

## North York Moors National Park Authority

<b>Ryedale District</b> <b>Parish: Snainton</b> <b>Ebberston</b> <b>Allerston</b>	<b>App Num. NYM/2014/0587/EIA</b>
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**Proposal:** Natural gas production and water re-injection at the existing borehole at Ebberston Moor South Well Site, the drilling of a second borehole for water production and re-injection, the construction of a 13.9 km long 12" diameter underground pipeline from the Ebberston Moor South Well to the Knapton Generating Station (KGS) at East Knapton, Malton and construction of ancillary works at the Generating Station

**Location:** Ebberston Moor South Well Site, Ebberston Common Lane, Snainton to Knapton Generating Station, East Knapton

**Applicant:** Third Energy Limited and Moorland Energy Limited c/o agent

**Agent:** Barton Willmore LLP fao: Paul Foster, St Andrews House, St Andrews Road, Cambridge, CB4 1WB

**Date for Decision:** 3 December 2014 (extended expiry date 25 September 2015)

**Grid Ref:** SE 490330 487130

### Director of Planning's Recommendation

**Approval** subject to the applicant signing a S106 Agreement to secure £10,000 planning gain contribution to mitigate residual harms from the development and the following conditions:

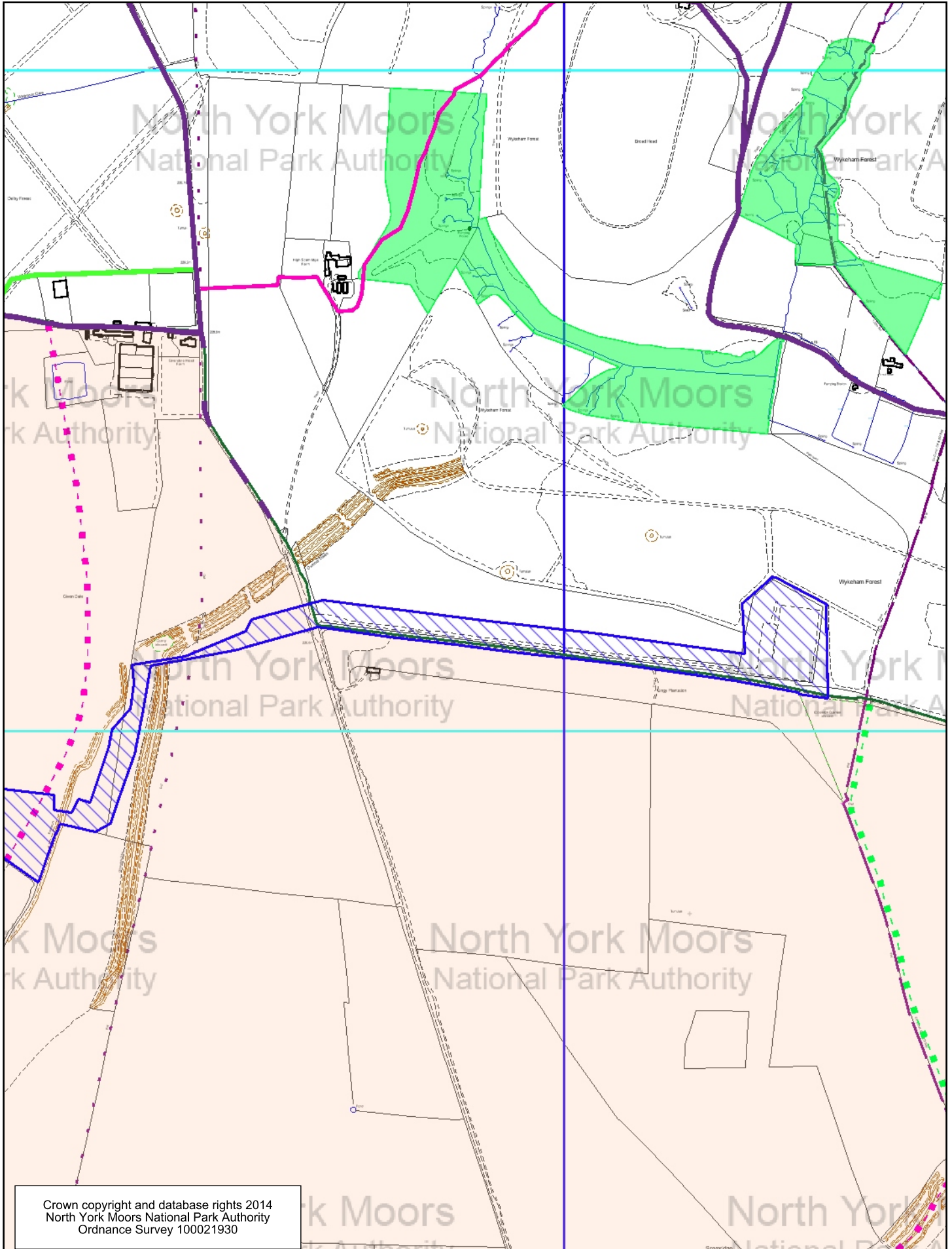
1. TIME00 The permission hereby granted is valid only for 20 years from the date of this permission and the above ground development shall be removed from the site and sub-surface development plugged in the normal manner before this consent expires and the site restored to its former condition before that date.
2. PLAN00 The development hereby approved shall be only carried out in strict accordance with the Environmental Statement and detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Mineral Planning Authority.
3. RSUO00 The maximum daily injection of produced water at either, or both, of the water injection boreholes shall not exceed 556 m<sup>3</sup>/d. The injection shall only be achieved by an electric submersible pump unaided by any booster pump(s). The bottom hole pressure water injection pressure shall not exceed 1000 pounds per square inch (PSI) above the initial formation pressure.
4. MISC01 Bats
5. RSUO00 The permission hereby granted permits the extraction of up to 15 mmscf/d of conventional natural gas only by conventional drilling methods from the Kirkham Abbey Formation (KAF). For the avoidance of doubt it does not permit drilling down to the Bowland-Hodder Shale horizons or hydraulic fracturing of any part of any gas reservoir resource.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2014/0587/EIA

Scale: 1:7500



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Ordnance Survey 100021930

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## Conditions (continued)

6. LNDS00 Within two years of the date of the date of commencement of this development, a detailed scheme for the restoration and aftercare of the whole of the gas compound shall be submitted to the Mineral Planning Authority for written approval. The scheme shall provide for such steps to remove all plant, equipment and buildings, de-commissioning and capping the boreholes, decommissioning of pipeline and return the land to beneficial forestry use. The restoration of the site shall be carried out in accordance with the approved restoration plan within one year of the approved lifetime of the mine set out in condition one above or within one year of the early closure of the gas extraction compound.
7. GACS02 No Outside Storage
8. GACS07 External Lighting - Submit Details
9. RSUO00 Prior to the commencement of development a Construction Environmental Management Plan (CEMP) dealing with the construction phase of the development shall be submitted to and approved in writing by the MPA. The CEMP shall include:
- a. Details of the size, location and design of the compound, including how any potentially polluting materials will be stored to minimise the risk of pollution;
  - b. All fuel/oil to be stored in proprietary tanks with integral bunding with a capacity equal to not less than 110% of the capacity of the tank. Such tanks shall be located on a bunded, impervious hardstanding with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks;
  - c. All replenishment of tanks and containers and all refuelling or parking of vehicles, plant and equipment shall take place within that bunded, impervious hardstanding. No amount of fuel/oil greater than 10 litres shall be stored in a portable container;
  - d. Details of a protocol to deal with any pollution that may occur during the course of construction e.g. provision of spill kits close to storage areas/compounds. This shall include training staff on how to use these correctly;
  - e. Plant and wheel washing is carried out in a designated area of hard standing at least 10 metres from any watercourse or surface water drain;
  - f. Run-off from plant, wheel and boot washing collected in a sump, with settled solids removed regularly and water recycled and reused where possible;
  - g. A strategy for recycling/disposing of waste resulting from construction works;
  - h. details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Mineral Planning Authority in consultation with the Highway Authority, as generally given in the appropriate sections of the submitted Environmental Statement but with the amendment that all HCV traffic shall be limited to 25 miles per hour along the whole length of Ebberston Common

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## Conditions (continued)

10. MISC00 The development hereby permitted shall not be commenced until such time as a scheme dealing with all of the following matters relating to the operational phase of the development has been submitted to, and approved in writing by, the Local Planning Authority:
1. the investigation of the soundness of the existing Bentomat geo-textile barrier beneath the existing gas production compound and details of any repairs needed;
  2. conduct a water features survey along the route of the pipeline and to an appropriate distance beyond to determine any water features , including springs, boreholes, and water courses that may be impacted by the earthworks and pipeline;
  3. the storage of materials;
  4. the storage of chemicals;
  5. the storage of oil;
  6. the storage of hazardous materials;
  7. the pressure testing of the pipeline;
  8. the disposal of foul and surface water;
  9. the removal and treatment of suspended solids & spills from surface water run-off;
  10. remedial plan for dealing with any surface spills;
  11. the proposed method of working;
  12. the proposed phasing of development;
  13. the provision of road and wheel cleaning facilities; and
  14. the proposed schemes for monitoring for leakages and surface spillages including any pollution interceptor type devices and implementation of surface & pipeline water pollution mitigation measures, data monitoring, undertaking of a risk assessment and emergency remedial strategy. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.
  15. a proposed scheme for monitoring water pressures arising from the water injection together with trigger levels for amending the water pressure policy. The development including water injection shall not take place other than in accordance with the above various approved schemes and plans.

