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Planning Statement

Retention of Existing Exploratory Gas Well Site
for a Period of Three Years

Ebberston Moor 1 Well Head
Ebberston, Common Lane,
Snainton, Scarborough,
North Yorkshire

November 2011

NYMNPA

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Exploratory Gas Well Site for a
Period of Three Years**

**Ebberston Moor 1 Well Head
Ebberston, Common Lane
Snainton, Scarborough
North Yorkshire**

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Barton Willmore LLP on behalf of Viking UK Gas Limited. The Statement is in support of an application seeking a variation in Condition 1 of planning approval NYM/2008/0675/FL to allow the retention of the well site at Ebberston Moor 1 Well Head, Ebberston, Common Lane, Snainton, Scarborough for a further period of three years.

Viking UK Gas Limited

1.2 Viking UK Gas Limited has been an operator of the Ryedale Gas Fields (encompassing the accumulations of Kirby Misperton, Malton, Marishes and Pickering) in North Yorkshire since late 2003. The Ryedale Gas Fields were previously owned and operated by a joint venture of Tullow Oil plc (through Tullow UK Gas Limited) and Edinburgh Oil and Gas plc, holding 60% and 40% equity respectively. These fields deliver natural gas to the Knapton gas plant where it is treated and utilised for power generation in a gas-fired turbine. The Knapton gas and power generation plant are owned by RGS Energy Ltd (following an acquisition from Scottish Power plc in 2006) and operational activities are carried out by Viking UK Gas Limited in the role as a contract operator.

1.3 Under the provisions of the Petroleum Regulations, the Secretary of State for Energy and Climate Change has granted an area designated as Petroleum Exploration and Development Licence "Semay A" which allows Viking UK Gas Limited to "search, bore for and get petroleum" within the boundaries of Semay A (**Figure 1**). The proposal to which this planning application relates falls within this licence area.

Licence History

1.4 The Semay A licence is located in the North of the Cleveland Sedimentary Basin, within the county of North Yorkshire extending northwards into urban Teesside. The wells in the fields of the licences produce gas from the Permian Zechstein limestones (Kirkham-Abbey Formation - KAF) and the Carboniferous sandstones (Namurian formation). The Brotherton formation (Magnesian limestone) is present and gas bearing in most of the wells but has not proven to be commercially productive.

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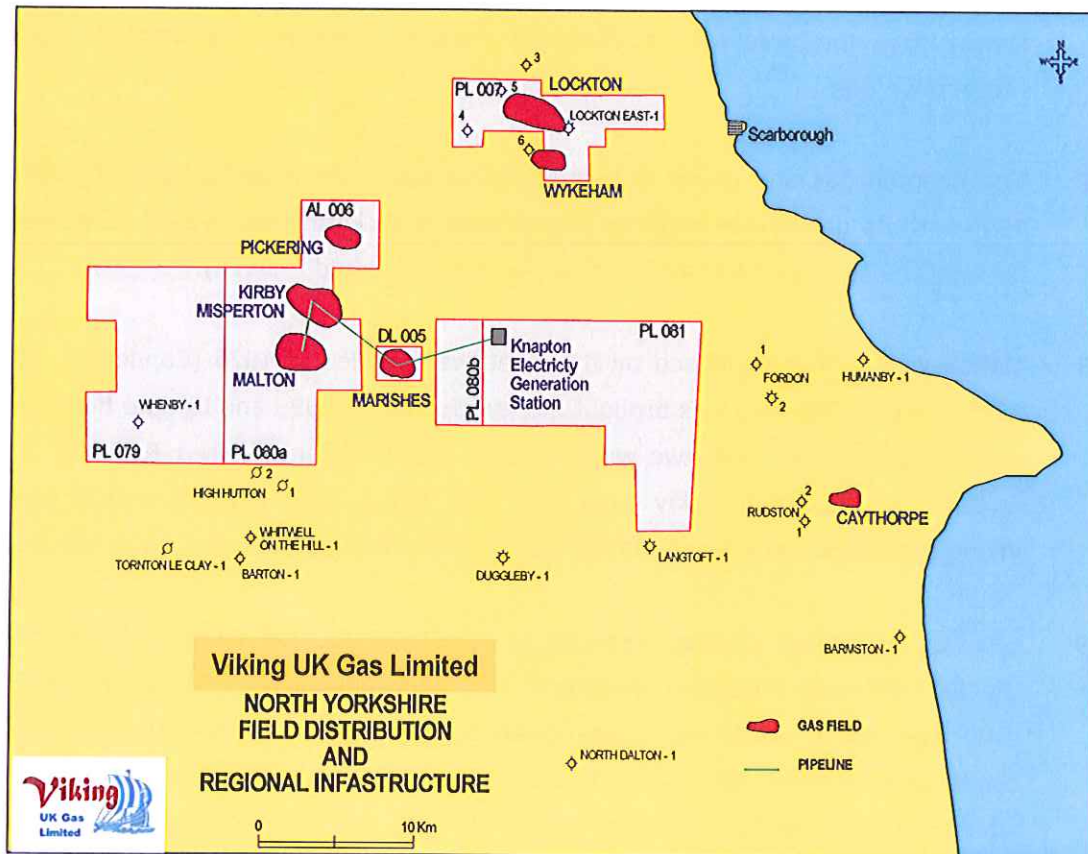


Figure 1: Viking UK Gas Limited North Yorkshire Gas Fields Semay A Licence

1.5 Semay A was assigned to Licence Blocks

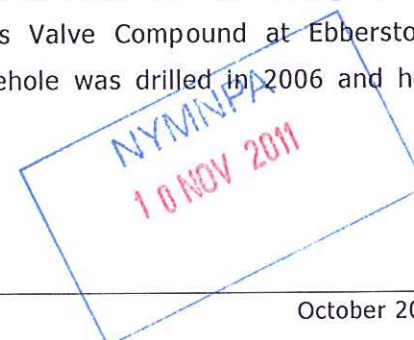
- AL006 (Pickering)
- DL005 (Marishes)
- PL077 (Lockton and Wykeham)
- PL079 (no field)
- PL080a (Malton and Kirby-Misperton)
- PL080b (no field)
- PL081 (Knapton Plant site)



1.6 Home Oil of Canada discovered Lockton, Wykeham and Malton in the period between 1966 and 1971. Lockton was developed in 1971 via a sour gas processing plant sited at Pickering with sales to the British Gas main line. Reservoir performance deviated from the anticipated forecasts when the wells began producing water from an early stage. This factor, in addition to the poor contractual terms of a take or pay contract, lead Home Oil to abandon the assets after producing only 11.3 billion standard cubic feet (billion standard cubic fee) of gas. A study of the Lockton Field by Viking UK Gas has

shown that the reservoir is likely to contain additional commercial volumes of recoverable gas.

