PEDL areas 139/140 covers the Misson site. The main resource being targeted is the Bowland Shale and the Gainsborough Trough basin which has potential for unconventional gas production via advances in drilling and fracturing techniques.
18. In addition to a PEDL licence, planning permission is required from the Minerals Planning Authority. For oil and gas development this is somewhat different to other forms of minerals development, insofar as applications often follow a stage by stage approach, starting from the short-term exploration stage, to appraisal activities, and then only if viable hydrocarbons are proven, onto commercial production and extraction over several years. Site decommissioning and restoration is generally required once a site is no longer required, or when hydrocarbon production has ended. Usually each phase will need a separate and subsequent planning permission unless an applicant wishes to group stages together.
19. Following a series of extensive seismic surveys and desktop evaluation of the local geology and surface constraints, a surface well site for undertaking

exploratory drilling and core sampling was selected and proposed to the Minerals Planning Authority.

20. Initially the applicant sought and secured planning permission for a series of groundwater monitoring boreholes which were required to understand the baseline hydrology/hydrogeological conditions. This application ref 1/15/01034/CDM – *Installation of Groundwater Monitoring Boreholes in four separate locations and siting of mobile staff welfare facilities* -was granted at Committee in January 2016 and is subject to the second application in this report. This development was commenced on 27 January 2016 and is subject to a five-year temporary permission under condition 6. Therefore permission for the monitoring boreholes expired on 27th January 2021. Condition 7 now requires the monitoring boreholes to be abandoned in accordance with relevant guidance and the site restored to its previous condition.
21. Subsequently a detailed planning application was submitted for the main exploratory well development - planning permission 1/15/01498/CDM. This generated a considerable public response and the Authority worked closely with the interested parties, consultees and industry regulators to assess the application and bring the matter to Planning and Licensing Committee.
22. The application was approved at Committee in October 2016 and following the subsequent completion of a section106 legal agreement and restoration bond, planning permission was formally issued on 24th May 2017:

To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - wellsite construction; Phase 2 - drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - suspension of wells and assessment of drilling results; Phase 4 - site decommissioning, well abandonment and restoration.

23. It can be seen that this permission is for hydrocarbon *exploration* only and does not provide permission for any subsequent stages of hydrocarbon development-*appraisal* activities (including hydraulic fracturing or "fracking", or flow testing at any stage) or commercial *production*– these stages have always been subject to the outcome of a future planning application with the applicant taking a stage by stage approach to hydrocarbon development. It can also be seen that the exploratory permission is itself split into four phases. The permission is subject to 37 conditions, including condition 4 which stipulates the permission is temporary for a three-year period starting from the date of commencement and condition 5 which then requires the site to be cleared of all buildings and equipment within one month of cessation and the site's restoration to its original state within 6 months.
24. Once the prior to commencement conditions were satisfied, this development was formally and lawfully commenced on 20th November 2017. Thus the three-year permission expired on the 20th November 2020 and conditions 4 and 5 require the site to now be cleared and restored.
25. Both applications to extend the respective timeframes were received and validated shortly before their respective 5 and 3 year deadlines and therefore

any enforcement of the restoration requirements has been stayed until the outcome of the present applications are known.

26. Phase 1 (construction) was complete by the end of 2018 and the drilling of the vertical borehole was then undertaken in early 2019. The drilling (phase 2) was complete by May 2019 -the second, horizontal well having not been drilled-and the site then entered phase 3 (evaluation). Drilling equipment was subsequently removed and the site mothballed. The site will technically remain within phase 3 whilst it continues to be mothballed. Plan 4 shows the current site layout. Plan 5 shows the required restoration to its original state.
27. According to the applicant, data analysis and core sampling from the vertical borehole confirmed that there are *“significant gas bearing shale sections in the Upper Gainsborough shale and the Lower Gainsborough shale”* and *“as much data as could be collected was collected and the initial analysis shows a very material world class resource”*. The application goes on to state that analysis is ongoing and will in due course lead to a proposal for a second well to be drilled and for it to be hydraulic fractured or “fracked”. This would require a fresh planning application and would also require Hydraulic Fracturing Consent from the Secretary of State (Energy)/ Oil and Gas Authority under the provisions of the Petroleum Act 1998 as amended.
28. However on the 4th November 2019 the UK Government enacted an effective moratorium on hydraulic fracturing by stating *“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity”* (Written Ministerial Statement HCWS68). This position has been heavily influenced by seismic incidences in the vicinity of shale gas developments in Lancashire. The moratorium remains in force and has been re-confirmed by the Energy Minister in a House of Commons debate and more recently by the Under Secretary of State for the Environment during the consideration of the Environment Bill.

Proposed Development

Planning Application Ref 1/20/01695/CDM seeking a 3-year extension to the evaluation and restoration period for the well site

29. The current permission for the exploratory well site expired on the 20th November 2020 by the effect of condition 4.
30. The applicant wishes to now extend the current evaluation (phase 3) and restoration (phase 4) period until November 2023 (and in doing so, relinquishing the right to further drilling) in order to allow time for the oil and gas industry to seek to overcome the national moratorium on fracking and resolve the issues related to induced seismicity which led to it being put in place. The applicant states the they and the wider oil and gas industry continues to work with the UK Government and the Oil and Gas Authority on this matter.
31. The applicant states that to abandon and restore the well site now, whilst the matters raised by the moratorium are being investigated, would effectively

sterilise the site (along with the potential hydrocarbon resources they believe are present-but which would require fracking to access them).

32. Whilst the industry seeks to overcome the national moratorium, the site would technically remain in phase 3 (and mothballed) until restoration takes place at phase 4.
33. Once the effective moratorium has been lifted, the applicant intends to subsequently apply for planning permission to drill a second well, and then hydraulically fracture and flow test that well.
34. In order to lawfully retain the well site for a longer period, the first section 73 (variation of conditions) application therefore proposes to not comply with the requirement of condition 4 as currently framed.
35. The current wording of condition 4 states:

This permission shall be for a temporary period only expiring three years following the date of commencement, as notified under Condition 2 a) above.
36. The date of commencement is recorded as being 20th November 2017.
37. The application proposes to vary condition 4 to give an additional three years taken from this date -until November 2023.
38. Notably this application does not seek to extend or renew the phase 2 aspect of the planning permission relating to drilling of the boreholes and therefore does not entail further well drilling. The description of the proposed variation makes this clear. It also states that the drilling of the horizontal well which the original permission provided for will not be taken forward and this optional second well will be relinquished or allowed to fall away from the permission if/as varied. Thus in order to drill and then frack a second well this would be dependent on a subsequent full planning permission being applied for and granted.
39. The application is not supported by a further or updated Environmental Impact Assessment but the Minerals Planning Authority is satisfied that its relatively limited scope does not necessitate one being provided in this instance. A brief review of the relevant environmental matters has been conducted by the applicant/agent drawing on the findings of the original EIA work and taking account of the subsequent planning controls placed upon the development. These matters are considered below.

Planning Application 1/21/00157/CDM for a 3-year extension for the associated groundwater monitoring boreholes

40. The associated groundwater monitoring boreholes permission expired on 27th January 2021 and a simple section 73 application now seeks to retain these for a further three-year period in order to ensure they remain in place and operational and to tie in with the timeframes for the exploratory well site – should this first application be successful. It is proposed to vary condition 6 of planning permission 1/15/01034/CDM to specify the new end date, after which their decommissioning would be required.
41. It should be noted that if these were to be installed afresh today they would likely not require planning permission, since changes to Permitted Development

rights have been made in the intervening years specifically for such monitoring boreholes. However a further section 73 application is necessary to retain these for a further period.

Consultations

42. **Bassetlaw District Council** – *Object to application 1/20/01695/CDM as it is not considered reasonable or necessary to extend the evaluation and restoration period. No objection to application 1/21/00157/CDM (groundwater monitoring boreholes).*
43. *The community has faced a decade of uncertainty and disruption due to the exploratory activities at this site and the Government's position in respect of hydraulic fracturing has been made clear. The applicant is able to apply for further permission following the restoration of the site should the Government change its position.*
44. *The lack of clarity of the Government does not provide any certainty to the local community regarding future gas extraction.*

The extension of the permission would be contrary to Bassetlaw District Council's Renewable Energy Strategy. [Clarified as reference to policies ST52 (Reducing Carbon Emissions, Climate Change Mitigation and Adaption) and ST53 (Renewable and Low Carbon Energy Generation) of the draft Bassetlaw Local Plan].
45. *The development would set a precedent for other mineral extraction developments in the area.*
46. **Misson Parish Council**- *Objects to three more years and asks that the applicant restores the site as soon as is practicable.*
47. *As long as the current site remains effectively dormant, an extension of time to the current Restoration Phase will have no new impact upon the local community. Misson Parish Council nevertheless feels that the extension should not be granted for the following reasons:*
 - 1- *iGas have made it clear that their prime reason for seeking the extension is to reactivate the site and then apply to drill and frack an unspecified number of wells should the current moratorium on fracking for shale gas be lifted. Recognising that such future aspirations are beyond the scope of this application, NCC are nevertheless urged to consider their likely response to such an application and consider whether the suite of planning conditions designed to protect the adjacent SSSI and the local environment would still be appropriate.*
 - 2- *Over the past five years, apart from restoring the site, iGas have done what they initially set out to do which was to determine the nature and extent of the gas reserves. The extension they now seek is for a different purpose (i.e. drilling and fracking) which would generate a range of different impacts that should be subject to a different set of planning considerations. The question is whether, under such circumstances, consent is 'transferrable'.*

- 3- *Those objecting to the original plans were given the assurance that this was for a temporary exploratory well site that did not include fracking. The proposed three-year extension challenges the concept of temporary but also brings the prospect of fracking a step closer.*
- 4- *iGas have previously stated that limitations on the Springs Road site make it unsuitable for large scale production, the inference being that they would require a new well site in the area.*
- 5- *Note that iGas waited until almost the last minute to seek the proposed time extension. The construction industry has managed to function throughout the pandemic and there is no reason why this application could not have been made at an earlier time.*
- 6- *Due to the close proximity of the SSSI and concerns about on-site activity having an adverse impact upon breeding birds, it appears that any restoration work would in any event have to wait until Summer 2021 (at the earliest) so an extension to the current permission will have been gained by default.*
- 7- *iGas have shown either a lack of competence or a general lack of respect for the planning process. There was previously an unexplained delay to the completion of the construction phase of the site during 2017 resulting in an application to extend the deadline beyond the start of the 2018 bird breeding season.*
- 8- *There is a widely held desire to see an end to this development. Since the spectre of shale gas development was first raised in 2014 the lives of many local residents have been blighted. There have been protesters squatting on private land near the site, a massive police presence, ad-hoc road closures, trees felled to stop protesters from climbing on trucks, court injunctions, and on-site security making the area look like a prison. Extending the planning permission for another three years, whilst no doubt conferring a financial benefit on iGas, would do nothing for the local community other than three more years of uncertainty and anxiety.*
- 9- *There is a shift taking place towards renewable sources of energy. It is acknowledged that there will be a need to maintain gas supplies over the next few years but attempts to exploit onshore gas reserves will be fought by a highly motivated and well organised network of activists which would not be good for the local community. It is hoped that the UK government will decide to make the current moratorium on fracking permanent, in advance of the forthcoming COP26 conference in Glasgow.*
48. *If the application to extend permission for the temporary exploratory well site is granted then the life of the groundwater monitoring boreholes should also be extended. If, however, the proposed extension is not granted and iGas are required to restore the site, then groundwater monitoring should continue for an extended period so as to ensure that no ongoing contamination issues have arisen.*
49. **Finningley Parish Council** – *are neutral and have no comments to add.*
50. **Blaxton Parish Council**- *No objection/neutral response.*

51. **Bawtry Town Council – Objections to both applications.**
52. *The government has placed a moratorium on hydraulic fracking until compelling new evidence is provided [to predict and manage the probability or magnitude of earthquakes linked to fracking operations]. There are no plans to review this moratorium. It is clear the government is now looking at renewables. The energy minister had advised that "frankly the debate's moved on".*
53. *Whilst appreciating the application is not for hydraulic fracturing itself, it is considered a speculative application merely hoping to leave the area in abeyance to see if the government stance changes in the future, no matter how unlikely this may be.*
54. *As fracking is not something the government is now looking to do the applicant should not be allowed to leave the area in limbo and restoration should now occur in line with the original application.*
55. **Doncaster Metropolitan Borough Council-** *Raises no objections (both applications) after consideration of transport, ecology and other planning considerations.*
56. *It is noted that there would be no traffic increase, and in fact a decrease as a result of removing the second well from the development.*
57. *The applicant's statement that the extension of timescales will not impact or adversely affect species, habitats or sensitive ecological features appears to be a statement that is unsupported by any discussion or justification. There should be clarification on why the applicant does not consider species and habitats will not be affected by the proposed time extension.*
58. *Agrees with the applicant that an updated ecological survey should be undertaken prior to the commencement of site restoration in order to re-assess potential impacts and review the mitigation measures.*
59. *Welcomes proactive consultation by the developer with the local communities and would advise that all councils should continue to be pro-actively consulted.*
60. **Environment Agency –** *The Environment Agency did not ask for the time-limiting conditions, and therefore have no comments to make.*
61. *With regards to the permit, Misson Well site is subject to an Environmental Permit, ref DB3400TG (EAWML402739), in relation to the management of extractive waste from prospecting for mineral resources.*
62. *No conditions of the Environmental Permit are timescale limited. Hence, applications to extend the period of the associated planning permissions will not have any implications under the permit.*
63. *There have been no significant issues regarding operator compliance with the Environmental Permit.*
64. **Natural England –** *Have no comments to make on the two applications.*
65. **NCC (Built Heritage) –** *No objection.*