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## Conditions (continued)

11. MISC00 Notwithstanding the details submitted for the proposed development of the site, there shall be no:
1. de-watering of the site;
  2. interruptions to ground or surface water flows;
  3. raising of ground levels in the flood plain and excess spoil to be removed from the flood plain;
  4. any spoil stockpiles which are to be stored in a floodplain shall be done so in broken heaps positioned parallel to the flood flow, without the written consent of the Mineral Planning Authority.
12. MISC00 The development hereby permitted shall not be commenced until such time as a suitable scheme for the lining of the pipeline trench throughout SPZ2 has been submitted to and approved by the Mineral Planning Authority. The development shall be carried out in accordance with the approved scheme.
13. MISC00 Prior to the commencement of any works on site, a scheme to show how the proposed development will lead to a net gain in biodiversity must be submitted to, and approved in writing by the Mineral Planning Authority. The development must then proceed only in strict accordance with the approved scheme, and any timing/phasing contained therein. Proposals for net gain should be commensurate with the scale of the development.
14. MISC00 Immediately prior to the commencement of works on site, a pre-construction Water Vole Survey and Mitigation Assessment shall be submitted to, and approved in writing by the Mineral Planning Authority. The development shall then proceed only in strict accordance with the approved scheme.
15. MISC00 An Odour Management Plan be submitted to the Local Planning Authority detailing the precautions to be adopted to prevent gaseous or odour pollution. Such a plan shall be required to be adhered to and approved in writing by the Mineral Planning Authority prior to commencement of the development.
16. MISC00 The levels of noise emitted from the operational site shall not exceed 60dB(A)LAeq,1 hour, measured at any point on the site boundary, unless otherwise agreed in writing with the Mineral Planning Authority.
17. MISC00 Before the wellhead sites are commissioned a programme of noise monitoring shall be submitted to and agreed in writing with the Mineral Planning Authority. The programme shall specify the locations at which noise is to be measured, the method of assessment (which will be in accordance with the relevant sections of BS.4142:1997) and the maximum permissible noise level at each such noise monitoring location. It shall include a requirement that the spectral equivalent continuous noise levels in third-octave bands are measured. A Noise Survey shall be conducted during site commissioning and before the commencement of full commercial operations and the results submitted to the Mineral Planning Authority for approval in writing. The programme shall include the provision that once the facility is brought into operation, noise measurements shall be conducted on behalf of the operating company as soon as possible on receipt of a written request from the Mineral Planning Authority. The results of such measurements are to be submitted to the Mineral Planning Authority within three working days of completion of the Survey. In the event that the predicted noise levels at the site boundary are exceeded, additional attenuation measures shall be taken within 28 days and further Noise Survey or Surveys conducted until the predicted noise levels are achieved to the written satisfaction of the Mineral Planning Authority.

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## Conditions (continued)

18. MISC00 Tonal noise from the gas processing facility shall not be audible outside any residential property in existence at the date of this planning permission. Tonal noise shall be considered to be audible where the level in any third-octave band is 5dB or more in excess of the levels in the two adjacent bands and tonal components are clearly audible.
19. HWAY00 Unless otherwise approved in writing by the Mineral Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highways (Ebberston / Ebberston Common Lane - unclassified road, whole length, and A170 for 20 metres east and west of the junction with Ebberston Lane) has been carried out in a manner approved in writing by the Mineral Planning Authority in consultation with the Highway Authority. Within one month of the commencement of gas production from the existing wellsite, or any time prior to that date which shall have been agreed in writing by the Mineral Planning Authority in consultation with the Highway Authority, the applicant shall carry out a second survey recording the condition of the same highways. The survey shall be submitted to the Mineral Planning Authority for approval and thereafter any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the construction, installation and erection of any infrastructure required for the commencement of gas production from the existing wellsite including pipeline installation shall be completed to the satisfaction of the Mineral Planning Authority in consultation with the Highway Authority. A further survey shall be undertaken by the applicant within one month of the completion of decommissioning and restoration works to the site (if applicable) in the manner as described above.
20. HWAY00 Unless otherwise approved in writing by the Mineral Planning Authority, the quantity of HCV traffic movements as required for the construction, operation and decommissioning of the proposed development as far as this relates to access via Ebberston / Ebberston Common Lane shall not exceed the figures provided in the appropriate sections of the submitted Environmental Statement and the applicant shall submit to the Local Planning Authority on a monthly basis such information as deemed appropriate that monitor HCV traffic to and from the development site and should such levels be exceeded the Mineral Planning Authority may, in consultation with the Highway Authority, require the applicant to carry out additional and/or modified improvement works including environmental improvement works to the extent of public highways described in condition (1) above in accordance with details, specification and programme of completion that shall have been first submitted to and agreed in writing with the Mineral Planning Authority, in consultation with the Highway Authority.
21. ARCH02 Archaeological Interest Requiring Full Survey

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**Informative**

1. Section 106 Agreement.
2. The applicants attention is drawn to the requirements of The Offshore Installations and wells (Design and Construction, etc ) Regulations 1996 with respect to borehole design, construction, commissioning, operation and abandonment.
3. In relation to condition 10 above it is unlikely that the use of a soak-away system will be satisfactory

**Consultations****District –**

**Allerston and Wilton Parish** - No objections, feel that having one production well in a forest is a better option than the previous proposal for a plant at Thornton le Dale. Are concerned at the phrase 'probably' will not contaminate drinking water. Allerston water supplies over 100 farms including a herd of milking cows and would like to know what measures the company will take to prevent contamination, how they will monitor Allerston water and what measures taken to provide clean water if there is a problem. Need to ensure the Allerston spring is not affected as it is not shown on maps with the planning application.

**Ebberston and Yeddingham Parish** - No objections, but have ongoing concerns about traffic between Ebberston and the site and so would like to see the traffic implementation plan.

**Snainton Parish -**

**Highways** - Recommend conditions relating to; highway conditions survey, construction HGV routing and speeds and limiting traffic numbers to stated application figures.

**English Heritage** - Original comments – Wish to see the archaeological strategy before offer further views. Additional comments - Agree with the NYCC & NYM Archaeological Officers approach to the archaeological strategy.

**Environmental Health Officer -****Thornton Internal Drainage Board -****Campaign for National Parks -**

**Environment Agency** - Groundwater - Confirm that the northern section of the pipeline lies within Source Protection Zone 2 of the Corallian Limestone principle aquifer which feeds Scarborough's drinking water boreholes and where contaminants could reach the water boreholes within 400 days so special care needs to be taken. Applicants have now demonstrated why the pipeline is routed inside the SPZ and that Best Available Techniques will be adopted. Recommend conditions be imposed on any approval relating to ; pipeline trench lining, construction arrangements in relation to aquifers and other water flows, storage arrangements, implementation of mitigation measures, undertaking of a risk assessment and remediation strategy, data monitoring . Flood risk – Recommend conditions relating to levels and working in the flood plain.

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**Consultations (continued)**

Several informatives are also recommended relating to need for Environmental Permitting consents relating to; mining wastes, naturally occurring radioactive materials, industrial emissions, borehole permits, groundwater investigation, water abstraction, water discharge & rivers consent.

**Forestry Commission -**

**Health and Safety Executive -** Refer to PADHI+ standing advice.

**Natural England -** The site is close to the NYM SPA & SAC, Ellers Wood SAC and River Derwent SAC & SSSI – Consider the proposal is unlikely to have a significant effect on any European protected site. Refer to standing advice in relation to protected species. May be scope for biodiversity enhancements. No objections.

**Ecologist -** Agrees with the applicants HRA screening report and Natural England's comments that the project is not likely to have significant effect for the purpose of the Habitats Regulation's.

**North Yorkshire Police Liaison -** Security arrangements are satisfactory.

**NY Fire & Rescue -** Will deal with all fire safety matters at the Building Control stage.

**NYCC Planning -** Can confirm that planning permission was granted for the NYCC part of the development at its March meeting subject to conditions which seek, amongst things, to ensure Saturday morning traffic is not hampered by the development, a S106 Agreement to prevent the Moorland and similar Third Energy permissions not being implemented if this development is implemented and ask the NYMNPA to consider placing appropriate planning conditions on water injection rates, extraction quantities, target reservoir, drilling methods, noise monitoring, noise level limits, odour management, and site restoration.

**Yorkshire Water -****National Grid -****Northern Gas Network -****Campaign to Protect Rural England -**

**Ramblers -** Insufficient information on PROW was submitted with the application maps to enable comments to be made on impacts on PROW's. Hence question validity of registering the application.

**Site Notice Expiry Date –** 17 September 2014.

**Others - The following people object to the application for one or more of the issues listed below.**

Ms A Pickles, Rectory End, Gilling East, York  
Mrs C Marshall, Chantry Cottage, The Square, Terrington  
Mrs L Fisher, 15 Knayton Mead, Locksbrook Road, Bath  
Mr K Laws, Mallard Hesketh Hall, Boltby, Thirsk  
Mr D Bakes, 19 Balksyde, Slingsby, Malton  
Mr M Scott, The Forge, Cawton Road, Gilling East  
Mr G Morris, Flat 1, 1 Avenue Road, Scarborough



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## Others (continued)

Mr K Stokes ,20 Pope Street,Altofts,Wakefield  
Mr C Turnbull,48 Hansard Road,Norwich,Norfolk  
Mrs J Macdonald,33 Outgang Road,Pickering,North Yorkshire  
Mr J Butler,36 Patterdale Way,North Anston,Sheffield  
Miss S McKinnon,57 New Street Grove,Pudsey,West Yorkshire  
Mr P Coates,Deepwell Farm,Brawby,Malton  
Mr G Buckley,22 Ryedale Close,Norton,Malton  
Mr R Hart,Humanity,43 Regina Crescent,Brierley  
Mr N McGrath,31 Crom Crauch Way,Belcoo,County Fermanagh  
Ms M Gripaos,Frack Free Ryedale,Oldfields Cottage,Brookside  
Mr A Draycott,44 Winsor Drive,Reading,Berkshire  
Mrs Katie,10 Bursary Court,Dringhouses,York  
Mrs J Hopkins,White House Farm,Great Barugh,Malton  
Ms J King,Frack Free Freck,74 Rydal Avenue,Freckleton  
Ms L Holden,5 Northstead,Duggleby,North Yorkshire  
Mrs D Wilkinson,York House,High Street,Thornton le Dale  
Mr S Wilkinson,York House,High Street,Thornton le Dale  
Mrs K Garrett,Brawby Grange,Brawby,Malton  
Mr G Garrett,Brawby Grange,Brawby,Malton  
Mrs J White,Hilltop House,Great Edstone,YO62 6NZ  
Mr A Carlile,243 Wick Road,London,E9 5AF  
Mr C Clarkson,Beck House Farm,Menethorpe,Malton  
Mrs J Rakow,FOTE,122 Wannock Lane,Eastbourne  
Mrs B Leedham,Low Woods Farm,Low Street,Nunnington  
Ms J Jacobs,23 Wharfedale Avenue,Harrogate,HG2 0AU  
Mrs H Wilde,46 Zetland Road,Doncaster, South Yorkshire  
Mr N Burton,Eagle Cottage,Chapel Street,Nunnington  
Ms G Naptali,14 Woodland Ravine,Scarborough,North Yorkshire  
Mr G Gill,Flat 4,120 Cardigan Road,Bridlington  
Ms J Downs,3 Highfield Terrace,Swinton,Malton  
Mr P Lockwood,Comrie,Whitbygate,Thornton Dale  
Mr M Tanner,Melrose House,1 Southlands Court,Nawton  
Mr D Davis,Dairy Cottage,21 Pasture Lane,Hovingham  
Mrs C Davis,Dairy Cottage,21 Pasture Lane,Hovingham  
Mrs A Trevelyan,Sycamore Cottage,Headlands Road,Appleton-le-Moors  
Mr P Trevelyan,Sycamore Cottage,Headlands Road,Appleton-le-Moors  
Mr and Mrs C and D Pickles,Rectory End,Gilling East,York  
Ms M Blennerhassett,Wyville Lodge,Slingsby,York  
Mr S Little ,1 The Police House,Larpool Lane ,North Yorkshire  
Ms C Churches,Stretton Cottage,Malton Road,Slingsby  
Ms H Stroud,Low Warren Grange,Gilling East,North Yorkshire  
Ms V Shaw,9 Derwent Mews,Osbaldwick,York  
Mrs R Smith,Southgate,Chapel Fold,West Street  
Mr D Marris,139 York Road,Haxby,York  
Mrs J M Sleeman,Paddock House,Laundry Lane,Swinton Grange  
Ms E Allen,20 Elmslac Road,Helmsley,YO62 5AP  
Mr D W Thornley,The Dower House,The Balk,Slingsby  
Mr R Mowbray,Oldfields Cottage,Brookside,Hovingham  
Ms L Cooper,108 Chadderton Drive,Thornaby,Stockton  
Ms L Winter,48 Charltons,Saltburn-by-the-Sea,Cleveland

