

Update: Weekend of 27 – 28 July 2013: Potential Breaches of Planning Conditions

The following is taken from an email to complainants regarding activity at the site over the weekend of 27 – 28 July 2013:

“Condition 6 of planning permission WSCC/027/10/BA limits the hours of operations at the site *“unless otherwise agreed in advance and in writing by the County Planning Authority”*. The purpose of the condition is to protect residential amenity.

On Friday 26 July 2013, Cuadrilla requested an extension of time for the following day. This request was made to the County Council because of the delays caused by protesters at the site stopping vehicles from entering/leaving and to make use of the Police resource that was present that day. In accordance with the wording of the condition, County Council officers considered the request and emailed Cuadrilla at 14:09 authorising them to operate until 4pm on Saturday 27 July 2013 (i.e. three hours beyond the hours set out in Condition 6). Accordingly, this was not a permanent change to the condition and there was no breach of condition by Cuadrilla.

This variation was considered by officers to be a reasonable ‘one-off’ request as the three additional hours spent taking equipment to/from the site would not result in an adverse impact on local amenity given the disturbance caused by the on-going protests at the site. It was also considered prudent to allow the three hour extension given the Police’s presence at that time and concerns about the safety of operators and protestors.

The wording *“unless otherwise agreed in advance and in writing by the County Planning Authority”* is commonly used to provide for requests from applicants for one-off events that require a temporary variation of agreed times. There is no requirement to consult local residents but if time permits in advance of the decision being taken, there is usually consultation with the local Member and the site liaison group (if one is in place). If a permanent variation of a condition is sought by an applicant, this would require separate planning permission.

In this case, given the very short timescales involved, it was not possible to consult locally or to advertise the temporary variation on the website or elsewhere. In retrospect, it is accepted that the Parish Council and the local Member should have been informed at the same time that the authorisation was given by officers to Cuadrilla. I apologise that this was not done and for any confusion caused.

If future requests are made for any further temporary variations, I will seek to ensure that Cuadrilla give 48 hours’ notice of their requirements. This will allow us to consult the Parish Council and local Member in advance of a decision having to be made. We will also ensure that the decision is communicated to the Parish Council and local Member and, where possible, advertised more widely.

First, Condition 5 of the permission requires a copy of the decision notice et al to be kept at the site office and made known to supervising staff. I have contacted the site manager about this matter today and been informed that *“Cuadrilla does already have a copy of the planning permission and relevant conditions onsite, and supervising staff are aware of this. There has been no breach on this condition.”*

Second, Condition 12 requires signage strictly directing all HGVs northbound on the B2036. It has been suggested that trucks are turning southbound and that the road and trees are being damaged (although it is not clear from the correspondence whether the latter point refers to the road north and/or south of the site entrance). I have also contacted the site manager about this matter today and been informed by Cuadrilla that they *“are not aware of any lorries turning southbound. All our loads, both in and out are escorted by large numbers of police. If any loads have been directed south this is because of safety/security and would have been directed by the police. All our drivers have received traffic management plans and have been briefed that access on and off site is from the North. Also we are not aware of any damage to the trees or road. All signage is in place. A number of the signs are being impeded by protesters signs and tents on the verge approaching site.”*

The County Council will continue to monitor these and any other matters that arise. If there are any further potential breaches of planning conditions (either identified by officers or reported by members of the public), they will be investigated and, where necessary, appropriate action to remedy any formal breaches.”

WSCC County Planning, 30 July 2013