- 1.7 The Knapton gas and power generation plant was commissioned by Scottish Power in 1994 with its gas source supplied by the Vale of Pickering discoveries to be developed by Kelt (the successor to Taylor Woodrow Energy Limited - TWEL).
- 1.8 Malton was further appraised by the three wells drilled in 1976 (Candecca), 1980 and 1985 (TWEL). The field was brought into production in 1995 and to date has produced a cumulative 8.7 bscf from two wells, Malton 1 and Malton 4 (MN-1 & MN-4). The field remains in production today from one well, MN-1, with MN-4 currently suspended. Viking considers that there is further development drilling potential within the field.
- 1.9 Gas was discovered at Kirby Misperton in 1985 by TWEL. KM-1 found commercial gas in the Carboniferous Namurian sandstone. KM-2 subsequently found gas in the KAF. The third well, KM-3, tested wet (water-bearing) and this well is now used for water and condensate disposal. KM-1 and KM-2 were brought into production in 1995 (KM-2 was later sidetracked to form KM-4 by Viking UK Gas). To date approximately 6.7 bscf has been produced from the Namurian and 3.8 bscf from the KAF. Again, Viking considers there is further development drilling potential within the field.
- 1.10 Kelt, the successor to TWEL, discovered gas at Marishes in 1988 and Pickering in 1992. Kelt subsequently developed Malton, Kirby Misperton, Marishes and Pickering to supply gas to Knapton.
- 1.11 The Marishes field was brought into production in 1995 and to date three wells (MS-1, MS-2, MS-3) have developed ~3.2 bscf from the KAF. One well remains in production as an occasional supply well. Further development potential of the field is under evaluation by Viking.
- 1.12 Tullow and Edinburgh were the successors to Kelt in 1999. During this period, very little exploration, development or workover activities were performed with a resulting impact on the available daily gas production rate. After succeeding Tullow in 2003, planning permission was granted to Viking UK Gas in March 2006 for the sinking of an exploratory borehole on land adjacent to the Gas Valve Compound at Ebberston, Common Lane (Ref: NYM/2005/0254/FL). The borehole was drilled in 2006 and has been suspended following testing and evaluation.



- 1.13 A further application (Ref: NYM/2008/0675/FL) was submitted in September 2008 on behalf of Viking UK Ltd for remodelling of the existing exploratory gas well site on land adjacent to the Gas Valve Compound at Ebberston and retention of it for a period of three years. As part of extending the duration of this consent, a landscape strategy formed part of the application to ensure that any existing visual impacts of development were effectively reduced. The application was approved under delegated powers on 25 November 2008.
- 1.14 Viking UK Gas Limited seeks to retain the Ebberston Moor 1 Well Site for a further three 3 years because the well site continues to have potential value to the company. The gas reserves in the Ebberston Moor area (containing both the Lockton and Wykeham gas fields in License PL077) require further appraisal drilling to de risk any future development. Depending on the results of the sub surface studies being conducted by Viking UK Gas, the well site could potentially be used to drill one or more of these future appraisal wells.

Summary

- 1.15 This Planning Statement and application drawings sets out the details of the proposed retained development. The Statement is split into the following sections:
- Section 2 : The Site and Surroundings
 - Section 3 : Planning History
 - Section 4 : Description of the Proposed Development
 - Section 5 : Planning Policy Framework
 - Section 6 : Appraisal of Proposed Development
 - Section 7 : Restoration
 - Section 8 : Conclusion



2.0 SITE AND SURROUNDINGS

Surroundings

- 2.1 The Application Site is located within the Parish of Allerston at the edge of Dalby Forest on the forestry land approximately 6.5km to the north of Eberston as shown in **Figure 2**. Access is directly off the unmade public highway bordering the site.

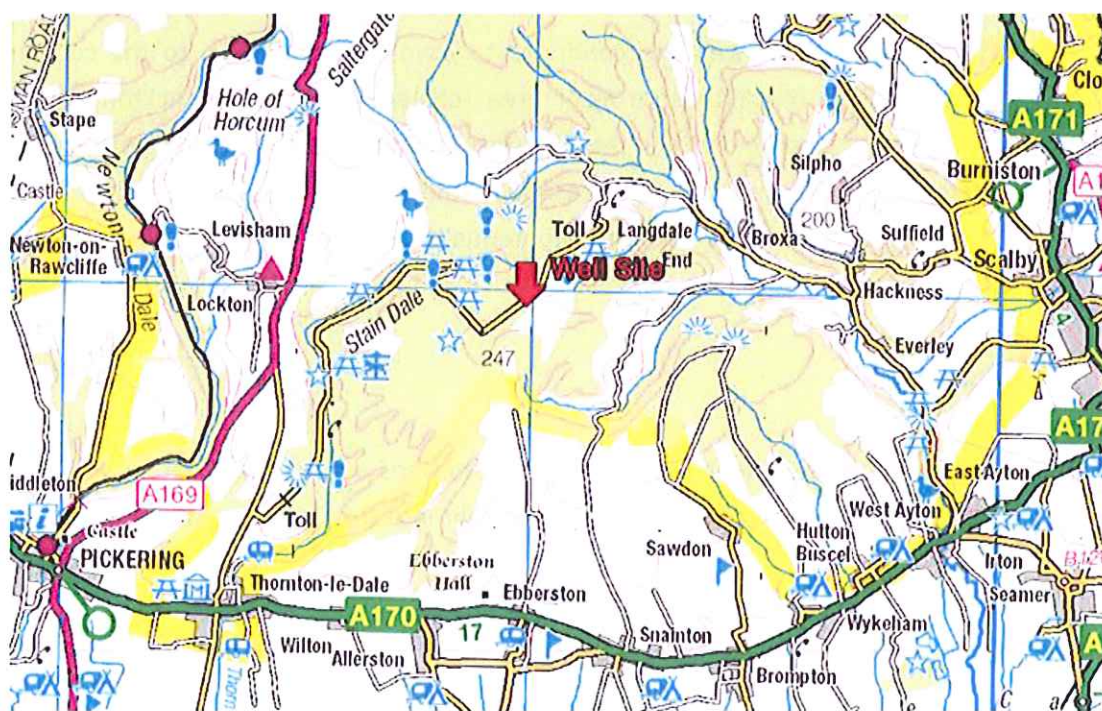


Figure 2: OS Map showing location of Well Site

- 2.2 Currently, the Application Site is contained within a wedge of established and regenerating forestry bound by Eberston Common Lane to the east, Dalby Forest Drive to the west and an informal logging track to the south as shown in **Figure 3** and **Figure 4**.



