

Transition Chesterfield
Comments on Additional Information for Proposed Development
at Land Adjacent to Bramblemoor Lane, Marsh Lane (CM4/0517/10)
4 December 2017

Transition Chesterfield would like to submit some comments on the additional information for the proposed development of an exploratory well for fracking at Bramblemoor Lane, published in November 2017. These comments refer to the letter dated 12 September 2017, sent from the firm Turley to Derbyshire County Council, Reference INEM3003 (filename: 2017 09 12 Add Info Reps 02 CM4-0517-10).

Landscape and tranquillity impacts

In numerous places in their letter Turley argue that the temporary nature of the development means that the impacts on landscape, green belt, tranquillity etc can be discounted. However the proposed development is at least 5 years, not including any subsequent developments. This represents a not insignificant period of time for those residing close to the site and using the adjacent rights of way or viewing the development from the wider surroundings.

In *Skerritts of Nottingham Limited v SSETR* [2000] 2 P.L.R. 102, Schiemann LJ said of permanence: "*in situ for how long, to which I would answer: for a sufficient length of time to be of significance in the planning context*". The planning context here is that this site is within an attractive landscape which, according to the local landscape character assessment "*has remained essentially rural and intact*" with long expansive views across the valleys. There are no effects of industrialisation and apart from the houses of Marsh Lane the prevailing character is deeply rural and one that is clearly valued by local residents. Until the site is decommissioned and restored anyone within 1.5km of the site will be subject to substantial visual impacts, a period of nearly 2 years for the exploratory phase alone. In this planning context the impacts cannot be viewed as 'temporary'.

In point 13, responding to CPRE's point that the development will cause significant harm to tranquillity, Turley notes that the loss in tranquillity is addressed in the Environmental Report **and evaluated in the planning statement** [emphasis added]. The Environmental Report states that during Stage 1 (site development) "An increase in low intensity light produced by the site enabling works and associated construction activities, leading to a localised perceived loss in tranquillity, is also likely to occur." During Stage 2 (drilling and coring) "*There will be a wider perceived loss of tranquillity due to an increase in noise levels and low intensity light, taking account of the height of the drilling rig and associated fluorescent lighting visible beyond the localised site area. Landscape effects are therefore likely to occur during night time and day time.*"

The emerging Local Plan for NED indicates that proposals will be permitted where they would result in less than significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. Yet the Planning Statement makes no mention or evaluation of the impacts of the development on tranquillity, in contrast to the statement made by Turley in point 13.

Finally in response to point 13 about the dramatic change to the character of the landscape, Turley's response notes that the site has been subject to previous industrial

activity. However presumably this activity predated the current planning laws and landscape character assessments. This argument is specious and if accepted would justify new industrial developments in large swathes of Derbyshire including national parks.

Cumulative impact

On page 2 of Turley's statement they argue against the point that the application should be required to assess the impacts of the proposed development in combination with a prospective future hydraulic fracturing of the well, and with any other potential wells that may be drilled in the wider area.

Turley notes in relation to the application that "*in future this might lead to a further phase of development. However that is not inevitable.*" Turley argues therefore that the cumulative impacts of future fracking of the well are irrelevant.

However while we agree that a further phase of development is not inevitable, this exploratory drilling rig is clearly linked to future possible fracking development. Either the exploratory phase will establish that there is sufficient shale gas in which case further applications for extraction will be submitted or there will be insufficient shale gas in which case there will be no further development. However the exploratory well is designed to establish the need for further development and cannot be viewed as an independent project on its own terms. Indeed the applicant uses the benefits of future planned development in the Planning Statement to argue the case for the current application, for example arguing the benefits in terms of tax revenue, jobs and investment and energy security. This includes financial offers to the local community: "*The shale gas industry, including INEOS, has undertaken to provide a proportion of their income to local communities should gas be extracted in their community area. This has potential to be used for a number of local projects over time and can offer valuable funding which would otherwise not be invested in the local community.*" (planning statement p6)

The applicant cannot have it both ways. If, as they argue, this exploratory well is not linked to any future fracking development, then the current application should be viewed on its own terms as an independent project with the extremely limited benefits (eg a limited number of jobs created during the 5 year process, the majority of which will not be local) versus the significant impacts to landscape, tranquillity, traffic etc.

Traffic

In response to points 28-30 on traffic Turley repeats the point that the traffic impact of the application "*has been demonstrated to the satisfaction of the Local Highway Authority to have no unacceptable impact on the surrounding highway network.*" In response to point 31 about the underrepresentation of HGV split Turley notes:

"For the purposes of the assessment traffic it has been assumed that all vehicles below 7.5tonnes are classified as light vehicles and vehicles above 7.5tonne classified as HGV. It is important to note that majority of the 3.5tonne to 7.5tonne traffic movements shown in the development trip generation relates to the movement of staff/crew. It is anticipated that the transport of crews/staff members would be undertaken with 2 axle minibuses (typical multi occupancy vehicles used by taxi firms) and therefore these cannot be classified as standards buses/HGVs. The percentage uplift in HGV traffic has not be [sic] understated."

