

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

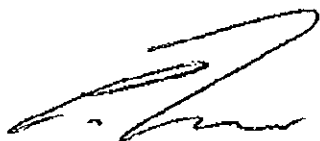
To Moorland Energy Ltd
C/o Barton Willmore LLP
fao: Mr Paul Foster
Elizabeth House
1 High Street
Chesterton
Cambridge CB4 1WB

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The above named Authority being the Planning Authority for the purposes of your application registered 29 October 2010, in respect of proposed development for the purposes of **variation of condition 1 of planning approval NYM/2007/0901/FL to allow the retention of existing wellsite for a further two years at Ebberston 2 Wellsite, Ebberston Common Lane, Snainton** have considered your said application and have **granted** permission for the proposed development subject to the following condition(s):

1. The permission hereby granted is valid only for 2 years from the date of this permission and the use shall be discontinued and the site restored to its former condition before this consent expires.
2. The consent hereby granted relates only to the use of the site for exploratory drilling and testing and evaluation as set out in the details accompanying the application. There shall be no other development on the site including any works in relation to production.
3. Spoil in excess of that required for replacement and restoration after completion of drilling operations, together with the drilling mud, additives, waste oil and any other waste shall be disposed of at a waste disposal site licensed under the Environmental Protection Act 1990 to receive waste of that category.
4. The application site shown edged red on drawing no: WE/EB2/03 accompanying the application received on the 30 October 2007 shall be fenced off from adjoining land for the duration of the development hereby permitted and the land outside of that shown edged red shall not be disturbed in any way or used for storage or disposal of waste or materials.
5. In the event of oil being encountered during the course of drilling operations, such oil shall only be removed from site as is necessary for essential testing purposes or is necessary to ensure site safety.
6. All site and access preparation work and restoration work shall be carried out only between the hours of 8am and 6pm Monday to Fridays, 8am and 12noon on Saturdays and at no time on Sundays.

Continued/Conditions



Mr C M France
Director of Planning

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Date: 23 DEC 2010

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2010/0871/FL

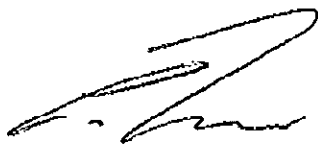
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Conditions (Continued)

7. In the event that the noise levels specified in condition 12 are exceeded, those operations at the site causing excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with the requirements of Condition 12 before the recommencement of work.
8. Drill stem test (flow testing) and flaring (production test) shall take place only between 0700 and 1900 hours in accordance with the application details specifying a programme of period of up to 12 hours. No such testing shall take place on Sundays or Bank Holidays.
9. No gas flaring shall take place at wind speeds above 12 sec. or at flow rates over 10 million cubic feet of gas per day. Only the Mardair flare unit as specified in the application shall be used unless otherwise agreed in writing by the Local Planning Authority. Bunds around the flare pit shall be 5 metres above the base of the pit. During gas flaring, such measures as may be approved by the Local Planning Authority shall be taken to ensure that the perceived noise levels measured at the nearest residential property shall not exceed those levels specified in condition 12. No gas flaring shall take place outside those periods specified in the application details and at no time on a Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.
10. Testing other than that permitted under the terms of condition 15 shall not take place except in accordance with a detailed scheme which shall be submitted to and approved beforehand in writing by the Local Planning Authority. The scheme shall specify the nature and programme of work, details of any equipment and structures required, their siting and means of noise control and proof of their ability to achieve specific levels of noise and heat emission, it shall also specify measures to prevent smell.
11. The Local Planning Authority shall be notified in writing within 7 days of the discovery of oil or gas reserves which require testing (including open hole drill steam testing) and evaluation to be carried out at the site, or of a decision to abandon the well.
12. The flare point shall be established as proposed in the application details unless otherwise agreed in writing by the Local Planning Authority.
13. Stringent precautions shall be taken to avoid smell nuisance and gaseous pollution. In particular all condensate shall be handled in enclosed systems and facilities made available to deal with any accidental spillage, including the application of sodium hydroxide or sodium hypochlorite to reduce smell from any mercaptans present.
14. Written notification shall be given in advance to the Local Planning Authority and nearby residents concerning the starting date of drilling and the timing of flaring activities.

Continued/Conditions

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Director of Planning

Date: 23. DEC. 2010

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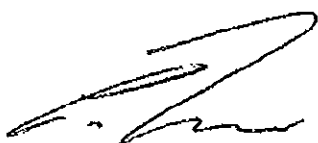
Conditions (Continued)

15. No work shall commence to clear the site in preparation for the development hereby permitted until the access(es) to the site has been laid out and re/constructed in accordance with the following requirements:-
- (i) The access shall be formed with 6 metre radius kerbs to give a minimum carriageway width of 7.8 metres, and that part of the access road extending 30 metres into the site shall be constructed in accordance with the Specification of the local Highway Authority.
 - (ii) That part of the access extending 30 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- The approved measures shall be installed prior to the development being brought into use and thereafter maintained to prevent such discharges.
16. Implementation of the following matters:
- Site restoration,
 - Storage of topsoil for site restoration,
 - Plugging and capping of borehole,
 - External lighting,
 - Restoration of access road,
 - Surface water drainage,
 - Local widening of road at site entrance,
 - Mud on road prevention measures,
 - Road condition survey,
 - Noise mitigation measures,
- shall be undertaken wholly in accordance with the details approved under associated applications/consents NYM2008/0328/CVC & NYM2008/0667/CVC.
17. 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.

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. To avoid doubt and in the interests of the local amenity in accordance with Core Policy E.
- 3 to 15. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
16. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to accord with the provisions of NYM Development Policy 7.
17. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.

Continued/Development Plan policies



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Continuation of Decision No. NYM/2010/0871/FL

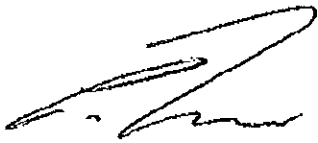
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Development Plan policies relevant to the decision

Local Development Framework - CPE – Minerals

Reason for Approval

There have been no significant changes in the policy framework surrounding the retention of the borehole and having regard to the presumption in favour of renewals of planning permission, approval is considered acceptable and in line with Minerals Policy Statement 1.



Mr C M France
Director of Planning

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Date **23 DEC 2010**