66. *The drilling rig is no longer visible on site and as such the impact of the proposals on the setting of nearby designated heritage assets has been removed. There is no longer any harm being caused.*
67. *It is recommended that the measures taken to protect the non-designated heritage of the missile launch pads and other Cold War heritage features on the ground are confirmed to have worked. If the measures are not protecting the heritage features, then clearly there is considerable harmful impact occurring. If the measures are offering adequate protection, then no long-term harm is likely to be caused. [Feedback from the Monitoring and Enforcement officer that there is no reason to doubt its effectiveness has been acknowledged.]*
68. **NCC (Highways)** – *Raises no objection subject to the highway related planning conditions being retained.*
69. **NCC (Flood Risk)** – *Does not intend to make any specific comments. Generic guidance on flood avoidance and sustainable drainage is set out.*
70. **NCC (Nature Conservation)** – *No objections.*
- Delaying the restoration of the site and maintaining the boreholes will have no significant detrimental impact on ecological receptors, noting that planning conditions control other elements of the development.*
71. **NCC (Planning Policy)**- *No objection subject to ensuring that there would be no unacceptable environmental and amenity impacts.*
72. *[Comments were provided in advance of the adoption of the new Minerals Local Plan, however Policy MP12 (Oil and gas) was considered, including Main Modifications to ensure it reflects National Policy and Guidance.]*
73. *Development Management Policies within the new Minerals Local Plan should be considered to ensure the environmental and amenity impacts of the development are not unacceptable.*
74. **Nottinghamshire Wildlife Trust** - *Object due to ecological sensitivities and the incompatibility of future fracking development against planning policy and law.*
75. *The site lies within an area of particular ecological sensitivity, being in proximity to several SSSIs and LWS which are dependent on good air quality, a stable noise environment, and continued surface water flows, sub-surface and groundwater. The site is within 125m of our Misson Training Ground SSSI (Misson Carr Nature Reserve) which hosts a rich assemblage of rare species, including 3 of the rarest breeding bird species in the County.*
76. *During the construction and drilling the applicant failed to provide complete data on noise, air quality and water flows and quality, as required by planning conditions. The applicant also failed to complete construction before the start of the bird breeding season.*
77. *The Applicant has not demonstrated that they can meet the requirement of the planning conditions set to protect the rare habitats and species of the SSSI during exploratory drilling. It is unlikely that they would be able to meet those conditions were it to undertake fracking.*

78. *Surveys identified that breeding Long Eared Owls had moved further away during drilling in 2018. This impact would be magnified and extended over further years, were fracking to be undertaken, which would be unacceptable for the conservation of this very rare breeding species and other notable breeding birds.*
79. *Developing a fracking site 125m from a groundwater-dependent SSSI, on a fractured sandstone geology is wholly contrary to the Precautionary Principle.*
80. *There has been a substantive change in Government policy away from supporting fracking in the last 2 years. The application should be considered incompatible with both national, and emerging local, planning policy. NWT see no planning policy or legal justification for delaying restoration.*
81. *The applicant believes that the fracking moratorium will be lifted, however the Government has recently restated its commitment to tackling climate change and meeting greenhouse gas reduction targets for 2030.*
82. *The applicant has failed to acknowledge that para 209a of the 2018 NPPF was removed as a result of the judgment in Stephenson v the Secretary of State for Housing and Communities and Local Government, and with it, any deemed intent of the Government to support hydraulic fracturing.*
83. *The judgment was based on an explicit recognition that 209a was incompatible with the Government's aims to tackle climate change and to meet the requirement of the 2016 Paris Climate Accord. The judgement made clear that decision takers should depart from the in-principle support for fracking that was once provided and must instead consider evidence on whether any development can meet the Commission for Climate Change's Three Tests.*
84. *This latest position has been recognised in the Inspector's modifications to the Nottinghamshire Minerals Plan, which explicitly place greater onus on climate change considerations.*
85. *The application should be refused, as it is entirely based on the premise of assumptions of a future scheme, that have no basis in fact, policy or law.*
86. **RSPB** – *maintains its response of not supporting hydraulic fracking. RSPB also considers that extending the evaluation period for this site is inappropriate when there is a Government moratorium on hydraulic fracking.*
87. *The Intergovernmental Panel on Climate Change's has made it clear that globally we must reach net zero emissions by 2050. The Climate Change Act commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. The RSPB is calling for a more ambitious target of net zero greenhouse gas emissions by 2045 in the UK.*
88. *The IPCC highlights that "rapid, far-reaching" and "unprecedented" changes to the way society operates are needed to tackle the climate crisis. It also highlights the devastating impacts on ecosystems of failing to achieve the emissions reductions needed to limit temperature rises to 1.5°C. A net zero future therefore requires urgent action in this decade to change our energy system, shifting from dependence on fossil-fuels to increased generation from renewable sources as well as greatly reducing overall energy demand.*

89. *The UK Government, as host of the upcoming 2021 UN climate summit in Glasgow, has already expressed its ambition to be a global leader in the fight to save nature. As noted in the RSPB's A Lost Decade for Nature, if these claims of leadership are to be credible, the UK will need to set out how it plans to fill the gap between rhetoric and reality. Governments must take urgent action to change the fortunes of wildlife and reach greenhouse gas emissions targets.*
90. *Continued extraction and use of fossil fuels such as oil and gas is not compatible with a net zero future. These energy sources must be phased out as rapidly as possible.*
91. *Net zero and our effort to fight climate change are central to the UK Government's December 2020 Energy White Paper (and the Prime Minister's Ten Point Plan for a Green Industrial Revolution). The white paper states "Our success will rest on a decisive shift away from fossil fuels". The paper also highlights the importance of ensuring "that the licensing of domestic oil and gas exploration and production continues to be compatible with our climate change ambitions".*
92. *In their 6th Carbon Budget also produced in December 2020, the Climate Change Committee, note that to achieve the Balanced Net Zero Pathway, fossil fuel emissions must be reduced by 75% by 2035 from 2018 levels. The RSPB supports the CCC in being clear that fossil fuels must be phased out to reach net zero targets. The RSPB supports the ambition to phase out coal in the 2020s and the recognition that gas cannot be used as a bridge fuel if we are to reduce emissions in the necessary timeframe.*
93. **Frack Free Misson** – *Object as the application is speculative and they have had sufficient time already; it is unlikely that the Government will lift the national moratorium on Associated Hydraulic Fracturing or 'fracking', but in any event future exploratory drilling and fracking would not be prevented/subject to the moratorium; the future development of the shale gas industry would not be sustainable development; and the site should now be restored at the earliest opportunity in line with para 205e) of the NPPF. In doing so this would not sterilise any potential hydrocarbon mineral resource.*
- Timing and effect of the national moratorium on 'fracking'.*
94. *IGas Ltd have had sufficient time to complete the program of works. The decision not to drill and test the second well was of the applicant's own volition and not due to the effect of the government moratorium.*
95. *The first well was drilled between January and April 2019 and there were 18 months remaining in which to drill the second. Instead the drilling rig/equipment was removed (this was 7 months before the moratorium was brought in).*
96. *In any event, drilling of the second exploratory well and small-scale fracking with flow and pressure testing, as conducted in Lancashire, would not be barred by the government moratorium or require Ministerial consent. The moratorium does not include exploratory drilling.*
97. *Drilling and construction has also continued throughout 2020 at other locations nationally, therefore assuming Covid compliant working is possible.*

98. *The application states that 'Evaluation works have been completed' it also states that 'Analysis is ongoing and will in due course allow the finalisation of well design for the Springs Rd 2 well...' The applicant has proposed permission for the second well to be rescinded and be the subject of a further application; as such the 'ongoing analysis' should not be considered a relevant matter in this application.*
99. *The applicant's claim that there is 'an effective moratorium' is misleading in respect of its proposed activities. There is a presumption against granting Ministerial Consent for 'associated hydraulic fracturing' as defined under the Infrastructure Act. Hydraulic fracturing outside of that definition can still be carried out on shale gas wells as 'exploration', as confirmed by the then Energy Minister, Kwarsi Kwarteng MP in January 2020.*
100. *The application is based on a high level of speculation, in so far as it is only justified by the unlikely future lifting of the government moratorium on fracking. The Government's stated position is that the moratorium will remain in force until 'compelling new evidence is provided.' The OGA has stated that research proposed thus far by industry would be insufficient to satisfy them that associated hydraulic fracturing could take place consistent with the government's policy aims.*

Need for the development

101. *The applicant has had sufficient time to complete the exploratory works. Whilst the PPG states there is a 'pressing need' for shale gas exploration, this is outdated. The Government's 2017 Gas Security of Supply report states that: 'security of supply does not depend upon new indigenous sources...' and did not consider any shale gas input when modelling future scenarios.*

Sustainable Development objectives

102. *The applicant's statement that this application aligns with the NPPF as sustainable development is unsound, being based on outdated models, assumptions and repeated speculation.*
103. *The economic benefits of Shale Gas development in England remains uncertain and progress slower than anticipated. (NAO October 2019)*
104. *Fracking for shale gas has a 100% failure rate in the UK, with all shale wells fracked resulting in excessive seismicity and suspension of operations.*
105. *The industry has sought a relaxation of the seismic limits, but this would not foster a well-designed and safe environment as per the NPPF objective and the government has stated repeatedly that such a move is not being considered.*
106. *The UK industry has made numerous unsubstantiated arguments that fracking will act as a beneficial 'bridge energy' in the move to a low-carbon economy and reduce emissions arising from the processes of importing gas. This argument was effectively removed from the NPPF by the High Court ruling in 2018 that the government had been selective in its consideration of evidence with regards greenhouse gas emissions from shale gas development.*

107. *The Climate Change Committee advises that if shale gas was to be developed, Carbon Capture and Storage (CCS) would be needed to keep within UK carbon budgets. Commercial CCS remains elusive.*
108. *Noise- Planning conditions should be reinforced/complied with in full, not circumvented to accommodate the applicant's management incompetence, such as when works over-ran into the 2018 bird breeding season.*
109. *Material considerations-The high degree of speculation used to justify future hypothetical development is a material consideration upon which this application should be refused. Disagrees that the Infrastructure Act 2015 is not considered as a material consideration.*

Restoration and minerals safeguarding

110. *The site should be restored at the earliest opportunity in line with para 205e) of the NPPF. Para 209b requires planning for on-shore oil and gas development to clearly distinguish between and plan positively for, the three phases of development (exploration, appraisal and production). The application fits neither of the three phases and does not constitute positive planning.*
111. *The potential mineral reserve would not be "needlessly sterilised" as suggested. This would not be the case unless the site was subject to other (built) development. Furthermore the Gainsborough Trough is a widespread potential shale gas resource which could be accessed from other, larger well pad sites and using directional/horizontal drilling techniques. Planning Practice Guidance indicates that it is not normally necessary to create Mineral Safeguarding Areas specifically for hydrocarbon resources.*
112. **Nottingham Friends of the Earth -Object**
113. *The application does nothing apart from delay the required restoration.*
114. *IGas are financially challenged and are cynically gaming the planning system in order to delay their responsibility to restore the site.*
115. *The government has a presumption against hydraulic fracturing consents due to the risk of unpredictable seismic activity (which would not have prevented completion of the work for which IGas had planning permission for).*
116. *The Oil and Gas Authority recently concluded that "it is not yet possible to accurately predict the seismic response to hydraulic fracturing" (Summary of the studies at Preston New Road 2). It would therefore seem unlikely that the moratorium will be lifted in the near future.*
117. *There are serious questions as to whether the underlying geology is safe for hydraulic fracturing (evidence from Emeritus Professor David Smythe commissioned by Bassetlaw Against Fracking). There is nothing in the current application which demonstrates that they are doing anything to address the seismic risks associated with this site. It should therefore be assumed that it is highly unlikely that any hydraulic fracturing consent will be granted for this site in the next three years.*
118. *IGas have previously breached a planning condition prohibiting certain work during the bird breeding season.*

119. *It is in the interests of the Misson Carr SSSI and local residents to terminate this failed experiment immediately. The earliest that the site could now be restored will be late 2021.*
120. **Sheffield Greenpeace- Object.**
Fracking is bad for the climate and the environment. It causes air, water and sound pollution and uses toxic chemicals where there is lack of regulation. It's been known to cause mini earthquakes which can damage biodiversity and property. An accident could mean that chemicals used can leak into water supplies or cause pollution above ground.
121. **Frack Free Dudleston (Shropshire)- Object.**
Fossil fuels should be left where they are and we should be putting all our efforts into shifting to renewable energy methods instead.
Developments like this can result in damaging environmental effects and stress to local residents.
Believes IGas are financially unviable. They would not have enough resource to cover the cost of a bond to guarantee any clean-up costs.
122. **The Ramblers – Object.** *The site is unsightly/spoiling views of the countryside for local users of rights of way. Following the recent OGA publication of studies on the earthquakes caused by fracking at a site in Lancashire, and their conclusion that induced seismicity from fracking was unpredictable and difficult to manage, it seems unlikely that the Government will lift the moratorium on fracking hence it is not necessary to leave the site mothballed and it should be restored to its original state as soon as possible.*
123. **Via (Landscape) -** *No objections as retaining the site in its currently mothballed state without the rig does not generate any significant Landscape or Visual Impacts.*
124. **Via (Noise Engineer) –** *No objection as the proposed extension of the evaluation and restoration periods of the site for a further 3 years, should not generate new noise or vibration issues.*
125. *A noise limit of 55 dBLAeq,1hr was previously agreed to minimise noise impacts. This condition (No.19) will continue to be met during the extended period.*
126. *Original planning conditions No.s 15, 16, 17, and 18 can be deleted (planning permission 1/15/01498/CDM). The remaining noise planning conditions (14, 19, and 20) are still applicable.*
127. **Network Rail –** *No objection.*
128. **The Coal Authority (Notification)-** *Advise standing advice applies.*
129. *The following consultees and interest groups were also consulted but have not responded. Any late response received will be orally reported.*
130. *Gringley-on-the Hill Parish Council; Mattersey Parish Council; Everton Parish Council; Wroot Parish Council; Scaftworth Parish Meeting; North Lincolnshire*

Council; Lincolnshire County Council; BDC Environmental Health Department; Health & Safety Executive; CPRE Nottinghamshire; Friends of the Earth (England, Wales and NI); Severn Trent Water Limited; Anglian Water Services Limited; Yorkshire Water Services Limited; UK Onshore Oil and Gas; East Midlands Chamber; Frack Free Nottinghamshire and Bassetlaw Against Fracking.

Publicity

131. The first application has been publicised by means of notices at the site entrance and within Misson village, a press notice, and neighbour notification letters sent to 28 of the nearest occupiers.
132. The second associated application has been publicised by means of site notices, and a press notice. These steps are considered to accord with the County Council's adopted Statement of Community Involvement.
133. 77 submissions from members of the public have been received, the majority residing in Misson, raising objections (there have been no letters in support) on the following grounds:

- (a) Application is speculative/ a tactic to delay the required restoration, which should now take place as soon as possible

The site was approved as temporary/short term exploration, not a permanent site. The clear expectation was that the well drilling and evaluation would be followed by full restoration as specified by IGas in their application.

