

Town and Country Planning Act 1990  
North York Moors National Park Authority

Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development

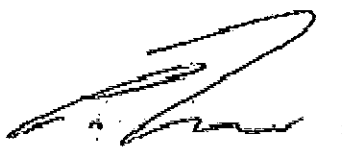
To Viking UK Gas Limited  
c/o Barton Willmore LLP  
fao: Mr Paul Foster  
St Andrews House  
St Andrews Road  
Cambridge  
CB4 1WB

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The above named Authority being the Planning Authority for the purposes of your application validated 19 August 2013, in respect of proposed development for the purposes of **gas production from existing wellsite, provision of water storage tank, gas fired heater, pipeline pig trap area, fire water tank (50 cubic metres) and gas-fuelled electrical generator, water separator building, storage tanks and construction of a 15.3 km steel underground pipeline (5.7 km approx within the National Park) to Knapton Generating Station at Ebberston Moor A Wellsite, Ebberston Common Lane, Snainton** has considered your said application and has **granted** permission for the proposed development subject to the following conditions:

1. The permission hereby granted is valid only for 20 years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date.
2. The development hereby approved shall be only carried out in strict accordance with the Environmental Statement and detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. No work shall commence to clear the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any bats at the site have been submitted to and approved in writing by the Local Planning Authority. The programme shall include a survey of the buildings to determine the extent of any bat presence and a written scheme of mitigation measures. The work shall not be carried out otherwise than in accordance with the details so approved.
4. The permission hereby granted permits the extraction of upto 15 mmscf/d of conventional natural gas only by conventional drilling methods. For the avoidance of doubt it does not permit hydraulic fracturing of any part of the gas reservoir resource.

Continued/Conditions



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Director of Planning

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Date: 20 DEC 2013

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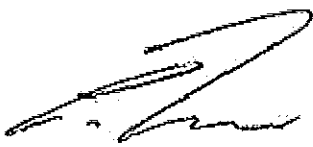
Conditions (Continued)

5. Within two years of the date of commencement of this development, a detailed scheme for the restoration of the whole of the surface of the gas compound shall be submitted to the National Park Authority for written approval. The scheme shall provide for such steps to remove all plant, equipment and buildings, cap the boreholes and return the land to beneficial forestry use. The restoration of the site shall be carried out in accordance with the approved restoration plan within one year of the approved lifetime of the mine set out in condition one above or within one year of the early closure of the gas extraction compound.
6. No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
7. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include:
  - a. Details of the size, location and design of the compound, including how any potentially polluting materials will be stored to minimise the risk of pollution;
  - b. All fuel/oil to be stored in proprietary tanks with integral bunding with a capacity equal to not less than 110% of the capacity of the tank. Such tanks shall be located on a bunded, impervious hardstanding with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks;
  - c. All replenishment of tanks and containers and all refuelling of vehicles, plant and equipment shall take place within that bunded, impervious hardstanding;
  - d. Details of a protocol to deal with any pollution that may occur during the course of construction e.g. provision of spill kits close to storage areas/compounds. This shall include training staff on how to use these correctly;
  - e. Plant and wheel washing is carried out in a designated area of hard standing at least 10 metres from any watercourse or surface water drain;
  - f. Run-off from plant, wheel and boot washing collected in a sump, with settled solids removed regularly and water recycled and reused where possible;
  - g. A strategy for recycling/disposing of waste resulting from construction works;
  - h. Details of how the requirements of the approved CEMP will be disseminated to all relevant staff/contractors throughout the construction period.
  - i. Details of the normal construction hours and arrangements for seeking approval for variation of construction hours for exceptional circumstances.

Development shall thereafter proceed only in strict accordance with the approved CEMP.

Continued/Conditions

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Conditions (Continued)

9. The development hereby permitted shall not be commenced until such time as a scheme for all has been submitted to, and approved in writing by, the Local Planning Authority:

1. the storage of materials;
2. the storage of chemicals;
3. the storage of oil;
4. the storage of hazardous materials;
5. the pressure testing of the pipeline;
6. the disposal of foul and surface water;
7. the removal and treatment of suspended solids from surface water run-off;
8. the proposed method of working;
9. the proposed phasing of development;
10. the proposed maintenance and after-care of the site;
11. the provision of road and wheel cleaning facilities;
12. the proposed scheme for monitoring.

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

10. Notwithstanding the details submitted for the proposed development of the site, there shall be no:

1. de-watering of the site;
2. interruptions to ground or surface water flows without the written consent of the Local Planning Authority.

11. There must be no raising of ground levels in the flood plain. All excess spoil arising from the works must be removed from the floodplain.

12. Prior to the commencement of any works on site, a scheme to show how the proposed development will lead to a net gain in biodiversity must be submitted to, and approved in writing by the Local Authority. The development must then proceed only in strict accordance with the approved scheme, and any timing/phasing contained therein. Proposals for net gain should be commensurate with the scale of the development.

13. Immediately prior to the commencement of works on site, a pre-construction Water Vole Survey and Mitigation Assessment shall be submitted to, and approved in writing by the Local Authority. The development shall then proceed only in strict accordance with the approved scheme.

