

North York Moors National Park Authority

Ryedale District Parish: Ebberston	App Num. NYM/2010/0262/EIA
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Proposal: Gas production from existing well site and provision of a local equipment room together with construction of 2 no. underground gas pipelines (700 metres) as part of the pipework link to a proposed gas processing facility near Thornton le Dale

Location: Ebberston Well Site, Givendale Head Farm, Ebberston

Applicant: Moorland Energy Limited, c/o Agent

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

Date for Decision: 22 July 2010

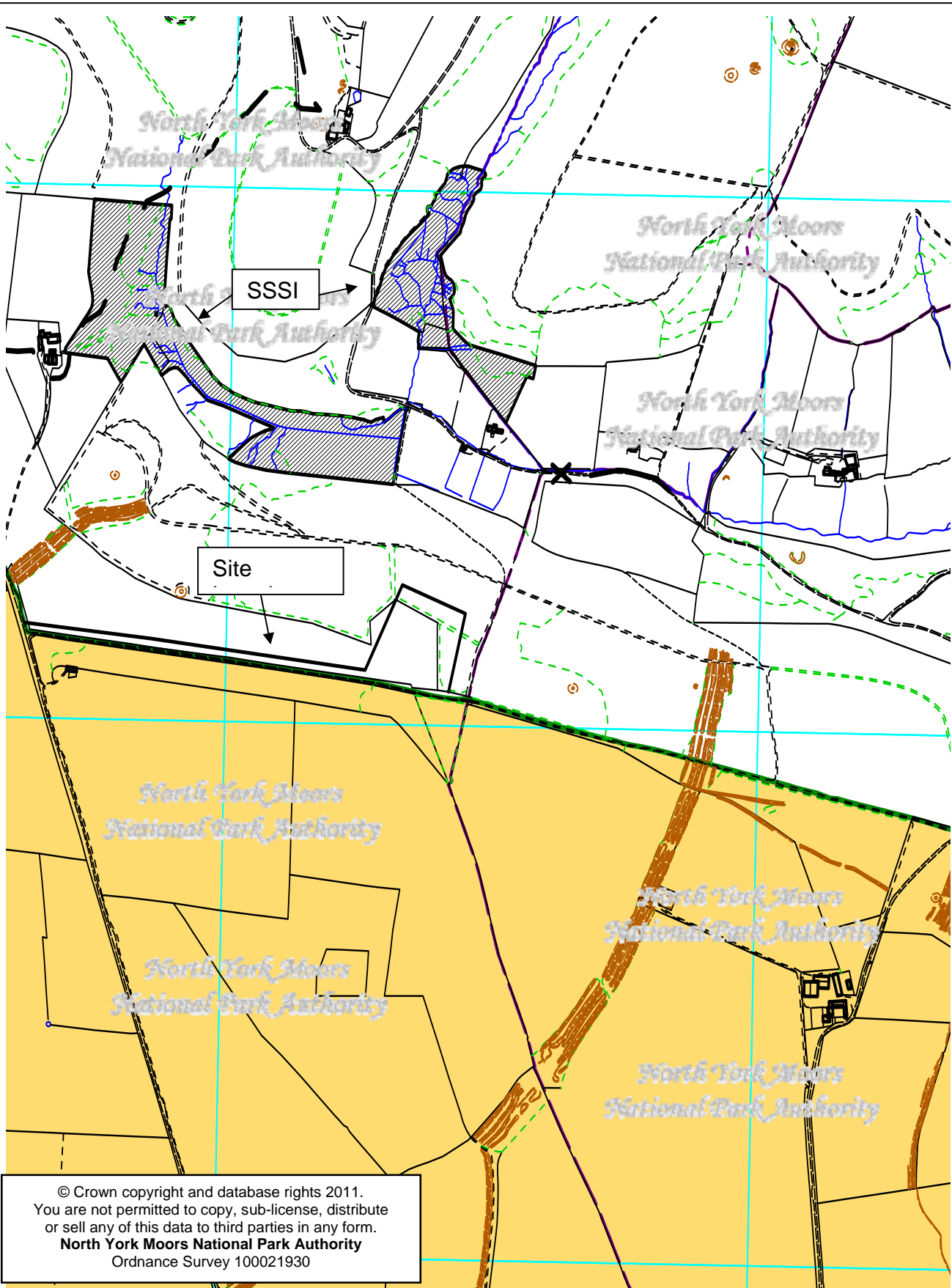
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Director of Planning's Recommendation

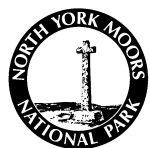
That Members submit to the Secretary of State a recommendation to refuse the proposal for the following reasons:

1. The applicants have failed to robustly demonstrate that there is significant national need for the gas resources which would outweigh the harm that will be caused to this part of the National Park by the development and is therefore contrary to the Major Development Test set out in Annex 4 of Minerals Policy Statement 1, Core Policy E and the draft National Planning Policy Framework.
2. The applicants have failed to demonstrate that there is a sufficient level of gas resources in the area to justify the construction of a Gas Processing Plant within close proximity to the National Park, which will set a precedent and create perhaps irresistible pressure for a number of further well sites within the National Park in as yet unknown locations, which might have a harmful impact on it's character and special qualities and conflicts with Core Policy A.
3. The applicants have not provided robust evidence to satisfy the National Park Authority that there will be no safety risks, noise or light emissions from the development, which may adversely impact the residential amenity of nearby residents living in the North York Moors and is therefore contrary to Development Policy 1.
4. The proposed Gas Processing Plant will cause significant visual harm to the setting and special qualities including dark skies at night and tranquillity of the North York Moors National Park within the wider landscape when looking from the south and thereby conflicts with Core Policy A, the English National Parks and the Broads Circular 2010 and policies 7/6 and 7/7 of the North Yorkshire Minerals Local Plan.
5. It has not been sufficiently demonstrated by the applicant that an alternative site for the proposal could not be both technically and environmentally acceptable as required by Annex 4 of Minerals Policy Statement 1 and Policy 7/7 of the North Yorkshire Minerals Local Plan.
6. The applicant has not provided sufficient information with regard to restoration of the land, either post operational life or in the event of abandonment, to satisfy the Authority that a suitable restoration of the site can be achieved or secured, which conflicts with Core Policy A.

Officers also seek authorisation to negotiate and conclude a Section 106 Agreement to secure mitigation and restoration measures in the event that the Secretary of State decides to grant planning permission for the proposed development.




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Consultations

Ryedale District Council - Objects to the proposal as it is considered to represent an unjustified alien feature on the edge of the National Park and would be seriously damaging to the visual amenity of the Edge of the Moors Area of High Landscape Quality and to the detriment of the visual amenity of the Vale of Pickering. The proposed output in relation of gas supply security is very limited and it is not considered that this is sufficient to outweigh the harm identified.

Ryedale District Council Environmental Health Officer - The rate of extraction should bring the processing part of the operation under the terms of the Environmental Permitting (England and Wales) Regulation 2010. Schedule 2 section 1.2 dealing with Gasification, Liquefaction and Refining activities which brings the refining of gas where this is likely to involve the use of 1,000 or more tones of gas in any 12 month period under the requirement of Part A (1) Environmental Permit, which are now issued by the Environment Agency. No mention is made in the Air Pollution section of the Environmental Statement. Could the applicants concur with this view and if any approach has been made to the Environment Agency. Details of odour attenuation measures for the venting associated with liquids removal to tankers and storage of sulphur are required. Require clarification as to the predicted noise level at Givendale Head Farm, the nearest residential property. Main concerns are regarding the noise at the proposed Gas Processing Plant. If permission is granted it is essential that a properly designed scheme of attenuation of plant and equipment is submitted prior to any development, which also takes into account the possibility of any tonal characteristics. There is a strong possibility that the proposed pipeline will cross the distribution network of private water networks of Givendale Head Farm and Warren House Farm. The owners of the supplies should be contacted to ensure the security of these supplies is maintained.