IGas have explored and found what they were looking for and should now restore the site. Planning policy requires sites to be restored as soon as practical once the development is no longer required.

The applicant has had plenty of time to complete the work and to safely close and restore the site in accordance with the original permission but have chosen not to.

A 3-year extension is unnecessary and is an attempt to manipulate the planning system. There has been no site activity since April 2019.

The applicant should not be able to keep the site for another 3 years just in case the moratorium on fracking is lifted.

The applicant had plenty of time to submit this application and were reminded of the impending restoration deadline. They waited to the last minute knowing that the effect of condition 21 (restriction of works in bird breeding season) would mean that if they are required to restore the site, the earliest this could now take place is September 2021.

Covid-19 cannot be used as an excuse to comply with the restoration requirements.

- (b) Local uncertainty, health and anxiety

The impact on the community has to be considered as per planning guidance. The local community has had to live through years of uncertainty already. The cumulative impact of the stress and anxiety is not to be underestimated.

Health concerns about fracking have been proven scientifically and would damage this community's health and wellbeing.

It is not fair on local communities to leave them in a state of limbo with the threat of fracking hanging over them for another 3 years. Residents have moved away out of fear.

Nottinghamshire County Council Spatial Planning and health framework states – “Local planning policies play a vital role in ensuring the health and wellbeing of the population are considered in the planning process, there is substantial evidence to supporting the fact that health and environment are inextricably linked and that poor environments contribute significantly to poor health and health equalities.”

(c) The moratorium

The applicant has openly stated their intention to hydraulically frack for shale gas on the Springs Road site. But in November 2019 the Government announced a moratorium on fracking on the basis of unproved safety. Fracking would not be allowed to proceed unless compelling new scientific evidence is provided.

It still cannot be proved that fracking can take place safely, especially in former coal mining areas.

Minister of State at the Department of Business, Energy and Industrial Strategy Kwasi Kwarteng MP is quoted as stating in June 2020 that “fracking was over” and “extremely unlikely to happen in England”.

In a House of Commons debate on the 28th September 2020 the Minister stated that the presumption against issuing any further hydraulic fracturing consents “sends a clear message, not only to the sector but the local communities concerned, that fracking on current evidence will not be taken forward in England”.

“We will not support fracking unless the science shows categorically that it can be done safely and without inconvenience. This is extremely unlikely to happen as far as I am concerned. There will be no fracking for the foreseeable future.”

The Minister said “the world has rather moved on from fracking”. It was not something the government envisaged in its progress towards net zero greenhouse gas emissions. The energy debate had moved on.

The Oil and Gas Authority has given feedback that the industry research proposed thus far would be insufficient to satisfy them that associated hydraulic fracturing could take place consistent with the government's policy aims. (Statement to drillordrop.com, November 2020)

The aim of the application is to subvert the purpose and principle of the moratorium.

However the moratorium is a presumption against Ministerial consent for 'associated hydraulic fracturing' as defined by the Infrastructure Act 2015. The moratorium bears no influence on the planning permission in this application, as exploratory work is not affected by the said moratorium.

The applicant has elected to cease work even though the planning permission was only for exploration which is not covered by the moratorium.

(d) Incompatibility of shale gas development with climate change obligations.

UK energy policy is now to become carbon neutral. The Government has a commitment to reduce UK greenhouse gas emissions by 50% on 1990 levels by 2025 and by 100% on 1990 levels by 2050. This means a reduction in the use of fossil fuels in every region including Nottinghamshire. Fracking will not be compatible. Energy sources are shifting to green alternatives.

The world already has more fossil fuel resources that we can afford to burn therefore there should be no new exploration for fossil fuels and the extension of permission to explore or develop this site should not be given.

NCC is a signatory to The Nottingham Declaration on Climate Change and should not be supporting the use or extraction of fossil fuels.

The UK is to host the COP26 Global Climate conference shortly.

It would send the wrong signal to allow continuation. It would suggest that a business-as-usual mentality is acceptable. The Committee on Climate Change is looking for Local Authorities to take the lead.

Continued shale gas development does not constitute sustainable development.

(e) The well site is located in an environmentally sensitive setting and close to a SSSI supporting several sensitive and rare bird species.

Long eared owls are known to nest in the SSSI. These birds are very sensitive to noise disturbance. The surrounding area also has a variety of birds including three other owl species and other birds of prey. Light, traffic and pollution has caused a negative impact to these species.

The longer the site remains mothballed the more likely it is that the owls will return only to have their feeding sources and successful breeding damaged again at a future date.

The applicant previously failed to comply with planning requirements, when start of construction was delayed, leading to overrunning into the bird breeding season. An application had to be made to extend the construction period.

The site should be restored as soon as practicable outside of the bird breeding season. A shorter time extension could be granted just to allow for this.

There is no need to retain the unsightly shipping containers installed to reduce noise emissions from the construction and drilling phase. This has finished. The containers are an adverse impact on the SSSI.

(f) Concerns related to possible future fracking

The applicant has made its intention to frack this site in the future very clear. Approving three more years would send the message that fracking would be favourably thought of, to the detriment of the local community. Their future intentions and the impacts this would have should be taken into account when looking at the current application.

A time extension would leave the door open for fracking, make it difficult to refuse future permission for drilling or fracking and lead to a range of environmental and amenity impacts in the future. 87% of the residents of Misson and Misson Springs said “no” to fracking.

Fracking is a destructive, dangerous, polluting technology, as shown by studies.

Fracking requires large quantities of drinking water which will come back radioactive. Risk of wider pollution to ground waters.

There have been significant earthquakes in the UK caused from fracking or well injection. Cuadrilla have proven that the UK geology is not at all suitable for fracking.

Concern that IGas have openly said that their vision would be 4 well sites, with 10 wells on each site, with back to back drilling and fracking.

(g) Effects on the rural setting /countryside

Misson is only a small farming village yet it feels like it will be getting swamped and the outer edges industrialised -quarries, solar farm, general industry etc. The village has conservation area status.

(h) Local disruption

The community has been affected by protests and disruption resulting in unsustainable socio-economic costs.

Policing costs for 2017/2018 were £900,000- 0.5% of that years policing costs. If the extension is granted then Nottinghamshire policing costs will again be substantial. None of these costs are recoverable from the applicant.

(i) Concerns about financial ability of the company to complete restoration

IGas has suffered financial losses. It may be an attempt put off receivership.

Companies elsewhere have conveniently gone bankrupt and/or avoided their site restoration obligations.

There needs to be a realistic ring-fenced restoration bond.

- (j) Inadequate local road network and dangerous railway crossing (despite improvements)
- (k) Inadequate community engagement from the applicant

The company has been reluctant to engage with local residents, refusing to give updates, refusing to speak to villagers when they have asked for clarity on some issues, preferring instead to issue an injunction.

Information brochures have been infrequent. Minutes from the Community Liaison Group have not been available. Calls to the dedicated liaison phone number go unanswered.

- (l) Continued safety of wellhead

Evidence/assurances are needed to show that the retained borehole, its wellhead and Christmas tree would remain safe and integral for a further three years, since this would go outside of the original design parameters, being designed for short duration.

Question is raised as to the estimate of gas leakage from the wellhead over the last 3 years and that going forward, and what this would be in terms of CO₂ equivalent. Gas pressure data, and leakage/vented gas should be measured and required to be reported by planning condition.

Questions what emergency procedures are in place to evacuate the site and local residents.

Question is raised as to whether the water quality monitoring data indicates any issues or contamination. Additional mitigation should be considered to protect aquifers from time served casing failures.

If the time extension is granted planning permission, the Council could consider requiring the exploratory well to be plugged as a planning condition. The applicant has no intention of drawing production gas from the exploratory borehole and so plugging it for safety and environmental reasons would not sterilise the well site.

134. Cllr Tracey Taylor has been notified of the applications.

135. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

136. This report relates to two associated applications each seeking to not comply with the timescales, stipulated as planning conditions, for completing the

development and restoring the site. Each is made under the section 73 application process (commonly known as a variation of conditions).

137. The report focusses largely on the first application relating to the proposed retention of the exploratory well site for a further 3 years. It is expedient to also consider the second application relating to the further retention of the associated groundwater monitoring boreholes, since the merits of retaining these are largely influenced by the outcome of the first application.
138. Each application was received just prior to their respective time limits/end dates and the MPA is satisfied that the proposals can be considered under the section 73 decision making process. Whilst local objectors complain of the 'last minute' nature of the applications, they are nevertheless duly made and need to be considered and determined.
139. Ordinarily under the section 73 process the focus of the decision has to be on the change(s) being sought, as opposed to reconsidering afresh the overall principle acceptability of the development for which the original planning permission has established. It is however nonetheless a planning application and as such has to be determined against the Development Plan and material considerations as they stand today, with factors which may have changed or moved on since the original planning permission was granted. If a s73 application is granted, a new planning permission is issued, usually repeating or updating those previous planning conditions which need to be maintained and carried forward, along with the varied condition(s) sought. If a s73 application is refused, the original planning permission is left intact along with its conditions and requirements, such as for restoration.
140. In the present case, the matter seeking variation is one relating to time for the actual existence of the well site and its associated boreholes. Whilst the principle of the acceptability of hydrocarbon exploration has been established by virtue of the planning consents detailed in the site history section above, these were both time limited and have now expired. Further drilling cannot be undertaken, and restoration should have been underway. The exploratory activities also appear to have largely concluded, resulting in the site's mothballing.

Policy context

141. The proposals now seek to retain the site for a further period. As planning policy changes over time, it is necessary to assess the applications against current planning and energy policy, along with other material considerations, to confirm whether or not the development continues to be appropriate in this location.
142. There is now a newly adopted Minerals Local Plan for Nottinghamshire, replacing the previous 2005 version against which the original proposals were considered. There have also been some changes to national planning policy and new government statements on energy and the shale gas sector. It is therefore worth setting out some of these policies and material considerations before going on to consider how they apply to the current proposals.
143. Planning law requires a determination of an application for planning permission must be made in accordance with the Development Plan unless material

consideration indicate otherwise. The Development Plan in context of these minerals developments now comprises:

- The Nottinghamshire Minerals Local Plan (MLP) (adopted March 2021);
 - any relevant parts of the Bassetlaw Core Strategy (BCS) (adopted 2011);
144. Although part of the Development Plan, the Misson Neighbourhood Plan ('made' 2017) is not considered relevant in this instance and the plan (at paragraph 4) confirms the development proposals lie outside of its scope.
145. Material Considerations of relevance include:
- The National Planning Policy Framework (NPPF) (current version having replaced the first version in 2012 and second in 2018 & Paragraph 209a having been removed on 19 June 2019)
 - National Planning Practice Guidance (various dates)
 - Energy White Paper "Powering our Net Zero Future"- Dec 2020
 - National Policy Statement for Energy- EN1 (2011).
 - Written Ministerial Statements on shale gas dated 16/09/15, 17/05/18, 04/11/19 and 23/05/19.
 - Climate Change Act 2008 -including as amended by the 2050 Target Amendment Order 2019 (the "net-zero" target amendment) and the associated 5th and 6th Carbon Budgets to cut emissions 78% by 2035, compared to 1990 levels.
 - The Draft Bassetlaw Plan (November 2020 consultation)

The Nottinghamshire Minerals Local Plan

146. Turning firstly to the new Minerals Plan for Nottinghamshire. The Plan's overarching theme is the promotion of sustainable development and achieving high quality restoration. This means balancing the economic benefits and need for minerals against the social and environmental disruption and harm that extraction can cause.
147. The plan states that it is a national objective that planning, including planning for minerals development supports the transition to a low-carbon economy, taking into account flood risk, water supply and changes to biodiversity and the landscape. All new minerals development proposals will be expected to be planned from the outset to avoid increased vulnerability to the range of impacts resulting from climate change and care will need to be taken to ensure any potential risks can be managed through suitable adaptation measures.
148. The Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

149. Strategic Objective (SO)1 seeks to, inter alia, ensure an efficient exploitation and use of mineral resources; a greater use of alternatives such as from recycled sources; efficient locations to serve markets; and it also supports the improved use (or extension) of existing sites.
150. SO2 relates to ensuring an adequate supply of all minerals to assist in economic growth, whilst SO4 seeks to ensure that mineral resources of local and national importance and associated minerals infrastructure are safeguarded from development which would prevent or hinder their future use.
151. SO3 meanwhile seeks to minimise and mitigate the impact of mineral developments on climate change and support the transition towards a low carbon economy by encouraging efficient ways of working including reductions in transport and onsite machinery emissions. It also accounts for future flood risk and adaptation.
152. SO5, SO6, SO7 and SO8 seek to minimise adverse impacts to communities, the natural environment, historic assets and agricultural soils.
153. As informed by the Strategic Objectives the most relevant planning policies for determining the present applications are considered to be SP1 (Minerals Provision), SP3 (Climate Change), SP7 (Minerals Safeguarding etc), MP12 (Oil and Gas), DM12 (Restoration, Aftercare and After-uses) and DM17 (Minerals Exploration).
154. Consideration will also need to be given to various other Development Management policies covering relevant topics, including DM1 (Local amenity), DM2 (Water resources/flood risk), DM4 (Biodiversity), DM5 (Landscape character), DM6 (Historic Environment), and DM9 (Highways).
155. Policy SP1 is the general minerals provision strategy. It seeks to identify land for mineral extraction to maintain a steady and adequate supply. It supports extensions of existing sites in principle, but allowing for other sites to come forward where justified. All minerals proposals need to demonstrate prioritisation of the avoidance of adverse social, economic and environmental impacts.
156. Policy SP3 deals with climate change.

1. All minerals development, including site preparation, operational practices and restoration proposals should minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help reduce greenhouse gas emissions, and move towards a low-carbon economy.

2. Where applicable, development should assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:

a) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;

b) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage and flood alleviation.