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## Others (continued)

Mr R Laycock, Littlegarth, Low Street, Lastingham  
Ms P Harper, Littlegarth, Low Street, Lastingham  
Mr I McDonald, Inglenook Cottage, Cherrytree Courtyard, Salton  
Mrs M McDonald, Inglenook Cottage, Cherrytree Courtyard, Salton  
Ms A Metcalfe, Tommyland, Butterwick Lane, Brawby  
Mrs V Cox, The Haven, High Street, Nawton  
Dr T Thornton, Middleton Hall, Pickering, YO18 8NX  
Ms N Thornton, Noelle's Cottages, Middleton Hall, Pickering  
Mr and Mrs P Watson, Lidmoor Farm, Bransdale, Fadmoor  
B Edwards, 16 Keld Head Orchard, Kirkbymoorside, YO62 6EF  
Ms H Tabor, 4 Piercy End, Kirkbymoorside, York  
Mr and Mrs G Wright, Bridge Foot, Great Barugh, Malton  
Mr C McCusker, Moorlands Farm Cottage, Rosedale West, Pickering  
Mr and Mrs Dollard, Ampleforth House, Ampleforth, York  
Mrs E Wray, Kirkdale Cottage, West Street, Swinton  
Ms B Hickman, 2 Pinfold Cottages, Nawton, YO62 7TS  
Mr D Cragg-James, Rose Cottage, Stonegrave, York  
Mr K Bennett, 106 Huntington Road, York, YO31 8RP  
Mr and Mrs P Mullett, Rose Stones, Swainsea Lane, Pickering  
Mr M Richardson, Cornerways, 1 Norman Close, Pickering  
Ms C Horsley, 79c Main Street, Ebberston, Scarborough  
Mr R Horsley, 38 Main Street, Ebberston, Scarborough  
Mr and Mrs B Freedman, Delves Cottage, Egton Grange, Whitby  
Mr P Linsley, Shippon Cottage, Cawton, York  
Mrs J Linsley, Shippon Cottage, Cawton, York  
Mr C Shanks, Low Croft, The Rise, Thornton le Dale  
Mrs J Shanks, Low Croft, The Rise, Thornton le Dale  
Mr and Mrs C Mathews, 40 The Court, Main Street, Allerston  
Ms S Hamilton, Little Deerholme, High Marishes, Malton  
Dr F Burnett, Newlands, Main Street, Sinnington  
Mrs S Houlston, Northfields Farm, Great Barugh, Malton  
Mr K Buck, Sawpit Cottage, The Green, Slingsby  
Mrs C Buck, Sawpit Cottage, The Green, Slingsby  
Ms J Hutton, 6 Brier Park, Nawton, York  
Mrs R Davison, Windy Ridge, Little Barugh, Malton  
Rev A Beech, Oxenby, Whitby Road, Pickering  
Mr E Tilley, 19 Elmslac Road, Helmsley, York  
Mrs M Butcher, 19 Elmslac Road, Helmsley, York  
Mrs J Smith, 6 Pottergate, Helmsley, York  
Mrs A Shutt, 21 Manor Close, Kirkbymoorside, York  
Mrs S Smith, 29 Northway, Pickering, YO18 8NN  
G Womack, 4 Brook Lane, Thornton le Dale, Pickering  
Mrs M Tierney, Birch House, 13 Piercy End, Kirkbymoorside  
Mr and Mrs Gordon-Finlayson, Stonegrave Lodge, Stonegrave, YO62 4LL  
Mrs V Wray, The Willows, Great Habton, Malton  
Mrs V Allen, Barberry, North Back Lane, Terrington  
Mr and Mrs R Tucker, Cold Harbour House, Coulton, Hovingham  
Mrs J Duffy, Surgate Brow Farm, Silpho, Scarborough  
Mr and Mrs K Shutt, 1 Ash Grove, Kirkbymoorside, York  
Mr Frank Youren, 45 West Pasture, Kirkbymoorside, North Yorkshire

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## Others (continued)

Miss A Wdowiak, The Corner Cottage, Maltongate, Thornton le Dale  
Mr A Pawson, Dial House, Main Street, Gillamoor  
Mrs I Pawson, Dial House, Main Street, Gillamoor  
G Greaves, Pondrace Cottage, High Street, Nawton  
Ms H Newlove, Selley Bridge Farm, Low Marishes, Malton  
Ms P Battersby, The Granary, High Street, Nawton  
J Blunt, Birdforth, Mowthorpe Lane, Terrington  
Mr and Mrs R Turnbull, Sedona, High Street, Wombledon  
Rev A Wright, Oxenby, Whitby Road, Pickering  
Mr G Pearson, 5 The Beeches, Great Habton, Malton  
Mr and Mrs I Angus, Moor Farm, High Street, Lastingham  
Ms P Sidebottom, 27 Elmslac Road, Helmsley, York  
Mr M Tidmarsh, Brawby Lodge, Brawby, YO17 6QA  
Mr S Jennings, 15 Marshall Drive, Pickering, YO18 7JT  
Dr J Black, Wheatfields, Oswaldkirk, York  
Mr N Harrison, Deb's Cottage, Main Street, Great Edstone  
L McLane, Lodge Field House, Gilling, York  
Mrs S McLane, Lodge Field House, Gilling, York  
Mr A Luty, Stoney Heights, Stonegrave, York  
Miss E Rainton, 24 North Lane, Dringhouses, York  
Ms S Robson, 11 Green Lane, Scarborough, North Yorkshire  
Mr F Thompson, The Old School, Amotherby, Malton  
Mr D Walsh, Pasture House, Cawton, York  
Mrs S Walsh, Pasture House, Cawton, York  
Ms A Holland, Mulberry Cottage, Main Street, Wombledon  
Mr R Toone, Beaumont House, Hambleton Lane, Wass  
Mrs M Balfour, 2 Wheatlands Court, Railway Street, Slingsby  
L and S Ormiston, Three Gates, Scackleton, York  
Mr and Mrs K Smith, Woodland View, Church Lane, Gilling East  
Mr R Wilton, The Willows, Great Habton, Malton  
Ms K Eady, Norwood, New Road, Terrington  
Dr G Wells, Manor Cottage, Stonegrave, North Yorkshire  
Dr E Wells, Manor Cottage, Stonegrave, North Yorkshire  
Mr J Deedes, Knysna House, Nunnington, York  
Mrs C Deedes, Knysna House, Nunnington, York  
Mrs J Gibson, Birkdale Farm, Terrington, York  
Mr D King and Ms C Bettam, 12 The Garlands, Scarborough, YO11 2SU  
Dr J Bennett, Follyfoot, Cawton, York  
Dr G Walker, Brook House Farm, 6 Main Street, Ebberston  
Mrs S Walker, Brook House Farm, 6 Main Street, Ebberston  
Mr and Mrs B Simpson, Ings Farm Bungalow, Ebberston, Scarborough  
Mr J Scarr, Scarrscroft, 6 Farmanby Close, Thornton le Dale  
Mr and Mrs Masefield, East Field House, East End, Sheriff Hutton  
Ms A Nightingale, 2 Station Road, Helmsley, YO62 5BZ  
Mr D Brewster, Godrevy Cottage, Salton, Kirkbymoorside  
Mr and Mrs R Field, Becksides House, Gilling East, York  
Mr Littlewood, Ashover, Bulmer, York  
Mr and Mrs D Wood, East Ings Farm, Bulmer, York  
Dr M Bell, Bramcote, Park Street, Hovingham  
Mr D Davison, Teal House, Chapel Street, Nunnington

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## Others (continued)