Additional Information - Objections raised in the way in which noise from the gas processing facility has been approached by the applicants. The Planning Authority should be seeking to protect neighbours existing amenity as much as possible, which is a much higher standard than levels which are just below the threshold of levels likely to give rise to complaints. Although operational noise at the gas processing plant will be controlled to a certain extent by the Environmental Permit it will only be to the standard of Best Available Technique (BAT) and cannot be relied on for residential amenity and audibility of the site. Due to the very quiet nature of the existing background noise levels that exist at the moment the Officer is unable to confirm whether a noise control scheme with conditions could be imposed that would be adequate to protect the existing amenity of nearby residents.

Ryedale District Council Landscape and Trees Officer - Objects on the grounds of the landscaping proposed to mitigate the landscape impact of the scheme, the lengthy period of time associated with the effective establishment of the landscaping and also because of the contrived and uncharacteristic nature of the landscaping proposed. The planting of the area of land to the south of the banking would also be detrimental to the wildflower sword.

Ryedale District Council Ecologist - There is a pond near to the site and no assessment has been made of the presence of Great Crested newts which may be impacted during the construction phase. The application appears lacking in terms of mitigation for badgers. Locals have reported the use of a farm building immediately adjacent to the gas site by a Barn owl, which has not been picked up by the protected species survey. .

Additional Information - Objections withdrawn subject to the monitoring, mitigation and compensation/enhancement measures mentioned in the Ecology Report.

Northern Gas Networks - Northern Gas Networks should be consulted with regards to the technical aspects of the protection of their existing pipelines where the new pipelines are proposed to cross Northern Gas Network's pipelines. The proposed access road off the A170 crosses the Northern Gas Network's pipeline and a reinforced concrete slab will be required at the crossing point.

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The proposed AGI compound encroaches on the 250mm diameter Pickering to Scarborough high pressure pipeline owned by Northern Gas Networks which will require protection from construction traffic etc. The pipeline will be protected with an easement which restricts the work which can be undertaken and 24/7 access is required to the pipeline for maintenance and repair. There are also restrictions on tree planting adjacent to the pipeline. Recommend that the proposed control room is moved so that it is at least 14 metres from the NGN pipeline.

Additional Information - No further comments.

Natural England - Agree with conclusion presented in the Visual Effect Table. Due to limited information of the materials to be used for the construction facilities and final buildings it is not possible to determine whether sufficient consideration has been given to the built structures and fencing that will allow their assimilation into the rural environment in which they are proposed given their potential impact on the Area of High Landscape Value and the visibility from the users of the North York Moors National Park. Natural England are concerned about the indirect impacts that may be caused by the introduction of the pipeline and its effect on the hydrological links with these sites. The Authority should ensure that information relating to the hydrology and its potential impact on the SAC and SSSI's together with mitigation has been received prior to the granting of planning permission. Recommend that a suitable and appropriate condition is applied to any permissions granted which details and references the ecological strategies to be employed for this development including those mentioned in the confidential Badger Report. Recommend that an appropriate condition is applied to any permission granted to ensure that suitable and monitored management regimes of air quality are undertaken throughout the duration of the construction phase. In line with Planning Policy Statement 9 (Biological and Geological Conservation) and Ryedale's Biodiversity Action Plan would like to see the area of agricultural land within the gas production facility seeded with an appropriate seed mix congruent with calcareous grasslands. In addition would like to see the area of land at the junction between the new road and A170 also turned to rich calcareous grasslands. Encourage the Authority to ensure that an appropriate Section 106 is prepared and includes appropriate monitoring and management techniques. As only 2.2 ha is required for the Gas Processing Plant would encourage the applicant to re-evaluate the loss of Best and Most Versatile land and potentially offer an alternative layout for the facility. Applicants need to ensure that there is a clear mitigation strategy for the replacement of soils after the pipeline is laid.

Natural England - made the following comments:

- Relatively happy with the proposals for planting around fencing Section 106 Agreement should be agreed to ensure that any failures in planting are replaced.
- Encourage the use of earth colours such as brown for the industrial structures rather than grey
- Want to see a single colour for the flare stack rather than gradual bands.
- Happy with the proposals for buildings on the site and would encourage the use of locally sourced bricks.
- Raise question as to whether there is a need for an additional pipeline.
- Recommend that the Local Planning Authority requests further landscape appraisal and photomontages that truly reflect what the facility will look like from Environmental Impact Assessment view points.
- Support the methodologies and mitigation proposed.
- Monitoring of local BAP habitats should be secured through a Section 106 Agreement.

Yorkshire Water Services - Recommend that a suitable and appropriate condition is applied to any permissions granted which details and references the ecological strategies to be employed for the development including those mentioned in the confidential Badger Report. Recommend that an appropriate condition is applied to any permission granted to ensure that suitable and monitored management regimes of air quality are undertaken throughout the duration of the construction phase.

Additional Information - No further comments.

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Environment Agency - No objection. The proposed development will carry out a gas refining activity listed in section 1.2A(1)(a) of Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007. The applicant must hold an Environmental Permit issued by the Environment Agency before installation can be operated. Recommend a number of conditions relating to groundwater and contaminated land. The gas refining activity will need to meet the requirements of the Integrated Prevention and Control (IPPC) Directive. The design and operation of the installation will be required to use Best Available Techniques (BAT) to prevent, and where that is not practicable, generally to reduce emissions and the impact on the environment as a whole. The prevention and control of noise and odour emissions, and emissions to air, land, surface water and groundwater must use BAT. No objection in principle to the development subject to conditions relating to the approval of a scheme for the following:-

- Dewatering during construction works.
- Treatment and removal of suspended solids from surface water run-off during construction works.
- Disposal of foul and surface drainage.
- Installation of oil and petrol separators.
- Installation of trapped gullies.

and that the development is carried out accordance with the approved Flood Risk Assessment (24 March 2010)

Highways - No objections. The construction work shall not be undertaken at peak summer times and the applicant is expected to seek the Local Highway Authority approval before any works start or re-start. Recommend conditions relating to access, discharge of surface water, visibility splays, prior approval for works in the highway and details of access, turning and parking.

Additional Information - Additional condition relating to permanent access recommended.

Health and Safety Executive - The operator is required to notify the Health and Safety Executive if inventories are above LT/TT thresholds for COMAH (Control of Major Accidents Hazards Regulations 1999). It is a legal requirement that this is clarified and agreed well before start up. The determination whether COMAH applies, or if the Health and Safety Executive is required would be made on the basis of the aggregate quantity of methane and condensate would need to more clearly identify the properties of condensate to determine how it would be classified under either scheme.

North Yorkshire Moors Association - Strongly object to the proposal on the grounds that it is contrary to agreed policies at a national and local level which have been set out to protect the landscape of rural North Yorkshire and land within the National Park. Although the main industrial intrusion into the rural landscape will be the gas processing site at Hurrell Lane it is also unacceptable that the production well site with the associated surface buildings, pipework and tanks is within the National Park. We also note that the site of the proposed gas processing facility is within metres of the National Park boundary, suggesting a measure of disregard for the importance of this designation. Also feel that the need for the development has not been demonstrated in the sense that ample supplies of gas are available from other sources and an infrastructure is in place to enable this. There are no exceptional circumstances which warrant this proposal. It is more resourceful to use the gas when it is needed and to use it to generate electricity efficiently outside the National Park boundary.

Campaign for National Parks - Object on the grounds that an overriding need has not been demonstrated for the well head facility to be located at this remote site within the National Park. Campaign for National Parks is very concerned about the impact that the proposed gas processing facility would have on the setting, landscape and special qualities of the National Park and on the public enjoyment of the area. The environmental damage that would be caused by the proposal outweighs any benefits.

