

<b><i>Rathlin Energy</i></b>	Applies To: Rathlin Energy	<b>RE-05-EPRA-CH-PDN-009</b>
Prepared By: Jonathan Foster	Uncontrolled, If Printed	Rev: 1.00

**EMS SUPPORTING DOCUMENTATION - EPRA – CRAWBERRY HILL EXPLORATORY OPERATIONS – PLANNING  
DECISION**

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# **Crawberry Hill Wellsite Planning Decision Notice Exploratory Operations**

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<b>Rev:</b>	<b>Prepared By:</b>	<b>Checked By:</b>	<b>Approved By:</b>	<b>Issued:</b>
1.00	Jonathan Foster	Tom Selkirk	D Montagu-Smith	16/01/2014

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County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 887700

[www.eastriding.gov.uk](http://www.eastriding.gov.uk)

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YO16 4SJ

Application No: **DC/12/02945/STPLF/STRAT**

Case Officer: **Mrs Shirley Ross**

## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Strategic - Full Planning Permission**

Proposal: **Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum)**  
Location: **Land South West Of Crawberry Hill Walkington Heads Walkington East Riding Of Yorkshire**  
Applicant: **Rathlin Energy (UK) Limited**

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **APPROVED**, in accordance with the terms and details as submitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The site preparation and construction, drilling and testing activities approved by this permission shall be carried out for a limited period of 24 months and commencement of such period shall be notified to the Local Planning Authority in writing. Such notification to be received by the Local Planning Authority a minimum of 14 days prior to the commencement of activities on site. The drilling rig shall only remain on site for a maximum of two periods of ten weeks unless other wise agreed in writing with the Local Planning Authority. The Local Planning Authority shall be notified in writing within one week of the drilling rig arriving on site. At the end of the 24 month period, all drilling and test activities shall have ceased and all equipment, access, structures and buildings shall have been removed from the site, the borehole shall have been plugged and abandoned, the bunding and perimeter fences and ditches removed, the site levels regraded and the site shall have been restored to agriculture in accordance with the details set out in Section 5.4 Restoration and Aftercare of the

Planning Application document dated June 2012 to the satisfaction of the Local Planning Authority.

This condition is imposed because this is a temporary permission to allow a period of exploration and testing in the search for hydrocarbons to take place. At the end of the period the site needs to have been restored to its former use in the interests of protecting the Wolds Area of High Landscape Value and visual amenities of the area.

3. Unless otherwise agreed in writing with the Local Planning Authority or as specifically required by a condition of this permission this site shall be developed, operated, de-commissioned and restored in accordance with the details proposed in the Planning application document received June 2012.

This condition is imposed because the supporting statement proposes a form of development that is acceptable and departures from that programme could give rise to unacceptable effects that have not been considered by this application.

4. Details of any external lighting, including details of measures to reduce light pollution beyond the application site boundary shall be submitted to and agreed with the Local Planning Authority prior to the installation of the external lighting. The external lighting shall be installed only in accordance with these agreed details.

This condition is imposed to reduce the likelihood of light pollution in the open countryside and protecting the Wolds Area of High Landscape Value and visual amenities of the area.

5. The development hereby submitted shall only be commenced in accordance with the following points 1-10.

1)a) No oil-based drilling methods should be used in strata shallower than, and including, the Chalk Group aquifer.

1)b) No oil-based drilling methods should be used in strata deeper than the Chalk Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.

1)c) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR - 11 form.

2) No potentially contaminating substances should be allowed to enter groundwater in strata shallower than, and including, the Chalk Group aquifer.

3) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.

4) The borehole should be constructed in such a way so as to cause no contamination between, and including, any overlying drift deposits and Chalk Group aquifer. The borehole should be steel-cased through these deposits.

5) The borehole should be constructed in such a way so as to cause no contamination between, and including, the Chalk Group aquifer and any underlying deposits.

6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells'.

7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Maclean Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs

8) Under The Borehole Sites and Operations Regulations 1995 HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define mining area as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.

9) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

10) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

This condition is imposed to ensure the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer

6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority (Circular 11/95, Model Clause 55). The Scheme shall include an assessment of significance and research questions; and:

i) The programme and methodology of site investigation and recording; this would provide for the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area.

ii) an assessment of the impact of the proposed development on the archaeological remains

iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible.

iv) The programme for post investigation assessment of the results of the on-site evaluation.

v) Provision to be made for analysis of the site investigation and recording, following the post-excavation assessment, where the results justify this (as required under Para 141 of the NPPF).

vi) Provision to be made for publication and dissemination of the analysis and records of the site

investigation, where the results justify this (as required under Para 141 of the NPPF).

vii) Full provision to be made for archive deposition of the analysis and records of the site investigation (as required under Para 141 of the NPPF).

viii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

ix) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition no. 6. In particular, no grubbing out of the foundations shall take place without a nominated archaeologist being present during these works; should archaeological deposits be exposed during the course of these works, they should be properly recorded.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition no. 6, and the provision made for analysis, publication and dissemination of results and archive deposition, has been secured.

This condition is imposed as the site lies within a major Wolds landscape. Aerial photographs show the presence of crop-marks of ladder settlements, trackways and early field systems immediately adjoining the application site. Subsequent geophysical survey has demonstrated that a series of anomalies of probable archaeological origin are present within the application area, and form part of this larger landscape: the form of these anomalies is consistent with a later prehistoric or Romano-British date, and it is clear that these would need to be evaluated to determine their nature, extent, and quality of survival, and to identify a suitable mitigation strategy. The request for this condition is in line with Para 141 of the NPPF.

7. The development hereby permitted shall be implemented in strict accordance with the avoidance and mitigation measures set out in Section 9 of the Ecological Report (Land South West of Crawberry Hill, URS Scott Wilson Ltd, May 2012) as submitted with the application. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

8. The development shall be carried out only in accordance with the following approved plans submitted with the planning application:

MDC/RE/CH/PA/006 Rev: 0 Site Location Plan

MDC/RE/CH/PA/001 Rev: 0 Red Line Boundary Plan

MDC/RE/CH/PA/002 Rev: 0 Site Construction Layout  
MDC/RE/CH/PA/003 Rev: 0 Drilling Rig Layout  
MDC/RE/CH/PA/004 Rev: 0 Well Testing Layout  
MDC/RE/CH/PA/005 Rev: 0 Access layout  
MDC/RE/CH/PA/008 Rev: 1 Drilling Cross Section North to South  
MDC/RE/CH/PA/009 Rev: 1 Drilling Cross Section West to East  
MDC/RE/CH/PA/010 Rev: 1 Extended Well Test Cross Section  $\zeta$  North to South  
MDC/RE/CH/PA/007 Rev: 1 Topographical Cross Section

This condition is imposed for the purposes of clarity and to ensure the development is acceptable and departures from those plans could give rise to unacceptable effects that have not been considered by this application.

9. The development shall be constructed and operated in accordance with the details approved by the Local Planning Authority, including implementation of mitigation measures designed to protect groundwater, and these details shall not be altered in any way without the prior written approval of the Local Planning Authority.

This condition is imposed in order to protect groundwater from risk of contamination arising from development on this site).

10. During the construction phase of the development, any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

This condition is imposed to ensure that there are no polluting discharges to the groundwater resource.

11. The level of noise resulting from the drilling operations shall not exceed 42dBALeq (1 hour) between the hours of 23.00 and 06.00 the following day. This noise level relates to assessments at the following properties; Cold Harbour Farm, Westfield Farm and Walkington Wold Farm.

This condition is imposed to protect the residential amenity of the area.

12. No development shall take place until a Traffic Management and Road Safety Plan, including highway condition survey, has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management and Road Safety Plan shall include details of construction vehicle and abnormal loads routing, management of junctions to and crossings of the public highway and other rights of way, schedule of timing of movements, details of escorts for abnormal loads (if any), temporary warning signing, and banksman/escort details, arrangements for dealing with monitoring, damage to the highway, urgent repairs to the highway construction and rectification of any defects at the end of delivery operations on the highway. Development shall be carried out in accordance with approved Traffic Management Plan.

This condition is imposed to secure a safe and adequate means of access and routing for vehicles to the development and to establish a monitoring and repair process as a consequence of any damage to the publicly maintainable highway.

13. No part of the development shall be brought into use until the vehicular access to it and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details and the vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained for the duration of the works.

This condition is imposed in order to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load or un-load or manoeuvre on the public highway would adversely affect the safety of other highway users.

14. Nothing shall at any time, whether permitted by the Town & Country Planning (General Permitted Development) Order 1995 or not be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway within the area identified on the proposed visibility splay drawing no. LTP/1291/01/001/01 included within Appendix 2 of the Vehicle Speed Survey submitted by Local Transport Projects dated 23rd July 2012.