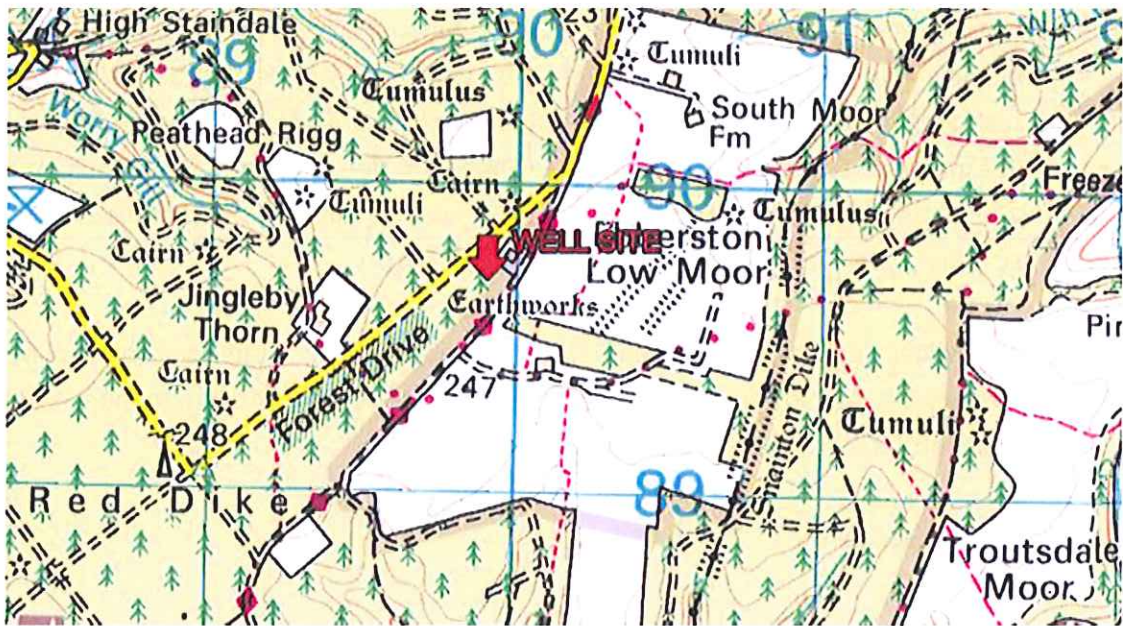


Figure 3: OS Map showing immediate vicinity of Well Site



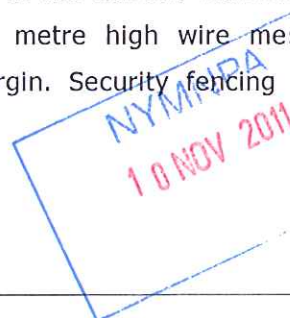
Figure 4: Google Earth Image showing immediate vicinity of Well Site

2.3 The nearest communities to the site are the small, loosely defined farming community of Langdale End (4.25km to the north-east) and the more compact forestry community of Low Dalby (4.75km to the south-west). The latter is an outdoor tourist related centre situated on the Dalby Forest Drive complete with a Forestry Commission information centre encouraging active and passive recreational pursuits within the forest area.

- 2.4 Existing built development in this area is limited and typically restricted to isolated farm buildings set within pockets of established woodland. An existing active Above Ground Installation (AGI), known as Lockton Compound also extends to the north of the Site. The nearest residential development is Ebberston Common Farm located approximately 270 metres to the southeast of the Site. This has no direct views into the Site given the screening provided by intervening forestry planting.
- 2.5 The wider landscape represents an elevated plateau established predominately in forestry vegetation. The elevation of the Site is 246 metres AOD and appears similar to much of the surrounding land.

Site Description

- 2.6 The Site presently consists of a modified area of landscape associated with existing gas exploration activity covering a total area of 1.38 hectares. The central area of the Site includes a rectangular drilling platform covering a total area of approximately 0.44 hectares. This comprises a level drilling platform covered by 300mm of crushed stone compacted over a geo-textile membrane and contains a capped well structure and an additional cellar in its centre. Surrounding this is a 600mm deep drainage ditch which acts to sever drainage within the Site from the surrounding hydrology. Along the western and southern boundaries of the Site, two separate bunds have been formed comprising of sub-soil and top-soil respectively.
- 2.7 To the east of the larger drilling platform extends a smaller elevated platform of approximately 0.25 hectares, used to accommodate temporary parking and buildings associated with drilling operations undertaken within the drilling platform area. This is separated from Ebberston Common Road by a corridor of vegetation. On the opposite side of the road lies a contained area of pastoral land use enclosed by the broader periphery of Dalby Forest. This area also contains an existing flare pit associated with gas exploration undertaken on the Site. The existing flare pit is proposed to be restored in accordance with the restoration scheme submitted and approved by the Park Authority as a condition to the original planning permission (Ref: NYM/2005/0254/FL).
- 2.8 Access to the Site would continue to remain in the current location at the southeast corner of the Site. The access has a two metre high wire mesh gate set back approximately 20 metres from the road margin. Security fencing also encloses the periphery of the Site.



3.0 PLANNING HISTORY

- 3.1 An online search of North Yorkshire County Council, North York Moors National Park Authority and Ryedale's District Council's planning application database reveals the following planning history for the Site:

TABLE 3.1: Planning History of Application Site

Reference	Decision	Date
NYM/2005/0254/FL	Granted	22 March 2006
NYM/2008/0675/FL	Granted	25 November 2008

- 3.2 Application reference NYM/2005/0254/FL was submitted on 8 April 2005 on behalf of Viking UK Ltd for the drilling of an exploratory borehole at Ebberston Common Lane, Dalby Forest. The application went to Committee on 21 March 2006 and was granted permission on 23 March 2006.
- 3.3 Following the discharge of conditions, the well site was constructed and an exploratory borehole sunk. The Well Site was then currently suspended, following completion of drilling operations. Consequently an application (Ref: NYM/2008/0675/FL) was submitted on 2 September 2008 on behalf of Viking UK Ltd for remodelling of existing exploratory gas well site and retention of gas well site for a period of three years at Ebberston Moor, 1 Well Head, Ebberston, Common Lane, Snainton. As part of extending the duration of this consent, a landscape strategy formed part of the application to ensure that any existing visual impacts of development were effectively reduced. The application was approved under delegated powers on 25 November 2008.
- 3.4 Consent is now sought to vary condition number 1 of the latter planning approval NYM/2008/0675/FL to allow the retention of the well site for a further period of 3 years at Ebberston Moor 1 Well Head, Ebberston, Common Lane, Snainton.