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Miss Anne McIntosh LLB MP wrote on behalf of and attaching correspondence from one of her constituents Dr Alison Williams as referred to in summary of comments later in the report.

Ramblers Association - Recommend condition to provide safe alternative convenient ways for the public to use when works involving the highways are in progress and specify the works required to reinstate any disturbed highway surfaces to a condition fit for use by the public.

Amended Plans - Reiterate earlier comments.

Thornton le Dale Parish Council have submitted a confidential report on a survey of residents regarding the proposed application.

Internal Ecology - There is little potential conflict with features of ecological value, however there has been no acknowledgement in the application documents about the possible presence of rare arable plants for example and for the opportunity to enhance conditions for them, limestone grassland and heathland species when restoring the ground afterwards.

Internal Yorkshire Wildlife Trust - Although a desk based exercise has been carried out Bat Survey to pinpoint what routes are used for commuting by bats and where bat roosts are situated. It is possible that lighting, disturbance, noise and changes to the hedgerows could affect the bat populations and therefore it will be necessary to see a plan for the proposed pre and post monitoring of the Development Zone to ensure that impacts on bats are minimised.

North Yorkshire County Council Ecologist - Satisfied with the ecological assessment contained in the Environmental Impact Assessment. The requirements for badgers should be secured through conditions attached to any permission granted. Some enhancement measures require agreement with landowners outside of the direct planning application area and as such a mechanism needs to be put in place should planning permission be granted to secure these habitat and species enhancements.

Internal Archaeology - The proposed mitigation measures appear to be well thought out and satisfactory. These should however be confirmed by condition or legal agreement as appropriate.

Others - **The National Park Authority has received a number of letters of objection relating to the gas processing element of the proposal.**

Mr John Bates, Orchard House, South Lane, Thornton le Dale
Anthony G Barnes and Sheila A Barnes, Greenlands, South Lane, Thornton le Dale
Nigel and Dawn Wright, Parsley House, 20 Heron Close, Thornton le Dale
Graham and Ruth Hunt, Hill Top, Wilton Road, Thornton le Dale
Mrs M Monkman, 7 Aunums Close, Thornton le Dale
Margaret R Barnes, Roxby Hill, Thornton le Dale
Janet Sanderson, Walnut Cottage, Priestmans Lane, Thornton le Dale
Wendy Halliday, Hurrell House, Hurrell Lane, Thornton le Dale
Mr B Burdett and Mrs J Burdett, Pepper Corn Cottage, 1 The Terrace, Wilton
A M Bryars, The Grange, High Street, Thornton le Dale
Mary, Raymond, Ben, Toby and Cheryl Kemp, Stonebeck, Main Street, Allerston
R A James and Rosemary James, Church Farm, Wilton
Richard T Benson, 1 Heron Close, Thornton le Dale
B M Sillito, Manor Vale, South Lane, Thornton le Dale
Graham and Vicky Matthews, Manor Vale, South Lane, Thornton le Dale
Lesley Gray, Bankside, Church Lane, Thornton le Dale
Peter and Margaret Smith, Croftburn, Maltongate, Thornton le Dale
R G and S M Buckler, Easthill Lodge, Wilton Road, Thornton le Dale
Mrs C J Chapman, Bleak Farm Cottage, Thornton le Dale
Nicola Hawkins, 11 High Street, Thornton le Dale

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Mr Ronald Douglas Finch and Mrs Heather R Finch, Burch Lea, Wilton Road, Thornton le Dale
Dr Alison Williams, Kirkfield House, Rectory Lane, Thornton le Dale
G P Webster and L S White, Prospect Farm Cottages, Wilton
Richard Moore, Lochduich Too, 23 The Rise, Thornton le Dale
Simon Wilkinson, York Hose, High Street, Thornton le Dale
Diane E Stenton, Easthill Farm and Lodges, Thornton le Dale
Mrs Majorie Rhodes, 7 Castle Road, Thornton le Dale
W Bramley, Kingfisher Cottage, Chestnut Avenue, Thornton le Dale
Miss Jane Watson, Ivy Barn, South Lane, Thornton le Dale
Mary Whitcombe, 75 Harbour Road, Wibsey, Bradford
Mr James Mark, 44 Butterburn Park, Hamilton
Susan Harris and Christopher J Coole, Larkfield, South Lane, Thornton le Dale
Mr Simon Durkin, High Hall, Thornton le Dale

All of the above object to the proposal on some or all of the grounds listed below:

- The Gas Processing Plant will have an adverse impact on the rural agricultural landscape and the setting of the North York Moors National Park.
- Additional traffic causing disturbance and disruption especially during the construction phase.
- The new junction on the A170 will be dangerous.
- Impacts from light pollution.
- Noise pollution.
- It will produce an unpleasant "bad eggs" odour.
- Fears regarding the safety of the processing plant including risk of explosions, health risks as a result of emissions, risk of terrorist attack, lack of information about evacuation procedures in the case of an accident.
- Adverse impact on the local tourism economy.
- Harm to wildlife, protected species and compliancy with Habitats Directive.
- Lack of clarity about how much gas is available and whether this is needed.
- Small number of jobs which will be created.
- Will clearly be visible despite the proposed landscaping.
- Flaring will be visible for some distance from the site.
- Will set the precedent for future enlargements of the site.
- When the extraction is finished a brownfield site will remain.
- Adverse impact on recreational amenities.
- Processing plant will be out of keeping of surroundings.
- Processing plant likely to reduce tourist numbers, which may result in the closure of local shops etc.
- Negative impact on property prices.
- The processing plant should be located at the well site.
- The site is outside the development area where commercial operations are excluded.
- Non compliance with government national objective to protect nationally designated areas of landscape value and nature conservation importance from minerals development other than in exceptional circumstances.
- Inappropriate to rely on desk top assessments of ecology.
- Adverse impact on elderly residents living on Hurrell Lane.
- Need for gas is over exaggerated.
- Proposed jobs unlikely to benefit local people.
- More appropriate and more environmentally friendly options.
- Likelihood of further expansion in the future.
- An electricity generation complex near the well site is more appropriate.
- Knapton should be used for generating electricity instead.
- The proposal will result in increased traffic through Thornton le Dale.

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- Coniferous trees are not natural in this part of the Vale of Pickering.
- Proposed tree planting unlikely to grow successfully on railway embankment due to its construction.
- Proposed tree planting will take a long time to establish.
- Impact on bridleways during the construction period.
- Wilton Heights Quarry or the former site at Outgang Lane are more suitable locations for the processing plant.
- Scepticism about the proposal to employ up to ten apprentices at the plant.
- Proposals to process gas rather than generate electricity are financially driven.
- Do Moorland have the financial backing to develop a gas plant?
- The proposal will produce less than 0.1% of the UK's gas.
- Sour gas plants are usually located as far away from possible from a residential community.
- In 2003 243 people were killed in China following a sour gas plant accident.

Representations have been received from a group of local residents called AGHAST who object to the proposal for the following reasons:

- Contravention of planning policies.
- Adverse visual impact.
- Concerns over noise, vibration, dust, odour and light spill pollution.
- Negative social impact.
- Increased traffic during construction.
- Safety and security concerns.
- Negative impact on the tourism economy.
- Lack of evidence regarding need to the gas.
- Adverse impact on the National Park.

J L Gabbott, Camelia Cottage, Link End Road, Corse Lawn, Gloucester - Has written with a detailed submission which sets out a case against the applicants statements regarding gas supplies, demand for gas in the UK and the contribution the Ryedale Gas Project will make to UK demand supported by a range of information published by DECC. The submission also raises questions as to whether the proposal is economic, why directional drilling has not been considered. Mr Gabbott strongly urges refusing the planning permission on these grounds and on the adverse impact on the landscape. In response to the report drafted by the Energy Contract Company on behalf of the applicants Mr Gabbott states that the report does not identify how much gas the UK needs or how much of this gas will be met by the proposal.