157. The supporting text states that this policy does not presume against the future extraction of energy minerals and that indigenous mineral extraction has potential benefits in environmental and climate change terms.
158. Policy SP7 deals with minerals safeguarding and associated infrastructure. Primarily this is for the purposes of resisting non-minerals development where this would needlessly sterilise or pose a serious hindrance to extracting/operating a minerals resource, site or infrastructure. It is however considered of some relevance to the particular situation at the Misson Springs site.
159. Policy MP12 (Oil and Gas) is relevant. It states:
1. *Exploration, appraisal and commercial production of oil and gas will be supported, provided the site and equipment are located where this will not have an unacceptable environmental impact.*
 2. *Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.*
160. The plan states that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements but should be subject to environmental safeguards. The assessment of environmental and amenity impacts is covered by the development management policies. A range of other regulatory regimes also controls safety and emissions.
161. Policy DM12 is the general minerals restoration, aftercare and after use policy. It is in line with national policy requiring local planning authorities to ensure that worked land is reclaimed at the earliest opportunity and that high-quality restoration and aftercare takes place. Restoration of minerals development should be in-keeping with the character and setting of the local area and should contribute to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use where appropriate. It makes provision for a minimum 5 years of aftercare, and after-uses should have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area.
162. Policy DM17 states that proposals for mineral exploration will be permitted, subject to satisfactory environmental, amenity and restoration safeguards.
- National Planning and Energy Policy*
163. The National Planning Policy Framework is a material consideration of force.
164. At the 'heart' of the NPPF is the presumption in favour of sustainable development, but this does not change the statutory standing of the Development Plan which remains the starting point for considering this application.
165. Decision-makers at every level should seek to approve applications for sustainable development where possible (para 38).
166. Paragraph 203 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the

country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

167. Paragraph 205 states that when determining planning applications, *“great weight should be given to the benefits of mineral extraction, including to the economy”*. (Exploration for oil and gas forms one of the phases of extraction and is therefore afforded ‘great weight’ under para 205, however the extent to which this applies to the current case is discussed further in the report).
168. Minerals planning authorities should also *“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety”*; *“ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties”*, and:
 - e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
169. Para 209b) relating specifically to oil and gas development also includes a restoration requirement:

(Minerals Planning Authorities should) *when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for.*
170. The associated online Planning Practice Guidance concerning hydrocarbon development continues to state that there is a pressing need for exploration to understand whether or not there are recoverable and viable shale gas resources (para: 091 Reference ID: 27-091-20140306, date: 06/03/14).
171. Chapter 14 of the NPPF sets out that the planning system should support the transition to a low carbon economy, including through ways of contributing to radical reductions in greenhouse gas emissions and support for low carbon energy and associated infrastructure. It seeks to expand the use and supply of renewable and low carbon energy and decentralised supply systems.
172. The new Energy White Paper (*“Powering our Net Zero Future”*), sets out the levels of change which will be required across sectors of the economy in order to transition to a greener recovery and meet the net zero emissions targets. It envisages a massive increase in clean electricity production, new nuclear and replacing fossil fuels as far as possible, accompanied with a new Carbon Capture Utilisation and Storage industry and an increasing role for hydrogen.
173. The White Paper does not seek to specify the mix of energy use in the various sectors, which it leaves to the market to deliver. However, it notes other mechanisms which would be in place such as the proposed UK emissions trading system and an updated oil and gas licensing regime.
174. The Paper states that a review of the existing energy National Policy Statements (NPS) will start immediately, with the aim of designating updated

NPS by the end of 2021. It states that the need for the energy infrastructure set out in energy NPS remains, except in the case of coal-fired generation. While the review is undertaken, the current suite of NPS remain relevant government policy and have effect for the purposes of the Planning Act 2008 for deciding certain Nationally Significant Infrastructure Proposals.

175. It notes that since 2000 domestic oil and gas production has more than halved and the Climate Change Committee (CCC) estimates that production of natural gas could drop by up to 80% by 2050, compared to levels in 2017. However, the projections for demand for oil and gas, though much reduced, is forecast to continue for decades to come.
176. The overarching NPS for energy (EN-1) is principally used to determine nationally significant infrastructure applications though is capable of being a material consideration on other planning applications. The policy aims to reduce dependence on fossil fuels, but at the same time to maintain a diverse range of technologies, with secure and reliable supplies of energy as the UK transitions to a low carbon economy.
177. A number of Written Ministerial Statements (WMSs) have been issued specifically on the development of the shale gas sector in recent years.
178. On the 16 September 2015 the then Secretary of State for Energy and Climate Change advised in a WMS¹ that there is a *“national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way.”* It was stated that shale gas can create a bridge while we develop renewable energy, improve energy efficiency and build new nuclear generating capacity.
179. On the 17 May 2018² the then Secretary of State for Business, Energy and Industrial Strategy advised that the *“UK must have safe, secure and affordable supplies of energy with carbon emissions levels that are consistent with the carbon budgets defined in our Climate Change Act and our international obligations. We believe that gas has a key part to play in meeting these objectives both currently and in the future.”*

“Gas still makes up around a third of our current energy usage and every scenario proposed by the Committee on Climate Change setting out how the UK could meet its legally-binding 2050 emissions reduction target includes demand for natural gas. As set out in the Clean Growth Strategy, innovations in technologies such as Carbon Capture Usage and Storage (CCUS) have the potential to decarbonise this energy supply still further and prolong its role in our energy mix.”

“we believe that it is right to utilise our domestic gas resources to the maximum extent and exploring further the potential for onshore gas

¹ WMS ref HCWS202: <https://questions-statements.parliament.uk/written-statements/detail/2015-09-16/hcws202>

² WMS Ref HCWS690: <https://questions-statements.parliament.uk/written-statements/detail/2018-05-17/HCWS690>

production from shale rock formations in the UK, where it is economically efficient, and where environment impacts are robustly regulated.”

“Shale gas development is of national importance. The Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction.”

180. On 4 November 2019³ the then Secretary of State for Business, Energy and Industrial Strategy advised that whilst gas will still be important, a moratorium was being put in place on future onshore hydraulic fracturing, following seismic events around a shale gas site in Lancashire.

“The Government continues to recognise the importance of natural gas as a source of secure and affordable energy as we aim to reach net zero emissions by 2050. The Committee on Climate Change predict that we will still be consuming almost 70% of the gas we consume today in 2050 under our net zero target as significant reductions across building, industry and power are offset by demand for gas to produce hydrogen. It is therefore critical that the UK continues to have good access to natural gas from both domestic and international markets.”

“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for Hydraulic Fracturing Consent will be considered on their own merits by the Secretary of State, in accordance with the law, the shale gas industry should take the Government’s position into account when considering new developments.”

181. On the 23 May 2019 the then Secretary of State for Housing, Communities and Local Government issued a WMS⁴ responding to the quashing of paragraph 209(a) of the NPPF by order of the High Court in the case of *Stephenson*⁵. The WMS advises that *“For the avoidance of doubt the remainder of the National Planning Policy Framework policies and, in particular, Chapter 17 on ‘Facilitating the Sustainable Use of Minerals’ remain unchanged and extant.*

This suite of policies and guidance remain material considerations in plan making and decision taking for hydrocarbon development and they should be afforded appropriate weighting as determined by the decision maker.

We remain committed to the safe and sustainable exploration and development of our onshore shale gas resources.”

³ WMS Ref HCWS68: <https://questions-statements.parliament.uk/written-statements/detail/2019-11-04/HCWS68>

⁴ WMS ref HCWS1586: <https://questions-statements.parliament.uk/written-statements/detail/2019-05-23/hcws1586>

⁵ *Stephenson vs Secretary of State MHCLG* [2019] EWHC 519 (Admin).

Discussion

182. In considering whether the proposed 3-year delay to the site's restoration is acceptable or not when applying planning policy and any material considerations, it is relevant to consider two main questions:
- i) how reasonably likely is the site still needed- particularly for hydrocarbon related development, or some alternative use of the borehole, so to justify not undertaking the restoration as now required.
 - ii) what would the likely environmental or amenity impacts be from the site remaining for a longer period and also whether such a delay results in any additional issues relating to undertaking the restoration works at a later date.

Is the well site reasonably likely to still be needed for hydrocarbon development or an alternative use of the borehole, so to justify not undertaking the restoration as now required?

183. The purpose of posing this question is not to determine whether shale gas or hydrocarbons should be extracted, for that would be a decision for a subsequent planning application, rather it is to understand the status of the development site and to reach some general indication as to whether there could be a future need for it to remain. The question is raised as there would appear to be some uncertainty on its future, as will be discussed further. The findings can then be considered alongside the second question relating to environmental impacts, before drawing overall conclusions.
184. The Misson Springs site has been purposely designed and developed to explore for shale gas resources. It is evident that the site may no longer be needed for the initial exploration activities, with this aspect seemingly complete. It is the applicant's case that the physical core samples and other data obtained from the vertical borehole have been analysed and they claim the results are positive and show a potential "world class" gas resource is present and apparently worth pursuing further. They have not sought it necessary to undertake the second (horizontal) borehole and they are not seeking to carry this aspect forward.
185. The applicant is clear that it would wish to continue with the existing site and move on to the next stage of development – which would be to obtain planning permission for and drill a second well and to undertake appraisal and fracking/flow testing of that well in order to further inform whether it will be viable to progress onto full commercial gas production. This had always been their intention subject to locating the gas resource. Clearly however they have been unable to move onto that next stage as a result of the national moratorium on fracking being put in place (considered further below). The well has not therefore been plugged and abandoned nor the site restored by the required timescales and has instead been mothballed, safeguarding it for a potential future phase of shale gas development.
186. Officers would separately note that the situation contrasts sharply with the outcome from the applicant's second well site near Barnby Moor, which after failing to locate the target hydrocarbon-bearing strata, was rapidly closed and restored back to its previous agricultural use.

187. Objectors meanwhile draw attention to the impact of the moratorium and quote the Energy Minister from a recent Parliamentary debate where he stated that the moratorium will not be lifted and that 'fracking is over' because it is unlikely that it can be done safely and without inconvenience. They also point out the wider context of the Climate Change Act requirements for 'net zero' carbon emissions by 2050 and the UK's impending hosting of the COP26 UN Climate Change Conference. Bassetlaw District Council also considers the development contrary to its emerging planning policy relating to carbon reduction and climate change adaption/mitigation and on renewable and low carbon energy (Policies ST52 and ST53 of the draft Bassetlaw Local Plan).
188. Applying planning policy to this matter, *if* there is a likely future minerals/hydrocarbon use for the site, retaining it for what would be a relatively short additional period would, in Officers' opinion, accord with the policies of the Minerals Local Plan.
189. The proposal would accord with Policy SP1 (the overall minerals strategy) which supports the use of existing minerals sites from which to maintain a supply, subject to the avoidance of resulting adverse social, economic and environmental impacts.
190. A further three years would also prevent a potential sterilisation issue, which is a matter generally falling under MLP Policy SP7. Whilst the applicant contends that if they are required to close and restore the site now, it would amount to an effective sterilisation of the potential hydrocarbon resource, objectors counter this by stating that the site could be re-established again in the future (e.g. if the moratorium was later lifted) and that the potential shale gas resource is extensive in area such that it could be accessed from an alternative site or indeed multiple well sites using directional drilling.
191. On this, the objectors' view is partly accepted in that removal and restoration of the site would not amount to sterilising access to the hydrocarbon resource. The restoration strategy requires the site to be returned to its previous condition, comprising the open ground and former missile pads, and a well site could feasibly be reconstructed again at a future date (but subject to a further planning permission). This is not a case of physical buildings being erected which would permanently prevent the use of this site for hydrocarbon development (a case which would clearly be contrary to Policy SP7). It is also accepted that the hydrocarbon resource is likely to be extensive in area and a further well site could be proposed and developed elsewhere, again subject to planning permission.
192. However, whilst not meeting the threshold of sterilisation, restoring the site now would at the very least hinder access to the potential shale gas resource, since the site, or an alternative one, would again have to be constructed afresh. This would entail additional planning work (both for the applicant and the MPA), as well as construction works, site traffic and associated disruption in addition to the works needed for drilling or fracking activities. On balance Policy SP7 would therefore appear to provide some minor support for the proposed time extensions if there is a future need for the minerals resource.
193. If there is likely to be a future need for the site for further oil and gas development, then there would be at least some support from Policy MP12 to extend the current planning permission timeframes (albeit to mothball with no further exploration activities planned). There is no intention in the policy to

require restoration between the phases, and only once a site is no longer required should restoration follow in a timely manner. A site restoration strategy is in place (and could be carried forward) and the only change being proposed is to delay its implementation. The site would be returned back to its former condition and use as part of the L Jackson and Co site along with the revealing of the former missile pads. This approach would accord with Policy DM12 dealing with restoration, although the requirement for 5 years aftercare is not considered appropriate to the circumstances here.

194. The level of weight afforded to compliance with Policy MP12 however may be affected in light of the intention to mothball and to not undertake any further works at this time. Similarly Policy DM17 (Minerals Exploration) again would be supportive of a time extension, but in a limited way if taking account that the site would remain mothballed.
195. In terms of the emerging local planning policies within the draft Bassetlaw Local Plan, as raised in the objection from Bassetlaw District Council, Planning Officers consider the two policies referred to should not be afforded any weight, or at the most, a minimal level of weight in the current planning assessment. The Plan remains at an early stage of development and it continues to evolve. Policy ST53 guiding renewable and low carbon energy developments is not considered relevant. Policy ST52 sets out a number of criteria to be considered in order to promote reduced carbon emissions from the design and location of developments and ensuring they are mitigating and responding to the effects of climate change. The policy is not written with minerals development in mind, but consideration of matters of local air quality, flooding/drainage, and the minimisation of the use of natural resources by reusing or recycling construction materials and by making the best use of existing infrastructure are of some relevance and would not direct against a further retention of the site in principle.
196. At a national level oil and gas (including unconventional shale gas) is still classed as a nationally important mineral resource (NPPF glossary) and an apparent resource is at least initially present, subject to further appraisal.
197. The NPPF and the Written Ministerial Statements highlight it is essential to maintain a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. When determining planning applications, great weight should be given to the benefits of mineral extraction, (including to the economy) including shale gas development. However as advised above, whilst maintaining access to a potential minerals resource is pertinent, it is Officer's view that a mothballing situation may not justify affording this the fullest level of supporting weight.
198. The earlier quashing of and removal of paragraph 209a from the NPPF is of no consequence to the current decisions, since it did not exist at the time of the original grant of planning permissions. The paragraph spoke of the benefits of on-shore oil and gas, including unconventional hydrocarbons. The High Court Judgement related to procedural and public consultation errors in the way this paragraph was inserted into the 2018 version of the NPPF and caution should be given to alternative interpretations of this Judgement.
199. Relevant Planning Practice Guidance for onshore Oil and Gas remains in place. It continues to state that there is a pressing need for exploration to understand whether or not there are recoverable and viable shale gas resources. It also states that MPAs should take account of government energy policy when

considering the need for oil and gas, which makes clear that energy supplies should come from a variety of sources.