Miss T Grove, 19 The Sidings, Nawton, York  
 Dr M Coughlan, 6 Piercy End, Kirkbymoorside, YO62 6DF  
 Mrs and Mrs J Almond, April Cottage, Main Street, Amotherby  
 Mrs K Treherne, Transition Mayfield, Herons Folly, Fletching Street  
 Mr C Tindall, Middle Flat Farm, Yedingham, Malton  
 Mr W Tindall, Burnside, 1 Main Street, Ebberston  
 Mrs A Tindall, Burnside, 1 Main Street, Ebberston  
 Cllr A D'Agorne, York Green Party, 10 Broadway Waet, York  
 Ms L Hurrell, 25 Delwood, Fulford, York  
 Mr A Booker, 80 Arbutus Drive, Coombe Dingle, Bristol  
 Mr R Lane, 60 Frances Street, York, YO10 4DP  
 Ms M Barnes, 28 Chancery Rise, York, YO24 4dg  
 Ms E Coates, Deepwell Farm, Brawby, Malton  
 Mr M Stride, Ryecroft, Church Street, Nunnington  
 S, S and F Ross, The Old Vicarage, Main Street, Salton  
 Ms P Hudson, Old Wells, Terrington, York  
 Mrs A Redston, 120 Muirkirk Road, London, SE6 1BH  
 Ms H Stripling, 27 Warren House, Bromley High Street, Bow  
 Mr C Redston, Frack Free Ryedale, Dairy Cottage, 21 Pasture Lane  
 H and J Dixon, 102 Outgang Road, Pickering, North Yorkshire  
 Ms H Fox, 1 Willowgate Yard, Pickering, North Yorkshire  
 Mr G Wild, 3 Highfield Terrace, Swinton, Malton  
 Ms S Kennedy, 26 Ashville Avenue, Scarborough, YO12 7NF  
 A and D Leedham, Low Woods Farm, Low Street, Nunnington  
 Mr D Sampson, Paddock Farm, Marton, Sinnington  
 Ms D Jenkins, Manorfield, Oswaldkirk, YO62 5XT  
 Ms W Dawson, 27 Pasture Lane, Hovingham, York  
 Mr I Megson, 5 Swainsea Drive, Pickering, North Yorkshire  
 Ms J Forbes, 83 Middlecare Road, Malton, North Yorkshire  
 Ms L Clarke, Old Mill, Newsham Bridge, Nr. Malton  
 Ms M Gamble, 2 Manor Gardens, Kirkbymoorside, York  
 Ms A Jenkins, 9 Laurels Garth, Sheriff Hutton, York  
 Mr J Cameron, 52 Flag Lane North, Chester, CH2 1LE  
 Mr G Smith, 27 Pasture Lane, Hovingham, North Yorkshire  
 Ms S Turton, 26 Burgate, Pickering, North Yorkshire  
 Mrs D Garland, Cawton Cottage, Cawton, York  
 Mr R Scott, Frack Free North Yorkshire, 27 Warren House, Bromley High Street  
 Mrs S Turner, 4 The Limes, Helmsley, YO62 5DT  
 Mr R Carpenter, High Roans Farmhouse, Sheriff Hutton Road, Strensall  
 Miss A Woodward, 68 Brunswick Street, York, YO23 1ED  
 Gabrielle Naptali, 14 Woodland Ravine, Scarborough  
 Prof. Dominic Powlesland, Director, The Landscape Research Centre, Field Archaeologist in  
 Residence 2013/2014, The McDonald Institute of Archaeological Research, University of  
 Cambridge. Visiting/Honorary Professor Universities of Leeds (Medieval studies), York (Archaeology),  
 Huddersfield (Applied Science) and Vienna (Remote Sensing), The Old Bridge Barn, Yedingham –

**National Planning Policy and Aims of National Park**

- The application is contrary to the over-riding purposes of a National Park, the Local Development Framework and the NPPF.

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**Application No: NYM/2014/0587/EIA**

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## Others (continued)

- It will cause unacceptable adverse environmental impacts and is therefore contrary to Section 115 of the National Planning Policy Framework which states that ‘Great weight should be given to conserving landscape and the scenic beauty of National Parks...’ it further states that ‘The conservation of wildlife and cultural heritage are important considerations in all these area, and should be given great weight in National Parks’
- The gas reserve is not of national significance and therefore there are no ‘exceptional circumstances’ that should allow the development to proceed. The application should be refused as it is contrary to Section 116 of the NPPF.
- The recent DEFRA document National Parks and the Norfolk Broads 2010 UK Government Vision and circular confirm that special qualities should be protected, proposals should mitigate climate change and soils should be protected and enhanced. The proposed development will not be in accordance with these stated aims and objectives.
- The National Park is supposed to be a protected area and should be free from industrial development such as this. If this application were to be approved it is contrary to any notion of a protected landscape and is contrary to the recent announcement that National Parks and AONBs are to be exempted from gas extraction/fracking developments.
- Only sustainable and environmentally friendly projects should be allowed within the National Park.
- The long terms impacts to the National Park should be considered over short term financial gains.
- The National Park is coming under increased pressure and it is vital that it is not to be gradually degraded.
- The NYMNP has a duty of care to the environment and its citizens. This built and landscape heritage should be protected for future generations in accordance with the Authority’s own mission statement.
- Approval of the application could result in large scale protests from the public and supporters of Yorkshire and National Parks.
- The proposal is likely to threaten Listed Buildings and heritage assets. Beneath the ground surface of large areas of the Vale of Pickering, up to 20 metres of peat and organic muds are to be found it seems highly likely that interventions proposed in the application could compromise the fabric of Grade 1 Listed and a large number of churches, castle, monastic and historic domestic structures alongside the internationally significant subsurface archaeology.
- No reports on the potential to disturb the fine drainage patterns that maintain the peats and the most important Early Mesolithic site in Northern Europe or reports on the effect on surface and immediate sub-surface drainage patterns of the water extraction process. The recent floods in Malton are a direct result of peat loss caused by excessive drainage and the constant cycle and aeration of the water from the River Derwent.
- Construction on Ebberston Moor will have an impact on the level of traffic going through, Yedingham, for instance. Every time a HGV crosses the new bridge in Yedingham my home vibrates. Every time an HGV goes through Yedingham it crosses the road at the bend in the middle of the village and often mounts the narrow pavement; this is dangerous for pedestrians.
- Deeply concerned that public investment over the last 37 years in identifying the most detailed picture of an archaeological landscape is effectively to be squandered. The archaeology of the Vale of Pickering is unique, the exceptional peats in the eastern end of the Vale has secured exceptional preservation of deposits which tell us far far more than from sandy sites, though these are also internationally important. It is bad enough that these unique deposits are

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**Application No: NYM/2014/0587/EIA**

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Others (continued)

threatened by industrialised agriculture but now we are to start threatening these deposits from beneath.

**Precedent for Protected Areas**

- To allow this application to be granted is setting a dangerous precedent for UK National Parks and other protected areas.
- Allowing a re-injection well in such a sensitive area could set a precedent for further re-injection wells in the Park which may be used to dispose of toxic waste water in the future.

**Overall Content of the Application, Public Engagement, Determination and Previous Planning Approvals**

- The Environment Agency has not carried out their own independent analysis of the water, geology or water composition and is instead relying on data supplied to them by the applicant.
- No specific information on the borehole design, construction, operation, decommissioning and restoration has been submitted with the application.
- The application lacks detailed information relating to baseline ground water quality data, piezometric elevations of the relevant aquifer units, the role of faults in the migration of pollution, site water management, a monitoring plan for groundwater quality, site specific management and pollution response procedures, benetonite mat integrity, a hydrogeological impact assessment to assess impacts of dewatering along the pipeline route, injection pressures, hydro seismicity assessments and seismicity assessments.
- As this is a very technical matter specialist independent advice should be sought before a decision is reached.
- The public engagement and information has been poor and misleading.
- In a National Park the Best Available Technology should be used rather than the Best Economic Technology which is fraught with risks to public water supplies.
- The Environmental Statement does not fully comply with the requirements of the EIA Regulations (2012), due to a lack of information.
- It is understood that at the applicant's Kirby Misperton site the planning consent was not adhered to and drilling into the Bowland shale took place without consent. A revised application was later submitted to the LPA. There is concern that this may happen at the Ebberston site and that the application may be amended at a later date to recover gas by fracking from the Bowland shale rock below.
- It is believed that an 8000 foot bore hole has been sunk without planning consent to extract core samples. How did this happen?
- A similar application for transporting gas from the site to Knapton was rejected in 2010.

**Options for Development Outside of National Park**

- No alternative sites for the wells outside the National Park have been submitted for consideration and no costings for alternatives outside the NP have been included for comparison, the case for the application site to be the most suitable has not therefore been made.

**Geology**

- Ebberston South is located within protection zones of the Corallian Limestone aquifer and Yorkshire Water has stated that the re-injection well might 'directly affect their asset'.
- The underlying geology contains significant faulting and fractured rocks which make the results of the proposed development more unpredictable. There are major faults in the area in what is known as the Vale of Pickering Fault Zone. These faults may allow for migration of re-injected waste water upwards or laterally, endangering water supplies. Evidence suggests that

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**Application No: NYM/2014/0587/EIA**

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**Others (continued)**

injected waste movement is unpredictable and that in 10 to 100 years groundwater may be polluted.

- There is no evidence that recent geological or water testing has been carried out at the Ebberston South site in order to assess the risks of produced water disposal. The applicants have instead used out of date data from elsewhere (9 and 3 miles away) to build a conceptual model.
- Waste water re-injection into the Sherwood Sandstone under pressure is untested on UK mainland and the applicants cannot be certain that it will not travel into nearby aquifers over time.

**Impact on Water Supplies, Public Health and Seismology**

- The application acknowledges that drilling in the Ebberston area is more difficult than in many other areas due to faulting and associated extensively fractured rocks and over time toxic water may therefore migrate vertically and laterally.
- The application contains contradictory evidence in relation to the possible migration of waste water and the nature of the geology.
- The applicant's argument that 'the natural geology controls risk' is unproven and their statements are contradictory.
- Disposal of waste water containing chemicals and salts seriously risks contaminating the underground aquifers that supply local drinking water. This is low level radio activity that could if consumed by animals through plant material cause up a build-up of radio activity in the bodies of these animals and pass into the food chain.
- The precautionary principle should be applied and no waste water re-injection wells should be allowed in a National Park. The proposals may also be contrary to EU Water Framework Directive.
- The irreversible activity of injecting of radioactive materials in to the ground is of great concern. This country is small and densely populated, with only small areas of countryside left.
- This experimental and dangerous technology should be kept out of the National Park which is a unique environment, especially when there is a chance it might cause water pollution or earthquakes.
- The applicants have stated that the risk of pollution to drinking water is 'very low', but surely any risk is unacceptable, especially when the gas reserve is said to be of no national significance.
- The extraction of processing water on this scale may dry up the water supply particularly when even in 'normal' conditions there have been water shortages.
- There is no proposal to treat the contaminated water before it is re-injected. The water should be cleaned before it is returned to the ground and no risks should be taken as accidents can happen.
- Farmers have been required to be evermore careful in the use of agrichemicals and fertilizers to prevent pollution particularly to watercourses. No risks should be taken with the safety of our environment.
- The application will cause long term damage to humans, animals, the land and water courses and should therefore not be allowed to happen in our precious National Park.
- There are no guarantees that this is safe especially for those living in the area and in the event of an accident the consequences to our water and health would be disastrous.
- Studies in USA indicate that waste water re-injection is a major cause of seismic activity, and is thought to be responsible for an increase of earthquakes in Oklahoma. (In 2007 there were two, whereas already there have been 253 in 2014).