W B and A M Midgely, Stonegarth, Roxby Road, Thornton le Dale

Mike Pitt, Park House, High Street, Thornton le Dale

Technicians Against Gas Site (TAGS)

Professor G H Bell, West Croft, The Rise, Thornton le Dale

All the above have submitted detailed technical representations, which include an assessment of noise levels at the Knapton site, an assessment of air quality at Church Fenton, a number of tests of the model for a Gas Processing Plant and associated works are outlined including credible worst case scenarios, risk assessment, cost versus benefit analysis and independent evaluation of risk. The objections to the proposal include the following:

- Much of the information submitted by the applicants conflicts and is misleading and they have been unable to obtain accurate information from the applicants who say that there is commercial sensitivities.
- Absence of raw gas analysis.
- Insufficient details about various aspects of the plants design that it is not possible to draw conclusions regarding traffic movements etc.

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- Concerns about the design of the pipeline in relation to gas pressure resulting from differences in ground elevations.
- Possible inadequacies in the tank volumes for emergency dumping of liquor.
- Risks of changes in gas pressure and the associated safety implications.
- Lack of analysis of the chemical usage and constituents.
- Risks of explosion and fire at the site.
- Concerns about the impact of slam shut valves on the gas pressure in the pipeline.
- Lack of storage facilities at either end of the pipeline to cope with accidents.
- Processing units must be accessed periodically to replace spent processing chemicals and the continual recycling of waste will rapidly contaminate the system and the catalysts and most plants operating abroad burn off gases to avoid these problems.
- Suggests that flaring may take place more than the once yearly safety check stated by the applicants, which will emit large quantities of carbon dioxide, hydrogen sulphide, sulphur oxide, nitrogen oxides and unpleasant odours into the air.
- Failure of the pipeline will release about 86,000 m³ of sour gas assuming the automatic isolation valves operate.
- Concerns about fire protection.
- Full air dispersion studies should be carried out at the application site.
- Query whether the height of the safety flare height proposed is appropriate and the application of COMAH regulations.

John Bates, Orchard House, South Lane, Thornton le Dale - Additional Information - The company now admit that safety is one of the reasons for Outgang Road being ruled out along with operational noise and air quality issues. The report now acknowledged that there are protected species which may be impacted. There are no references to the Government's commitment to move away from fossil fuels to renewable energy.

The applicants submitted a document responding to the comments of TAGS, Mr Pitt and Mr Midgely and the following comments were subsequently received:

Mike Pitt, Park House, High Street, Thornton le Dale - There appears to be no provision made for bunding and waterproofing the site or for the containment of drilling fluids. Any spillages will result in contamination of the water supply to the Troutsdale valley.

W B and A M Midgely, Stonegarth, Roxby Road, Thornton le Dale - The submission fails to address his original concerns about the lack of detailed information about the odour control equipment and the design of pipeline and the fact the lack of storage facilities on the well site for high pressure gas should a shutdown be necessary. There is no tried and tested method used elsewhere for a pipeline of this nature.

Mr Jerry Scar, TAGS - Repeats concerns regarding the safety of the proposal and set out a number of proposals for dealing with fires/accidents. Also has significant concerns regarding ground water contamination. Recommends a bond is held for restoration purposes. Also considers proposals to extend the proposed pipeline to Knapton will increase safety risks and the site is not capable of dealing with the additional gas supplies.

A further 84 comments were received via a visitor petition form.

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1.0 Background

- 1.1 In April 2010 Moorland Energy Limited submitted duplicate planning applications for a gas well site, pipeline and processing plant, the smaller part of which is located in the National Park and the remainder in Ryedale District Council to be determined by North Yorkshire County Council as the adjoining Minerals Planning Authority. In the early stages of processing the application, Officers from North Yorkshire County Council, the National Park Authority and Ryedale District Council agreed a protocol for handling the application, which was to determine the part of the application lying within North Yorkshire County Council's jurisdiction including the Gas Processing Plant element first and the second lesser element of the well site afterwards based on 'public interest' and 'proper planning of the locality'. In July 2011 Moorland Energy Limited appealed against the non-determination of both elements of the planning application, which was subsequently recovered by the Secretary of State for his decision. A Public Inquiry to discuss the proposal in its entirety will be held from the 25 October 2011 for approximately 12 days. Although Members will no longer make the final decision on whether planning permission should be granted or refused the Planning Inspectorate requests that a recommendation to the Secretary of State is submitted prior to the Public Inquiry.
- 1.2 In light of the objections received to the proposal the applicants have submitted a number of additional documents which aim to address the concerns raised:
- The Importance of the Ryedale Gas Project.
 - Tourism and Economic Assessment for the Proposed Ryedale Gas Project.
 - Supplemental Statement of Community Involvement.
 - An addendum to the Alternative Sites Chapter of Volume 1 of the Environmental Statement.
 - Ecological Species Survey and Ecological Mitigation Strategy Plan.
 - Response to correspondence from Natural England, dated 16 June and 4 May.
 - Response to informal correspondence from Officers of Ryedale District Council.
 - Response to technical issues raised by objectors.
 - Seven photomontages of the Hurrell Lane site and accompanying methodology.
 - Seven views of a blimp flown at the Hurrell Lane site.
 - Zone of visual influence plans and accompanying methodology and commentary.
 - Canon Consultancy drawing showing revised proposed access off A170 and explanatory text.
 - Supplemental Statement of Community Involvement.
 - Geophysical Survey.
 - Archaeological Mitigation Written Scheme of Investigation.
 - Exterior Lighting Report.

2.0 History of Gas Exploration

- 2.1 Natural gas was first discovered lying in the geology of North Yorkshire in the 1940's. In 1970 Home Oil of Canada developed a well site in Lockton via a sour gas processing plant, which was built on Outgang Lane, Pickering. The operating lifetime of the well site was relatively short as a result of the wells producing water. Later in 1980 temporary planning permission was granted for the construction of an exploratory borehole in Wykeham Forest. In 1994 the Knapton gas and power generation plant was commissioned by Scottish Power with its gas supplies sourced from the Vale of Pickering at Kirby Misperton, Marishes, Cloughton and Pickering.

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- 2.2 In 2006 planning permission was granted by the National Park Authority to Viking UK Gas for the sinking of an exploratory borehole at Ebberston Moor Lane for a temporary period of three years. In 2008 planning permission was granted for the remodelling of the existing exploratory gas well site and its retention for a further period of three years. This site is located 3km to the north of the current wellhead application sites and the licence is owned by another company who operate Knapton power station.
- 2.3 Planning Permission was granted at the well site currently being considered in 2008 for the drilling and siting of a temporary borehole and access for exploration, testing and evaluation of hydrocarbons. It was noted in the Committee Report for this application that granting this consent would not be any indication of the possible decision should an application for production be submitted. In December 2010 permission was granted to allow the retention of the well site for a further two years.

3.0 Proposal

- 3.1 The Ebberston well site is located on the edge of Dalby Forest, approximately 4km to the north of the village of Ebberston. The well site occupies the eastern end of a long, narrow field which forms part of the landholding of Givendale Head Farm. The well site is accessed via a 5 metre wide access road which runs approximately 500 metres from Ebberston Common Lane. The compound itself measures 114.5 metre by 146 metres and would accommodate buildings and equipment for the separation and transfer of the natural gas and condensates. At the present time the site comprises a hardcore compound with an earth bund to the east all of which is enclosed by a 2 metres high wire fence. Some sections of pipe have been stored on the site. The site is largely screened from wider views by trees.
- 3.2 Once in operation the proposed well site would include the following:
- Local equipment room.
 - Access gate.
 - Emergency gates (2).
 - Road tanker bund.
 - Liquid and wet gas pig launchers.
 - Pipe supports.
 - Hydrate inhibitor package.
 - Corrosion/scale inhibitor package.
 - Wellhead separator.
 - Backup nitrate cylinders.
 - Instrument air compressor.
 - Satellite.
 - Interceptor.
 - 2.85 metre high security fence.