200. Both the new Energy White Paper (“Powering our Net Zero Future”) and the Committee on Climate Change recognise there will be a continuing need for gas for both energy and power needs in the net zero 2050 scenarios. This will be a declining and reduced dependence on gas, as alternatives take the lead, and there will also be a need to couple with Carbon Capture Utilisation and Storage technologies (CCUS), but a secure supply need will remain. Shale gas could also act as feedstock in petrochemical applications and potentially may have a role in the increased production of hydrogen coupled with CCUS.
201. Setting aside the current onshore fracking moratorium, as matters stand today, even after taking into account the UK carbon budgets and the objective of net zero, it is certainly not the Government’s position that there should be no further or new exploitation of domestic oil and gas resources per se and national policy does not attempt to reduce emissions by restricting its domestic production (though it does seek to reduce demand). It is also notable that there is no ‘presumption against’ within national planning policy, unlike as is now the case for coal extraction.
202. MLP Policy SP3 (Climate Change) also does not preclude the further development of onshore oil and gas. The policy relates to the climate change issues arising from developments i.e. their construction and operation, and not from the consequent use of the mineral being exploited, including shale gas. As the application does not seek to extract shale gas and the site would remain mothballed for up to three years, there would be very minimal site emissions. The well head is secure and maintained in accordance with industry regulations.
203. Whilst there are clearly differing views on the future of oil and gas, the above planning policies and material consideration do indicate a continuing role in UK energy supply, and potentially including indigenous shale gas. Conventional onshore oil and gas planning applications and developments are proceeding on this basis nationally, albeit these are very limited in number and scale when compared to the off-shore sector. The further development of the unconventional shale gas sector however now appears to be in some genuine doubt since whilst local and national planning policy appears to treat shale gas the same as conventional oil and gas development, it is effectively being treated differently at a national licensing level with the issuing of the moratorium on hydraulic fracturing.
204. The UK Government (and Oil and Gas Authority) have effective control over the very future of the onshore shale gas sector. Not only is it subject to their licensing, but ministerial consent is needed for ‘associated hydraulic fracturing’ as defined in law. There is now a moratorium on issuing these consents, as set out within the WMS.
205. In issuing the original moratorium the Secretary of State made clear that the Government expected the industry to take it into account, i.e. it was explicit that operators should not progress their plans for shale gas development any further forward until the concerns over seismicity, that had been seen in Lancashire, had been resolved. The shale gas industry has in effect been instructed to cease work until they can convince the Government that fracking can be done safely. The applicant has abided by this in choosing to mothball the site.

206. The moratorium, by way of WMS, is clearly a material consideration in this instance and it would appear to largely explain why the site (and others nationally) has been mothballed or suspended. The applicant states that as an industry they continue to build an evidenced case, in order to satisfy the concerns of the Oil and Gas Authority and the Government in order to allow for the resumption of regulated fracking. However, the recent quotes from the Energy Minister (albeit not forming part of a WMS), confirming that the moratorium is expected to remain in place, casts further doubt on the future for shale gas and for the future use of the application site.
207. Objectors state that the moratorium marks the end of shale gas development in the UK and that the Minister has made it clear that it will not be lifted. They believe that the mothballing was a commercial decision, possibly for financial reasons, and is an attempt to put off, or escape, the restoration requirements. Some also contend that outright fracking is not in fact barred by the moratorium and that exploration works, including drilling, and a certain level of fracking below the legal definitions/thresholds can still go ahead without Government approval, but still subject to planning permission.
208. Whilst it is correct that certain activities including exploratory drilling are not barred by the moratorium, it is understood the applicant would be looking to undertake 'full' fracking within the legal definitions at the next stage, and that cannot happen and would not receive ministerial approval in the present circumstances. In that light it is understandable why there is not an application for further drilling and fracking before the MPA at this time. The moratorium does not though provide any guidance as to whether existing sites should be decommissioned and restored.
209. It seems unlikely that the moratorium will be lifted in the immediate short term and the onus is on the industry to evidence a way forward that is acceptable to the Government and the Oil and Gas Authority. However, the ability of the industry to provide the necessary evidence during the three year extension period sought planning permission here, and which would allow the moratorium to be lifted, cannot be discounted.
210. There is no evidence to indicate the applicant is avoiding the restoration requirements for financial reasons, however. Indeed, in granting the original permission, Planning and Licensing Committee was instrumental in requiring a restoration bond and so there is a sum in place in case of a default situation of some form. An operator would no doubt want this returning if there was genuinely no longer a requirement for the site and would no doubt wish to remove any other ongoing costs and liabilities to maintain the site. The required decommissioning and restoration activities would also not be unusual or extensive and could be completed in a matter of weeks as was shown at Barnby Moor.
211. In some ways the current situation is not "positive planning" for hydrocarbon development as advised by the NPPF. The uncertainty both nationally and at a local community level has been created to a large degree by the Government moratorium and lack of further guidance. Updated national planning and energy policy may come forward in due course, as stated within the Energy White Paper. For now the MPA is left to decide whether to allow a mothballed site to be retained for a longer period in order to afford the applicant and industry a short further window in which to try to overcome the moratorium, or whether in

fact to find that the minerals use for the site has now ended. It is difficult to conclusively say that the use has ended. The present applications are evidence of continued developer interest at this time.

212. However, even if the minerals use for the site has effectively ended, there are emerging alternative use possibilities for shale gas wells such as this. These are fairly unique possibilities given the sheer depth of the borehole when compared to conventional oil fields for example. No alternative use has been identified or proposed in this case, however it is worth highlighting that deep boreholes such as Springs Road could have potential geo-thermal energy uses, or even scientific research possibilities. Officers note that the applicant has invested in a geothermal energy company and is party to a new university research project.⁶ Developments of this nature may require further planning permission, as would further shale gas development, however extending the time-limited planning permission would also afford the applicant a window in which to investigate these alternative uses, before the well is finally plugged and abandoned and the site restored.
213. To conclude this first part, it is not at all clear whether there will be a future minerals use for the site, given the control the UK Government has over the development of the shale gas sector. However safeguarding it in a state of mothballs for a further relatively short period would accord with minerals planning policy as well as energy and climate change matters, and would allow proposals to come forward for the next stage subject to the moratorium being lifted. Even if it were to not be lifted, there may be an opportunity to consider alternative use proposals for the deep borehole which has been created, before it is given up and abandoned altogether.
214. Planning Officers therefore consider that it would seem reasonable to allow a further 3 year period for the applicant to consider the future use for the site and to submit for planning such proposals. This is not an unreasonable or unacceptably long extension of time, setting aside for now any environmental impacts as will be assessed shortly. Any future planning application proposals in relation to shale gas development at Misson, or indeed alternative uses would then be adjudged on the planning policy situation at that time.
215. Whilst national planning policy seeks to ensure mineral sites are restored at the earliest opportunity, it would appear premature to invoke this. It would make little environmental sense to restore the site now only to then potentially have to re-construct it again along with all the associated doubling of impacts in terms of plant noise and traffic for example. This is especially so given the minimal impact the site is found to currently have on the environment in its mothballed state.
216. On the main issue/question Planning Officers consider that the two applications generally accord with, and do not conflict with the identified relevant principle planning policies, namely SP1, SP3, SP7 and MP12, and national planning and energy policy, along with associated statements and material considerations.

⁶ <https://drillordrop.com/2021/04/19/companies-join-research-on-reusing-shale-gas-boreholes/>

This is subject to the assessment of relevant environmental and other impacts as will be addressed in the following section.

Whether there would be any likely environmental or amenity impacts of the site remaining in mothballs for the proposed period and also whether such a delay results in any additional issues relating to undertaking the restoration works at a later date.

217. The application site is subject to a number of environmental and other constraints which were considered in detail at the original planning application stage. These matters have been reviewed for the purposes of the current proposals and are set out below by topic area.
218. From this exercise Planning Officers conclude that there would appear to be no unacceptable impacts to the environment or to local amenity whilst the site is retained for up to three years in the way proposed. Any impacts are now greatly reduced or neutralised since the drilling operations ceased and the site entered a state of mothballing. If the site then goes on to be restored, this would be a straight-forward, short term operation, no more complex than that originally anticipated. An additional precautionary ecology survey can be required immediately prior to such operations taking place to ensure any further mitigation that may be required is put in place.

Ecology/biodiversity

219. Minerals Local Plan Policy SP2 promotes a biodiversity-led approach to site restoration and seeks to maximise biodiversity gains and overall net gains within restoration schemes. Policy SP5 provides for a high standard of environmental protection and enhancement to the built, historic and natural environment.
220. Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) supports proposals where: *b) they are not likely to give rise to an adverse effect on a Site of Special Scientific Interest, except where the need for and benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists; c) they are not likely to give rise to the loss or deterioration of Local Wildlife Sites except where the need for and benefits of the development outweigh the impacts; d) They would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development outweigh the impacts.* Where impacts are unavoidable, the policy requires adequate mitigation steps, with compensatory measures as a last resort. The policy further seeks to enhance Nottinghamshire's biodiversity through restoration and the enhancement of priority habitats and ecological networks and providing net gains for biodiversity.
221. The above policies are in line with national planning policy relating to the conservation and enhancement of the natural environment and in particular paragraphs 175a) and b) of the NPPF.
222. National planning policy has also evolved in recent years to promote biodiversity net gains. NPPF paragraph 170 states decisions should contribute to and *enhance* the natural environment by minimising impacts on and *providing net*

gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

223. The siting near to a Site of Special Scientific Interest was considered in detail at the original application stage. This was one of many issues which had to be weighed up in the site selection and assessment process. Permission was however granted following the identification and inclusion of a range of detailed measures to prevent, minimise and monitor emissions during the different phases of the development, with a particular focus on phase 2 drilling, being the most intensive stage taking place 24/7.
224. It is also acknowledged that the temporary and relatively short-term nature of the original proposal contributed to the finding that the site was acceptable despite its proximity to a SSSI, and despite some adverse impact to this nationally designated site as a result of emissions of noise and exhaust emissions. However the application had been clear that if the exploration was successful there would be future applications for subsequent appraisal and production operations at this site.
225. Whilst the proposed time extension, if granted, would allow the site to remain for a longer period, of modest duration, it is clear that remaining in its mothballed state for a further period would not give rise to any significant or unacceptable impacts to the SSSI, its notified features and the species it supports. Whilst Doncaster MBC would appear to query the ecological impacts, Natural England raises no issue and the County Council's ecologist confirms this finding and also raises no objection. Both have been involved with the development of this site and their advice should be noted.
226. There is no proposal for any further drilling and permission for the second well has now lapsed and would be removed from the scope of the permission should the time extension be granted. Many of the planning controls to protect the SSSI are consequently no longer applicable and can be removed from the schedule of planning conditions if the s73 application is granted. Removing these now would not prevent them being attached as planning conditions on any future planning application.
227. If no further planning application is sought for further shale gas development within the three-year extension, the restoration requirement would again take effect. It is therefore necessary to retain certain conditions to cover these restoration works. There would be some temporary impacts through noise and disturbance from such works, but this was previously assessed and mitigation was provided by the planning conditions. Notably a planning condition prevents restoration operations (phase 4) during the bird breeding season (specified in this case as being February to August inclusive) except where it can be demonstrated to the satisfaction of the MPA that generated noise would not have an adverse impact on breeding birds in the nearby Misson Carr/Training Area SSSI. Restoration works are also required to be completed within 6 months following the expiry date. These particular requirements need to be retained.
228. Notwithstanding these mitigation measures, it must be acknowledged that ecology interest can change over time, and there is potential for new species or receptors to move across the area, particularly if the site was to remain mothballed, and so there could be new or additional impacts to species to consider at the site restoration stage, for which previous mitigation measures

may not have taken account of. To resolve this the applicant offers to undertake an updated ecology survey and review of the mitigation measures, prior to the commencement of restoration activities. This is considered an acceptable mechanism, given the circumstances, and is prudent to ensure that when it comes to undertaking these restoration works they take full account of the local biodiversity and to minimise as far as practicable the temporary, but necessary impacts. A new condition to secure this is recommended.

229. Restoration issues are considered further below, however the approved restoration strategy, returning the site back to its previous condition is still considered appropriate notwithstanding the biodiversity led approach to the restoration of minerals development now enacted through the new Minerals Local Plan. It would however be entirely appropriate to now seek to secure some straightforward biodiversity enhancements (such as the retention or replacement of reptile hibernacula or new bird/bat boxes) as part of the restoration strategy responding to the changes to local and national planning policy. A new condition to this effect is therefore recommended.
230. In conclusion the retention of the site within phase 3, with no further drilling activity, followed by the final site restoration, would not result in any unacceptable adverse impacts to the Misson Carr/Training Area SSSI and LWS, or other priority habitats and species. There is scope to require the inclusion of some modest biodiversity enhancements to the restoration scheme in order to comply with MLP policies SP2, SP5 and DM4 and national planning policy.

Heritage

231. MLP Policy DM6 states that proposals for minerals development that are likely to cause harm to designated heritage assets (or non-designated archaeology equivalent to Scheduled Monuments) will only be permitted where it can be demonstrated that there are public benefits which outweigh the level of harm or loss, relative to the importance of the heritage asset affected. Proposals that would directly or indirectly affect non-designated heritage assets will be assessed according to the scale of any harm or loss and the significance of the heritage asset. Where relevant, the enhancement of the historic environment, including individual heritage assets or historic landscapes, is encouraged.
232. Policy DM8 of the Bassetlaw Core Strategy places a presumption against development that would be detrimental to the significance of a heritage asset (whether designated or not).
233. Chapter 16 of the NPPF deals with the historic environment. Paragraph 189 of the NPPF requires the applicant to describe the significance of any heritage asset affected, including any contribution by setting so to allow an understanding of the potential impact of the proposal on their significance.
234. In considering the impact of a proposal on a heritage asset, planning authorities should take account of the evidence and any expertise to avoid or minimise any conflict to the asset's conservation (NPPF para 190). Planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets putting them to viable uses consistent with their conservation and the positive contribution they make to sustainable communities (NPPF para 192).