4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 4.1 Planning permission is being sought for an extension to the previous consent (NYM/2008/0675/FL) for a period of 3 years to retain the site, including the compound and well head valve assembly gear.
- 4.2 The existing permission approved on 25 November 2008 will expire on 25 November 2011 and therefore Viking UK Ltd is seeking permission to retain the site.
- 4.3 This application is not seeking permission to undertake any works on the existing site but simply to retain the current temporary well site for a further period of three years. Condition 1 of the previous application (Ref: NYM/2008/0675/FL) for the remodelling of existing exploratory gas well site and retention of gas well site for a period of three years states the following:

"the consent hereby granted is valid only for three years from the date of this permission and the well head and all hardcore and equipment shall be removed from the site before this consent expires and the site restored to its former condition before that date."

- 4.4 Viking UK Gas Limited wishes to retain the site as further evaluation of Kirkham Abbey reservoir is required prior to a decision on re-development of the old Lockton field. Viking UK Gas acquired an extensive 3D seismic survey over the area in 2007. Interpretation of this data has led to a revised picture of the sub-surface reservoir geometry - markedly different from the previous maps of the field generated from the old 2D seismic. Unfortunately the Ebberston Moor 1 well (EB-1), nor any of the previous Lockton wells drilled by Home Oil & Taylor Woodrow, penetrate a new potential field high to the East of the EB-1 location. Therefore a further appraisal well will be required on the structure as a prerequisite to any final development decision.
- 4.5 Such a new appraisal well may be drilled from a surface location on or near the old Lockton East 1 site. During testing of the reservoir in a new appraisal well it would be the intention of Viking UK Gas to run downhole pressure gauges in the EB-1 well. Once results from this work program are in and evaluated Viking UK gas will be in a position to make a final decision on their preferred development plans for the area.

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- 4.6 Until that time Viking UK Gas wishes to retain the EB-1 site (as further potential rig based activities may be required on it as part of a future development activity). As part of the approved restoration scheme accompanying the original planning permission for the well site, the flare pit will be removed and the site restored.
- 4.7 It is anticipated that no activities will take place on the site during the temporary period of 3 years sought in this application. In the event that Viking UK Gas wishes to carry out any work on the well site, a separate planning application will be submitted to the Park Authority.



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5.0 PLANNING POLICY FRAMEWORK

Introduction

National Energy Policy

"The Energy Challenge"

- 5.1 The Energy Challenge was published by the DTI in July 2006. It forms a review of the UK's future energy needs with particular focus upon ways to save energy, make energy cleaner and reduce carbon dioxide emissions and have greater security over our energy supplies.
- 5.2 The Review re-iterates the point made in the 2003 White Paper about the need for a diverse energy system based upon a mix of fuel types and back up facilities such as storage (paragraph 4.3). Paragraph 4.14 states that:

"Making efficient use of the UK's own energy reserves brings obvious benefits both in the contribution it can make to diverse UK energy mix but also to the economy in terms of jobs, investment and national income generated by the sector."

- 5.3 Paragraph 7.49 states that as the production of indigenous supplies of gas continues to decline and the UK becomes more reliant on imported gas, there is an increasing need for gas supply infrastructure. Paragraph 7.50 goes on to emphasise that new gas supply infrastructure will play an important role in maintaining a reliable supply of energy for the UK. Securing consent is a key factor since delays in securing consent can lead to price rises and price volatility. Paragraph 7.51 refers to growing evidence of "in principle" objections from local planning authorities to necessary gas supply infrastructure, as opposed to objections based on the specifics of the proposal. This uncertainty in securing consent increases project costs and reduces the attractiveness of the UK investment market for future developments.

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Energy White Paper "Meeting the Energy Challenge"

- 5.4 The Energy White Paper "Meeting the Energy Challenge" was published by the DTI in May 2007. It sets out the Governments international and domestic energy strategy in response to the growing evidence of the impact of climate change and the need to cut greenhouses gases, rising fuel prices, a growing awareness of the risks of relying upon oil and gas imports from a small concentration of countries and the need for the market to make substantial new investment in power stations, the electricity grid and gas infrastructure.
- 5.5 Paragraphs 4.43 and 4.4 acknowledge that there will be a significant rise in expected gas imports levels whilst the UK gas demand is set to continue growing for the next 10 years, driven mainly by increased demand from the power sector. As a result of greater reliance on imports, the UK is exposed to the risk and impact of any overseas disruptions to energy supplies as supply routes become longer. Whilst the majority of UK gas will be supplied from offshore in the North Sea, the clear message from the DTI is that government will support economic production of fossil fuels in the UK by working with the industry to maximise economic recovery of the UK's oil and gas reserves.

Governments Response to Malcolm Wick's Review of International Energy Security, 'Energy Security: A national challenge in the challenging world.'

- 5.6 The then Prime Minister asked Malcolm Wicks MP to review likely future international energy security and its implications for the UK. Mr Wick's Review, 'Energy Security: A national challenge in a changing world' was an independent review, published in August 2009, that looked in detail at energy security issues, with a strong international focus. The Government's response was published in April 2010 by the Secretary of State for Energy and Climate Change.
- 5.7 Paragraph 66 gives the Government's response to the need to reduce the risks associated with hydrocarbon importation. Even with the development of low carbon technologies, the UK for many years to come will continue to require both oil and gas to meet its needs in transportation, industry, heating and power. UK production will continue to decline to 2020, increasing the proportion of gas which the UK's security of supply that we maximise economic production from our own reserves."
- 5.8 Paragraph 68 and 69 continue this theme by stating that the Government seeks to maintain the right conditions for the necessary investment to make the most of our

remaining reserves. "To achieve full recovery of UK oil and gas reserves, we shall need to attract substantial continuing investment."

Ministerial Written Statement "Energy Statement of Need for Additional Gas Supply Infrastructure"

5.9 The Secretary of State for Trade and Industry published a Statement on 16 May 2006 about the interaction between Government policy and planning procedures in respect of the need for additional gas infrastructure. Those parts of the Statement that are particularly relevant for this application are as follows:

- Securing the reliability of energy supplies is integral to UK energy policy;
- The Government warmly welcomes all solutions, large and small, onshore and offshore, which help to maintain and improve the reliability of energy supplies;
- A balance must be struck between meeting the concerns of local authorities and those they represent, and national need for infrastructure that will provide us with secure energy supplies;
- Whilst new energy infrastructure projects may not convey any particular local benefit, they provide crucial national benefits, shared by all localities;
- They add to the reliability of national energy supplies from which every user of energy benefits;
- It is all too easy to suggest that need can be met in some other way, or that the project could be located elsewhere. All localities have a part to play in energy policy;
- Developers are best placed to make a judgement about the technical feasibility and economic viability of individual projects;
- The role of planning authorities is to ensure that the local environmental effects of new supply infrastructure are minimised and, if appropriate, put forward suggestions for local variations;
- Due weight needs to be given to the crucial national benefits of such projects, which all localities share, and the importance of ensuring that infrastructure is in place in time to meet demand.

