

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Westerdale	App Num. NYM/2012/0329/FL
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Proposal: Permission for temporary exploratory borehole and associated plant, equipment including drilling rig (max height 35 metres) and access arrangements together with retention of site and wellhead valve assembly gear for a period of three years

Location: Land at Broadgate Farm, Westerdale

Applicant: Egdon Resources UK Limited, fao: Mr Mark Abbott, The Wheat House, 96 High Street, Odiham, Hook, RG29 1LP

Agent: Barton Willmore LLP, Elizabeth House, 1 High Street, Chesterton, Cambridge, Cambridgeshire, CB4 1WB

Date for Decision: 17 August 2012

Grid Ref: NZ 467336 504729

Director of Planning's Recommendation

Approval subject to the following conditions:

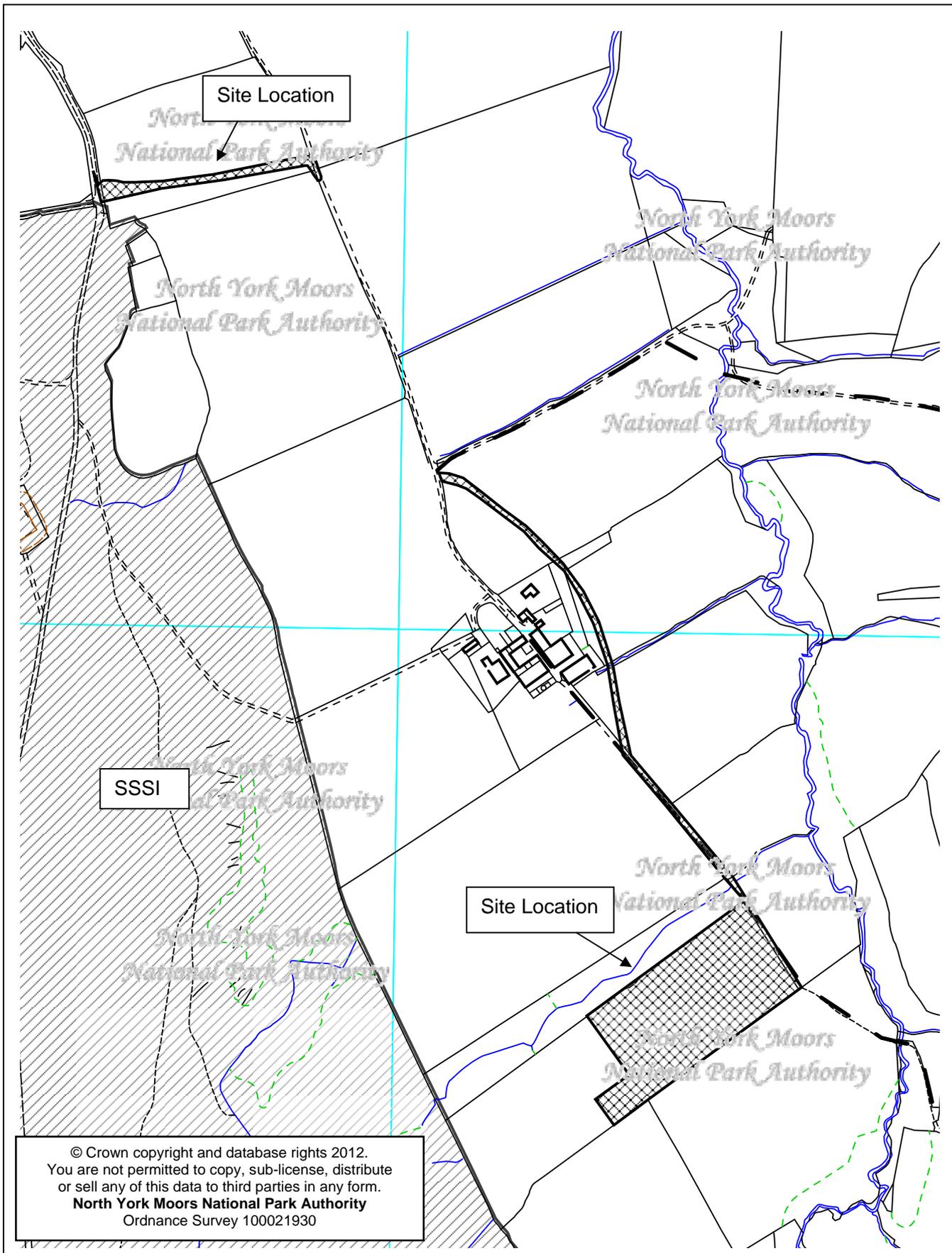
1. TL00 The temporary permission hereby granted is valid for two years from the date of this permission. Any retention of any part of the development hereby permitted for further evaluation of any discovered hydrocarbon mineral deposit will require a separate permission.