14. An Odour Management Plan shall be submitted to the Local Planning Authority detailing the precautions to be adopted to prevent gaseous or odour pollution. Such a plan shall be required to be adhered to and approved in writing by the Local Planning Authority prior to commencement of the development.

Continued/Conditions

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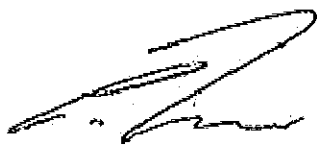
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Conditions (Continued)

15. The levels of noise emitted from the operational site shall not exceed 60dB(A)LAeq, 1 hour, measured at any point on the site boundary, unless otherwise agreed in writing with the Local Planning Authority.
16. Before the wellhead sites are commissioned a programme of noise monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The programme shall specify the locations at which noise is to be measured, the method of assessment (which will be in accordance with the relevant sections of BS.4142:1997) and the maximum permissible noise level at each such noise monitoring location. It shall include a requirement that the spectral equivalent continuous noise levels in third-octave bands are measured. A Noise Survey shall be conducted during site commissioning and before the commencement of full commercial operations and the results submitted to the Local Planning Authority for approval in writing. The programme shall include the provision that once the facility is brought into operation, noise measurements shall be conducted on behalf of the operating company as soon as possible on receipt of a written request from the Local Planning Authority. The results of such measurements are to be submitted to the Local Planning Authority within three working days of completion of the Survey. In the event that the predicted noise levels at the site boundary are exceeded, additional attenuation measures shall be taken within 28 days and further Noise Survey or Surveys conducted until the predicted noise levels are achieved to the written satisfaction of the Local Planning Authority.
17. Tonal noise from the gas processing facility shall not be audible outside any residential property in existence at the date of this planning permission. Tonal noise shall be considered to be audible where the level in any third-octave band is 5dB or more in excess of the levels in the two adjacent bands and tonal components are clearly audible.
18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highways (Eggerston / Eggerston Common Lane – unclassified road, whole length, and A170 for 20 metres east and west of the junction with Eggerston Lane) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. Within one month of the commencement of gas production from the existing wellsite, or any time prior to that date which shall have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, the applicant shall carry out a second survey recording the condition of the same highways. The survey shall be submitted to the Local Planning Authority for approval and thereafter any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the construction, installation and erection of any infrastructure required for the commencement of gas production from the existing wellsite including pipeline installation shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. A further survey shall be undertaken by the applicant within one month of the completion of decommissioning and restoration works to the site (if applicable) in the manner as described above.

Continued/Conditions



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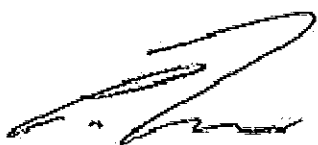
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Conditions (Continued)

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority, as generally given in the appropriate sections of the submitted Environmental Statement but with the amendment that all HCV traffic shall be limited to 25 miles per hour along the whole length of Ebberston Common Lane. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
20. Unless otherwise approved in writing by the Local Planning Authority, the quantity of HCV traffic movements as required for the construction, operation and decommissioning of the proposed development as far as this relates to access via Ebberston/Ebberston Common Lane shall not exceed the figures provided in the appropriate sections of the submitted Environmental Statement and the applicant shall submit to the Local Planning Authority on a monthly basis such information as deemed appropriate that monitor HCV traffic to and from the development site and should such levels be exceeded the Local Planning Authority may, in consultation with the Highway Authority, require the applicant to carry out additional and/or modified improvement works including environmental improvement works to the extent of public highways described in condition 19 above in accordance with details, specification and programme of completion that shall have been first submitted to and agreed in writing with the local Planning Authority, in consultation with the Highway Authority.
21. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Informative(s)

1. The applicant's attention is drawn to the advice contained in the Yorkshire Water letter dated 15 October 2013 (copy attached).
2. Scheduled Monument Consent should be sought before works commence and that comprehensive Written Schemes of Investigation for the archaeological strategy are prepared in agreement with the regional archaeological curator, including proposals for landscape repair.
3. The applicant's attention is drawn to the provisions contained in the Environment Agency letter dated 09 December 2013 (copy attached).



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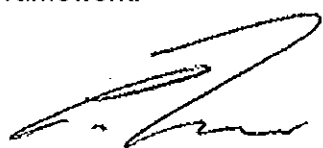
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**Reasons for Conditions**

- 1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3. In order that potential contaminants are removed from the site in the interests of the health and safety of future occupiers of the development and to meet the requirements of NYM Development Policy 1 which permits new development only where there will be no adverse effects arising from sources of pollution.
- 4, 5 & 8. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
- 6. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
- 9, 11 to 13. Protection of the water environment is a material planning consideration and development proposals should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because it crosses through Source Protection Zone 3 of the Scarborough drinking water supply and to accord with NYM Development Policy 1.
- 10. This condition is required to manage risk of obstruction to groundwater flow. Impermeable construction below the groundwater table such as sheet-piles, cut-off walls and basements can impede groundwater flow and cause the water table to rise, affecting local water resources interests including springs, rivers or wetlands dependent on ground water flow and to accord with the provisions of NYM Development Policy 1.
- 7, 14 to 17. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 18 to 20. In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 21. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

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

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



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