All the above elements of the application are located within the National Park.

- 3.3 According to the applicants, gas will flow from the reservoir and through the choke valve which regulates the flow rate of gas. A horizontal two-phase wellhead separator will separate the gas and liquids, before transfer via the separate pipelines to the Hurrell gas processing facility. The flowing wellhead pressure will provide the driving force for the liquid (and gas) flow. The applicants go on to say that pig launchers will allow the pipelines to be inspected and/maintained but will not be used during normal operation. Methanol is proposed for hydrate inhibition at the well site, requiring a storage tank and injection pumps. Corrosion inhibitor and/or scale inhibitor may also be required for pipeline protection.

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Paragraph 3.3 (continued)

Electrical distribution, control, shutdown systems, telecommunications, instrument air and wellhead hydraulic panel will be housed within a local equipment room on the well site, which will normally remain unmanned. The following utilities/systems will also be required at the well site:

- Electrical power will be supplied at 400V by the regional electrical company via a pole-mounted transformer.
 - Wellhead hydraulic system/panel.
 - Instrument air (for actuated valves and plant utility air).
 - Nitrogen cylinders (backup for instrument air).
 - Process area drains/interceptor.
- 3.4 Two pipelines would be laid between the well site and the gas processing facility – one for gas and one for produced liquids, approximately 650 metres of these pipelines would be located within the National Park boundary. The gas would be conveyed to the gas processing facility via a new 300mm diameter pipeline. The liquids separated at the well site would be conveyed to the gas processing facility via a dedicated liquids pipeline of 100mm in diameter. Once constructed the route of the pipeline would be reinstated to its former use i.e. agriculture, however a 7.4m easement will be retained during the operational lifetime of the proposed pipeline. A fibre optic cable running parallel with the pipelines between the Ebberston well site and the proposed gas processing facility will also be laid.
- 3.5 The pipelines will transport the gas and liquids to the proposed gas processing facility located at the junction of Hurrell Lane and New Ings Lane, which is to be located 10 metres outside of the National Park. The gas processing facility once constructed will comprise the following elements:
- Gas receipt, incorporating a double block and bleed, and pig receiver/launcher, for both the gas and liquids pipelines.
 - Slug catcher (inlet separator).
 - Pressure reduction heater and choke valve.
 - Separator coalesce.
 - Liquids handling – when liquids being produced from the well, condensate and water separation and storage plant will come into operation.
 - Gas sweetening for removal of hydrogen sulphide including handling of sulphur.
 - Gas compression.
 - Gas dehydration and dew-point control (water and hydrocarbon), including mercaptans removal. Preliminary selection is for a temperate swing adsorption (TSA) system comprising of a silica gel adsorption processes.
 - Custody transfer metering, to include analysis, export gas heating and back pressure control if required.
 - Outlet double block and bleed and pig receiver/launcher.
 - Utility systems.
- 3.6 The processing plant itself will cover an area of 2.2 hectares, although the application site covers 5.7 hectares, some of which will be planted as grassland. The proposal involves a range of industrial structures, which would be a maximum height of 15 metres. The application site is located approximately 10 metres outside the National Park.
- 3.7 The proposed gas processing facility would be accessed via a new road, which will run southwards from the A170. In terms of associated buildings the proposal also includes the construction of a control room, administration offices, messing facilities, toilets, workshops and control/shutdown systems.

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- 3.8 Once the gas has been processed it will exit the plant via an underground pipeline to a location close to the main National Grid gas pipeline (the Pickering to Burton Agnes No 6 Feeder). A facility called an Above Ground Installation will be installed at this point to allow isolation between the National Grid pipeline and the Ryedale export pipeline. This element of the planning application is located adjacent to the Gas Processing Plant site and will include the erection of an electrical and instrumentation kiosk, an actuated isolation valve (situation above ground), a bypass valve, pressurisation bridle and drainage interceptor pit.
- 3.9 Prior to the submission of the planning application a formal request for a Screening Opinion was received by the National Park Authority, which subsequently concluded that the development was considered to amount to Environmental Impact Assessment and as such an Environmental Statement accompanied the application.

4.0 Planning Policy Background

4.1 The relevant policy documents are:

- North York Moors Core Strategy and Development Policies adopted November 2008.
- Minerals Policy Statement 1 'Planning and Minerals' (2006) – Annex 4 'On-shore oil and gas and underground storage of natural gas'.
- Planning Policy Statement 7 'Sustainable Development in Rural Areas'.
- Planning Policy Statement 22 'Renewable Energy'.
- Planning Policy Guidance 24 'Noise'.
- The Yorkshire and Humber Plan – Regional Spatial Strategy to 2026.
- The North Yorkshire Minerals Local Plan adopted 1997.
- National Planning Policy Statement for Energy Infrastructure (designated July 2011) – overarching EN-1 and gas supply infrastructure and gas and oil pipelines EN-4.
- National Planning Policy Framework – consultation draft published July 2011.
- English National Park and the Broads UK Government Vision and Circular 2010.

4.2 Core Policy A 'Delivering National Park Purposes and Sustainable Development. The policy seeks to further the National Park purposes by conserving and enhancing the special qualities of the Park which includes providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquility of the Park, nor detract from the quality of life of local residents or the experience of visitors.

4.3 Core Policy E 'Minerals' primarily deals with aggregates but states that all other minerals developments will be considered against the Major Development Test. The supporting text of the policy goes on to state that the extraction of gas should only take place in the National Park in exceptional circumstances and will therefore be subject to rigorous examination and concludes that proposals will be considered against the policy of Annex 4 of Minerals Policy Statement 1.

4.4 Development Policy 1 'Environmental Protection' says that development will only be permitted where it will not generate unacceptable levels of noise, vibration, activity or light pollution and where there will be no adverse effects arising from sources of pollution, which could impact on the health, safety and amenity of the public and users of the development.

4.5 Minerals Policy Statement 1 says that major mineral developments should not be permitted in National Parks apart from in exceptional circumstances. Consideration of such applications should therefore include an assessment of:

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Paragraph 4.5 (continued)

- i. The need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;
 - ii. The cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;
 - iii. Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.
- 4.6 The Minerals Policy Statement goes onto say that planning authorities should ensure that where permission is granted in National Parks for major minerals development it should be carried out to high environmental standards, through the application of appropriate conditions, where necessary and be in character with the local landscape and its natural features. Proposals not considered to be major development should be carefully assessed with great weight being given in decisions to the conservation of the natural beauty of the landscape and the countryside, the conservation of wildlife and the cultural heritage and the need to avoid adverse impacts on recreational opportunities.
- 4.7 Annex 4 of the Minerals Policy Statement deals specifically with on shore gas exploration, appraisal, development and extraction and says that the Government's aim is to maximize the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner. Annex A goes onto say that the industry should make available to mineral planning authorities information on the extent of known reserves of oil and gas, its forward plans and any potential sites for exploration, appraisal or production that it is considering and for which it holds exploration or production licences.
- 4.8 Planning Policy Statement 7 'Sustainable Development in Rural Areas' states that National Parks and other nationally designated areas "*have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty*". Paragraph 22 of Planning Policy Statement 7 reiterates that major development proposals should be demonstrated to be in the public interest before being allowed to proceed and repeats the major development tests as set out in Annex 4 of Minerals Planning Statement 1 with reference to other proposals than minerals. These tests are restated in the Draft National Planning Policy Framework.
- 4.9 Paragraph 14 of Planning Policy Statement 22 'Renewable Energy' says that Local Planning Authorities should not create 'buffer zones' around nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects. It goes on to say that the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining applications. Although the policy specifically refers to renewable energy projects Officers consider that a similar approach could be taken with regards to other major developments just outside National Park boundaries.
- 4.10 Planning Policy Guidance 24 'Noise' provides guidance regarding the adverse impact of noise and recognises that noisy activities where possible should be sited away from noise sensitive land uses.
- 4.11 ENV10 of the Regional Spatial Strategy seeks to safeguard and enhance landscapes that contribute to the distinctive character of the region including the North York Moors National Park.