5.10 The Statement is helpfully summarised at the end:

"We need timely and appropriately sited gas supply infrastructure to be delivered by the market, because:

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- **Great Britain is becoming increasingly dependent on gas imports, and requires new gas supply infrastructure to help ensure security of supply;**
- **new projects enable extra supply and storage options if they proceed without avoidable delays;**
- **new energy infrastructure projects provide national benefits, shared by all localities."**

Circulars

English National Parks and the Broads: UK Vision and Circular 2010

5.11 This circular, published by the Department for the Environment Food and Rural Affairs (defra) in March 2010, applies only in England and is to provide updated policy guidance on the English National Parks and the Broads. The Circular states in Paragraph 68 that communities are a fundamental part of the Parks character and that authorities must ensure that they give sufficient weight to socio-economic interest in order to fulfil their duties appropriately to sustain strong communities. The circular notes that authorities can play a catalytic role by achieving this, through fostering an appropriate planning regime encouraging new development to broaden the economic base and fostering more diverse and higher value local employment opportunities. Authorities should look to achieve a sectoral mix which could include high value, knowledge-intensive jobs, which are likely to attract and retain people of all ages, but particularly intended to appeal to young people. Authorities therefore need to consider carefully how to support appropriate development and seek to foster economic activity which will strengthen the sustainability of Park communities and businesses.

5.12 In relation to mineral working in the Parks, paragraph 141 acknowledges that the Parks are a vital source of some of the minerals that society and the economy needs. It is therefore important that the need for minerals and the impacts of extraction and processing on people and the environment are managed in an integrated way.

National Planning Policy

Mineral Policy Statement 1: Planning and Minerals

5.13 Mineral Policy Statement 1 (MPS1), published in November 2006, sets out the overall policy approach to minerals planning in England. It states in its introductory paragraph

that minerals, including gas, are essential to the nation's prosperity and quality of life, not least in helping to create and develop sustainable communities. Furthermore, minerals development is different from other forms of development because minerals can only be worked where they naturally occur. MPS1 identifies the important considerations which should be addressed in Mineral Plans which amongst other matters include the safeguarding of reserves, supply, the protection of heritage and countryside and environmental protection. Annex 4 of MPS1 deals with the Government's Energy Policy and the role of onshore gas developments. The 2003 Energy White Paper seeks;

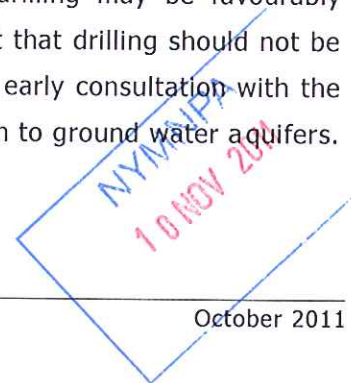
- to cut carbon dioxide emissions by 60% by 2050, with real progress by 2020;
- to maintain the reliability of energy supplies;
- to promote competitive markets in the UK and beyond; and
- to ensure that every home is adequately and affordably heated.

5.14 Paragraph 2.2 of Annex 4 states that UK conventional gas production off-shore will decline significantly over the coming years and that by 2020 the UK is likely to be importing around two quarters of its primary energy needs. Therefore in the short to medium term, the aim is to;

- maximise the potential of the UK's conventional gas reserves in an environmentally acceptable manner;
- encourage the development of clean coal technologies; and
- encourage the capture of methane from coal mines where environmentally acceptable.

5.15 Paragraph 3.2 notes that conventional gas development broadly consists of three phases – exploration, appraisal and production. Each phase requires a separate planning permission and there should be no presumption in favour of consent for subsequent stages if an earlier stage is permitted. Nor should possible effects of a later stage not yet applied for constitute grounds for refusal of an earlier stage.

5.16 Paragraph 3.8 states that local authority policies should indicate that, subject to the effects on the environment being properly addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for drilling may be favourably considered. Furthermore, paragraphs 3.11 and 3.12 highlight that drilling should not be permitted close to sensitive receptors, such as, houses, and early consultation with the Environment Agency is necessary to avoid the risk of pollution to ground water aquifers.



5.17 Paragraph 3.9 states where environmental or other conditions might preclude vertical drilling, MPAs should discuss with the industry the option of employing directional drilling. LDD policies should make clear that this approach will be adopted and that careful consideration will be given to factors such as:

- the need for night-time drilling for safety reasons;
- locating sites to minimise visual intrusion;
- controlling vehicular activity and vehicle routing;
- controlling the disposal of mud and other drilling residue; and
- controlling noise and light emissions from drilling rigs with particular reference to night-time operations.

Mineral Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England

5.18 Mineral Policy Statement 2 (MPS2), published in March 2005, sets out the principles to be followed in considering the environmental effects of mineral working in order to encourage sensitive working. Technical annexes to MPS2 on noise and dust reflect the fact that minerals extraction activity can have a noticeable environmental impact. Paragraph 17 of the MPS states that applications, which are in accordance with the relevant development plan, should be allowed unless material considerations indicate otherwise. It goes on to advise developers that any potential adverse effects on local communities, environmental damage or loss of amenity must be kept to an acceptable minimum through the design of the proposals

Planning Policy Statement 1: Delivering Sustainable Development

5.19 Planning Policy Statement 1 (PPS1), published in January 2005, places sustainable development at the heart of the Planning System. With specific use to natural resources, it states the following:

"The prudent use of resources means ensuring that we use them wisely and efficiently, in a way that respects the needs of future generations. This means enabling more sustainable consumption and production and using non-renewable resources in ways that do not endanger the resource of cause serious damage or pollution. The broad aim should be to ensure that outputs are maximised whilst

resources used are minimised. Development plan policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use or reuse of existing resources, rather than making new demands on the environment; and should seek to promote and encourage, rather than restrict, the use of renewable resources."

Development Plan

Regional Spatial Strategy

- 5.20 The Coalition Government announced its intention to abolish Regional Spatial Strategies in July 2010. This is being carried out as part of the Localism Bill and once enacted; the Yorkshire and Humber Plan will no longer form part of the Development Plan for the National Park. The Government intends to produce a National Planning Policy Statement which is hoped to be adopted at the beginning of next year that will abolish Regional Spatial Strategies.
- 5.21 The Yorkshire and the Humber Plan – Regional Spatial Strategy to 2026 was published in May 2008. Policies contained within the RSS do not relate specifically to gas exploration but Policy ENV4 'Minerals Extraction' encourages planning authorities to make provisions for adequate and steady supply of minerals.

