

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Sneaton

Application No. NYM/2018/0682/HSC

Proposal: proposed storage of liquefied natural gas

Location: Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation) Sneaton

Decision Date: 10 December 2018

Extended to: 21 December 2018

Proposal: 1) (Ref NYM/2018/0662/NM) - non material amendment to planning approval NYM/2017/0505/MEIA to allow installation and operation of LNG plant

Location: Land at Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation) Sneatonthorpe (minehead); underneath 252 km² of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton Complex (mineral transport system); Ladycross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton Complex Teeside (tunnel portal)

Proposal: 2) (Ref NYM/2018/0682/HSC) – Hazardous Substances Consent application under the Planning (Hazardous Substances) Regulations 2015 for proposed storage of Liquid Natural Gas (LNG)

Location: Woodsmith Mine, Sneaton, Whitby, YO22 5BF

Proposal: 3) (Ref NYM/2018/0663/CVC) – Application for the partial discharge of planning conditions attached to planning approval NYM/2017/0505/MEIA to allow installation and operation of LNG plant

Location: Land at Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation) Sneatonthorpe (minehead); underneath 252 km² of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton Complex (mineral transport system); Ladycross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton Complex Teeside (tunnel portal)

Decision Date: 1) 07 November 2018; 2) 10 December 2018; 3) 05 December 2018

Extended to: 28 January 2019

Consultations

Parish (Sneaton and Eskdaleside cum Ugglebarnby Parishes) – have no objections (NYM/2018/0662/NM and NYM/2018/0682/HSC).

Health and Safety Executive – State that it has assessed the risks to the surrounding areas from the likely activities resulting from the grant of Hazardous Substances Consent and has

concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. HSE recommend that it would be beneficial to include a condition on any consent requiring that the hazardous substance shall not be kept or used other than in accordance with the application details. HSE has also identified a consultation zone around the proposed storage facility, which will be included on the HSE Planning Advice Web App and that the granting of consent may have implications for certain types of development in the future (NYM/2018/0682/HSC).

North Yorkshire Fire and Rescue Service – Has no objection and state that they will make further comment on fire safety measures in response to statutory consultation under Buildings regulations (NYM/2018/0662/NM and NYM/2018/0682/HSC).

Environment Agency – Has no objection and comment that as the proposed volume of stored LNG is below the COMAH lower tier threshold of 50 tonnes, the facility will not need to be covered under COMAH (NYM/2018/0662/NM, NYM/2018/0682/HSC, NYM/2018/0663/CVC).

Natural England – Comment that it is satisfied that the proposal represents an improvement to the impact of the project from emissions on the North York Moors SAC, SPA and SSSI and are broadly satisfied that the proposed amendment will not cause significant impacts on the landscape character or special qualities of the National Park (NYM/2018/0662/NM, NYM/2018/0663/CVC). With regard to the application for Hazardous Substances Consent, Natural England state that they have no specific concerns regarding the information provided but would like to be consulted further if any problems with the consent are flagged up by other consultees (NYM/2018/0682/HSC).

Yorkshire Wildlife Trust – Comment that the previous Protected Species Management Plans are in place and that condition 52, relating submission and approval of Protected Species Management Plans, can be discharged if these are adhered to (NYM/2018/0663/CVC).

North Yorkshire Moors Association - Comment that NYMA has opposed the development, which they regard as inappropriate development in a National Park, from the start and that subsequent incremental developments and changes have re-enforced their opinion at the time of the 2015 decision to grant permission. NYMA consider that the further development now proposed adds to their view that the site is incrementally expanding in a way which exceeds the original permission. Specifically, they are concerned that if additional generating power is added there will be an increased need to tanker in LNG and that this would lead to HGV movements in excess of the original scheme. NYMA also express concern about the potential need for removal of trees to accommodate the facility ((NYM/2018/0662/NM).

North Yorkshire County Council (LLFA) – Comment that the proposals are consistent with previously agreed details and represent a reasonable approach to managing surface water in relation to the LNG plant (NYM/2018/0663/CVC).

Northern Power Grid – Has not responded (NYM/2018/0662/NM, NYM/2018/0682/HSC).

Scarborough Borough Council (Planning) – has not responded (NYM/2018/0662/NM, NYM/2018/0682/HSC).

Scarborough Borough Council (Environmental Health Officer) – has not responded (NYM/2018/0662/NM, NYM/2018/0682/HSC, NYM/2018/0663/CVC).