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- 4.12 The North Yorkshire Minerals Local Plan applies to the area of land, which falls outside of the National Park. Policy 7/6 of the North Yorkshire Minerals Local Plan says that planning permission for the commercial production of gas will be granted only within the framework of an overall development scheme relating to all proven deposits within the gasfield. Paragraph 7.5.5 states that the County Council will resist the possibility of every individual hydrocarbon discovery being regarded as a separate oil or gasfield in its own right. It goes on to say that, "sustainable development principles require maximum integration and elimination of duplication. Therefore for development purposes, definition of a gasfield or oilfield should, where relevant, be regarded as consisting of several relatively small deposits in a single area brought together into one set of proposals. It is recognised that this does not fit neatly with the licensing system under which several companies may be active in an area. However it is considered to be in the best interests of the North Yorkshire environment to minimise duplication of surface infrastructure and to encourage companies to work together on development schemes". Policy 7/7 says that unless such development would be technically impracticable or environmentally unacceptable, planning permission for the development of gas reserves as yet undiscovered will only be granted where the development utilises existing available surface infrastructure of pipelines.
- 4.13 In July 2011 the government approved National Policy Statements for Energy, which set out the national policy against which proposals for major energy projects will be assessed by the Infrastructure Planning Commission/Major Infrastructure Planning Unit. The proposed rate of extraction of the gas from the reservoir is less than 1.1 million standard cubic metres per day (mcm/d), which means it does not fall within the remit of the Infrastructure Planning Commission, (the threshold for referral is extraction rates greater than 4.5 million mcm/d), however the National Policy Statements provide a useful policy context for gas extraction developments.
- 4.14 The National Policy Statement says that the UK is highly dependent on natural gas for electricity generation as it accounted for over two fifths of electricity in 2010. The statement goes on to say that although gas supplies have been assured over the last 30 years from the UK Continental Shelf it is now in decline. In 2004 the UK again became a net importer of gas in 2011 around 40% of the UK's net demand for gas is expected to be met by net imports. The Department of Energy and Climate Change latest predictions are that demand for gas will fall by around 17% between 2010 and 2020 but then rise by 12% by 2025. Due to changes in weather conditions the demand for gas is more likely to become a problem as such demand in the past has relied on highly responsive gas fields in the North Sea and Eastern Irish Sea.
- 4.15 DECC are concerned that as these fields age and become depleted they will release gas at a slower rate and therefore there is a need to introduce a diverse mix of gas storage and supply infrastructure that can respond to these peaks in demand. The National Policy Statement states that further infrastructure beyond that which exists or is under construction at present will be needed in future in order to reduce supply or price risks to consumers. The National Policy Statement then concludes that decisions on gas supply infrastructure are a commercial matter in terms of the capacity (indigenous production, imports and storage) and the technical specification of gas storage capacity which may be proposed.
- 4.16 The Draft National Planning Policy Framework was published for consultation in July 2011 and may be considered as a material planning consideration. The Draft National Planning Policy Framework says that as far as is practical Local Planning Authorities should ensure sufficient levels of permitted reserves are available from outside National Parks.

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- 4.17 The Draft National Planning Policy Framework goes on to say that Local Planning Authorities should give significant weight to the benefits of the mineral extraction including the economy and ensure that where permission is granted that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and bear in mind the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. The Draft NPPF re-iterates the criteria against which major development proposals need to be assessed as set out in paragraph 4.5.
- 4.18 The English National Parks and the Broads UK Government Vision and Circular 2010 says that major development in or adjacent to the boundary of a Park can have a significant impact on the qualities for which they were designated. Government planning policy towards the Parks is that major development should not take place within a Park except in exceptional circumstances. It goes on to say that the Government expects all public authorities with the responsibility for the regulation of development in the Parks to apply the Major Development Test rigorously, liaising together to ensure that it is well understood by developers.

5.0 Main Issues

- 5.1 Although the planning application comprises five distinct elements (the well site, pipeline, new access road, Gas Processing Plant and Above Ground Installation) in legal terms it is within one red line boundary and therefore should be treated as one whole application for development. Members will be making a recommendation on the whole application which is to be considered in totality and includes five elements, albeit that (if determining the application) the Committee would only have jurisdiction over the part of the application within the National Park. However there is a possibility that the Secretary of State will assess different elements individually. Therefore, for the purposes of clarity the elements have been explained and assessed individually.
- 5.2 Responsibility for the application lies between two separate authorities. North Yorkshire County Council previously asked for views on the Gas Processing Plant as this element falls outside of the National Park boundary. These views, that were ascertained at the 21 July 2011 Planning Committee Meeting have been provided as part of the consultation process with North Yorkshire County Council.

6.0 National Park Context

- 6.1 The North York Moors National Park was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949 and the Government restated the purposes of the designation in the Environment Act 1995. The key statutory duties are to conserve and enhance the natural beauty, wildlife and cultural heritage of its National Park and promote opportunities for the understanding and enjoyment of their special qualities by the public. Where it appears that there is a conflict between these purposes greater weight shall be attached to the first.
- 6.2 The Act also places a duty on National Park Authorities in pursuing the two purposes 'to seek to foster the economic and social well-being of local communities'. These priorities have recently been reinforced in English National Parks and the Broads – UK Government Vision and Circular 2010.
- 6.3 The North York Moors National Park Management Plan contains policies to help deliver the two National Park purposes and for fostering the economic and social well being of local communities. The special qualities of the North York Moors National Park identified in the Management Plan were drawn up following wide public consultation and include tranquillity, dark skies at night and strong feeling of remoteness.

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6.4 The National Park is not expected to be a location for major development schemes. Mineral Planning Statement 1 sets out the tests that need to be met before permitting major mineral development within such designated areas. Government legislation includes the winning and working of minerals or the use of land for mineral-working deposits as major development. Core Policy E of the North York Moors Core Strategy and Development Plan also says that all proposals for gas extraction will need to meet the tests set out in Minerals Policy Statement 1.

7.0 Need for the Development - Gas Resources

7.1 The National Policy Statement emphasises the importance of natural gas for electricity generation in the UK and that the demand for gas is likely to become more problematic in future years as a result of changes to weather conditions. Core Policy E states that the extraction of gas should only take place in the National Park in exceptional circumstances and will be considered against the policy set out in Annex 4 of Minerals Policy Statement 1. Due to the scale and nature of the proposed development it is likely to have more than a local impact and therefore it is first necessary to establish whether this harm could be outweighed by the national need for gas.

7.2 The appellants own the PEDL licence for area 120, which sits predominantly in the National Park and runs from Helmsley in the east across to West Ayton and largely remains unexplored. The applicants state that there is a five to eight year supply of gas from the Ebberston South reservoir and go on to say that they plan to drill further wells comprising new side tracks and new wells that will target resources some distance away by using technology available that enables directional drilling. The applicants go on to say that the aggregate resources of these new target resources will enable production to continue for at least 20 years and probably longer. The applicants have submitted a document titled 'The Importance of the Ryedale Gas Project' drafted by The Energy Contract Company. The report explains that gas is very important to the UK economy, generates half the electricity produced while 85% of the population live in homes heated by gas. The report goes on to say that at the moment the gas market is very over-supplied but this is likely to end around 2013/14.