"Policy ENV4: Minerals

- A) Plans, strategies, investment decisions and programmes should safeguard mineral deposits in the region, including aggregates (sand, gravel, limestone and sandstone), silica sand, coal, clay, brick earth, chalk and potash, from sterilisation by other types of development and provide for an adequate and steady supply of minerals.**
- B) The region will maximise the use of secondary and recycled aggregates to reduce dependency on primary extraction.**
- C) Mineral Planning Authorities should:-**

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1. maximise the contribution by substitute and secondary materials wherever possible, and facilitate sites and operations (including those to blend secondary and primary aggregates, reprocessing and the transfer of materials), especially in West Yorkshire.
2. make provision for the sub regional apportionments as set out in Table 10.1 and endeavour to maintain a landbank for all nationally and regionally significant minerals.
3. seek a progressive reduction in aggregate production from National Parks and Areas of Outstanding Natural Beauty, noting that there is no strategic justification for the provision of any new crushed rock sites within these areas within the Plan period.

D) The sub regional aggregate apportionments should be updated in a review of the Plan, in particular to taking account of the second phase of the Yorkshire and Humber Sand and Gravel Study.

Current Local Planning Policy

- 5.22 Mineral planning within the National Park comes under the jurisdiction of the North York Moors National Park Authority. Under the Planning and Compulsory Purchase Act 2004 all local plans have to be replaced by a Local Development Framework.
- 5.23 The Framework consists of a number of different documents to guide future development whilst ensuring that the National Park's special qualities are conserved and enhanced. The Core Strategy and Development Policies document is the key part of the new North York Moors Local Development Framework. It sets out a spatial vision for the future of the National Park, Core Policies setting a strategic framework for the scale and location of all types of new development and more detailed Development Policies against which individual proposals including waste and mineral proposals will be assessed. It was adopted by the Authority on 13 November 2008. It supersedes all the policies contained in the former North York Moors Local Plan (2003).

- 5.24 The site is within an area designated as Woodland (Including Ancient Woodland) within the Core Strategy Proposals Map. The Policy that is relevant for the designated site is Core Policy C which states the following:

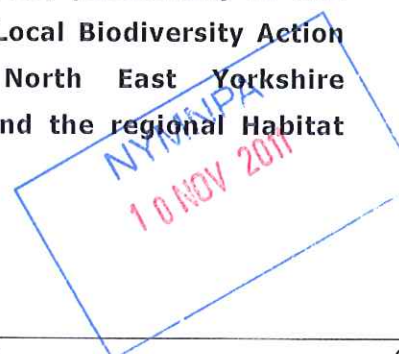
Core Policy C – Natural Environment, Biodiversity and Geodiversity

"The quality and diversity of the natural environment of the North York Moors National Park will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.

Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.

All developments, projects and activities will be expected to:

- 1 Provide an appropriate level of protection to legally protected sites and species.**
- 2 Maintain, and where appropriate enhance, conditions for priority habitats and species identified in the North York Moors Local Biodiversity Action Plan.**
- 3 Maintain and where appropriate enhance recognised geodiversity assets.**
- 4 Maintain and where appropriate enhance other sites, features, species or networks of ecological or geological interest and provide for the appropriate management of these.**
- 5 Maximise opportunities for enhancement of ecological or geological assets, particularly in line with the North York Moors Local Biodiversity Action Plan, Tees Valley and North East Yorkshire Geodiversity Action Plans and the regional Habitat Enhancement Areas.**



6 Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere."

5.25 Core Policy E although it does not relate specifically to gas exploration is material in the determination of the application. The policy encourages planning authorities to make provisions for adequate and steady supply of minerals and states when development should be permitted. The policy states the following:

"Core Policy E3 – Minerals

Minerals extraction in the National Park will enable the provision of materials necessary for preserving traditional buildings and for maintaining and enhancing the character of settlements and the countryside of the National Park. Minerals extraction or the re-working of former quarries will be permitted where:

- 1 It is of a scale appropriate for its location in the National Park and is for meeting a local need for building stone.**
- 2 There are no suitable sources of previously used materials to meet the identified need.**
- 3 Any waste materials from extraction will be re-used or recycled wherever possible.**
- 4 A scheme for restoration and after-use of the site based upon protecting and enhancing the special qualities of the National Park forms an integral part of the proposal.**

Development which would compromise the future extraction of important building stone at existing or former quarries will not be permitted.

All other minerals developments will be considered against the major development tests. The continued extraction of potash at Boulby will be permitted provided that any detrimental effect on the environment, landscape or residential or visitor amenity is not

unacceptable in the context of any overriding need for the development.”

Emerging Planning Policy

National Planning Policy Framework

- 5.26 On 13 December 2010 the Government submitted the Localism Bill to Parliament. The Localism Bill marks a dramatic shift away from the system set up by New Labour through the Planning and Compulsory Purchase Act 2004. One of the key reforms to make the planning system less complex and more accessible, and to promote sustainable growth is to replace all National Planning with one clear, tightly focused document – the National Planning Policy Framework.
- 5.27 The Draft National Planning Policy Framework (NPPF) was published on 25 July 2011 for public consultation. The consultation closes on the 17 October 2011. The final document will be the ‘core’ from which all planning policy is based, replacing the current Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The Department for Communities and Local Government (DCLG), responsible for planning policy at the national level, expects this new framework to be in place by the beginning of next year.
- 5.28 The Draft NPPF sets out the Government’s economic, environmental and social planning policies for England. The emphasis on growth is a theme which runs throughout the framework. Central to this is the presumption in favour of sustainable development where the main intention is to deliver new development, which is in line with planning policy, as quickly as possible. Decision-takers therefore at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in the Framework. In addition, where plans are ‘absent, silent or indeterminate’, new development will be assessed against the NPPF.
- 5.29 The government sees minerals as essential to support sustainable economic growth. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The Government’s objective for the planning system in relation to minerals is to:
- **“secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst encouraging the recycling of suitable**

materials to minimise the requirement for new primary extraction; and

- **facilitate sustainable use of energy minerals."**

5.30 The Draft National Planning Framework states in paragraph 103 that when local authorities come to determine planning applications they should:

- **"Give significant weight to the benefits of the mineral extraction, including to the economy**
- **ensure, in granting planning permission for mineral development, 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**
- **ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties**
- **not grant planning permission for peat extraction from new or extended sites**
- **provide for restoration to be carried out to high environmental standards, through the application of appropriate conditions, where necessary**
- **not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes; and**
- **consider allowing small-scale extraction of building stone at, or close to, relic quarries where it would contribute to the repair of historic buildings without compromising the requirement to protect designated sites."**

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5.31 To achieve the above development the Draft NPPF states in paragraph 104 that local planning authorities should:

- **“Encourage underground gas and carbon storage if local geological circumstances indicate its feasibility**
- **encourage capture and use of methane from coal mines in coalfield areas**
- **when planning for on-shore oil and gas development, clearly distinguish between the three phases (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production; and**
- **provide for coal producers to extract separately, and if necessary stockpile, fireclay reserves so that it remains available for use; and**
- **indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable.”**

Conclusions

5.32 The retention of the temporary well site for a further period of three years is in accordance with national energy policy; national, regional and local minerals planning policy; and also emerging planning policy in that it will assist indirectly in maximising the potential of the UK's conventional gas reserves in an environmentally acceptable manner.