235. When considering impacts from a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of the degree of harm to its significance (NPPF para 193).
236. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
237. Where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF para 196).
238. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF para 197).
239. The applicant considers that the direct and indirect impacts to non-designated and designated heritage assets were all previously considered in the original planning application and deemed acceptable after mitigation measures were included by condition. Reliance is therefore placed on the earlier assessments, which in this instance is considered a reasonable baseline such that it is not necessary to resubmit or undertake these again (particularly as this is a s73 application). As no changes are being sought to the site operation by the proposed extension of time the applicant states it can be concluded that there would be no change in the level of significance of the previously identified impacts.
240. On a review of matters it is clear that there were two main areas of concern: indirect impact to a nearby Grade II listed farmhouse through visual impacts to its setting (a designated heritage asset); and direct impacts to the on-site Cold War era missile pads and infrastructure (an undesignated heritage asset).
241. The greater level of identified impact was to the setting of the Grade II listed Newlands Farm, circa 500m to the north, but only for the duration that the drilling rig was on site. It was the sheer vertical mass of the rig and its enclosure which resulted in the identified impacts to the farmhouse and to a much lesser degree the surrounding historical landscape and other heritage assets in the area. There is no doubt that this was a visible and industrial element in the local skyline for the period it was on site and which was out of character with the surrounding wider landscape. It was clear from the earlier assessments that once the drilling operations had concluded there would be no harm to the setting of designated heritage assets including Newlands Farm. The previous conclusion was that overall in NPPF terms, the development would lead to a *less than substantial* level of harm to the setting/significance of Newlands Farm, owing to the short term nature of the drilling operations. This harm was not so great as to render the application contrary to the planning policy, but was harm nonetheless for which appropriate weight was attached.
242. Now that drilling has concluded and the equipment removed as part of the site mothballing, and also given that the second well would not be drilled during the life of the time extension sought, it can safely be concluded that the impact to

Newlands Farm has been removed and neutralised. NCC's Built Heritage officer agrees this is indeed the case. Whilst the well pad would remain in place along with a number of perimeter containers, these sit within a well-enclosed and well-screened commercial setting previously used for outside storage and there is a significant degree of separation distance and intervening vegetation. Therefore contrary to the applicant's statement, there has in fact been a very material change which has removed the previously identified harm to Newlands Farm, leading to the favourable preservation of the significance of this designated heritage asset.

243. The second area of concern related to the direct impacts to the fabric of the surviving Cold War infrastructure (RAF Misson Bloodhound Mark II missile site) and the potential for damage to this non-designated heritage asset. Detailed design/calculations and construction measures were secured in order to ensure the ongoing protection of the array of missile pads and associated trackways, underneath the well pad, such that upon restoration the well pad could be cleared away, revealing the full layout of pads and trackways safe and intact. These measures and the temporary, reversible nature of the development again led to compliance with planning policy and the NPPF at the original planning application stage.
244. The Conservation Officer (NCC Built Heritage) raises a query as to whether these protection measures have/are being effective and so could they still be depended upon for a further 3-year period. Planning/monitoring Officers have no evidence to doubt that the protection measures are not working effectively and this has been communicated to the Conservation Officer, with an acknowledgment in turn. The strategy was based upon detailed loading and structural calculations and was installed as required. There has also been no evidence of any 'point loading' (with heavy equipment etc) taking place from its routine site inspections. Officers are therefore satisfied that there continues to be appropriate protection to the missile pads, so to enable their eventual uncovering and restoration.
245. However it should be recognised that for as long as the well pad remains in place, along with the accompanying perimeter containers and fencing, there is still likely to be some harm and impact to its overall historic significance. This is because it obscures part of the distinct layout of the northernmost missile unit and hinders the full understanding and appreciation of its arrangement, along with its relationship with the southern firing unit. The fact that the land is not publicly accessible does not negate this. Retaining the well site for a further period would result in a further temporary impact to the significance of this non-designated heritage asset by hindering the ability to appreciate it in its full context. The development is however still reversible upon restoration (as provided for by planning condition) and therefore the additional temporary impact, whilst undesirable in heritage terms, is considered minor.
246. It is worth noting that at the original planning application stage the identified impacts were on balance considered acceptable against planning policy and it was further concluded that public benefits were clearly demonstrable to outweigh the identified harm to all heritage assets in the balancing exercise carried out under para 196 of the NPPF.
247. Now that the identified harm to the designated heritage assets has been removed, a lighter balancing exercise under NPPF para 197 and the third arm of

MLP Policy DM6 is required with respect to the remaining identified harm to the appreciation of the non-designated missile pads. This does not expressly require demonstration of public benefits, but requires a balanced judgment to be made having regard to the particular significance of the asset affected and the level of harm.

248. It is the view of officers that the identified minor impact to understanding the significance of the former missile pads does not render the proposed time extension contrary to Policy DM6 or national planning policy. This is a temporary and fully reversible impact, so long as the planning conditions governing restoration works are carried forward. The previously identified impact to the listed farmhouse has been removed, and in that sense the proposal accords with DM6 and the NPPF and its objectives to conserve the historic environment.

Landscape and Visual Impact

249. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments.
250. Policy DM1 (Local Amenity) seeks to avoid unacceptable impacts to local amenity, considering a range of factors including landscape and visual effects.
251. Policy DM5 (Landscape Character) supports minerals development where this would not adversely impact on landscape character and distinctiveness. Where proposals would have an unacceptable landscape impact, this will only be permitted where there is no available alternative and the need for the development outweighs the landscape interest and adequate mitigation is provided.
252. It would appear evident that the site, as it currently stands, is not resulting in any noticeable visual or landscape impact and maintaining it in this way, with no further drilling, for up to three more years will not alter this.
253. The site lies wholly within an existing commercial context and is substantially screened behind a line of large storage buildings at L Jackson and Co. and is further screened to neighbouring fields and the SSSI by belts of trees to the north and east. Access to the site also made use of a pre-existing access gate and driveway.
254. The most visible and intrusive aspects of the approved development, in terms of the drilling rig and associated equipment and floodlighting, have been removed following the successful completion of the vertical borehole and there is no proposal before the MPA for any further drilling. Furthermore the second, undrilled well, would not be taken forward and would not benefit from any time extension granted.
255. This leaves the site with a series of green, stacked shipping containers partly surrounding the constructed well pad. Security fencing is also in place. The containers are not visible from Springs Road, being screened well within the L Jackson site. The fencing is also not out of context.
256. Consequently, whilst there clearly was a visual impact when drilling previously took place (and this was carefully assessed), this is quite clearly not the case

any longer and will remain so. Similarly there is no notable landscape impact given its siting and context. The Council's landscape consultant agrees and raises no issue with the proposed time extension. Therefore it is considered that no further assessment is required on these matters for the purposes of the proposed time extensions and it can safely be concluded that landscape and visual impacts are acceptable and comply with the requirements of policies SP5, DM1 and DM5.

Residential amenity (including noise/vibration)

257. MLP Policy DM1 (Local Amenity) seeks to avoid unacceptable impacts to local amenity, considering a range of factors including noise, vibration, dust, mud, air emissions, transport, lighting landscape and visual effects.
258. National planning policy for minerals development seeks to ensure that there are no unacceptable adverse impacts inter alia on, human health and ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source (NPPF para 205).
259. Such impacts to nearby residential properties were previously considered and there has been no material changes to the local context and no additional sensitive receptors have been introduced since the original planning permission was granted.
260. The cottage (Misson Springs Cottage) near to the site access fronting Springs Road remains vacant as per the requirement of a planning condition. The properties to the north remain, although the bungalow is to be redeveloped as a two-storey house. This is unlikely to affect the previous findings of the noise assessment work or have implications for the restoration stage.
261. Clearly as the site would remain in a mothballed state it is most unlikely to generate any noise related activity save from occasional site maintenance visits. Drilling activity which is the main causation of noise and associated impacts are complete and would not resume and any future drilling would only follow the outcome of a subsequent planning application and its assessment of any noise and amenity impacts. Similarly there would be negligible emissions of dust or carrying of mud onto the highway with a mothballed site and no or minimal lighting requirements. Site traffic would also be minimal and very occasional and related to maintenance.
262. The related impacts from clearing and restoring the site would be noticeable and similar to those at the construction stage, albeit it is possible to rapidly complete such restoration works. These impacts were previously factored into the original planning permission and the proposed delay to undertaking these works does not change this assessment, with the one exception relating to ecology and the need for further surveys nearer the time.
263. Consequently it is clear to Officers that leaving the site in its present position for up to three more years would not result in any unacceptable impacts to local or residential amenity. The impacts at the restoration stage would be short term and have previously been taken account of.
264. It is acknowledged that some members of the local community may have ongoing concerns and fears about the future of the site. For so long as the site

remains mothballed these should be allayed, and there is assurance that any future shale gas development, should this come forward, would be subject to a further planning application, public consultation and the detailed examination by the MPA for which the community would rightly expect.

265. Subject to carrying forward any conditions which remain necessary, the proposal is considered to comply with Policy DM1.

Traffic, Access and Parking

266. MLP Policy SP4 seeks to maximise the use of sustainable forms of transport where practical and economic. Where road-based transport is the only viable option minerals development should minimise such impacts by being near to the markets they serve and close to the main highway network, whilst avoiding residential areas and minor roads.
267. Policy DM9 requires demonstration that the highway network can satisfactorily and safely accommodate the vehicle movements associated with minerals developments, and further, that these would not lead to an unacceptable impact on the environment and/or disturbance to local amenity. Measures such as vehicle routeing schemes and steps to prevent mud on the highway may be appropriate.
268. Access into the site took advantage of an existing bellmouth and driveway from Springs Road, which was formally in use by L Jackson and Co. This is fully surfaced and has very good turning and visibility provision. As part of the original planning proposals, there are a suite of planning conditions and a legally binding routeing agreement put in place to govern site traffic. These include restrictions on the hours that HGVs may enter the site, a Traffic Management Scheme, including for any abnormal loads, a cap of no more than 60 HGV movements per day and measures to maintain highway verges and a clean state of highway. The authorised HGV route takes traffic north up to Bank End Road and then west to the A614 and vice versa, thereby avoiding Misson village and a majority of other properties within the Misson Springs area.
269. Since the site is presently mothballed, with the great majority of equipment having been removed off site, there is currently minimal and only occasional vehicle movements to/from the site, such as to undertake general maintenance activities. Under the proposed variation, this would remain the case, as it would remain mothballed until either a future phase of shale gas development is brought forward (subject to a further planning application), or until the site is restored at the end of the proposed 3 year time extension.
270. Traffic and access impacts, including taking into account the restoration phase, have all been previously considered in the original planning application and the above-mentioned controls such as HGV routeing were put in place by way of conditions and legal agreement. There have been no material changes to the local highway network and there is no other apparent reason to revisit the issue of traffic and access for the purposes of the present applications, including taking account of the new Minerals Local Plan policies. NCC Highways have not raised any objection (nor have Doncaster MBC, or Network Rail) subject to carrying forward the relevant planning conditions and the s106 obligations, which include HGV routeing. One related condition on the associated

groundwater monitoring boreholes permission is no longer required and this related to road closures which were connected with local upgrades at that time.

271. Site traffic will continue to be minimal, and upon restoration there needs to be an acceptance that some HGV movements and site traffic will be a necessary but short-term impact in order to deliver the required restoration. In any event HGV operations would and should continue to be required to adhere to the existing HGV route in order to satisfy the requirements of Policies SP4 and DM9 and to safeguard local and village amenity. Therefore for the purposes of the current proposals before the MPA, there is evidently suitable access and HGV routing in place and planning conditions and legal provisions governing traffic and access should continue to be kept in place and need to be carried forward, if the proposed time extensions are granted.
272. In the event that proposals are brought forward for further shale gas related development within the 3 year extension, such as for new drilling or fracking, that would necessitate a full assessment of the traffic issues that would likely arise at that time.

Public Rights of Way

273. MLP Policy DM7 (Public Access) supports minerals development where there will not be any unacceptable impact on the existing rights of way network and its users.
274. An objection has been lodged by The Ramblers, albeit largely on wider sustainability grounds. No rights of way are directly affected, but there are a number of bridleways in the Misson Springs area, one of which (Misson BW9) adjoins Springs Road 550m to the north, and so its entry/exit is within the dedicated HGV route. As with the assessment of traffic and access issues above, there is no reason to revisit the detailed impacts to users of this or other rights of way in the area, given that site traffic is currently minimal and measures are in place to govern HGV movements which would occur for a short period at the restoration stage. There are also no public rights of way near enough to afford clear views of the well site. As such the contention that the site is currently unsightly to users of such routes is not accepted.

Flood Risk, Drainage and Ground/Surface Water Protection

275. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments. Considerations include impacts to/from water quality and supply, and flooding.
276. Policy DM2 (Water Resources and Flood Risk) supports minerals development proposals where it can be demonstrated that there would be no unacceptable impacts on surface waters or ground waters in the vicinity of the site. Opportunities may exist to improve overall water quality, whilst any use of water should be done so as efficiently as possible. The policy recognises that protecting ground and surface water quality is important for both people and wildlife. In terms of flooding, the policy seeks to avoid any unacceptable impacts to flood flows, flood storage capacity, the integrity of flood defences, or

the functioning of local drainage systems. Surface waters should be managed by sustainable drainage systems unless it is impracticable to do so.