2. AP00 The development hereby permitted shall not be carried out other than in strict accordance with the application plans and in particular the following documents:

Document Description	Document No.	Date Received
PROW Signage Scheme	2332(2)P17	17 May 2012
Site Layout Plan	2332(2)P11	17 May 2012
Temporary Highway works	2332(2)P07a,06b	17 May 2012
Traffic Report	Mitigation paras 6.22-7.6	17 May 2012
Archaeology & Heritage Report	Mitigation paras 7 – 7.7	17 May 2012
Ecology Report	Section 7	17 May 2012
Reinstatement Scheme	Planning Statement appendix 3	17 May 2012
Noise Report	section 5	17 May 2012
Geology & Pollution Report	sections 3-9	29 May 2012
Foul Drainage Arrangements		...
Hydrology Report		...

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. GA000 Noise attenuation measures shall be incorporated into the site compound construction in such a manner that noise measured at the curtilage boundaries of any local dwellings or holiday cottages shall not exceed 55dB LAeq,1h. Noise attenuation measures shall be incorporated in such a manner that the operation of the site including drilling and flaring shall be undertaken in a manner that noise at the curtilage boundaries of any local dwellings or holiday cottages shall not exceed 45dB LAeq,1h.



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Conditions (continued)

4. AR02 Archaeological interest requiring full survey
5. HC00 Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as detailed in the Assessment of Transport and Traffic. The accesses and passing places shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. On completion of the temporary works, the highway verge/footway reinstatement shall be agreed in accordance with the scheme approved in writing by the Local Planning Authority.
6. HC18B Wheel Washing Facilities (mineral extraction)
7. HC21 Highway Condition Survey
8. HC24 On-site Parking, on-site Storage and construction traffic during Development
9. LS09 Details of boundary treatment to be submitted
10. LS10 Details of hard surfacing to be submitted

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended and to minimise the impact of the development on the natural environment.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and Development Plan Policy 3.
3. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
4. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to accord with the provisions of NYM Development Policy 7.
5. In accordance with NYM Development Policy 23 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
6. In accordance with NYM Development Policy 23 and in the interests of highway safety and amenity.
7. In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.
8. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
10. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.

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Consultations**District -**

Parish - Have taken into account local resident's opinions and fully support the application. Given the access route is impassable for much of winter, timing will be important.

Highways - Recommend conditions be placed on any approval, note the proposed passing places are not within the red line site boundaries.

Natural England - Given the nature and scale of the proposal, NE are satisfied there is not likely to be an adverse effect on the NYM SSSI/SPA/SAC.

Environment Agency - Object to proposed use of a cess pool to deal with foul drainage and lack of a Hydrology Report to assess risk of pollution to groundwaters.

Ramblers - Object, access for construction envisages joint use by vehicles and walkers, would wish to see a temporary bridleway created for walkers use and little information is given as to what happens if they do find gas.

Environmental Health Officer -**Ministry of Defence -****Campaign to Protect Rural England -****Fire Officer -****Yorkshire Dales Minerals Planning -**

Site and Advertisement Expiry Date - 22 June 2012.

Background

Back in 1966, a company called Home Oil drilled a deep borehole between Ralphs Cross and Westerdale village; it found a 20m gas column with an estimated 49 billion cubic feet of recoverable gas. The well was abandoned due to water problems. In 2005, the National Park Authority granted planning permission for an exploration borehole (known as Westerdale 1) some 0.75 km north east of Westerdale village, the drill hole found a secondary gas reservoir however the gas levels were not in commercial quantities and the well was abandoned and site reinstated.

This application site lies some 1.25 km south of Westerdale village and seeks to investigate the potential of the main gas reservoir near Ralph's Cross. It is part of a generally flat agricultural field which lies on the valley floor immediately to the south of a linear tree belt. Access to the site is by way of public roads to Westerdale village then farm tracks serving Broadgate Farm which are also Public Right of Way Bridleways. To reduce the impact of the estimated 500 wagon movements needed to create the site and setup the plant/drilling rig, there are proposals for two temporary sections of roads and off-site public road passing places. The first section crosses a field and provides a bypass from a cattle grid near the water reservoir on the Westerdale moor road to the farm to avoid two houses at the southern end of the village and the second road section bypasses the centre of the farmstead where the gaps between residential and farm buildings are narrow. There would also be upgrading works to the surface of the farm tracks/bridleways, although no details of this have yet been provided.