5.33 The Well site accords with national energy policy in that it will make a significant contribution to the UK's energy needs and will reduce our reliance upon other countries for their oil and gas. In addition the gas site as well as being beneficial to the Park, in that it will create more job opportunities within the area, will also be beneficial to the wider UK economy in terms of investment and its contribution to the national income.

5.34 The Well Site on top of the benefits raised above, will have limited impact upon the local environment. There are minimal environmental management issues relating to the retention of Ebberston 1 well site. The application (NYM/2008/0675/FL) submitted on 2 September 2008 on behalf of Viking UK Ltd for remodelling of existing exploratory gas well site and retention of gas well site for period of three years at Ebberston Moor 1 Well Head, had a landscape strategy submitted as part the application to ensure that

any existing visual impacts of development were effectively reduced. The application was approved under delegated powers on 25 November 2008. No additional landscaping is therefore proposed as part of this application as it is considered the scheme submitted in the previous application significantly minimises the effect of the well on the surrounding landscape. The proposal is therefore in accordance with PPS1 and MPS1 which both seek to ensure that sites reduce, as far as possible, impacts on the environment and human health.

- 5.35 An appropriate restoration project will be implemented following the cessation of the well site with aftercare measures applied as appropriate. This can be seen in Appendix 1. The proposal will therefore be in accordance with Mineral Planning Statement 1 and Mineral Planning Statement 2.
- 5.36 At the local level, the Well Site is designated as Woodland (Including Ancient Woodland) within the North York Moors National Park Proposals Map. However, the Site already occupies a cleared area of woodland within Dalby Forest. This application seeks the retention of the existing site with no additional works being proposed.
- 5.37 The proposed development, therefore, is compliant with relevant current and emerging planning policy.

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6.0 ENVIRONMENTAL APPRAISAL OF THE PROPOSED DEVELOPMENT

- 6.1 There will be no activities or processes taking place on the site during the period for which approval is sought.

Visual Impact and Effect on Landscape

- 6.2 The site contains an existing gas well where drilling activity is now completed and the well suspended. The site contains an existing suspended well enclosed by a periphery of drainage ditches, buildings, car parking and perimeter fencing. The site, although designated as Woodland (Including Ancient Woodland) within the North York Moors National Park Proposals Map, already occupies a cleared area of woodland within Dalby Forest. With the exception of this, and the wider National Park Designation, the Site is not subject to any additional landscape designations.
- 6.3 The topography of the site is influenced by earthworks approved under Planning Permission NYM/2005/0254/FL. This creates a rectangular platform and adjacent car parking area contained by bunding to the west and south and enclosed by peripheral fencing providing gated access off Ebberston Common Road.
- 6.4 A visual appraisal of the Site reveals that visibility into the Site has been effectively reduced. As part of extending the original consent, the application approved under delegated powers in November 2008 provided a landscape strategy to improve the quality of vegetation enclosure, temporary revegetate visible areas of bunding and reduce visibility of fencing. As a result of the landscape carried out, the proposal represents minimal visual intrusion.



7.0 RESTORATION

- 7.1 As with the two previous applications, in the event that the existing well proves commercially unviable, gas exploration on the Site would be abandoned and the Site would be reinstated to its original state. This process is proposed to remain consistent with conditions imposed under Planning Permission NYM/2005/0254/FL.
- 7.2 If, at the end of the three years, the well proves to be commercially unviable, it would be abandoned by plugging the borehole in accordance with detailed procedures agreed with BERR. The steel casing would be cut approximately 1.5m below the surface and capped with a steel plate. The well cellar and slump-lining would be removed. Any remaining drilling mud and slump lining would be removed along with the perimeter ditch-lining.
- 7.3 The perimeter fence, access, and the hardcore over the well site would be removed, the land re-graded and deep sacrificed in accordance with the best forestry practice. Stored sub-soil and top-soil would be spread over the re-graded ground and the site re-scarified. The site would be returned to forestry at the first available growing season in accordance with the Forestry Commission's pre-determined re-planting programme.



8.0 CONCLUSIONS

- 8.1 Government Policy promotes the principle of exploring for and the recovery of the nation's hydrocarbon reserves wherever possible, providing environmental issues are properly taken into account. The proposal, the subject of this planning application, begins and ends at the discovery stage of hydrocarbon development. It is for the industry to demonstrate that adverse environmental effects have been removed altogether or reduced to a level acceptable to the local community and relevant statutory bodies and agencies.
- 8.2 This Supporting Statement, in its appraisal of environmental issues, demonstrates that retaining the existing well site for a further period of three years would have no detrimental effect upon the landscape or enjoyment of those visiting the National Park. The well site lies in an isolated location and the ground level elements of the well site are largely obscured. The additional planting done under the previous application (Ref: NYM/2008/0675/FL) ensures that any existing visual impacts of development is minimal.
- 8.3 The applicant trusts that the local community and relevant statutory bodies and agencies concur with its beliefs to the extent that its proposal can be supported.
- 8.4 The applicant hereby respectfully requests that planning permission be granted.



APPENDIX 1

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REINSTATEMENT OPERATIONS TO FORMER USAGE

When the decision is made to restore the site to its former usage the well will be plugged, hydrostatically tested, and abandoned with an agreed programme or method approved by the Health and Safety Executive and the Department of Trade and Industry.

Pre-Restoration Site Clearance

The wellhead and Xmas-tree will be removed and the well casing cut off not less than 1.83 metres (6 feet) below the finished ground level, metal plate welded on top, and a concrete slab placed on top of the plate.

All plant, equipment, buildings, security fencing and surface installations will be dismantled and removed from the site, either to a re-location or to storage.

The site ditches, sump(s), cellar(s), and cess tank(s), will be drained and any contaminated materials removed from the site, such wastes will be disposed of at approved locations, in accordance with the prevailing legislation of the time.

All pipes, cables, ducting, and items above the impermeable lining will be disconnected, excavated, and removed from the site for disposal.

If weather conditions permit:

All uncontaminated hardcore and stone will be removed, with a flat bladed grader or bucket, for re-use or disposal. Concrete installations will be broken up and removed, the geotextile membrane (Terram), sand, and impermeable linings will then be removed, with disposal to an approved location.

Any installations, cables, and pipes, below the linings level will then be excavated and removed from the site.

The cellar, sump and ditching voids will be infilled with any sub-soil stored on site, in layers of not more than 200 mm thickness, ready from the site area to be then re-graded to the original contour levels.

Any header drains installed will be rodded to check their integrity prior to their retention as part of the reinstatement scheme.