North Yorkshire County Council (Highways) – Has not responded (NYM/2018/0662/NM, NYM/2018/0682/HSC, NYM/2018/0663/CVC).

Site Notice/Advertisement Expiry Date – The application for Hazardous Substances Consent was advertised on site and in the Whitby Gazette in accordance with the Town and Country Planning (Hazardous Substances) regulations 2015. The deadline for the receipt of representations expired on 7 November 2018. No representations have been received.

Others – The occupiers of two nearby properties (Soulsgrave Farm and Low Moor Caravan Club Site) were notified by letter. No responses have been received.

Director of Planning’s Recommendation

1) Application No. NYM/2018/0662/NM

Approval subject to the following condition(s):

1.	PLAN03	The development hereby approved, which comprises the installation and operation of a Liquefied Natural Gas powerplant, shall only be carried out only in accordance with the application details dated 5 October 2018, as revised by the amended drawings no. 40-ARI-WS-7100-CI-18-01026 and 40-ARI-WS-7100-CI-10-01027 and accompanying information and clarifications dated 27 November 2018. Otherwise the development shall be carried out completely in accordance with the approved plans and imposed conditions of planning permission NYM/2017/0505/MEIA dated 6 February 2018.
2.	MISC00	The development hereby permitted shall be removed from the site prior to the commencement of construction of the welfare facility building authorised under planning permission NYM/2017/0505/MEIA dated 6 February 2018, or within 6 months of the cessation of use of the Liquefied Natural Gas powerplant facility, whichever is the sooner. In the event of the site not being required for the development of the welfare facility building, the site occupied by the Liquefied Natural Gas powerplant shall be reinstated to its former condition, or such other condition as may be agreed with the mineral planning authority, within 6 months of the cessation of use of the Liquefied Natural Gas powerplant facility.

Informative(s)

1.	For the avoidance of doubt you are advised that further expansion of the liquefied natural gas storage capacity or energy generation capacity, above that within the scope of the development hereby approved, will require the further approval of the Mineral Planning Authority.
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Reason for Condition(s)

1.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the National Park.
2.	MISC00	To ensure satisfactory planning control of the site and in order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.

2) Application No. NYM/2018/0682/HSC

Approval subject to the following condition(s):

1.		The hazardous substance shall not be kept or used other than in accordance with the particulars provided in the application, nor outside the areas marked for storage of the substances on the plans which formed part of the application (including 'Hazardous Substances Consent Substance Location Plan – LNG Storage Tanks' Drawing No. 40-SMP-WS-7231-PA-25-00001 dated 12 October 2018).
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Informative(s)

1.		The decision notice is in respect of Hazardous Substances Consent and does not convey any decision which may be required under Town and Country Planning Legislation or any other Legislation or Regime
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Reason for Condition(s)

1.		To ensure that the storage and use of the hazardous substance remains consistent with the application details and within the assessed parameters and in order to retain satisfactory control over the site.
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3) Application No. NYM/2018/0663/CVC

Approval be granted for the partial discharge of conditions 4, 18, 34, 46, 47, 52, 57, 60, 64, 68, 70, 71, 76, 79, 91, 92, 93, 94 and 95 of planning approval NYM/2017/0505/MEIA dated 06 February 2018 in so far as they relate to the installation and use of a liquefied natural gas powerplant approved separately under application reference: NYM/2018/0662/NM.

Background

Construction of the Woodsmith Mine gives rise to a substantial requirement for electrical power, particularly during the main shaft sinking phase, which is expected to commence later in 2019. The original permission, granted in 2015, and the amended permission granted in 2018, incorporate provision for on-site power generation via diesel-fuelled electrical generators, with a combined capacity of around 20MW, as well as for two 40 metre high emissions stacks in order to meet emissions dispersion requirements for the adjacent SAC/SPA. Since commencement of construction, the developer has been seeking opportunities to reduce power demand and minimise the need for diesel generators. A mains 11kv electrical supply was installed during 2018 and approval is now sought for the construction and operation of a temporary (construction stage) liquefied natural gas power plant (LNG plant), which could provide up to 6MW of power. Together these measures would reduce the requirement for diesel fuelled generators to around 1MW and would avoid the need for the two 40 metre stacks.