**Construction, Alternative Waste Disposal and Possible Failure in the Well Casing**

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**Others (continued)**

- There must be other ways to dispose of chemicals and toxic waste other than re-injecting them in to the ground. It is only a matter of time before the well casing degrades and causes contaminated, untreated liquid containing chemicals such as ammonia, mercury and benzene to leak into the environment, watercourse and drinking water supplies.
- The long term integrity of the well cannot be guaranteed and checks by the developer will become of less concern when the gas extraction is complete.
- No information has been included in the application relating to detailed practical or financial comparisons for other alternative disposal methods. The re-injection method seems to have been chosen on the basis that it maximises profitability.
- Surveys have been published in relation to oil exploration which claim that 6% of all wells fail immediately, 50% fail over the next 15 years until 100% of the wells fail at 30 years. The application relies on their wells being infinitely impermeable. This is impossible.
- There is insufficient science to know how to extract shale oil and gas safely while adequately protecting public health, the environment and minimising climate impacts. It is known however that human health, the environment and the global climate are suffering because of fracking. People living near fracked gas wells in USA, Canada and Australia have reported illnesses, livestock deaths and killed fish.
- Should a well casing failure or leak occur account should be taken of the risk of these radioactive substances and chemicals draining into the Lower Derwent Valley national nature reserve and Special Area of Conservation (SAC) which is also designated a Special Protection Area (SPA) along with the rest of the valley and it is a RAMSAR site, designated as a wetland of International importance, and a Site of Special Scientific Interest (SSSI).

**Community and Economy Impacts**

- The proposal is incompatible with agriculture and tourism, the two biggest revenue sources in Ryedale.
- The social damage this development could cause is immeasurable; this is an area where families have lived for generations. A development such as this is likely to lead to young people leaving the area. The disintegration of the community will be irreversible.
- It will not bring jobs into the area.

**Landscape and Archaeology Impacts**

- The archaeological impacts of the pipeline on the earthworks of the prehistoric period have not been adequately researched or documented. English Heritage has requested that the decision is deferred until a full study of the area has been completed.
- This development will destroy an area of outstanding beauty that once lost can never be replaced.

**Tourism and Rights of Way Impacts**

- The works are close to Dalby Forest, one of the main tourist/cycling attractions in the National Park. The increase in noise, traffic and general disruption, particularly during the construction phase will have a damaging effect on tourism in the area.
- The proposal will require a public footpath to be moved which is a part of the popular Moors to Sea Cycle Network. This will adversely affect tourism in the Park.
- There will be no tourists because who will visit what the industry experts call 'sacrifice zones'.

**Noise, Light pollution and Traffic Impact**

- The drilling of the wells will continue for 24 hours a day, 7 days a week for three months creating constant noise and light pollution.



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**Application No: NYM/2014/0587/EIA**

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**Others (continued)**

- The works are close to Dalby Forest, an area recognised by astronomers as the darkest place in Britain from which to observe the sky at night. The increase in light pollution and disruption, particularly during the construction phase will have a damaging effect on this special quality.
- The development will result in increased traffic levels in the area resulting in noise, emissions and congestion putting pressure on the existing heavily trafficked roads. This is unacceptable given the condition of the existing road network.
- There will be increased noise and emissions from HGVs going up Netherby Dale in low gear which will have a marked effect on the tranquillity of this part of the National Park.

**Wildlife Impacts**

- The drilling of the wells will have a damaging effect on wildlife including birds, bats, badgers and other nocturnal creatures which may be in contravention of the Wildlife and Countryside Act 1981.
- Protected species of bats, birds and reptiles are likely to be on or near the site. There is insufficient information to enable the impact on them to be fully assessed.
- The pipeline to Knapton crosses the River Derwent, which is a habitat for otters and water voles both of which are protected species.
- National Parks are a haven for nature and wildlife and should be free of industrial works.
- There is serious concern about the impact that this development may have on the biodiversity necessary for bees to exist. The National Park offers clean forage that currently maintains healthy bees. Poisonous water is likely to detrimentally affect large areas of natural forage putting bees at risk.

**Alternative Energy and Climate Change**

- The development is incompatible with the government's legal obligation to ensure that the net carbon account for 2050 is at least 80% lower than the 1990 baseline. The NPPF states that
- the planning system 'has a key role to play in helping shape places to secure radical reductions in greenhouse gas emissions'.
- The County Council has an important role to play in tackling climate change and funds should be invested in more renewable energy sources such as hydro, solar and wind farms. This would be more sensible than filling the land with chemical waste and extracting more fossil fuels.
- Investing in renewable energy and energy efficiency will secure a clean and green energy supply for the future, tackle fuel poverty and create new jobs for the area.
- Only sustainable and environmentally friendly projects should be allowed within the National Park.

**Monitoring the Development**

- The Environment Agency is under resourced to give this application the attention it requires and to monitor the waste water.
- If the application is approved it is vital that the Environment Agency monitor water quality in this area on a regular basis to ensure it is not contaminated.
- There is not enough known about the process and risks, about how to control those risks and nor is there the man power to adequately supervise, monitor and regulate the drilling and injection process. The development should be monitored on an on-going basis, at the applicant's expense, to assess the level of contaminants and to detect any changes in the water table, the environment and to monitor any seismic activity.

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Others (continued)

**Fracking**

- Fracking is a dangerous and devastating method of extracting energy and will ruin the beautiful landscape, pollute the air and water and lead to 40 to 50 tanker lorries per day, ruin tourist and farming businesses, harm wildlife and have severe health implications for residents.
- There should be no fracking in this Country.
- Fracking disturbs radioactivity that has been long since been buried underground. Pumping this waste back into the ground will seep into the water table and aquifers poisoning the land and destroying wildlife and natural reserves that have long been protected.
- Horrified by the implications of the application as it is a 'foot in the door' for fracking. It is laying the infrastructure for future fracking development and must be stopped.

**Major Development Test**

Objectors have raised the issue about extent to which the Authority has assessed the scope and cost of meeting the need for the development outside the National Park. This matter was debated at the MEL appeal. In brief, there are limits to how further south a drill site could diagonally drill the target bottom hole of the Ebberston gas field. This flexibility could theoretically result in a potential gas site several metres further south of the Park boundary in the open formal landscape within the setting of the Park. In practical terms the sanitising of much of the infestation costs of the current site to relocate the compound several metres outside the Park boundary rather than metres within the Park boundary where there is an open landscape without forest cover and would be harmful to the setting of the Park does not represent sufficient justification to involve a 'Major Development Test' reason for resiting the proposal in an established and well screened site within the Park. The previous permission granted at the site re-inforce this view.

**Miscellaneous**

- The application should be refused and guidelines for any future applications should be developed regarding the exceptional nature of the landscape and the environment in the NYMNP and why re-injection of treated or untreated water is unacceptable.
- Concerns expressed in relation to property damage, property values, insurance and compensation should any accidents/earth tremors happen.
- It appears that the world has a surfeit of gas at present, maybe we should consider leaving some of it in the ground for a couple of decades whilst we learn from the early adopters what the consequences are.

A Hydrological Review and follow up note by H Fraser Consulting was submitted, in brief their conclusions state that:

- The site lies in a sensitive water catchment site being within Source Protection zone 2 for the Corallian Limestone groundwater aquifer and some local supplies,
- The produced water is highly saline and radioactive with parameters exceeding drinking water standards by several times.
- A blowout event could lead to pollution of the aquifer by reason of providing a vertical link between the saline source and drinking water aquifer and the effects if it happened would be severe and long lasting.
- The supporting Environmental Statement does provide sufficient confidence that the development will not cause unacceptable water pollution or land stability events for developments requiring Environmental Permits from the Environment Agency.

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## Others (continued)

- The supporting Environmental Statement does not provide sufficient information on the following matters; baseline water quality, role of faults in migration of pollution, borehole design/decommissioning/restoration, groundwater monitoring, site specific environmental management and pollution response procedures, details of how bentonite mat integrity will be maintained, details of an assessment of dewatering along pipeline route, inconsistency of figures for water injection volumes, details of assessment of potential hydro seismicity under planned injection pressures, seismicity monitoring and lack of a Best Available Technique for dealing with produced water.
- There is a lack of data on groundwater pressure/elevations,
- Lack of information on Seismicity,
- Lack of confidence in the delivery of the mitigation,
- Risks from cumulative effects not properly assessed,
- There were omissions in the draft conditions for the March meeting.

The following **object** for one or more of the following reasons:

Mr Chris Redston, Frack Free Ryedale, Dairy Cottage, 21 Pasture Lane

Friends of the Earth, Devonshire House, 37 York Place, Leeds

Mrs Valerie Allen, Barberry, North Back Lane, Terrington, York

Jeremy Scarr, 6 Farmanby Close, Thornton le Dale

Ms Eleanor Jarvis, 29 Thomson Court, Uphall, West Lothian

Jake White (legal advisor) The Printworks, 139 Clapham Road, London

Pamela Hudson, Old Wells, Terrington, York

Mrs June Smith, 6 Pottergate, Helmsley

Joceline Gibson, Birkdale Farm, Terrington, York

Mr K Laws, Mallard Hesketh Hall, Boltby

Mrs K Treherne, Transition Mayfield, Herons Folly

- Any proposed activity would take place in a beautiful area very close to well populated villages, an area much loved by walkers, cyclists and holiday makers. Such activity would destroy the tourist industry, destroying wildlife and devastate the lives of those in the surrounding area.
- Heavy traffic movements and 24/7 working on site with noise, lighting and odour will result in an unpleasant environment in which to live but these are less significant than the extreme danger to health and life from the shale gas itself. This is not a clean source of energy. Every well drilled would produce huge quantities of solid, liquid and gaseous waste. Safe disposal would be a considerable problem. Methane gas produces carbon dioxide, and its extraction is hazardous. There is danger of leakage from wells, and from the re-injection of contaminated water into boreholes. This is not the way to reduce greenhouse gas emissions.
- The application should be refused; it is a short lived and is an exceedingly obnoxious solution to the energy problem which will result in the permanent destruction of our countryside and the health and survival of our communities.
- Object to the high pressure re-injection process as this system could break the all-important seal to the aquifer which would then allow permanent contamination of water supplies.
- Concerned that drilling is being considered in our National Parks and that re-injection of waste water and possible radioactive substances is being considered. If there is no fracking in the UK then there is no need to dispose of fracking waste water.
- Well integrity is a major issue as is contamination of water aquifers and cannot be guaranteed by the unconventional gas industry.