This condition is imposed in order to ensure that nothing adversely affects the safety of vehicles leaving the site, and accordingly, persons using the main public highway due to visibility at the junction being restricted.

15. Hydraulic fracturing (also known as 'hydro-fracking' or 'fracking') is expressly not permitted under the development hereby approved.

This condition is imposed in the interests of groundwater protection and the broader protection of the amenities of residents.

16. The developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of any aviation warning lighting fitted to the structure(s)

This condition is imposed as the height of the development will necessitate that aeronautical charts and mapping records are amended.

#### **Notes to the Applicant/Agent**

The applicant is strongly advised to keep the local community informed of the implementation of this planning consent, including monitoring of the water quality.

By reference to the details relating to the size of vehicles etc in connection with the transportation of the drilling rig some of the vehicles may be classified as abnormal loads. Accordingly the applicant/agent should contact/liase with the Council's abnormal loads officer, Mr Kirk Lister, telephone number 01482



395676 regarding the movement of such loads.

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) at The Highways Building, Grovehill Depot, Annie Reed Road, off Grovehill Road, Beverley, HU17 0LF (tel: 08456-001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway. It is noted the existing field access falls away from the carriageway towards the site. The applicant/agent is reminded the proposed vehicular crossing within the public highway must be suitably constructed to prevent surface water run off from the public highway discharging to the adjacent field and must agree a suitable arrangement/construction with Streetscene Services.

The Traffic Management Act in terms of access to the Public Highway, requires formal notification to be given by any parties intending to carry out any works within the Public Highway. The Applicant/Agent must comply with these requirements of the Act and the necessary periods of such notification may significantly impact on an intended start date/programme if this matter is not dealt with at an early stage. Further advice on this requirement is available from Lester Burton, Streetscene Services (Maintenance Operations) at, Grovehill Depot, Annie Reed Road (tel: 08456-001666).

As noted above, a photographic dilapidation survey of the proposed haul route is required along Walkington Heads from its junction with Killingwoldgraves Lane/Coppleflat Lane to the site prior to works commencing. Accordingly the applicant/ agent must inform Streetscene Services when the survey is to be undertaken (5 working days required) to enable the survey to be witnessed. Similarly the applicant/ agent should contact Streetscene Services should they have any queries regarding the temporary signage required along the route.

The developer must submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement should be submitted alongside the Form WR - 11. Drilling should be carried out to an approved drilling method statement.

The outcrop geology at the site is the Burnham Chalk, which forms part of the Upper Cretaceous Chalk Group. The Chalk is classed as a principal aquifer, and is highly vulnerable to any potentially polluting activity. At greater depth is the Corallian Group, Sherwood Sandstone and Magnesian Limestone which are also classed as principal aquifers.

Yorkshire Water has reviewed the submitted Hydro-geological Risk Assessment (URS, May 2012) in support of the application. The report represents a comprehensive assessment of the risks posed by the drilling development to groundwater and the public water abstraction boreholes at North Newbald, Cottingham and Dunswell. Therefore, Yorkshire Water agree that the revised report gives adequate consideration to the potential impacts of the proposed drilling on groundwater and identifies adequate mitigation measures. Provided that all the proposed mitigation measures are put in place as stated, and that all the recommendations of the HRA are followed, risks to the public water supply should be minimised.

#### **Relevant Planning Policies**

Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 (2008):

YH1 Overall Approach and Key Spatial Priorities  
YH2 Climate Change and Resource Use  
HE1 Humber Estuary sub area policy  
ENV3 Water Quality  
ENV4 Minerals  
ENV7 Agricultural Land  
ENV8 Biodiversity  
ENV9 Historic Environment  
ENV10 Landscape

Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005):

SP4 Landscape Character  
ENV7 Archaeological Remains

Joint Minerals Plan for Kingston Upon Hull and the East Riding of Yorkshire (2004):

DC1 Development Control Criteria  
DC4 Ground Water and Surface Water Resources  
DC7 Areas of Landscape Quality  
DC8 Trees, Hedgerows and Woodlands  
DC12(a) Archaeological Sites  
DC19 Traffic Movements  
DC21 Schemes of Working and Restoration  
DC23 Aftercare  
EM2 Appraisal Boreholes

Beverley Borough Local Plan (1996):