277. Bassetlaw Core Strategy Policy DM12 along with paras 155-165 of the NPPF provides for the sequential approach to planning and flood risk so to steer new development away from areas at risk of flooding. However Planning Practice Guidance recognises that minerals developments have particular considerations of their own and are capable of being appropriate in areas at risk of flooding.
278. The Misson Springs site is located within an expansive area of the Idle Valley at risk of flooding. Environment Agency mapping places the site in Flood Zone 3a – High probability (land having a 1 in 100 or greater annual probability of river flooding), whilst the Bassetlaw Strategic Flood Assessment indicates a slightly reduced risk (100 year + climate change defended area). There is a vast network of ditches and land drains across the locality including to the rear (east) of the exploratory well site where these are important for the Misson Carr/Training Area SSSI.
279. At the original planning application stage for the well site the location, in terms of it being at high flood risk, was scrutinised carefully. Design and mitigation measures were taken account of, and it was found that the site would not raise flood risk elsewhere. However, its less than preferable siting in respect of the flood risk zone was one matter weighing against the choice of site. Indeed it was adjudged to fail the sequential test (as other reasonable sites at lesser flood risk appeared possible) and consequently the original proposal failed to comply with local and national planning policy on flooding. This conflict had to be considered in the wider planning balance along with a wide range of other site selection factors which overall meant that there were overriding material considerations to grant the original planning permission.
280. The flood risk is still present, however it does not appear reasonable at this point to revisit the site selection process on flood risk grounds, for what is a relatively short extension of time, and there would have to be a significant change in the planning policy on this matter to do so. Whilst the new Minerals Local Plan has brought local policy up to date with national planning policy, it is considered that this does not affect the acceptability of the current proposal on this matter.
281. Whilst the sequential test may not have been originally met, it should be noted that minerals development, generally, is classed as a 'less vulnerable use' in the National Planning Practice Guidance and is capable of being appropriate in flood zone 3a such as here. The original proposal also ensured that the well site would be safe in times of heightened flood risk and would not increase risk elsewhere. The MPA and consultees were satisfied on this matter.
282. With the site now mothballed and the well head secure, the risk posed by flooding, including pollution to such waters, is further reduced. No staff are based on site and there is a minimal remaining footprint. The site is also able to drain to the surrounding watercourse network as it currently stands and its presence does not raise the risk of flooding to other land or property.
283. In terms of drainage arrangements, the well site was designed and has been built to be fully impermeable and contained, such that any spillages of fuels, chemicals or drilling fluids would not be able to enter the environment and would be captured in the site drainage system for treatment. This would also mean

that rainwater would be captured instead of naturally charging the local land drains (which support the SSSI).

284. Now that those operations are over and the well head secured, the drainage has been modified (with the approval of the MPA) to allow clean rainwater from the site to once again be discharged to the local land drains. Water first passes through an interceptor and silt settlement tank as an added precaution. This arrangement would continue for so long as the site remains mothballed as proposed, (except during times of flooding) and so ensuring that clean waters are drained sustainably and go on to support water levels within the network of land drains which are important to protected habitats, notably the SSSI.
285. As an added safeguard to these drains and the habitats they support, there is a monitoring requirement involving reporting on water levels and quality around the site boundaries and at the Gresham Drain. There is also the series of groundwater monitoring boreholes for which the second application has been made to extend their longevity. The MPA is wholly satisfied with the monitoring and drainage arrangements and these are inspected as part of the MPA's routine inspection programme. Provision for these measures should be carried forward with any grant of a section 73 permission for the well site, either by condition or legal agreement. A grant of section 73 permission for the well site should therefore be accompanied by a similar grant of section 73 permission to retain the associated groundwater monitoring boreholes.
286. The facility is separately regulated by the Environment Agency, and they have not raised any objection. Indeed they comment that there have been no significant issues regarding compliance with the Environmental Permit.
287. Included in the current planning conditions is a precautionary requirement to ensure the site is tested and validated as being clean of any contamination as part of the site decommissioning and restoration process and to remediate as required. This should be carried forward. Separate legislation and regulatory oversight applies to the process of plugging and abandoning the borehole.
288. Consequently it is the view of Officers that the limited remit of the section 73 proposals does not raise any new or significant issues with regards to flood risk or water or ground contamination. There is not the opportunity to revisit the site selection, but this may be possible and appropriate if a future full planning application is made for further works. The proposal to effectively leave the site in mothballs for up to three more years, whilst maintaining the monitoring and other controls that are in place will not result in any unacceptable impacts to surface or ground waters, including risk of pollution, and it is appropriate and safe to enable clean surface waters to be sustainability drained, in accordance with Policy DM2.

Air Emissions/Dust

289. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments. Policy DM1 (Protecting Local Amenity) and Policy DM4 (Protection and Enhancement of Biodiversity) are also relevant with regards to air emissions to human and natural receptors.

290. The original application considered the effect of combustion emissions from the collective plant and drilling equipment upon nearby receptors, and in particular to the nearby SSSI. The focus of this was at the drilling stage when multiple generators and plant would be running continuously. Heightened emissions and deposition were predicted along the western edge of the SSSI, closest to the site, during the drilling activities. However this part of the SSSI was not in an optimal condition as the central areas and in mitigation a programme of air monitoring (diffusion tubes) was secured by planning condition.
291. Now that the drilling has concluded and the site mothballed, there are negligible emissions from the site, which no longer justifies continuous air monitoring as part of the approved monitoring scheme. Under the proposal the only time when activities and emissions would be generated is at the restoration stage. This is a relatively short-term activity which should not affect the long term average monitoring results and the emissions generated by a small complement of mobile plant were previously not of any significant concern. The requirement for the air monitoring (diffusion tubes) would therefore now appear to be unnecessary.
292. Dust management continues to be covered by planning condition, and this should be retained for the eventual restoration operations in the interests of the amenity of residents further along Springs Road.
293. Retaining the site as proposed is therefore not expected to create any unacceptable air quality impacts, subject to carrying forward the dust management condition, but air quality monitoring would no longer appear to be necessary.

Climate change

294. Representations from members of the local community and several environmental groups cite the need to deliver the net zero carbon emissions as required under the Climate Change Act by 2050. The development of the shale gas industry is viewed as being incompatible with that target.
295. By way of background, the original Act in 2008 introduced a legal duty on the Secretary of State for Energy and Climate Change (now BEIS – Business, Energy and Industrial Strategy) to ensure the UK's net carbon account for the year 2050 is at least 80% lower than the 1990 baseline level. This was later amended in 2019 extending that target to "at least 100%" by 2050 (the net-zero amendment).
296. The Government sets Carbon budgets for successive 5-year periods on the path towards meeting the 80% and now the 100% emission reduction targets. The Committee on Climate Change (CCC) was established under the Act to advise the Government on these budgets and related strategy.
297. In December 2020, the Government, in agreeing to the CCC overall recommendations, announced that the 6th Carbon Budget covering 2033 to

2037 would seek a 78% reduction in UK carbon emissions.⁷ However the announcement made clear that following the CCC's recommended budget level does not mean following their specific policy recommendations. (These continue to be developed and can be expected to filter down into planning policy in due course).

298. The CCC also provides guidance to the Government on the compatibility of onshore oil and gas with the UK carbon budgets. Its most recent letter of 31st March 2021⁸ reaffirmed its 'three tests' for the compatibility of shale gas exploitation with the budgets (strict limits to well emissions; production emissions should be counted within the carbon budgets; and gas consumption must be reduced so to also remain within the budgets).
299. The advice letter stated that the adoption of the Net Zero target for 2050 now represents a more stringent context in which to consider any impact of onshore petroleum on UK greenhouse gas emissions. It considers that onshore oil and gas will have to fall sharply and the role of unabated production (i.e. without CCUS) will be at 'the margin' in energy supply. Gas may have a role in hydrogen production and electricity generation, but it cautions that the necessary CCUS faces challenges. It notes that due to a decline in North Sea production there will still be a need at the margin for fossil gas either through imported LNG or indigenous gas.
300. This is guidance from CCC to the Government to assist with policy making but it is not itself policy or planning policy. The Government's energy policy is set out in the Energy White Paper as noted above. National planning policy as it stands today is also considered above.
301. At the local level the County Council recognises the importance of mitigating against climate change and achieving carbon neutrality as reflected through the recent declaration of a Climate Change Emergency, however planning applications have to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise. The Minerals Local Plan provides the basis for considering the climate change issues relating to minerals development including Policy SP3 which requires minerals development to minimise impacts on the causes of climate change to help reduce greenhouse gas emissions. However, the Plan and Policy do not presume against the exploitation of indigenous hydrocarbon resources, which is consistent with national policy.
302. Returning to the matter in hand, it should be noted that the development has not reached the stage of shale gas production and the permission is solely for exploration. This has largely concluded with the exception of final restoration for which a delay is now sought. Therefore whilst the issues raised by the objectors are fully understood and have been considered, the weighting of the relevance of this matter is limited in the current circumstances. The report sets out above

⁷ <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

⁸ Letter: Advice to the UK Government on compatibility of onshore petroleum with UK carbon budgets. <https://www.theccc.org.uk/publication/letter-advice-to-the-uk-government-on-compatibility-of-onshore-petroleum-with-uk-carbon-budgets/>

(both here and when considering the earlier question above) some findings to assist with understanding whether there may be a future use for the site or not and should a future application be made for further shale gas development, the issue of climate change impacts and mitigation can be considered again in more detail, and in light of planning policy and any changed circumstances at that time.

303. For so long as the site remains mothballed, there would be minimal emissions to the air, largely related to maintenance activities. The operator is responsible for maintaining the security and integrity of the wellhead as required under their legal obligations outside of the planning system. Testing is done several times a year to ensure this is so. It is not necessary to oversee this via the planning process or through the imposition of planning conditions.
304. Whilst it is acknowledged that the site and wider area is at a medium risk of flooding, and the effects of climate change can be expected to heighten such risks, this matter was conclusively dealt with in the original permission and there is no apparent reason to revisit this matter at the present time, particularly given the relatively short 3-year extension sought.

Socio-economic

305. Associated economic development matters were relevant in the consideration of the original planning permission. Policies within the Bassetlaw Core Strategy were engaged, in particular policies DM1 (Economic Development in the Countryside), DM3 (General Development in the Countryside) and DM7 (Economic Development).
306. These district-level policies do not take account of minerals development, but were nonetheless deemed to be met and there is no reason to revisit these issues again in any great detail for the purposes of the present application, except to caution that any economic development benefits that might have been previously identified would only continue to a very limited extent if the site was to remain mothballed. In particular there are no employees on site and only occasional maintenance and security visits are required in its current state. It is however probable that the company/landowner will continue to receive rental income from the applicant which, together with maintenance and security expenditure, would at least amount to some benefit to this local business and the rural economy.
307. It is also noted that there are no emerging plans, policies or allocations for this site, (considering the Draft Bassetlaw Plan) and so the further retention of the well site would not be in conflict with any such ambitions. On completion, the site would return to L Jackson and Co. as part of their already extensive vehicle storage and sales site.

Restoration issues

308. The Minerals Local Plan introduces support for biodiversity-led forms of restoration within Policy SP2 which seek to maximise biodiversity gains and achieve net gains overall.

309. Policy DM12 states that restoration of minerals sites should be in keeping with the character and setting of the local area and should contribute to the delivery of local objectives for habitats, biodiversity, landscape, the historic environment or community use where appropriate. Similarly the after-use should have regard to the wider context, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area. Where opportunities arise, after-use proposals should provide benefits to the local and wider community. The policy also states that restoration proposals will be subject to a minimum five-year period of aftercare.
310. The approved restoration strategy is relatively straightforward and simply seeks to ensure that the site is returned to its former condition, particularly for its historic interest, to preserve and reveal once again the full array of the former Bloodhound missile pads. This approach remains broadly appropriate, takes account of the context, meets the major aims of DM12 and should be carried forward in the approved plans if the time extension is approved.
311. There are precautionary measures in place to ensure the site is free of any contamination and to ensure the missile pads are fully intact and/or repaired in the unlikely event that damage has occurred. Again these should be carried forward in the planning conditions.
312. In undertaking the required restoration strategy, the seasonal working restrictions to avoid such works during the bird breeding season (unless otherwise demonstrated to be acceptable) should remain in place. It is correct therefore, that should the s73 applications be refused (and without appeal), this seasonal restriction would likely mean that restoration works would be able to commence from this September at the earliest.
313. The policy requirement for five years of 'aftercare' is not considered applicable in this situation as the restoration works do not entail extensive creation of habitats or new planting and there is little opportunity to provide for the scale of biodiversity enhancements that would be possible with quarrying proposals for example (where aftercare would be needed).
314. However as noted above under *Ecology/biodiversity* the inclusion of net gains for biodiversity into local minerals planning policy, and also national planning policy, is a further evolution in the policy framework since the original permission was granted and it is entirely possible to now incorporate some additional measures at the restoration stage to benefit wildlife. As such an additional planning condition is now recommended to require the incorporation of some proportionate enhancements such as bird and bat boxes, and the potential retention of the reptile hibernacula around the periphery.
315. On a further restoration matter a representation questions why the borehole cannot now be plugged and abandoned, even if the wider well pad was permitted to remain for the further three-year period. It is inferred that the applicant has finished with it and that it is their intention to move on to drilling new wells subject to planning permission. The representation also raises the issue of the integrity of the well if there is a delay to it being plugged and abandoned.
316. The integrity of the well and its 'Christmas tree' is not the responsibility of the planning system and is overseen by the well inspector. The application notes that there is twice-yearly integrity testing of the well and the MPA has no reason

to doubt this is properly undertaken. There does not appear to be any planning reasons for requiring the well to be plugged and abandoned earlier and separately to the wider site restoration works. It is ultimately up to the applicant, working within the licensing regime, if they wish to or need to give it up earlier.

317. In terms of establishing the exact expiry dates which are sought, it is clear that both applications seek to take the three years starting from their respective existing expiry dates, rather than from the date of issuing a new decision. This is entirely appropriate in the current circumstances and means that the time taken to determine these applications is counted as part of their future permissions.
318. The first application to retain the well site is clear that it seeks an extension of three years taken from the current expiry date and so until 20 November 2023.
319. The second application relating to the associated groundwater monitoring boreholes, whilst seeking three more years, is also clear that it should tie in with the timeframes for the first permission. Therefore it would be appropriate to stipulate a new end date of 20 November 2023 rather than the following January as would otherwise be calculated from its existing expiry date. This way the future restoration of the site would be all-encompassing and done at the same time.
320. Misson Parish Council suggests retaining the groundwater monitoring boreholes for a longer period post restoration in order to confirm the site is clear of any contamination. However this not considered necessary as a planning condition on the main well permission already requires post-restoration validation that the site is clean and the monitoring boreholes are not needed for this purpose.
321. Finally, a restoration bond is in place, pursuant to a section 106 legal agreement. This was framed to be made in three staged payments, linked to the stages of the permitted works. Sums for first two stages have been paid and are held by the Council, whilst the trigger for the third payment has not been met since the applicant did not undertake to drill the second (horizontal) borehole.
322. The MPA is satisfied that the bond was adequately formulated and structured, and that it is capable of being carried forward on any grant of section 73 permission. Its terms provide for index-linked 'additional payments' to be made by the applicant at set intervals. The purpose of these is to ensure the bond keeps pace with inflation so to ensure it can still be capable of covering the restoration liabilities in the event of a default of the operator. The Council's solicitor advises that, as part of undertaking a deed of variation to the existing legal agreement, as further detailed below, any consequential amendments that may be needed to the associated restoration bond can also be undertaken, so as to ensure the deposit sums held by the council are increased and keep pace with inflation.