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## Others (continued)

- Consider it is astonishing that important information relating to the cumulative impact of water injection boreholes is not available days before the Planning Meeting, this is not an open and fair way to deal with an important decision.
- Ask the Committee to defer this until the June Meeting to allow time for the late information to be read, assessed and commented upon fully.
- Consider there is not enough information on all the impacts for the Committee to make a decision, including whether the scheme is exceptional.
- There is not enough information to be able to rely on other agencies to discharge the overall accountancy for the decision.
- Consider there is no guidance to allow the Authority to rely on previous permissions being capable as forming a material consideration.
- The S106 offer of £10,000 is meagre to compensate for the increasing industrialist of the Park and should take account of the costs of enforcement and monitoring.
- Not enough regard is paid to the ability to take a pre-cautionary approach with potential polluting projects.
- The Government has conceded that regard should not be given broad economic benefits.
- Not everyone accepts that the need for an energy bridging mix strategy is settled.
- The mitigation measures to reduce the risk from 'significant' to 'not significant' rely on the quality of implementation and there is still a risk.
- Consider it may be harmful to grant an Environmental Permit at this site and this undermines the Authority's ability to rely on the Environment Agency. Given the overlap between planning and the Environment Agency the Authority should satisfy itself on the pollution issues and it cannot, as the information has been denied. Insufficient information has been given on alternative sites and this could render any planning decision unlawful. We consider a planning decision should not be taken until the decision on the permit application has been made as they may not receive a permit.
- There is increasing evidence that induced earthquakes have been caused by waste water injection schemes. The evidence and experience from countries which have already gone down the fracking route should be taken on board. Those problems should not be replicated in North Yorkshire.
- Any intervention, although not fracking, is very dangerous and may well lead to contamination of the water table and if this happened it cannot be undone.
- Why are they allowed to declare it as 'water' then it's not intended to be just water.
- What else are they injecting.
- What emissions will there be.
- How will it affect local roads, tourism and house prices.
- Are endocrine disruptors involved – radioactivity.
- Hopefully the North York Moors National Park will follow in the footsteps of Lancashire.

**The following support the application for some or all of the following reasons:**

Miss L Allanson, Rains Farm, Allerston, Pickering

- Gas exploration and extraction has taken place in the Vale of Pickering and surrounding area for many decades and it has not resulted in problems. There is no reason for this to change. The Knapton Generating Station resulted in many concerns at the time 20 years ago but it has not resulted in smells or any adverse impacts.
- The gas company has always acted with integrity and honesty and there is no reason to believe that this will change. They are always proactive in the community.

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## Others (continued)

- It will provide an economic boost to the area. The UK needs its own gas rather than from Russia.
- The pipeline to Knapton and the upgrading of the existing plant on site should be supported.

**Background**

Members will be aware of the discovery of natural gas within the geology of North Yorkshire which goes back to the 1940's. The Ebberston Moor Gas Field was discovered in 1966 (formerly called Lockton Gas field) and gas was piped from a nearby wellhead to a natural gas processing plant built off Outgang Road in Pickering. It operated between 1971 and 1974 and was closed prematurely following water inundation. Current thinking by the gas field PEDL license holder is that the gas was extracted too aggressively and thus not properly managing the water threat risks. In recent years field studies together with ground and airborne seismic studies have indicated that the north and south Ebberston gas reservoirs still contain large commercially viable quantities of gas in them despite being dormant for 40 years and the limited testing of the wells.

Over the years the Authority has granted several temporary planning permissions for retention of existing or new conventional gas exploration boreholes (they did not include any provision for hydraulic fracturing 'Fracking' in connection with unconventional gas or oil). One was at Westerdale (East) for Egdon Resources, one was to retain the Moorland Energy (MEL) Ebberston south wellsite that was linked to the Ryedale gas plant with extraction approved on appeal, and four were for Viking Gas (at the Ebberston North Gas Field) who operate the Knapton Gas Powered Generation Station. As gas field development plans at Ebberston Moor have evolved it appears that not all the consensual wells near Troutsdale will be drilled. Third Energy (formerly Viking) currently feed their gas powered station at Knapton some 10 kilometres south of the National Park near Yedingham from their four Vale of Pickering gas fields which are now becoming exhausted. Third Energy are now cooperating with Moorland Energy to investigate their Ebberston North and South Fields for future gas powering the existing generating station and thus the appeal consented Hurrell Lane Thornton le dale gas processing plant would not be required.

Members may recall that at the July 2012 Planning Committee Meeting, a three year temporary planning permission was granted for a gas exploration and appraisal borehole at Westerdale (west) in the north west part of the Park to assess the commercial viability of what is believed to be one of the two sizeable gas reservoirs underneath the National Park. No development has yet commenced and it is likely that a renewal may be sought before July this year. Egdon have also submitted an EIA screening opinion in respect of a proposed conventional gas borehole near Ravenscar.

Some Members may recall an appeal decision by the Secretary of State granting planning permission for gas extraction in the Park and associated large gas processing plant just outside the Park near Thornton le Dale known as the Ryedale Gas Project. That plant was premised on gas being provided by borehole in the Ebberston Moor South part of the gas field with licenses held by Moorland Energy (MEL).

The Inspector also commented that it would provide an opportunity to recover the other 'locked in' gas reserves in the Ebberston North area with licenses held by Viking now Third Energy, the operators of Knapton Gas Generating Station. The permission required construction to begin within five years, there has been no 'clearing of conditions' and no commencement of development.

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**Application No: NYM/2014/0587/EIA**

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**Background (continued)**

This Authority gave evidence at the Moorland Energy appeal Public Inquiry and explained its public position that gas extraction from Ebberston Moor should only take place where the associated development would not be harmful to the statutory purpose of designation or harmful to the setting of the National Park and thus the Authority favoured piping the gas to Knapton where it could be utilised by existing gas infrastructure as required by NYCC Mineral Planning Policies. The Inspector gave limited weight to that position on the basis that little commitment had been shown to bringing that solution to fruition, including seeking the appropriate planning permissions. This application effectively seeks to do exactly that.

Following consideration at the October and December 2013 Planning Committees, planning permission was granted to Viking Gas for gas extraction from the Ebberston North Gas Field together with a new 15 kilometre pipeline to Knapton existing gas powered electricity generating station to permit gas to be transported and burned to produce electricity to feed into the national grid. The project straddled the National Park Boundary and was classed as a straddling 'County Matters' application with two identical planning applications being granted by this Authority and North Yorkshire County Council. Those permissions included provision to dispose of 'produced water' back into the underlying geology by means of water re-injection to a non-drinking water horizon. The original planning application did not include full details of the water re-injection but this Authority required the information as part of the application process. That application ran alongside an associated 'Environmental Permitting' application to the Environment Agency to take the water from the gas holding geology horizon and re-inject it at low pressure into a different non-drinking water aquifer geological horizon. The consultation advice of the Environment Agency was that it did not object, noted there were a number of groundwater, aquifer, groundwater flooding & protection issues and recommended that appropriate conditions and informatives be imposed on any approval. An associated Environmental Permit was subsequently granted.

In essence this application comprises the northern part of the MEL scheme approved on appeal for the gas extraction and section of pipeline to the Park boundary together with the southern part of Vikings approval for a pipeline through to Knapton and water injection borehole albeit the latter at Ebberston south not north.

In brief the physical development within the National Park comprises; retention of the existing 114m by 146m gas compound site and access route, development of the existing borehole and well-site (mostly equipment but includes workers mess facility) to allow for gas extraction/production (up to 15 million standard cubic feet per day mmscf/d), a new second borehole to remove water from the gas bearing horizon and disposal of it as 'produced water' together with any water from the gas borehole by low pressure re-injection into a different non-drinking water horizon, together with one 13.9km long 300mm diameter transportation pipeline and fibre optic link cable to Knapton power station (part in National Park but bulk in NYCC area. In the NYCC area, the development also includes a receiving module for the gas similar to existing one.

The pipeline is short of the 16km threshold for it being a Nationally Significant Infrastructure Project (NSIP). It is envisaged that the rate of extraction would remain at 15 million standard cubic feet per day (mmscf/d) as per the EDS scheme elsewhere on the agenda. This is below the EIA Schedule 1 threshold for automatic EIA development status.

However, Officers have previously screened the development as Environmental Impact Development, as it falls partly within a 'sensitive area' (i.e. National Park). As such the application has been submitted with a Planning Statement and an Environmental Statement prepared under the 2011 EIA

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**Background (continued)**

Regulations and they contains extensive background information including: detailed description of the development, methodology, alternative sites, alternative developments, pipeline installation details, applicants interests, need for gas, licensing information, health and safety considerations, other legislation controls, Public Rights of Way impact, Drainage Report, Drilling Method Statement, traffic management arrangements, lighting, security, Ecology, Archaeology, Hydrology, noise, transportation and restoration plan.

During the processing of the application it became apparent that there was considerable public concern regarding the water re-injection aspect of the project particularly relating to the potential for pollution of groundwater and induced seismic events (as envisaged by the public representations received).

Members will be aware that this application is being considered at the same time that the same company is running a series of public engagement events in connection with a future planning application to North Yorkshire County Council regarding publicly contentious proposals to undertake hydraulic fracturing (Fracking) at one of their existing gas boreholes at Kirby Misperton some 5 kilometres south west of Thornton le Dale outside the National Park. In order to be able to provide the Planning Committee with appropriate advice on the hydrogeology issues relating to groundwater pollution and land stability risks, Officers have commissioned an independent Hydrogeology review of the application under an informal Planning Performance Agreement (PPA) under which the applicants have agreed to fund the Authority's report and agreed a revised Government target date for determination of the application. That report together with most of the relevant information relating to the application was posted on the Authority's website towards the end of March to allow for advance public viewing before the committee date.

At the March Meeting of the Planning Committee, following lengthy discussions, Members deferred the application to allow the applicants to submit additional information relating to the following matters:

- Clarify the need for a second borehole,
- Further discussions with the applicant concerning a S106 planning gain contribution to compensate for the residual impacts of the development particularly the perception of increasing industrialisation of the Park,
- Clarification of the cumulative impacts of the water recharge borehole with other water recharge boreholes in the locality in terms of potential for induced seismicity of the Helmsley – Filey fault,
- Submission of details of the proposed schemes for monitoring; borehole integrity & groundwater quality, seismic activity and their associated remediation arrangements in the event of a seismic or pollution event,
- Seeking of independent hydro-geologist advice with respect to planning conditions.

At the May Meeting of the Planning Committee this application was withdrawn from the agenda on the day of the Meeting by Officers following the receipt of advice from the Authority's consultant Hydrogeologist the previous day that the additional information submitted by the applicants was incomplete.

Whilst Officers had scheduled the application to go to the July Planning Committee the applicant sought a one month deferral to allow them to be in a better position to update Members on the likely outcome of their 'Environmental Permit' application to the Environment Agency which would deal with many of the issues raised by objectors and some of the issues raised by Members at the March Planning Meeting.