7.3 The applicants state that reserves at the well site are expected to generate up to 40million standard cubic feet day and therefore will make a small but important contribution to the need for gas in the future. Moorland Limited have said that less than 3.5 days gas production will provide the required annual energy needs for 1,600 households. Officers therefore consider that the applicants have demonstrated that the extraction of the gas supplies will contribute to meeting the national need albeit on a small scale and as such the planning application needs to be determined with regards to whether this level of need overcomes any environmental harm which may be caused. However the fact that the need for the Gas Processing Plant rests on a 20 year supply, which has not been accurately identified or included as part of the planning application, means that the applicants have failed to adequately demonstrate need for the gas processing plant. The requirement for the well site is dependent on the availability of the gas processing plant and therefore Officers do not consider that the applicants have demonstrated that the proposal as a whole has met the requirements of the first stage of the Major Development Test.

7.4 The second strand of the first part of the Major Development Test is the impact on the local economy. The applicants have stated that they anticipate the creation of around 20 permanent jobs and up to ten apprenticeship schemes, however Officers consider that the impact of the development will be negligible in terms of the local economy.

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8.0 The scope for Meeting the Need Outside of the National Park - Consideration of Alternative Sites**8.1 Well site**

8.1.1 The applicants have provided details of an assessment of alternative sites for the well site, which could be used for the extraction of the gas reservoir which lies under the North York Moors National Park, however although outside of the National Park these sites are likely to have a greater impact on its wider landscape setting than the proposed site. The alternative well sites proposed are on open sites, which are not as well screened and would be clearly visible from Public Rights of Way.

8.1.2 Officers are satisfied that the proposed well site is on balance a location that does not in itself cause significant harm to the character of the North York Moors National Park given its previous planning history and well screened location. In the context of the overall planning proposal it will however facilitate the provision of significantly harmful development lying just outside the National Park boundary.

8.2 Gas Processing Facility

8.2.1 The Environmental Statement sets out a number of alternative locations which have been considered for the gas processing facility. The assessment stipulates that there were a number of criteria which would need to be met before a site could be considered suitable, which included the size of the site, its geomorphology, impact on climate change and that it had to be at least 400 metres from a residential property. Using this criteria a desk top exercise identified eight alternative sites. All of these alternative sites were located within the applicants PEDL licence area.

8.2.2 The applicants say that their first option was to locate an electricity generation facility adjacent to the existing well site which would take the raw gas produced at the wellhead and generate up to 12MW of electricity. However at a pre-application stage Officers from the North York Moors National Park Authority advised the applicants that this level of development would be considered inappropriate within the National Park and as such this proposal was discounted. Further sites have also been discounted by the applicants for a number of reasons such as inappropriate road access, impact on wildlife, designated conservation sites and proximity to residential dwellings,

8.2.3 The policies of the North Yorkshire Minerals Local Plan specify that applicants should seek to share existing infrastructure for gas. For this reason North York Moors National Park Officers consider that a robust case should be made as to why the processing of the sour gas cannot be carried out at the existing gas powered generation station in nearby Knapton. The applicants have assessed the option for using Knapton Generating Station but have explained that they understand that the plant has been forced to shut down on a regular basis because of the difficulty in ensuring regular flows of gas from the reservoirs. The Environmental Statement goes on to explain that the applicants also understand that the turbine is inefficient compared to central generation, (local generation is only 35% compared to Combined Cycle Gas Turbines (CCGT) of 56%). In addition, Moorland Energy say that there are also capacity limitations to the site and therefore have concluded that Knapton is not a viable option.

8.2.4 In September 2010 the applicants produced an addendum to the Environmental Statement which said that the significant differences in efficiency between generating electricity at a local station such as Knapton and piping the gas via the National Transmission System to a large scale Combined Cycle Gas Turbine station means that there would be greater levels of carbon dioxide emissions if the gas was to be piped to Knapton. Although there is an existing pipeline between Whitby and Pickering the pipeline does not have the capacity to transport the processed gas from the Ebberston well site and a new pipeline is necessary.

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- 8.2.5 In May 2011 the applicants submitted a further document as a result of Officers concerns, which sought to address the issues regarding the consideration of alternative sites. The applicants have concluded that following a comprehensive and robust assessment of seven alternative sites the Hurrell Lane site was the most appropriate location on the basis that the other sites were not suitable on the grounds of adverse impact on the landscape character of the area, ecological sites of importance for nature conservation, a Scheduled Ancient Monument, accessibility, proximity to existing residential properties and inadequate capacity and impacts on climate change. The assessment concluded that co-location at the Knapton site is not appropriate for the following reasons:
- In land use planning terms, co-location would not achieve significantly more benefits than that which is the subject of the application.
 - Co-location is unacceptable in technical and engineering terms.
 - Co-location is not commercially attractive.
- 8.2.6 The assessment states that the Knapton Plant and proposed plant at Hurrell Lane are different in that one burns sour gas to generate electricity whereas the new site will process sour gas to domestic usage specification. The assessment goes on to say that the daily take off requirements at the Knapton site are too small (9mmscf/d) to justify payback on investments required to install pipelines from the well site, while the economics would be further impacted by the existing agreement that UKES have with Scottish Power to supply them with electricity. According to the applicants there are also greater safety concerns when the length of pipeline is longer and therefore the main objective is to minimise the length by as much as possible. There are further problems in terms of increasing the length of pipeline including the necessity to cross the River Derwent and a railway crossing, which will result in increased costs making the project a less commercially attractive option for investment.
- 8.2.7 In terms of environmental harm the applicants argue that the installation of a much longer pipeline will increase impact on ecological species and this will be minimised by keeping the pipelines as short as possible. The applicants also point out that the Knapton site is due to be decommissioned in 2018 and therefore a further planning approval would be required. The applicants conclude that as the Environmental Statement has shown that the Hurrell Lane facility would not give rise to any adverse impacts on the National Park that is no difference in planning policy terms than the site at Knapton.
- 8.2.8 Officers do not agree with the conclusions of the applicants that the Hurrell Lane site will not give rise to any adverse impacts upon the National Park and are therefore not satisfied that the use/extension of the existing site at Knapton should be discounted, particularly as it is clear that no detailed discussions have taken place with the owners of the Knapton site regarding whether any of the potential problems could be overcome. For these reasons Officers do not consider that the arguments put forward by the applicants in terms of efficiency and cost for not co-locating at the existing site at Knapton outweigh the environmental harm that will be caused by the construction of a new industrial plant in a rural landscape within such close proximity to a National Park.

9.0 The Harm to the Environment, Landscape or Recreational Opportunities**9.1 Well site**

- 9.1.1 Planning Permission was granted for an exploratory borehole at this site in 2007 on a temporary basis, the associated Planning Committee Report made reference to the fact that the granting of the temporary permission for exploration should not be any indication of the possible decision should an application for production be submitted.

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9.1.2 The proposal for the well site will involve the permanent introduction of industrial structures which are alien to the existing landscape character, which is in close proximity to public footpaths used for recreational activities. However the proposal site is located at the edge of Dalby Forest and is very well screened from wider views by dense conifer planting and an existing earth bund. The structures required for the extraction of the gas are not considered to have a significantly greater impact than those used for exploration. Officers therefore consider that on balance the need for the proposal for a gas well site on this well screened site and the potential harm caused to the character of this part of the National Park could be outweighed by the potential benefits of gas extraction to contribute to meeting the national requirements if the proposed Gas Processing Plant did not harm the setting of the National Park and the development as a whole were to meet the requirements of the Major Development Test.

9.2 Pipeline

9.2.1 The pipeline itself although visible during construction is not considered to harm the character of the National Park following the construction phase as it will be buried underground and the landscape returned to its original form.