Other Material Considerations

323. There would be no implications for the operations at Robin Hood Doncaster Sheffield Airport, since drilling activities have ceased, and the drilling rig has been removed. Conditions relating to the choice and height of the rig are no longer required and do not need to be carried forward. Any future proposals to drill would be subject to a further planning application which would afford the opportunity to impose similar requirements in the future.

Overall conclusions

324. As considered above, Officers highlight a high degree of uncertainty as to whether onshore hydraulic fracturing will be allowed to resume under the UK shale gas licensing and consent process. The future ability to access and exploit the hydrocarbon resource which the applicant proclaims has been proven to exist at Misson is dependent on the current moratorium being lifted and also subject to a future planning permission being secured.
325. In this situation, mothballing the site and continuing to maintain the site in this way, for a relatively short additional period of time, appears to be a reasonable and acceptable response to the situation and would allow time for the applicant and industry to overcome the moratorium, or consider alternative uses for the existing borehole before it is finally plugged and restored (for example geo-thermal/research). National energy policy continues to foresee a role for domestic gas production, taking into account the legal duty to achieve 'net-zero' carbon emissions by 2050.
326. Officers consider there would be no unacceptable impacts to the environment or to local amenity whilst the site is retained for up to three years in the way proposed. Any impacts are now greatly reduced or neutralised since the drilling operations ceased and the site entered a state of mothballing. The second well will not now be drilled. A review of the planning conditions shows that many of the existing requirements are no longer required, since they were aimed at mitigating the drilling operations.
327. Planning Officers conclude that the two applications generally accord with, and do not conflict with, the identified relevant principle planning policies, namely SP1 (Minerals Provision), SP3 (Climate Change), SP7 (Minerals Safeguarding etc) and MP12 (Oil and Gas), along with relevant national planning and energy policy, and associated material considerations.
328. In reaching this conclusion, consideration has been given to relevant Development Management policies, particularly DM1 (Local Amenity); DM2 (Water Resources and Flood Risk); DM4 (Protection and Enhancement of Biodiversity); DM5 (Landscape); DM6 (Historic Environment); DM7 (Public Access); DM9 (Highways Safety and Vehicle Movements/Routeing); DM11 (Planning Obligations); DM12 (Restoration, Aftercare and After Use); and DM17 (Mineral Exploration). Relevant policies within the Bassetlaw Core Strategy have also been considered. Taken together these are consistent with the requirements of national planning policy and the findings conclude there would be no unacceptable environmental impacts.
329. Overall the assessment therefore points to a decision (for both applications) that is in line with the Development Plan, i.e. grants of section 73 planning permission. In such circumstances paragraph 11c) of the NPPF advises that proposals that accord with an up-to-date development plan should be approved without delay.

Review of conditions

330. The two applications are the first section 73 applications since they were each originally granted full planning permission. Each permission is subject to a schedule of planning conditions.

331. The proposed variations to extend the time for each of the two applications are considered to be acceptable subject to retaining and re-imposing any of the necessary planning conditions in each case. A review has therefore been carried out by planning and monitoring officers.
332. Given that the site has been constructed (phase 1) and the well drilled (phase 2) (and also the water monitoring boreholes are in place) there will be conditions which will no longer be necessary or relevant to the proposals, or which require minor changes for clarity. There are also detailed schemes which have been previously approved pursuant to the conditions, some of which are still needed and so can be cited within the wording of the condition for clarity and certainty. Several Non-Material Amendments to approved plans have also previously been approved and these should be incorporated. Certain conditions in the earlier groundwater monitoring boreholes permission need to be brought into alignment with the latter well site permission. Finally there are also recommended new conditions for a pre-works ecology survey and a scheme for wildlife enhancement measures upon restoration.
333. The following tables set out the recommended changes, with the resulting sets of recommended conditions in appendix 1 and 2.

Proposal 1: Vary condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well		
Existing Condition Number (new number in brackets)	Purpose of condition	Retention/ update/vary or delete
1 (1)	Time limit for implementation	Update – to define the scope of the permission, as revised and to bring it into immediate effect.
2 (2)	Notification of commencement (multiple stages of development) and completion	Update – to retain the remaining notification requirements- completion of phase 3, commencement of phase 4 (restoration) and completion of phase 4.
3 (3)	Approved plans	Update – to include previously approved plans and non-material amendments as are still relevant
4 (4)	Duration of temporary planning permission	Vary- to extend until 20/11/2023
5 (5)	Restoration requirements	Retain
- (6)	New condition for biodiversity enhancements	New condition/requirement
6 (7)	Site to be cleared and restored if works cease in excess of 3 months and a request is made by the MPA	Retain- in the event of changed circumstances
7	Drilling for no more than 9 months in total	Delete- drilling has been completed
8	Details of drill rig	Delete- drilling has been completed
9 (8)	Times that HGVs may	Retain -for the remaining life of the development

	access the site	
10 (9)	Measures to prevent mud and deleterious materials on highway	Update- to include reference to previously approved scheme
11 (10)	Management of site traffic	Update- to include reference to previously approved traffic management scheme
12 (11)	Max 30 HGVs in 30 out per day and 99 in/99 out over 7 days	Retain -for the remaining life of the development
13	Site lighting	Delete- drilling has been completed. Any remaining works would expected to be daytime.
14 (12)	Hours of operation	Update- remove drilling hours (24/7) and phase 1. Retain hours for phases 3 and 4.
15	Noise mitigation for drilling rig	Delete- drilling has been completed.
16	Noise monitoring during drilling	Delete- drilling has been completed
17	In the event of a noise complaint during drilling	Delete- drilling has been completed
18	Noise limit for SSSI during drilling	Delete- drilling has been completed
19 (13)	Requirement for Noise management plan	Update- to include reference to previously approved noise management plan
20 (14)	No residential occupation of Misson Springs Cottage	Retain -for the remaining life of the development
- (15)	New condition for ecology survey /review	New condition requirement – an ecological walkover survey and review of mitigation prior to undertaking restoration
21 (16)	No construction or restoration during bird breeding season (February to August) unless with MPA approval	Update- remove reference to phase 1 construction.
22 (17)	No vegetation clearance during Feb-Aug	Retain
23 (18)	Requirement for Construction Environment Management Plan	Update- to include reference to previously approved CEMP and associated details
24	Assessment of emissions from drilling operations	Delete- drilling has been completed
25	Air quality monitoring within SSSI	Delete – Monitoring is no longer considered necessary including for the restoration activities
26 (19)	Requirement for reptile habitat scheme	Update- to include reference to previously approved measures
27 (20)	Management of dust	Retain -for the remaining life of the development
28 (21)	Details of measures to protect former missile pads	Update- to include reference to previously approved scheme and structural assessment
29 (22)	Details to ensure area is proven free from	Update- to include reference to previously approved scheme

	drilling contamination following drilling works and removal of the well cellar	
30 (23)	Measures to deal with any unexpected contamination	Retain -for the remaining life of the development
31	Requirement for Unexploded Ordnance method statement	Delete - matter discharged
32	Method statement for potential asbestos	Delete - matter discharged
33 (24)	Secure storage of oils, fuels and chemicals	Retain -for the remaining life of the development
34	Flood water drainage scheme for phase 1	Delete - phase 1 complete
35 (25)	Surface water drainage -phase 2	Update with previously approved details
36 (26)	Finished floor level for staff accommodation no lower than 4.4m AOD	Retain -for the remaining life of the development
37 (27)	Requirement for emergency flood plan	Update - to include reference to previously approved plan

Proposal 2: Vary condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well.

Existing Condition Number (new number in brackets)	Purpose of condition	Retention/ update/vary or delete
1 (1)	Time limit for implementation	Update – to define the scope of the permission, as revised and to bring it into immediate effect.
2	Notifications	Delete - no remaining notifications
3 (2)	Approved plans	Update - to include previously approved plans as are still relevant
4	Maximum borehole depth	Delete - monitoring boreholes have been completed and are in place
5	Copy of plans to be kept on site	Delete - no longer necessary
6 (3)	Duration of temporary planning permission	Vary – to extend until 20/11/2023
7 (4)	Upon expiry, boreholes to be abandoned and site restored	Retain
8	Maximum drilling rig height	Delete - monitoring boreholes have been completed and are in place
9 (5)	HGV routeing -	Retain

	instructions to drivers to avoid Misson	
10 (6)	HGV routeing – left in/right out turning	Retain
11	Unexpected ground contamination	Delete- monitoring boreholes have been completed and no report of contamination
12	Potential unexploded ordnance	Delete- area clear and monitoring boreholes have been completed
13	No HGV movements in event of road closure	Delete- condition related to planned upgrades at the time and is no longer necessary
14	Noise limit during drilling	Delete- monitoring boreholes have been completed
15	Noise monitoring during drilling	Delete- monitoring boreholes have been completed
16	No residential occupation of Misson Springs Cottage during drilling	Delete- Only applies during drilling under this planning permission. N.B condition on the other planning permission continues to prohibit occupancy.
17	Location of boreholes to noise sensitive receptors	Delete- monitoring boreholes have been completed
18 (7)	Construction/work hours	Update – to include Saturday working hours to align with the other planning permission
19 (8)	Newt precautionary method statement	Retain
20 (9)	Seasonal restriction for vegetation clearance	Update – change to Feb-August to align with other planning permission
21	Watching brief for archaeology	Delete- monitoring boreholes have been completed and none encountered.
22 (10)	Measures to control dust	Update- reference to drilling substituted for restoration operations
23	Lighting	Delete- no longer required

Legal Agreement

334. The main planning permission for the well site (1/15/01498/CDM) is subject to an accompanying Section 106 agreement dated 24 May 2017. The agreement provides for the following:
- Vehicle routeing and driver code of conduct
 - A road dilapidation survey
 - A restoration bond
 - The Community Liaison Group
 - An off-site water monitoring scheme (Gresham Drain)
335. Should Committee be minded to approve the section 73 application to retain the groundwater monitoring boreholes (Proposal 2), the decision notice could be issued immediately following the meeting as this is not subject to any legal agreement.

336. Should Committee be minded to approve the section 73 application to retain the main well site (Proposal 1), the Committee's solicitor advises that it would be necessary in this instance for the applicant and the Council to enter into a deed of variation to the original s106 agreement before the decision notice can be formally issued. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of the deed of variation.
337. Planning Officers consider that continuing with the above provisions remains necessary (and meets the relevant tests) and that a grant of section 73 planning permission for the well site should be dependent on continuing to secure these measures for a further period. In particular the matters are relevant to the final restoration stage in terms of associated traffic, monitoring and community liaison. This would also accord with MLP Policy DM11 (Planning Obligations) which states the County Council will seek to negotiate planning obligations as measures for controlling mineral operations and to secure sustainable development objectives which cannot be achieved by the use of planning conditions.
338. As noted above in the restoration sub section, if there are any consequential changes required to the associated restoration bond agreement, this can be undertaken at the same time as completing the deed of variation.
339. The MPA's standard recommendation where legal agreements are necessary stipulates an initial three month timeframe in which to complete the legal agreement work (which can be extended with agreement of the MPA in consultation with the chair and vice-chair of committee), whereafter failure to complete will lead to a refusal of planning permission. There is therefore a clear incentive to the applicant to expedite this process.

Other Options Considered

340. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

341. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

342. The site is secured to a very high level including security fencing and CCTV coverage.
343. Previous operations have resulted in instances of public protest which has necessitated additional security and police attendance. However this is less

likely to arise whilst the site remains mothballed. Policing costs are also not a material planning consideration.

Data Protection and Information Governance

344. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

345. As detailed in paragraph 336 above, there is a need to complete a deed of variation to the existing Section 106 agreement. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required deed of variation.
346. A restoration bond is in place for this site to the sum of £410,000. The bond is designed to ensure that additional payments are made by the applicant at set periods, linked to a measure of inflation. Any consequential changes to its terms arising from the grant of a section 73 permission can be dealt with as part of the deed of variation process.

Human Rights Implications

347. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles. In reaching this conclusion Planning Officers would in particular note the mothballed status of the site with no further permission for drilling.

Public Sector Equality Duty Implications

348. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.
349. Extending the time limited planning permission would result in neutral outcomes for the purposes of this duty. It would not result in any discrimination to persons with a protected characteristic, after considering any potential effects.
350. It would not necessarily advance equality of opportunity between people who share a protected characteristic and those who do not share it, nor foster good relations between people who share a protected characteristic and those who do not. However, neither would the proposal undermine these objectives.

Implications for Sustainability and the Environment

351. The potential environmental impacts of maintaining the site for a further period have been considered in the Observations section above. Whilst there are a number of sensitivities such as the proximity of a SSSI, the previous mitigation measures would continue to safeguard these interests. In some cases the mitigation measures would no longer be necessary since they largely addressed the most intensive drilling activities, which have now concluded.
352. There are no human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Statement of Positive and Proactive Engagement

353. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

354. It is RECOMMENDED that:
- a) Section 73 planning permission be granted for application 1/21/00157/CDM (Proposal 2), subject to the conditions set out in Appendix 2.
 - b) The Corporate Director – Place be instructed to enter into a deed of variation amending the original agreement under section 106 of the Town and Country Planning Act 1990, against planning permission 1/15/01498/CDM (dated 24/05/17) to secure the continuation of the obligations contained within it, as part of the grant of section 73 planning permission under application 1/20/01695/CDM (Proposal 1), along with undertaking any consequential amendments that may be required to the Cash Deposit Restoration Bond dated 25/10/17 entered into pursuant to the s106 agreement.
 - c) Subject to the completion of the legal agreement before the 27/10/21 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant section 73 planning permission for application 1/20/01695/CDM subject to the conditions set out in Appendix 1. In the event that the legal agreement is not signed before 27/10/21 or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse section 73 planning permission for application 1/20/01695/CDM on the grounds that the development fails to provide for the continuation of the necessary measures within the Section 106 agreement dated 24/05/17 within a reasonable period of time.

Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 6/7/2021]

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 15/07/2021]

The granting of planning permission as recommended in the report will require the completion of a deed of variation to the existing s106 agreement. The applicant will be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required deed of variation.

There is also a restoration bond in place for this site. Any consequential changes to its terms arising from the grant of a section 73 permission can be dealt with as part of the deed of variation process.

Therefore, there are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Misterton - Cllr Tracey Taylor

Report Author/Case Officer
Joel Marshall
0115 9932578

For any enquiries about this report, please contact the report author.