Three inter-related applications have been submitted and require determination. These comprise;

- 1) a S96a application for a non-material amendment to the substantive permission for the mine development (NYM/2017/0505/MEIA) to enable construction and operation of the temporary LNG plant;
- 2) an application to discharge related planning conditions attached to planning permission NYM/2017/0505/MEIA, in so far as they are relevant to the proposed LNG plant;
- 3) an application under the Planning (Hazardous Substances) Regulations 2015 for Hazardous Substances Consent for storage of LNG at the site.

The proposed LNG power plant would be located inside the permitted operational boundary of the minehead site, within a part of Haxby Plantation that is already approved for felling in

order to enable construction of the approved permanent mine welfare facility building. The proposed site for the LNG facility overlaps with the footprint of the approved welfare facility building and would therefore need to be removed prior to completion of the latter. Access to the facility would be gained via a short spur from the main internal site access road, in the same location as the internal road that will eventually be constructed to enable vehicular access to the welfare building. The LNG plant would be located within a compound approximately 140m in length and 50m in width, in a clearing within the plantation. Ground levels in the compound area would be reduced by approximately 1m in order to facilitate screening of the facility. The southern boundary of the compound (located in closest proximity to the B1416), would be provided with a 3m high timber environmental fence to match existing environmental fencing installed along the western boundary of the main shaft platform area. The remainder of the compound would be surrounded by a 2.4m steel mesh security fence to match existing security fencing on the site. The access road and parking area would be provided with a bituminous surface. Container bases and other hardstandings would be of concrete construction.

Within the compound would be two cylindrical LNG storage tanks, lying horizontally with a maximum height of around 4m, and four containerised generating engines, each with an emissions stack reaching a height of 10m above adjacent ground level. Other smaller items of plant and equipment would include two transformer units, a hot water vaporising unit, a lube oil tank, an electrical container, two control units and two CCTV columns (of 4.5m and 10m height). Lighting units would also be provided as well as space for parking for 6 vehicles for maintenance purposes. Plant and equipment would be coloured dark green consistent with other structures on the mine site, apart from the LNG storage tanks which need to be coloured white for heat insulation purposes. A surface water drainage system and oil interceptor would also be provided, to link in with the main mine surface water drainage scheme. The application drawings also indicate areas of hardstanding for a potential third LNG storage tank and two additional generating engines. The applicant has confirmed that separate and further approval would be sought prior to any installation of these.

The LNG plant facility would be utilised during the construction of the Mine (a remaining period of approximately three years) until it is no longer required and the location required for development of the permanent welfare facility. The facility will be unmanned, except for tanker refilling, maintenance or emergency purposes. LNG delivery would be via road tanker, typically once every two days but rising to 8 to 9 per week at times of peak power demand. Diesel delivery under the originally permitted power supply arrangements would be up to 2 per day, therefore operation of the LNG facility as currently sought would amount to a potential very small reduction in HVG movements.

Main Issues

Provision of adequate power is an essential element in construction of the Mine. The currently approved arrangement, relying primarily on diesel fuelled generators, does not necessarily represent the optimum solution in environmental terms, due to the known polluting nature of diesel fuels, and the corresponding requirement in this instance for two 40m stacks, which would represent a significant element of visual impact associated with the construction stage of the Mine. In principle therefore, the measures being taken by the developer to secure a lower overall power demand, and the delivery of alternative means of power supply, are worthy of support.

Opportunities for location of an LNG fuelled power plant at the site are limited by health and safety considerations, including a need for adequate separation from certain elements of the site operations and other receptors in the area, including residential property. There is also a need to ensure that any location is acceptable in terms of other planning and land use considerations. The proposed location for the LNG facility is considered to represent an appropriate balance, being located in a part of the site that ultimately will be developed (and

therefore subject to disturbance within a relatively short time-frame in any event) but which also benefits from relatively effective, established, screening via existing surrounding woodland within Haxby plantation which has not yet been felled. The additional screening measures put forward by the applicant should ensure that visual and landscape impacts of the proposal are mitigated to an acceptable level, and would in overall terms represent an improved situation in terms of visual impact compared with the permitted alternative arrangements for diesel-fuelled generation. Similarly, the lower emissions associated with use of LNG fuel, in combination with use of the 11kv mains power connection already installed on site, means that emissions should be substantially reduced compared with the alternative approved position. In this respect it is noted that Natural England is satisfied that the proposal represents an improvement to the impact of the project from emissions on the North York Moors SAC, SPA and SSSI and are broadly satisfied that the proposed amendment will not cause significant impacts on the landscape character or special qualities of the National Park.