P1 Approach to Development on Sites with no Specific Notation  
E3 Development in the Open Countryside  
E10 Areas of High Landscape Value  
F15 Protection of LNRs and SNCIs  
D19 Ground Water Resources

National Planning Policy:

National Planning Policy Framework

Para. 33. - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Para. 118 - conserve and enhance biodiversity

Para. 147 - planning for on-shore oil and gas development, including unconventional hydrocarbons

Para. 143 - recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction

Technical Guidance to the NPPF

Para. 20 - ensure no unacceptable adverse effect on the natural or historic environment or human health

Para. 21 - potential impacts on the local community over the expected duration


Para. 29 - noise emissions assessment should identify all sources of noise

## Reason for Decision


This development proposes a temporary well site for the purposes of testing for petroleum, including both site preparation work including site levelling and a site access, and drilling including the use of a 49m high drilling tower. National and local policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.

The site lies in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan. Whilst this is a local (non statutory) designation, this area does have particular attractive landscape qualities identified under the East Riding of Yorkshire Landscape Character Assessment in relation to its open farmland landscape. The drilling rig in particular would introduce a feature generally uncharacteristic to this landscape. However National Grid pylons of similar height lie directly adjacent to the site, and the drilling rig would only be on site for a relatively short period of time. It is also accepted that such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject a temporary consent and full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, and its relative isolation also assist with the impact on these properties in relation to noise.

The site does lie over an area of groundwater protection. However, subject to a detailed condition to protect the integrity of the groundwater and ensure no pollution of it, this is considered acceptable. The development will result in traffic generation during both site preparation and drilling stages. However, the proposed access routes are considered to be able to accommodate resultant traffic, and the proposed access arrangements would afford good visibility into the site with vehicle parking provided on site. The development is also considered acceptable from archaeology and ecology considerations, subject to condition.

Signed  .....

Date : 18 September 2012

 Alan Menzies, Director of Planning and Economic Regeneration.

**Notes to accompany application no DC/12/02945/STPLF/STRAT**

**1. Town and Country Planning Act**

Any approval given by this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under other legislation, e.g. Building Regulations.

**2. Duration of Permission**

The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) provides that every permission shall be granted subject to a condition that the development must be begun within a specified time period. This period of time can vary depending on the type of application and the circumstances of the particular case. Usually there will be a specific condition on the notice of decision itself specifying the relevant period but if this has not been imposed, please refer to the provisions of Section 51 of the Planning and Compensation Act 2004 for a definition of the relevant period. Further guidance on this is also available in Circular 8/2005.

**3. Appeals to Planning Inspectorate**

If you are aggrieved by this decision you can appeal to the Planning Inspectorate within six months of the date of this decision (longer in special circumstances) on a form obtainable from

The Planning Inspectorate, 3/05 KiteWing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 01173 726372.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provision of any development order and to any directions given under a development order.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal

**4. Purchase Notice**

If either the Local Planning Authority or the Secretary for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonable use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**5. Disabled Persons**

Where permission is granted and relates to development resulting in the provision of buildings or premises to which the public are to be admitted (on payment or otherwise) or of premises being office, shop, railway or factory premises in which persons are employed to work, your attention is directed to Section 4, 7 and 8a of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access for the Disabled to Buildings: being the British Standards Institution Code of Practice BS 5810: 1979.

**6. Fire Brigade Access**

If planning permission is granted and relates to the erection or extension of a building, your attention is drawn to the provisions of Section 14 of the Humberside Act 1982 whereby the Council are required to reject plans submitted for building regulations approval if the plans do not show adequate means of access for the fire brigade to the building or if the erection of the building or extension would render inadequate the means of access for the fire brigade to a neighbouring building.

**7. Affects Public Right of Way**

A grant of planning permission does not entitle a developer to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be commenced, and the right of way should be kept open for public use, until the necessary order under Section 247 or Section 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed.

**8. Approval of Details Required by Condition**

Please note that there is now a fee payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition, so you may wish to minimise the fee payable by submitting all of the outstanding details required by all of the conditions at the same time. Relevant forms for the submission of such details are available on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) together with details of the fee payable. Please be aware that conditions which require correspondence between the Local Planning Authority and outside bodies could take approximately four weeks, to agree on the suitability of the details submitted. It is therefore in your own interests to submit such information at the earliest opportunity.

**9. Amendment to Plans**

If you are proposing to alter the plans hereby approved you should first consult the Local Planning Department.