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**Background (continued)**

The applicants have now submitted details in respect of the second borehole and cumulative impact of their other water injection boreholes in the wider locality and brief details are set out below. However they have indicated that they have considered Members request for up-front details of the various seismic, borehole integrity and water pollution monitoring schemes and remediation arrangements in case of a failure but feel these stray outside of the planning system and seek to duplicate the Environmental Permitting regulatory regime and are thus outside the remit of the Planning Committee. They also indicate that they have checked this with the Environment Agency and they concur. The Authority's legal adviser has looked into the matter and has confirmed that this is the case and as such Members are recommended to follow Government advice that they should assume that the Environment Agency, Health & Safety Executive and Department for Climate Change will operate their regimes effectively.

In terms of the clarification of the second borehole's need, the applicants explain this is built in extra measure if it becomes needed because lower than expected water depletion in the gas horizon is achieved. The first borehole both extracts water and gas and re-injects the produced water. The second borehole is only needed if the predicted modelling for the first borehole water depletion is not achieved and it would be used to draw water (not gas) from the gas horizon (KAF) and re-inject it into the Sherwood Sandstone aquifer to produce higher rates of gas extraction.

In terms of the cumulative impact of the re-injection borehole together with other produced water re-injection wells, three documents have been submitted, firstly a plan to demonstrate the extent of the influence of the other wells and that there would be no interaction to cause higher pressure on the Helmsley – Filey fault and thus induce a seismic event. Secondly a 36 page report dealing with seismic event risk assessment. Thirdly an 11 page report dealing with cumulative effects of multiple North York Moors water injections schemes. In brief these documents explain that:

The plan aims to show that the interface between the potential integrated volume of 1344m<sup>3</sup> at Ebberston A and 556m<sup>3</sup> at Ebberston B. The zones of influence are shown by the blue circles (injection bubble). It indicates that there is no direct interface. As for interacting with significant faults. The map also shows the peak fault (runs north-south in Burniston/Cloughton area) together, with the Helmsley/Filey fault. The faults lay a long way from the zone of influence of the waste injection boreholes. For information all boreholes on Ebberston Moor are shown, there are no plans for any injection at any of them so are not involved in an accumulative assessment.

The Kirkham Abbey Formation (KAF) has a permeability which encourages early breakthrough of water. Therefore it is planned to dewater the KAF and discharge into the overlying Sherwood Sandstone (sometimes known as the Bunter). This is to achieve increased gas mobilisation through de-pressurisation. Since 2011 and the events at Preece Hall in Lancashire all onshore injection schemes have been the subject of much closer scrutiny. This is because high pressure water entered a fault and increased fluid pressure triggering movement that was registered as an earthquake. There are some faults in the Vale of Pickering area and this study aims to quantify the risks. The water pressure at Preece hall was deliberately designed to fracture rock, at Ebberston the design is deliberately low so as not to fracture rock. Detailed rock mechanics and hydrological modelling, calculations and assessment work has been carried out which demonstrates that...it is extremely unlikely that the proposed injection scheme will increase the fluid pressure within a reservoir compartment to a level sufficient to cause a rock failure"... Have also assessed whether combining Vale of Pickering and Ebberston water injection schemes could increase risk of induced seismicity activity and conclude that as the two areas are more than 10 kilometres apart the schemes are



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**Background (continued)**

unlikely to affect the same volume of rock. In terms of a risk assessment, the probability of the scheme causing a seismic event is extremely low. In order to minimise risks even further, design changes could be incorporated including; top perforation to be at least 150 feet below the top of the Sherwood formation, a shorter perforation interval of 50 feet be provided, monitoring of pressures be included, and the injection pump be specified so it is unable to generate a pressure above the minimum rock failure pressure. Have looked at the best case, base case, low case and extremely low case scenarios in terms of gas production and the associated water injection volumes for the Third Energy schemes and York Potash scheme. For the most likely sub surface conditions and anticipated range of injection volumes it is extremely unlikely that the proposed water injection scheme would cause rock failure. Under a few extreme scenarios the pressures would fall under the 'monitor' and 'unsafe' categories. As such recommend any scheme include a 'regular pressure management scheme' to allow any pressure increase to be monitored and injection policy be adjusted together with ensuring the injection pumps be configured such that they cannot raise the bottom hole pressure above the minimum rock failure pressure.

The Authority's consultant hydrogeologist has reviewed the submitted information and produced a 6 page report which confirms that his previous outstanding concerns regarding risk of induced seismicity and risk of cumulative impacts have now been satisfactorily addressed.

In terms of the S106 Planning gain offer to fund environmental compensation/offsetting measures to mitigate residual harms to make the development acceptable in planning terms, the applicants have formally offered £10,000 in writing.

The agent has also written in with additional justification, in brief he states:

It should be noted that the NYCC Planning Committee have already approved its part of the straddling application. The Environment Agency have been provided with both the AMEC report and the two H Fraser reports and have confirmed that all the queries and concerns expressed regarding water pollution can be addressed through the; Industrial Emissions permit, Environmental Permitting, Normally Occurring Radioactive Materials (NORM) permitting and Waste Permitting regimes together with Water abstraction and Discharge permitting regimes and thus the Planning Authority can assume these matters are dealt with satisfactorily for planning purposes. This includes all ancillary impacts concerning protection of groundwater including seismicity. It is accepted that there is a perception of fear by some regarding pollution of aquifers however with appropriate conditions on planning and Environmental Permitting the risks are very low and as such those fears should be given limited weight. Can assure the Planning Committee that information on; data on ground water pressures/elevations, seismicity & confidence to deliver mitigation measures will be provided to the Environment Agency as part of the permitting process. Note Allerston & Wilton's comments about Allerston spring however it is shown in the application and the impacts on it have been assessed and the result is negligible, this spring is outside the NP and part of the NYCC conditions will require the spring to be monitored.

**Main Issues****Policy Framework**

The NYM adopted Core Strategy and Development Plan Policies (2008) contains policies, which amongst other 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

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**Main Issues (continued)**

needed to achieve safe access (Development Policy 23) and that appropriate assessment and evaluation of ecology and archaeological assets are taken in to account (Core Policy C and Development Policy 7).

Government policy and advice in the National Planning Policy Framework (NPPF), online National Planning Policy Guidance (NPPG) and English National Parks Circular 2010 state 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. It also states that as far as is practical non-energy minerals should be sourced from outside National Parks. When dealing with 'major' developments, the Major Development Test sets out that major development should not take place in National Parks except in exceptional circumstances.

Members will be aware that the Authority is currently drafting a Minerals and Waste Local Plan in conjunction with North Yorkshire County Council and parts of York Council. It is envisaged that the preferred options version of the plan will be published towards December 2015. Given the early stage of its preparation, no weight should be accorded to the draft Policies.

The Authority adopted the North York Moors Management Plan in June 2012, amongst other things it seeks to ensure new developments do not harm the ability to attract 1.6 million extra visitors to the National Park and to offset around a quarter of the National Parks CO<sub>2</sub> emissions through energy efficiency and renewable energy.

The main constituent parts of the proposal have already been approved under other planning permissions and this is a material consideration in favour of the scheme. As such the main issues for consideration are considered to be; whether there are circumstances by reason of combining parts of the two projects or whether there are any significant issues with the re-injection well being at Ebberston south rather than north or cumulative issues or other new material planning considerations or new planning policy or advice has been adopted or issued which warrants refusal of the scheme particularly in respect of whether there would be an unacceptable impact on the local environment. These considerations are described below.

**New Planning Consideration – Planning Gain**

Section 38 of the PCA 2004 requires that applications be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Developers with residual impacts arising from their developments can offer additional/mitigation/amelioration/compensation/offsetting by way of a S106 offer provided that the offers directly relate to the impacts in scale and nature and the offers are deliverable. Officers have some concerns regarding a growing perception of "creeping industrialisation" of the North York Moors National Park and an erosion of the National Parks special qualities of wildness and tranquillity as result of a number of development projects, particularly relating to minerals. The scale and nature of these large scale or infrastructure projects have the potential to impact adversely on the tourism economy and visitor perceptions of a protected landscape. For example large wind turbines within and adjacent to the Park, large scale agricultural buildings, large mining buildings and proposals for a second Potash mine and other various gas exploration, appraisal and extraction projects. It is likely that mitigation works will need to be undertaken to reinforce the desirability of maintaining and increasing visitor numbers and their experience of the nationally important landscape asset that this National Park represents as set out in

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**Main Issues (continued)**

our Management Plan. The Management Plan sets a framework for projects and actions to help support National Park purposes and enhance the special qualities of the Park over the medium term.

The applicants were reminded of these concerns at the March Meeting and have reconsidered their position and have now made a written offer of funding towards projects which would be linked to improving the visual appearance of the Ebberston locality to mitigate the residual impacts it would create. In terms of what planning weight to give this offer, the planning system allows Members to give due weight to the offer provided that it links proportionately in kind and scale to the residual impacts and that the compensation can be delivered. Officers consider the nature of this part of the Park with its over emphasis on conifer woodland and utilitarian field boundary treatments are such that existing and proposed NYM schemes to improve the landscape, utilising the above measures in particular in the wider locality of the site would be achievable within five years and thus feel moderate weight in favour of the development is appropriate.

**Justification**

The 'Major Development Test' (MDT) has been an established national principle of planning in National Parks for many years. It seeks to prevent the various adverse impacts which are normally associated with 'major' developments. Such an approach includes large scale mineral extraction given the visual and other environmental impacts that normally follow, particularly taking away large quantities of landform and transportation implications. The key limbs of the 'test' are; need for the development including in terms national considerations, the impact of permitting or refusing on the local economy and cost and scope of developing outside the designated area together with the extent of impacts on the natural environment and how well they can be moderated. The extraction of 15mmscf/d of potentially sour gas is considered to amount to a major development for the purposes of the MDT.

It is a feature of mineral planning that normally minerals can only be extracted where they exist and there is a presumption against major mineral developments in National Parks except in exceptional circumstances. Some Members will recall that the issues of: national distribution of gas resources, contribution to national gas supply of modest gas fields and how to sensitively extract the gas was given detailed consideration during the appeal dealing with the Ryedale Gas Plant in 2011.

At that time the Authority's stated public position was that it considered that having regard to the locational constraints, employment and benefits to the economy, these would represent exceptional circumstances warranting approval of gas extraction if the gas could be sensitively developed by means of being piped to the existing gas generating station at Knapton. As a result of the previously approved Viking application and this proposal again seeking to do precisely that, there is considered to be an 'in principle' justification mainly on the basis of lack of demonstrable environmental harm.