Yes this statement appears to be belied by the figures in their own report which suggest there is inconsistency in the way that baseline and development HGV traffic figures were derived. In Table 3-3 of the Environmental Report (baseline traffic figures) they appear to define HGVs as medium and heavy vehicles combined (ie classes 4-12 of the ATC vehicle category). However in Table 3-5 of the Environmental Report (development traffic figures) they appear to define HGVs as >7.5 tonnes, although it is not clear which classes of vehicles these specifically include for direct comparison with the ATC vehicle categories.

The detailed baseline traffic counts for the B6056 from the Environmental Report and the estimated development traffic figures from the Proposal are reproduced in an Appendix to these comments for ease of reference.

The Baseline traffic counts undertaken by INEOS show 6,634 daily vehicle movements on the B6056 of which they estimate 355 (5%) were HGVs. However all but 12 of these vehicles were actually HGV, the vast majority being more properly classified as medium (class 4: two axle truck or bus) (see Appendix Table A1). The Table below shows a recalculated Table 3-5 from the indicative traffic impact summary based on the recalculated baseline traffic figures.

Recalculated Table 3-5 of Indicative traffic impact summary, with a like for like comparison of HGVs (i.e. excluding medium vehicles from the existing traffic figures).

	Existing traffic		Development traffic (a)		% impact	
	Vehicle	HGV	Vehicle	HGV	Vehicle	HGV
Eckington Rd	7988	14	70	60	1%	428%
B6056	6634	12	70	60	1%	500%
Bramley Moor Lane	182	1	0	0	0%	0%

(a) Although the Environmental Report states that this is the maximum daily traffic during Stage 2 (drilling and coring), from the Proposal it appears to be the maximum daily traffic during Stage 1 (site preparation)

Rather than the maximum percentage increase in HGVs for the B6056 being 17%, as estimated by INEOS, based on the more accurate like-for-like figures shown above, the peak daily HGV traffic proposed represents a 400-500% increase on existing HGV traffic along Eckington Rd and the B6056. This is well above the 30% threshold set out in the *Guidelines for the Environmental Assessment of Road Traffic (Institute for Environmental Assessment)* for when separate traffic environmental assessments should be undertaken. It is therefore essential that a separate traffic environmental assessment be undertaken.

The figures of a maximum 60 HGVs during Stage 2 (which actually appear to be based on Stage 1 (See Appendix Table A2) are themselves based on a maximum of 58 HGVs 7.5-32 tonnes and 50 HGVs of >32 tonnes. During Stage 1 alone there will be a total of 1716 HGVs >7.5tonnes over a 3 month period (See Appendix Table A2). Based on 77 working days for Stage 1 this would represent **an average of 22 HGVs a day** which would in itself represent a 180% increase in existing HGVs on the B6056 and should trigger a separate traffic assessment.

While Turley notes the majority of the 3.5 tonne -7.5 tonne vehicles in the development phase will be 2-axle minibuses, they fail to note that 44% of all the vehicles to and from the site over 5 years will be heavy (>7.5 tonne) vehicles. Further, many of the >7.5 tonne

vehicles will be abnormally-heavy vehicles (>32 tonnes). According to Table 5 from the INEOS Proposal during Stage 2 **these abnormally-heavy vehicles form over half of all traffic movements**. These, and other HGVs, will clearly cause massive disruption and damage to the road – a point acknowledged by the Local Highways Officer who stated in their response of 8 September:

“The Highway Authority would seek to offset any future adverse maintenance implications of the development which may result in extraordinary traffic (when compared with that likely to occur if the development were not to proceed) such as cutting back of vegetation, repairing damage to the carriageway and replacing of damaged signs.”

We consider that in light of the inconsistencies and errors in the traffic figures presented by INEOS, the Highway Authority should re-examine the traffic figures on a like-by-like basis, and if this confirms an exceedance of the 30% threshold in HGV uplift require a separate traffic environmental assessment. The Highway Authority should also take into account that during certain stages over half of all traffic movements are abnormally-heavy vehicles and over the lifetime of the project **HGVs >7.5 tonnes represent 62% of all traffic movements** which will have significant consequences in terms of congestion, noise, vibration, damage to the highway and disruption to local residents.

Appendix

Table A1: Baseline daily traffic counts on the B6056 from INEOS Environmental Report

Vehicle class	Light			Medium			Heavy					
	1	2	3	4	5	6	7	8	9	10	11	12
ATC Vehicle Class												
Daily vehicle count	41	6209	30	327	7	9	4	3	3	2	0	0

Table A2: Development traffic figures from INEOS Proposal (Tables 5 and 7 of The Proposal)

	Small vehicles <3.5t	Large Goods Vehicles 3.5-7.5t	HGV 7.5-32 t	HGV >32t	Abnormal vehicles >>32 t	Total	Max HGV movements (>7.5t) per day	Max movements all vehicles per day
Total movements over 5 years	1,060(a)	2,052(a)	2,594	2,470	92	14,444(a)	n/a	n/a
Max daily during Stage 1	4	10	58	50	14	n/a	60	70
Max daily during Stage 2	2	16	10	46	6	n/a	60	60

(a) Note there appears to be some mistakes in Table 5 of INEOS Proposal as the sum of the individual numbers do not add up to the total figures presented in the table