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Background (continued)

The application also proposes large vehicle routing from Westerdale Moor to avoid traffic through the centre of Westerdale village and arranging of timings of equipment/deliveries to avoid peak morning/afternoon work/school travel times and construction works to finish by 7pm.

The main drill site compound would extend to some 218 metres by 101 metres, approx 10% of which would be for staff/visitor car parking and portable building welfare facilities, approx 30% would be soil mounds from the soil strip and required for later restoration together with the safety flare pit, approx 50% would be for the sealed membrane hardcore constructed operating site with bund and fencing protection to accommodate the various tanks, pipelines and drill rig with the rest remaining as fenced off farmland. The tallest feature would be the drill mast at 35-40 metres which would be visible in near and some middle distance views above the adjacent trees approximate height of 20 metres. The top of the mast would need to be lit (red) for aircraft safety reasons and minimum safety low level lighting of the compound would be needed.

The applicants advise that project would take place in four stages: site preparation in six weeks, equipment assembly and drilling in seven weeks, gas testing and evaluation in one week and re-instatement of the site in six weeks if no gas found, a total of 20 weeks. The drilling/testing part of the development would take place 24 hours a day, seven days a week. They advise that drilling rigs and equipment of the type needed need long lead in times to arrange and as such a three year window is sought to make the necessary arrangements for specialist equipment. If no gas is found, normal industry standard capping of the borehole would take place before the reversion back to farmland. However, there is also a lead in time needed to meet the requirements of expected planning conditions avoiding breeding bird seasons, a need for a contingency in case of bad weather or other equipment problems a six month period is needed to assess the findings and a three year permission to take account of all these things is the Industry 'norm' and the same as Westerdale 1.

Main Issues

Policy Framework

The still extant Regional Spatial Strategy (RSS) contains policies to safeguard mineral deposits and preserve the landscape character of protected landscapes although the weight to be given to such policies is diminishing in light of their imminent abolition.

The NYM adopted Core Strategy and Development Plan Policies (2008) contains policies, which amongst things, seek to conserve and enhance landscape character (Core Policy A) advise that all mineral developments other than local building stone quarrying will be assessed against the Major Development Test and that gas exploration will be considered against Government mineral policy advice (Core Policy E), road improvements should complement the locality and be the minimum needed to achieve safe access (Development Policy 23) and that appropriate assessment and evaluation of ecology & archaeological assets are taken in to account (Core Policy C and Development Policy 7).

Government advice in the National Planning Policy Framework (NPPF) and English National Parks Circular 2010 states that great weight should be given to conserving the landscape and scenic beauty in National Parks, that minerals are essential to support economic growth and our quality of life, not to grant mineral permissions if there are unacceptable adverse impacts on the natural environment and to clearly distinguish between the three phases of minerals development: exploration, appraisal and production together with having due regard to restoration. When dealing with 'major' developments, the Major Development Test sets out that major developments should not take place in National Parks except in exceptional circumstances.

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Policy Framework (continued)

The Authority adopted the North York Moors Management Plan in June 2012, amongst things it seeks to ensure new developments do not harm the ability to attract 1.6 million extra visitors to the National Park.

The main issues for consideration are considered to be; whether there is sufficient justification for the temporary development, whether the scheme would not have an unacceptable impact on the local environment and inevitable implications if approval is granted.

Justification

As with other forms of mineral applications such as Potash exploration, there is local and national policy support for knowing the nature and scale of the nation's mineral resources including energy minerals as the Country strives to meet renewable energy targets in 2020 and 2050 to achieve a low carbon economy. As such there is considered to be a general justification for a temporary 20 week development, which if no viable gas is found will be returned back to agricultural use. Some Members will be aware of the Westerdale 1 site developed in 2005 which was restored and presently shows little signs of its industrial appearance for a six month period for a similar temporary exploratory development.