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Following a satisfactory inspection by the landowner or his Agents:

Sub-Soil Cultivation

Any weed growth on any subsoil stockpile will be eliminated by non-persistent, contact weedkiller such as "Roundup", prior to the re-grading of the sub-soil to re-form the falls and gradients which existed prior to occupation of the site and to the original site contours, the sub-soil will be deep tine cultivated, using a crawler or four wheel driven tractor, drawing a winged, deep tine cultivator to a depth of 600 mm at 1000 mm centres, so as to achieve a good heave across the full width of the site.

Work will be carried out in dry conditions, and as far as practical at right angles to the field drainage system. Any extraneous material brought to the surface will be removed to a tip with stones picked to approximately 75mm.

Works for the replacement and spreading of the topsoil to an even depth, will be carried out following the fine grading of subsoil and following an inspection by the Landowner or his Agents.

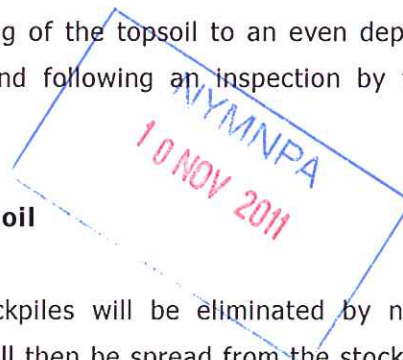
Replacement and Cultivation of Topsoil

Any weed growth on the top soil stockpiles will be eliminated by non-persistent, contact weedkiller such as "Roundup". Topsoil will then be spread from the stockpile, using agricultural machinery, crawler or four-wheel driven tractors. Topsoil will be spread to give a uniform depth over the whole site, to avoid the formation of depressions which could hold water, and to grade to the original levels.

All operations will be carried out when both the ground and topsoil are dry and crumbly.

All topsoil areas within the site, including areas not affected by construction operation will be ploughed and cultivated to ensure that all stones, rubble, vegetation and other extraneous material larger than 75 mm in any direction are removed from site to a suitable tip.

The topsoil will be worked to a fine tilth by rotovator or harrowing to not less than 100 mm depth. Subject to a soil sample analysis, three (3) tonnes of lime, or sufficient to achieve a pH level between 6 and 6.5, will be applied and 3 cwts of 20-10-10 fertiliser per acre (less if seeding carried out in the autumn to reduce leaching into nearby watercourses). Seeding will be with perennial ryegrass or an agricultural alternative to the Landowner's reasonable satisfaction.



If it should prove necessary to import topsoil into the site, disease and pest free material as near as practicable to that on site will be used, all being subject to BS 3882 and subject to the approval of the Landowner.

Removal of Site Boundary Fencing

The boundary fencing will only be dismantled and removed if it is not required to protect the restoration area from stock animals.

Reinstatement of Fences & Gates

Any fences and gates removed during the use of the site will be replaced with new materials which match as closely as practicable those previously existing on site.

Any hawthorn hedge removed will be replanted with container grown "quick's" spaced in a double row of plants 9 inches apart. A tannalised timber post and four rail fence with livestock and rabbit proof netting will be constructed on either side of the newly planted hedge.

Any fence to protect a hedgerow planting will be maintained for a period of two years.

New Field Drainage

If necessary, a scheme of field drainage in the site area will be prepared and agreed with the landowner, to comply with MAFF requirements, and for works to be carried out by a specialist land drainage contractor in year two, earlier at the request of the Landowner.

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Any construction header drains installed to intercept the field drains will be retained; these will be rodded to check their integrity prior to their incorporation as part of the drainage reinstatement scheme.

Perforated plastic pipe or clay tiles, as required by the Landowner, of minimum diameter, 110mm, will be laid at the bottom of the trench surrounded by and backfilled within clean washed 10 to 20 mm pea-gravel (depending on drainage machine to be used), and will be backfilled to within 225mm of surface allowing for settlement for the gravel. Drains will be laid to the maximum available falls and at depths not less than 600mm cover.

Any outfall of the drainage system will consist of 2m lengths of frost resistant plastic pipe set into a suitable headwall (concrete or gabion) with a splash plate, discharging at water level into the ditches.

If it is not possible to lay drains at a depth of at least 600mm of cover, Viking UK Gas Limited will consult with the Landowner and his written approval will be sought to an amended specification.

MANAGEMENT AND AFTER CARE

The whole former operational site will be returned to agriculture after completion of the works, subject to the Landowner's agreement. Annual inspections will be made in August/September of each year, for a period of five years, with the Landowner or his Agent, to review the progress and crop productivity of the restoration area.

Subsequent Management

A If, subject to grass planting

Year 1

1. Initial treatment will be carried out as described above.
2. In Spring the site will be rolled with a light, grassland roller and spread with a compound fertiliser as recommended by soil sample analysis.
3. The grass will be cut for Silage or hay in May/June and subsequently grazed.
4. Any weeds will be sprayed with an appropriate weedkiller.
5. All stock/cattle will be removed before the end of October or earlier if the season is wet and all stock will be removed in adverse weather conditions to prevent poaching.

Year 2

6. Fertiliser, as indicated by soil sample analysis, will be applied in two applications in spring and summer.
7. Any areas where the grass sward has not established will be seeded.
8. Grass produced will be cut for silage or hay or, grazed in a controlled manner.
9. Any weeds will be sprayed with an appropriate weedkiller.



10. The need for further subsoiling or a comprehensive field drainage scheme will be considered at the annual inspection.
11. If subsoiling or installation of field drains is carried out, the areas affected will be cultivated, any large stones removed and the areas affected will be seeded with suitable grass mixture.
12. Stock/cattle will be removed before the end of October, or earlier, if the season is wet and all stock will be removed in adverse weather conditions to prevent poaching.

Year 3

Repeat steps 6 to 9 inclusive and 12, above.

13. Any localised settlement that is creating problems will be regraded or filled with topsoil and seeded.

Years 4 and 5

Repeat steps 6, 8, 9, and 13 above.

B If subject to Arable Planting



Year 1

1. Initial treatment will be carried out described above.
2. Appropriate crops will be planted with appropriate compound and/or nitrogen fertiliser as recommended by soil sample analysis.
3. The crop will be assessed prior to harvest with regard to production levels and compared to production levels from adjoining undisturbed land.

Year 2

5. Any localised settlement that is creating problems will be regraded or filled with topsoil.

6. The need for further subsoiling or a comprehensive field drainage scheme will be considered at the annual inspection.
7. If subsoiling or installation of field drains is carried out, the areas affected will be cultivated, and any large stones removed.
8. Appropriate crops will be planted.
9. The crop will be assessed prior to harvest with regard to production levels and compared to production levels from adjoining undisturbed land.

Years 3, 4 and 5

Repeat steps 5, 8 and 9 above.

C If subject to Woodland Planting

1. To be advised following consultations.





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