The applicant has indicated in their proposals that there is potential for expansion of the facility through installation of an additional LNG storage tank and two additional generators. In order to ensure that appropriate planning control is retained, it is recommended that it be clarified in any permission granted that further, separate, permission would be required for any future expansion of the facility. This would also help address concerns raised by the North York Moors Association about the potential impacts of any future expansion (in terms of increased traffic movements) by ensuring that full consideration can be given to this, and any other relevant matters, through the planning process. It will also be important to ensure that any approval granted is on a temporary, time limited, basis, to ensure the facility is removed and the area reinstated, including in the eventuality that the remainder of the mine construction work is not completed.

As noted in the introductory sections of this report, three interrelated proposals require determination. These include an application (NYM/2018/0662/NM) for a non-material amendment to the substantive permission for the mine development. Applications for non-material amendments are not subject to the statutory requirement that they be determined in accordance with the development plan unless material considerations indicate otherwise. Planning guidance indicates that, in determining an application for a non-material amendment, the planning authority must have regard to the effect of the change, together with any previous changes made under section 96a of the Town and Country Planning Act 1990, as well as take into account any representations received. Other changes made under Section 96a include the grant of approval for a Northern Powergrid substation building and telecommunications mast, and for the re-introduction into the mine development of a ventilation shaft structure. These other elements permitted under S96a are all located a substantial distance from that proposed for the LNG facility, and it is not considered that there would be any unacceptable in-combination or cumulative effects that would arise as a result of development of the LNG facility now proposed, which would represent a further relatively minor and short-term item of development within the context of the minehead development as a whole. Furthermore, it is noted that no objection to the proposal has been raised by statutory consultees. It is therefore considered that conditional approval should be granted.

The application for discharge of related conditions (NYM/2018/0663/CVC) is considered to provide appropriate information and details confirming how the installation and operation of the LNG power plant would comply with existing planning conditions attached to the substantive permission for the mine development. Again it is noted that no objection has been raised by statutory consultees. It is therefore recommended that the submitted information be approved as being satisfactory for the purposes of the partial discharge of the relevant conditions.

The application for hazardous substances consent requires determination under the Planning (hazardous Substances) Regulations 2015. The Regulations state that in determining an application, the Authority must take into account the results of consultations

held in relation to that application, give written notice of the decision and, where consent is refused or granted subject to conditions, state clearly and precisely their full reason for refusal or for any condition imposed. In this particular instance, hazardous substances consent is required for the storage of LNG in excess of the minimum threshold triggering the requirement for consent. The COMAH competent authority (in this case the Health and Safety Executive and Environment Agency acting jointly), is the key statutory consultee key for this application.

The HSE has indicated that it has assessed the risks to the surrounding areas from the likely activities resulting from the grant of Hazardous Substances Consent and has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. HSE recommend that it would be beneficial to include a condition on any consent requiring that the hazardous substance shall not be kept or used other than in accordance with the application details. HSE has also identified a consultation zone around the proposed storage facility, which will be included on the HSE Planning Advice Web App and that the granting of consent may have implications for certain types of development in the future. The Environment Agency has confirmed that it has no objection and comment that as the proposed volume of stored LNG is below the COMAH lower tier threshold of 50 tonnes, the facility will not need to be covered under COMAH (note – the purpose of COMAH is to provide additional regulation and control in relation where particular thresholds are exceeded). No objections have been received from other consultees.

It is therefore considered that it would be appropriate to grant hazardous substances consent for the proposed storage of LNG, subject to a condition as recommended by the HSE. In due course, should consent be granted, it will be necessary for the Authority to incorporate the HSEs identified consultation zone as a planning constraint in order that the presence of the stored hazardous substance can be acknowledged and taken into account in future planning decisions. In practice, the consultation zone identified by HSE lies almost wholly within the permitted Woodsmith Mine site boundary (only partially overlapping onto the B1416 near the Mine site boundary). It is not therefore expected that it would give rise to any practical implications for other development proposals in the vicinity.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy E3 which seeks to ensure that new development will not have a detrimental impact on the landscape of the National Park

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Officers have held pre-application discussions with the developer and with relevant consultees including the HSE and Natural England and have maintained liaison with the applicant during the process of consideration and determination of the applications.