Impact on Local Environment

The application was lodged with lengthy supporting reports covering the various issues of ; geology, flood risk and pollution, traffic management, ecology, archaeology and historical assets, visual assessments, geophysical study, noise report, statement of community consultation and general planning statement. Those reports have been the subject of consultation with statutory bodies and the general public and at the point of writing the report, most of the normal development management issues are considered to have been adequately addressed such that no adverse impact for a temporary period is envisaged. The outstanding issues are: unsatisfactory foul drainage arrangements, insufficiently robust hydrology report, inadequate breeding bird survey information and potentially excessive roadway arrangements. Negotiations are still underway and Members will be undated at the meeting of any progress.

In terms of the proposed highway works, the submitted scheme envisages upgrading of the public bridleways, details of the upgrading works (and of reinstating the said works) have been sought to ensure these are compatible with joint use for Public Rights of Way users and associated vehicle movements. The submitted scheme also envisaged closing the bridleway to Public Rights of Way users for six months to avoid potential conflict with vehicle movements and Public Rights of Way users, Officers consider that closure represents an excessive curbing of Public Rights of Way rights and have asked that the closure be replaced with appropriate warning signage to allow mixed use. The Ramblers have asked for a second track for walkers, this was something raised at the public meeting and omitted as being excessive in relation to Development Policy 23. The proposed new section of road across a field to bypass two residential properties also appears excessive and the applicants have been asked to consider its omission or greater justification for its retention given it would be quite intrusive viewed from the moor road. The applicants have been approached regarding the Parish Council comments regarding accessibility in winter and Members will be updated at the Meeting.

Public visibility of the main compound site: From the Westerdale Moor Road, to the west of the site, the landform is such that the site would not be visible from the public road, it is masked by landform. From the village direction the site is seen in the context of the farm and tree shelter belt and whilst the top section of the drill mast and red light would be visible it would not be intrusive, except in very close views from the Public Rights of Way which runs right alongside the site. From the north and Ralphs Cross, landform again masks the site.

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Impact on Local Environment (continued)

The main view of the site would be from the east and the little back road which drops off Blakey Ridge into Westerdale village, here the whole site will be clearly visible and given the nature and size of the compound would be quite intrusive in the landscape, in the way some Potash boreholes have been. The permission sought is for a three year temporary period. Subject to any permission being the minimum it is not considered the impact would be so adverse to withhold a temporary exploration planning permission.

In terms of ecology, the site is partly within the NYM Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC), advice received from Natural England is that, having regard to the temporary nature, it is not likely to have an adverse impact on the designations however the Authority's Ecologist has asked for additional information relating to potential impacts on Golden Plover breeding near the site Members will be updated at the Meeting.

In terms of archaeology, the Authority's Archaeologist is content that the mitigation proposed and reinforced by the suggested condition would adequately deal with archaeology issues. Noise issues are considered to be adequately dealt with by imposing a limiting condition.

Inevitable Implications if gas is Found

If commercial amounts of gas are not found, this permission requires the restoration of the site back to agriculture. If commercial levels of gas are found, the applicant would need to apply for a further permission for an extended evaluation period explaining for how long and why and what they would be seeking to achieve and that application would need to be assessed on its own merits given the clear steer in Government guidance to distinguish between the three different phases. Whilst not binding, the applicant have advised that if there was commercially viable levels of gas, they acknowledge that a gas processing plant within the National Park is unlikely to be acceptable and that plans would need to be drawn up for a pipeline to take the gas out to an existing or new facility outside the National Park such as the gas power station recently mothballed at Kirkleatham on Teesside.

Timeframe

The applicants have explained that the type of specialist equipment including the drilling rigs have a long lead in time (often a year) to make the necessary arrangements and as such are looking for a three year period in which to undertake the 20 week development and six months full assessment of the results. Officers consider that three years is excessive to cover what appears to be a two year timetable and would be prudent to permit the minimum reasonable period, bearing in mind the sensitive location of the site and in this case two years would seem justified to deal with organisation, setting up, drilling and assessing, if Members consider approval is warranted.

Summary

As an application for a temporary exploratory borehole there are considered to be no sound reasons for withholding permission subject to outstanding matters dealing with improved foul drainage, hydrology risk assessment, Golden Plover bird survey, improved highway works or justification being resolved and the applicants adhering to the lengthy detailed mitigation measures set out in the application.

Reason for Approval

The proposal by reason of its temporary and explorative nature and due regard to mitigating measures incorporated into the scheme to protect against impacts on the natural environment is considered to be in line with Core Policies A, C and E and Development Policies 7 and 23 of the NYM Local Development Framework.