

PLANNING COMMITTEE

Minutes of the virtual meeting held on Wednesday 3rd February 2021 via Microsoft Teams

Present: Councillor D Pidwell (Chair)
Councillors H M Brand, D Challinor, M Charlesworth, S Fielding, G A N Oxby, M Richardson, N Sanders and L Schuller.

Officers in attendance: E Hinsley, J Krawczyk, J Lavender and S Wormald.

(Meeting commenced at 6.30pm).

The Chair welcomed all to the virtual Planning Committee and explained that councils have been enabled to hold virtual meetings in order to allow business to be conducted while maintaining social distancing due to the outbreak of Covid-19. He then introduced Members and Officers by doing a roll call. The Chair outlined that in the event of the livestream failing or Members losing connection the meeting would be adjourned to allow the connection to be re-established. He also reminded participants to take appropriate safety precautions from their place of livestreaming.

143. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Freeman, M W Quigley MBE and B Tomlinson.

144. DECLARATIONS OF INTEREST

(a) Members

Councillor S Fielding declared a Level 1 Non-Pecuniary Interest in PA 20/01695/CDM and left the meeting during this item.

(b) Officers

There were no declarations of interest by officers.

145. MINUTES OF THE MEETING HELD ON 6TH JANUARY 2021

RESOLVED that the minutes of the meeting held on 6th January 2021 be approved.

146. MINUTES OF THE PLANNING CONSULTATION GROUP MEETING HELD ON 11TH JANUARY 2021.

RESOLVED that the minutes of the Planning Consultation Group meeting held on 11th January 2021 be noted.

147. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be noted.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

None.

148. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS

(a) Public Interest Test

The Director of Housing, Neighbourhoods and Regeneration had deemed that all Items on the Agenda were of a non-confidential nature.

(b) Appeal Decision

None.

(c) Planning Applications

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Proposal</u>
20/01695/CDM	Island Gas Limited	Land To The Rear Of Misson Springs Cottage, Springs Road, Misson. County Matters Application to Vary Condition 4 of Planning Permission 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.

(Cllr Fielding left the meeting).

Members were advised that this County Matters Application was seeking permission to vary Condition 4 of Planning Permission 15/01498/CDM. This would extend the Evaluation and Restoration Periods for a further three years and relinquish drilling the horizontal well for a hydraulic fracturing exploratory site located on land to the rear of Misson Springs Cottage in Misson. As this was a County Council application, Bassetlaw District Council (BDC) were a consultee in the application process, and the final decision would be determined by Nottinghamshire County Council.

A description and photographs of the site were shown to Members.

No consultations were undertaken by BDC as the application would be determined by NCC Waste and Minerals Planning Authority.

This application would not allow any further drilling to take place on the site, and is for the extension of the Evaluation and Restoration phases only. The applicant has stated that whilst the evaluation works have been completed, any future applications for further development must be made during the Evaluation phase.

The Evaluation phase (Phase 3) was at the completion of the drilling programme (Phase 2). The wells were suspended and made safe in accordance with the relevant regulations and best practice and the drill rigs were removed from the site. The information from the drilling phase was then assessed by the applicant.

The Restoration phase (Phase 4) was the abandonment, decommissioning and restoration of the site. If the results of the exploration work did not warrant further development, the wells would be abandoned and decommissioned in accordance with the relevant regulations and industry best practice. The well-site area would then be restored to its former conditions.

The applicant's justification for variation of these conditions was that the drilling in early 2019 allowed for the collection and subsequent analysis of a significant amount of data, which found there were significant gas resources under the ground. On 4th November 2019, the UK government took a presumption against any further consent to hydraulic fracturing drilling, which was effectively a moratorium on all future applications. The reason behind this moratorium was to address the safety concerns for the extraction of shale gas. The applicant was asking permission to extend the Evaluation and Restoration Periods as abandoning and restoring the well site would effectively sterilise it. Should the Government lift the moratorium, the applicant would undertake another application to the Local Waste and Mineral Planning Authority to apply to drill the second well.

This application would not permit any drilling of new areas nor the building of other works at Springs Road site; it merely revised the timeframes for the Evaluation and Restoration and removes the permission to drill a second exploratory bore-hole. With no new drilling under this application, there would be no adverse impact on the environment nor on the amenity of local residents and it would not contravene planning policies in the Development Plan or the (National Planning Policy Framework) NPPF. Therefore, the Planning Development Manager (PDM) recommended that no objections be raised to this application.