The Country is striving to meet renewable energy targets in 2020 and 2050 to achieve a low carbon economy. Part of the overall plan for meeting renewable targets is an appropriate 'bridging' mix of technologies which will allow matching of the supply cycle for energy demands, for example high demands caused by national events or unusual weather conditions where instant energy such as gas has a role to play. This application could provide a small but useful contribution to that energy bridging mix strategy. Approval would also go a long way towards supporting the jobs involved with the ongoing operation of Knapton Power Station. Knapton has been operating since 1995 without any significant public safety concerns.

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**Main Issues (continued)**

The applicants have also explained that the directional drilling constraints for conventional gas would not permit an effective drill site location outside the National Park.

Whilst the Government has issued a significant amount of advice and some recent policy changes relating to unconventional gas extraction (Fracking) including a ban on surface sites within National Parks, little of that relates to this type conventional gas extraction. It is not considered that there has been any significant national or local policy changes since the previous two principle permissions to warrant a refusal on existing or changed policy grounds alone.

In the circumstances and on balance it is not considered that the objectives of the 'Major Development Test' (particularly in relation to need and lack of demonstrable harm) would be compromised in principle by approving the application.

**Impact on Local Environment**

The application has been lodged with a lengthy supporting Planning and Environmental Statement prepared under the guidance of the 2011 Environmental Impact Regulations and sections cover the various relevant Development Management issues including: geology, flood risk and pollution, traffic management, ecology, archaeology and historical assets, visual assessments, geophysical study, noise, statement of community consultation, alternative forms of development, outline safety document and general planning statement. The applicant has also submitted additional hydrogeological information. In brief, those reports state, the base target area and drilling limitations for conventional gas exploitation limit the locational ability for siting the wellhead effectively to this part of the National Park.

As the site lies within a very large commercial forestry operation, ecological implications are limited to potential impacts on breeding birds, bats and reptiles and the proposed construction Environmental Management Plan (CEMP) has all the necessary steps to mitigate ecological impacts to an acceptable level during the construction phase and the compound design would mitigate ecological impacts during the operational phase.

In landscape and visual impact terms, the generally low level and modest form (maximum height is a satellite dish on a pole at approx 4 metres) with surrounding mature vegetation with a canopy cover of around 15 metres will ensure little landscape or visual impact. In terms of air and noise impacts the CEMP and plant design would be likely to prevent any significant impacts on local receptors.

There are numerous archaeological resources in the wider locality and along the pipeline route however the archaeological monitoring and recording arrangements proposed will ensure the development would have negligible impacts on archaeology. In transport terms, the public roads leading to the site are relatively narrow and although the construction traffic will have a minor adverse impact however this is short term and temporary, maximum weekly vehicle movements are predicted at 35 for the well site and 225 for the pipeline. The low levels of operational traffic would have negligible impacts on existing users and residents/occupiers.

Cumulative impacts have also been assessed with other projects in the locality and none have resulted in a cumulative adverse impact. The ecology section recommends further Bat Surveys along the pipeline route and a condition is recommended on any approval. Natural England consider there would be no significant effects in relation to the Habitat Regulations.

There will be some environmental impacts from the harm to special qualities from the additional construction and operational traffic movements, from the short distance visual impacts of an

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**Main Issues (continued)**

industrialised plant albeit low rise. The plant will also add to the perception of creeping industrialisation of this National Park particularly when assessed alongside other mineral projects in the offing. However the assessment of the local impacts (excluding hydrogeology, see below) are considered to be relatively small and do not justify refusal on these grounds alone. Although not considered determinative the applicants have been asked to consider making an offer of planning gain to further ameliorate or compensate for the residual environmental impacts.

**Concerns Regarding Water Re-injection**

The Authority has received a high number (approx. 200) of letters of objection regarding the application, some of which raise concerns based on the perceived similarity to the concerns relating to hydraulic fracturing (Fracking) that is used in the extraction of unconventional gas or oil from deep tight shales. In brief: these relate to:

- potential for borehole case failure which would expose higher drinking water aquifers to pollution including natural radioactivity, potential for increased seismic activity,
- the process is not the best available technique (BAT),
- underground modelling is based on a conceptual model,
- EA have not conducted independent survey or analysis,
- precedent for future applications, a pre-cautionary principle against should be adopted.

The NPPF (particularly paras 120-125) explains that planning decisions should seek to prevent unacceptable risks from pollution and land stability by ensuring development is appropriate for its location. Local Planning Authorities should focus on whether the development is an acceptable use of land and the impact of the use rather than control of processes which are the subject of other regimes and LPA's should assume those regimes will operate effectively. The water re-injection process is the subject of Environmental Permitting consenting regime to assess the acceptability or otherwise of risks associated with underground drilling and extraction and disposal of gas, fluid or solids. This Authority's role is not to duplicate the control of processes which the Environment Agency with their wealth of experience and knowledge consent however it should satisfy itself that those matters are being satisfactorily addressed. In order to ensure the Authority can satisfy itself at a 'high level' that the hydrogeology concerns have been satisfactorily addressed other than relying on the Environmental Permitting Regime, Officers have commissioned an independent Hydrological and Hydrogeological reviews of the project. In brief the first report found that:

- Statutory consultee and key objection responses have been assessed and taken into account.
- Additional clarification would be useful on the issue of cumulative impact.
- The proposed development is adequately described in the Environmental Statement save for clarification of the second borehole daily injection rate contrary to the nub of a number of objections.
- On the basis of additional information provided, the assessment areas are clearly identified and justified for a produced water injection rate of 556m<sup>3</sup>/d.
- Although there are some flaws in the ES assessment methodology, they do not prevent AMEC coming to reasonable and defensible conclusions regarding residual effects.
- On the basis of the additional information submitted, the baseline is now sufficient for the purposes of EIA and the hydrogeological conceptualisation and water quality characterisation are plausible if not definitive.
- The Sherwood sandstone in the area is not a viable groundwater source and the distant Sherwood sandstone outcrop where it is a viable water source is too distant and can be 'scoped out' for effects.

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## Main Issues (continued)

- On the basis of the additional information provided, the EIA criteria used to assess the potential effects on most receptors as 'significant' in EIA terms (other than distant Sherwood sandstone outcrop) is acceptable.
- The embedded and additional mitigation proposed is appropriate, although conditions are recommended regarding confirmation of the integrity of the Bentomat membrane and spillage system and remedial action plan,
- Having regard to the mitigation proposed, AMEC considers the applicants position that the potential 'significant' effects can be reduced to 'not significant' (including contamination of watercourses and aquifers which support public water supplies and induced seismicity) although it should be noted it is effective delivery of the mitigation which delivers the risk reduction.

Officers reading of the main arising issues from the first Independent Hydrogeological Report is the mis-match between the significant risk mitigation afforded by the limiting of water injection rate to 556m<sup>3</sup>/d ( across the single or pair of boreholes) and distance to the most relevant Helmsley-Filey fault against the applicants suggested possible maximum injection rate of 1344m<sup>3</sup>/d. In the absence of evidence to demonstrate that the upper 1344m<sup>3</sup>/d rate has the same or similar risk mitigation it is again recommended that a planning condition be imposed to secure the risk mitigation. The applicants indicated their agreement to that condition. The main outstanding issue from the first report was the need to assess the risk of fault activation taking account of other schemes including Ebberston North and York Potash's proposed water discharge borehole and Members at the March Meeting asked Officers to ensure this matter was properly resolved.

Officers commissioned a second independent report on the fault activation risk. In brief the second report, whilst not providing any new evidence to demonstrate that the condition controlling water discharge limits is not needed, it has addressed the issues of risk of induced seismicity and cumulative impacts with other water discharge boreholes targeting the Sherwood sandstone in the wider area. The report recommends a further refinement to the water discharge limit condition to add; a pressure limit (1000psi) and prevention of booster fans (to avoid 1000 psi being achievable) and monitoring scheme and strategy to ensure maximum protection that there is negligible effect.

In summary, the applicants have declined to furnish the Authority with all the schemes and details they would need to provide to the Environment Agency to gain all the necessary 'Environmental Permitting' consents and licenses. The Authority's legal adviser has confirmed that in this situation Members should reasonably assume the other competent Authority dealing with those technical matters will exercise their duty appropriately and even if planning permission is granted the applicant will also need the various Environmental Permits before they can operate. The Authority is satisfied on the back of the work undertaken by its independent hydrogeologist that the 'planning' issue of land stability from fault activation has been satisfactorily been resolved as acceptable. Therefore with the conditions proposed, it is not considered that there are issues with the water injection borehole being located at Ebberston South rather than or in combination with Ebberston North to warrant a change a change of circumstances to indicate a refusal of planning permission is justified on these grounds.

As such and having regard to the suggested planning conditions and to the detailed protection of the various dimensions to the Environmental Permitting Regime, it is not considered that there are grounds to warrant a refusal of planning permission on hydrogeological grounds in respect of pollution and ground stability.

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**Contribution to Management Plan**

Policy E1 seeks to ensure the landscape character of the National Park will be maintained and enhanced, the site lies in a well screened location where the impact on landscape character is relatively minor.

**Conclusion**

Planning permission has already been granted for gas extraction at Ebberston North together with water re-injection.

Permission has also been granted for gas extraction at Ebberston south together with permission for a gas pipeline to Knapton generating station and this appears to represent a reasonable fall back position and thus a material planning consideration in favour of the scheme. It is considered highly likely that the viability issues alluded to in the Thornton le Dale processing plant appeal will mean that if this scheme goes ahead the Thornton Dale processing plant will not proceed and there would be significant environmental advantages to the setting of that part of the National Park.

It has been reasonably demonstrated that there are not significant risks from the project to water pollution or land stability. Given the lack of environmental harm and the benefits to the nation of an improvement to the nations 'bridge' to a mixed energy supply and S106 environmental compensation measures offered, that exceptional circumstances apply to justify this form of major development in a National Park.

In summary the planning balance considered to lie in favour of approval of planning permission.

If Members resolve to approve the application it is recommendation that letters be sent to The Health and Safety Executive (HSE) and Department for Climate Change (DECC) from the Director of Planning drawing attention to local public concerns relating to borehole design, borehole integrity testing and borehole commissioning together with safeguarding against induced seismicity and ensuring these concerns are taken due account of during their relevant consenting of the project.

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

The Local Planning Authority has engaged in extensive pre-application advice to frontload the planning application process and has generally acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.