9.3 Gas Processing Plant, AGI and New Access Road

9.3.1 The proposal site for the Gas Processing Plant is located on a 6.5ha site which is just 10 metres outside of the National Park. The area is characterised by a remote agricultural landscape and is defined in Ryedale District Council's Local Plan as an Area of High Landscape Value, (although the site of the proposed processing plant is just outside). The area is described in North York Moors National Park Landscape Character Assessment as the tabular hills, the more open part so the area are described as allowing expansive views to the south across the Vale of Pickering.

9.3.2 The proposed Gas Processing Plant will be located to the south side of an existing railway embankment, which to an extent will screen the plant from wider views. However several of the structures proposed including the gas liquid separator, surge vessel, regenerator vessel, contactor vessel and regen gas heater are all over 12 metres in height while the compressor building is 10.25 metres, (it should be noted that the proposed plant is not yet definite so apparatus may exceed these heights). The applicants argue that the proposed Gas Processing Plant will be largely screened by the existing disused railway line embankment and the planting of new trees around the boundary of the site. The disused railway embankment is approximately 7 metres in height which means that several of the proposed Gas Processing Plant apparatus will be visible above the embankment, when looking from the north. The applicants have proposed planting on this embankment to provide further screening, however this may not be practical due to the construction of the embankment. When looking from the south the applicants are relying on the screening from newly planted trees, however these will take several years (possibly 20 years) to establish themselves and therefore the proposed Gas Processing Plant will be visible in the short and medium term from long distance views looking towards the National Park. Depending on the landscaping scheme the facility is likely to be much more intrusive in the winter time when the trees have no leaves.

9.3.3 The applicants argue that the proposed Gas Processing Plant buildings and infrastructure will be of no greater scale and overall massing than that of the existing isolated scattered agricultural development which is typical of the existing landscape character such as barns and silos, however Officers disagree with these conclusions. The landscape is largely open in appearance with a few small copses of trees and as such it is considered that a large area of tree planting will detract from the existing appearance, particularly if these are coniferous species. The National Park Authority considers that the introduction of a range of structures of an industrial appearance will have a negative impact on the wider setting of the North York Moors.

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- 9.3.4 Ryedale District Council's Tree and Landscape Officer concluded that owing to the relatively open nature of the Hurrell Lane site there is a need to carry out extensive planting that is uncharacteristic of the local landscape and therefore detracts from that landscape rather than enhancing it.
- 9.3.5 Officers consider that the application as a whole will significantly harm the special qualities and landscape setting of the North York Moors National Park and therefore the proposal fails the third stage of the Major Development Test.

10.0 Lighting and Noise

- 10.1 One of the special qualities of the National Park has been identified as dark night skies and tranquillity. Development Policy 1 'Environmental Protection' says that development will only be permitted where it will not generate unacceptable levels of noise, vibration, activity or light pollution. Although the appellants have carried out a noise assessment because the design of the plant is not sufficiently advanced it is not possible to submit a draft noise scheme for consideration. Similarly the applicants have submitted an Exterior Lighting Report, which says that the installation can be considered as complying with best practicable means to addressing light pollution and light nuisance, however Ryedale District Council's Environmental Health Officer has raised concerns about the requirements for lighting to meet safety requirements. For these reasons Officers are not satisfied that the evidence put forward by the applicants in relation to proposed lighting and noise demonstrates that there will be no adverse impacts on the dark skies at night or tranquillity of the North York Moors National Park and therefore the proposal does not meet the requirements of Development Policy 1.

11.0 Safety and Residential Amenity

- 11.1 A large number of the representations received from members of the public outline concerns regarding the safety of the Gas Processing Plant and its perceived risk of harm to local residents. The applicants have confirmed that they were unable to establish the condensate production rate, however they believe that it will be at a level which triggers the requirements to meet COMAH regulations and consents will be required from the relevant authorities should planning permission be granted.
- 11.2 No application has been made by the applicants for Hazardous Substances Consent to date.
- 11.3 North Yorkshire County Council are in the process of requesting an assessment on the possible safety risks of both the well site and the Gas Processing Plant and a verbal update will be presented at the Committee Meeting.

12.0 Restoration

- 12.1 Officers at both the National Park Authority and North Yorkshire County Council feel that the nature, scale and location of the proposed development warrant a comprehensive package of measures to ensure the adequate restoration of the land at the end of its operational lifetime or as a result of abandonment.
- 12.2 This may be sought through the subject of a bond through a Section 106 Legal Agreement to be held by each Planning Authority as security to ensure restoration takes place. This forms part of the recommendation to Members. At present, there are no proposals from the applicant concerning the decommissioning and restoration of the development.

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13.0 Conclusion

- 13.1 National policy demonstrates that there is a national need for further gas extraction within the UK to meet future demand for electricity. The applicants believe that the gas reservoir is expected to generate up to 40mmscfd for at least five years, which if correct demonstrates that there is a need for the development in principle. However the applicant states that the construction costs and impact of the gas processing facility are justified over its 20 year lifespan but the applicant has stated that it has gas supplies between five to eight years from the Ebberston well site. Clearly other well sites will be required in order to service the gas processing facility over the 20 year period, but the applicant has not provided any evidence of these alternative well sites. Officers remain unconvinced that the five to eight year 'proven' supply is sufficient to prove a need amounting to the exceptional circumstances required by the Major Development Test. The Major Development Test also states that decisions must be made in light of the impact on the local economy. An assessment of the economic impact of the development does not demonstrate an overriding need for the proposal, and the proposals thereby do not fulfil the requirements of the first part of the Major Development Test.
- 13.2 The second stage in the Major Development Test is to demonstrate that the need cannot be met in some other way than developing in the National Park. In terms of the well site, Officers are satisfied that the proposal site is the most appropriate of those alternative sites considered. However Officers feel that the applicants have not demonstrated sufficiently robust information as to why the Gas Processing Plant cannot be co-located at the existing Knapton Gas Processing Plant. As the well site proposal is reliant upon the Gas Processing Plant and alternative sites for this have not been robustly demonstrated Officers conclude that the proposal in its entirety fails to meet the requirements of the second stage of the Major Development Test.
- 13.3 The final stage of the Major Development Test is the consideration of the effect on the landscape. The proposed Gas Processing Plant will introduce industrial features to Hurrell Lane, which is located just outside of the National Park boundary. Although it will be screened to a certain degree by the existing railway embankment and trees, the proposals for new planting to screen the site will appear alien in this open rural landscape, while the industrial appearance will harm the landscape setting. The combination of the new planting and remaining visual appearance of industrial structures is considered to significantly harm the visual setting of the National Park from views looking from the south of the application site. Again Officers conclude that the final step of the Major Development Test has not been met.
- 13.4 Officers accept that the need for the well site on its own right is met under the Major Development Test as the evidence regarding alternative sites demonstrates that there is no less environmentally harmful place to put the well site. However, the part of the proposal that falls within the National Park boundary comprises only one element of a larger application, which is considered will harm the landscape setting of the North York Moors and its' special qualities such as tranquillity and dark skies.
- 13.5 The well site element is dependent on the Gas Processing Plant and so both elements are intrinsically linked. On balance it is not considered the national need for gas extraction and production as set out by the applicants outweighs the harm that the proposal in its entirety will have on the North York Moors National Park and it's wider landscape setting. For these reasons refusal is recommended as the proposal is considered to conflict the requirements of the Major Development Test set out in Annex 4 of Minerals Policy Statement 1, Core Policy A and Core Policy E and Policies 7/6 and 7/7 of the North Yorkshire Minerals Local Plan.
- 13.6 Officers also have concerns regarding the lack of robust details submitted by the applicants regarding safety and residential amenity and as such the proposal as a whole conflicts with Development Policy 1 of the NYM Local Development Framework.