A letter of objection was submitted to the Committee by Cllr Mark Watson, the Local Member for Misson, and on behalf of Misson Parish Council (MPC), who objected to the application on the following grounds:

- The applicant (Island Gas) made it clear that their main reason for seeking the extension was to re-activate the site and 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, MPC nevertheless urged NCC to consider their likely response to an application to carry out such work on the current site and consider whether the original suite of planning conditions designed to protect the adjacent SSSI and the local environment would still be appropriate;
- The extension the applicant sought would be 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 was whether, under such circumstances, consent was 'transferrable';
- When the initial application was granted, those objecting to the plans were given the assurance that this was for a *temporary exploratory well site that did not include fracking*. A three-year extension would challenge the concept of temporary and bring the prospect of fracking on this site a step closer;
- The applicant had previously stated that the limitations on the site at Springs Road make it unsuitable for large scale production, the inference being that they would, at some time, require a new site in the area that could accommodate the number of wells needed to optimise production;

- It was felt that the applicant had waited until the last minute to seek this extension and that there was no reason why this application could not have during the specified time of the planning permission;
- The close proximity of the site to the SSSI and concerns about on-site activity having an adverse impact upon bird breeding success suggested that work to restore the site would, in any event, have to wait until Summer 2021 so an extension to the current permission will have been gained by default;
- It was felt that the conduct of the applicant during the planning process and in the use of the site demonstrated either a lack of competence or lack of respect for the planning permission;
- The lives of many local residents had been blighted by the uncertainty of what the enterprise might entail and by the efforts of making their concerns understood to the applicant, the Local Council and the County Council. Since permission was granted each new phase of the development brought new challenges which have impacted upon the community, such as the secrecy and intimidation encountered during the initial seismic surveys, the influx of 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 threatening members of the local community, on-site security making the area look like a prison are all things that we have had to contend with over the past five years. Extending the planning permission for another three years, whilst no doubt conferring a financial benefit on the applicant would do nothing for the local community other than giving them another three years of uncertainty and anxiety;
- This decision needed to be set against the background of a shift towards renewable energy sources. It was acknowledged that there would be a need for gas supplies to be maintained over the next few years, but a highly motivated and well organised network of activists and communities would fight these developments;
- It was hoped that the UK government would, as a part of a range of eye catching initiatives announced in advance of the forthcoming COP26 conference in Glasgow, decide to make the current moratorium on fracking permanent. If this did not happen, there was no reason why NCC might want to give the applicant a head start by granting this application and precipitating a conflict any sooner than it had to;
- Misson Parish Council therefore objected to the application to extend the existing planning permission for a further three years and called upon NCC to order the applicant to restore the site, in accordance with the conditions, as soon as it was practicable.

In response to questions from the Committee, the PDM advised that:

- Responses from other Parish Councils were published on NNC website. These included Blackstone and Finningley who made no objections. Bawtry Town Council did not support the application due to Government's position on fracking;
- Any further planning applications regarding this site would have to be made within the three years of this permission and during the Evaluation phase;
- The applicant could keep extending the permission until the Government changes its mind on hydraulic fracturing. BDC would not like to see the extension to be made indefinitely, and that if the Government made its current decision permanent, then the Council would like to see the site restored to its former state;
- The applicant was seeking to reassure its position in order to make any future applications to drill if the Government lifted its moratorium on any new drilling for shale gas;
- If any future applications were brought forward, the impact of the well structure on the non-designated heritage assets (rocket launch pads) would have to be considered very carefully;

- The restoration conditions do contain a timeframe for restoring the site;

A recommendation was made by a Member that the Committee, if it supported the application this time, could include a condition in their response to the County Council stating that if the Government did not lift its moratorium within the three years of this permission; and the applicant came back for a further application after this time, then the BDC would not be in a position to support this application and recommend the applicant close the site.

The Chair received legal advice from the Lead Solicitor, who said that the Member's recommendation would bind a future Planning Committee to this decision and therefore advised against such a recommendation.

RECOMMENDATION OF THE DIRECTOR OF HOUSING, NEIGHBOURHOODS AND REGENERATION - It is therefore recommended that Bassetlaw District Council raise no objections to the proposed development.

COMMITTEE DECISION – Object to the proposed development.

The decision of the Committee was to object to the proposed development for the following reasons:

- Granting a further extension to the planning permission for another three years would equal a decade of disruption for the local community of Misson and BDC should listen to the objections of their local communities who are adversely affected by this development;
- The lack of clarity on the Government's position on shale gas extraction is causing uncertainty for local communities who are trying to develop Neighbourhood Plans;
- In opposition to the Council's position on renewable energy in the draft Local Plan;
- The detrimental economic impact on the community with the land being held up for any future development of housing and other development opportunities to help the local economy.

SECTION B – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

None.

149. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other urgent business to be considered, the Chair closed the meeting.

(Meeting finishes at 7:29pm).