

## North York Moors National Park Authority

<b>Ryedale District</b> <b>Parish: Ebberston and Allerston</b>	<b>App Num. NYM/2013/0593/EIA</b>
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**Proposal:** 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

**Location:** Ebberston Moor A Wellsite, Ebberston Common Lane, Snainton

**Applicant:** Viking UK Gas Limited, fao: Mr John Dewar, Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF

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

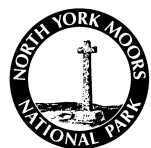
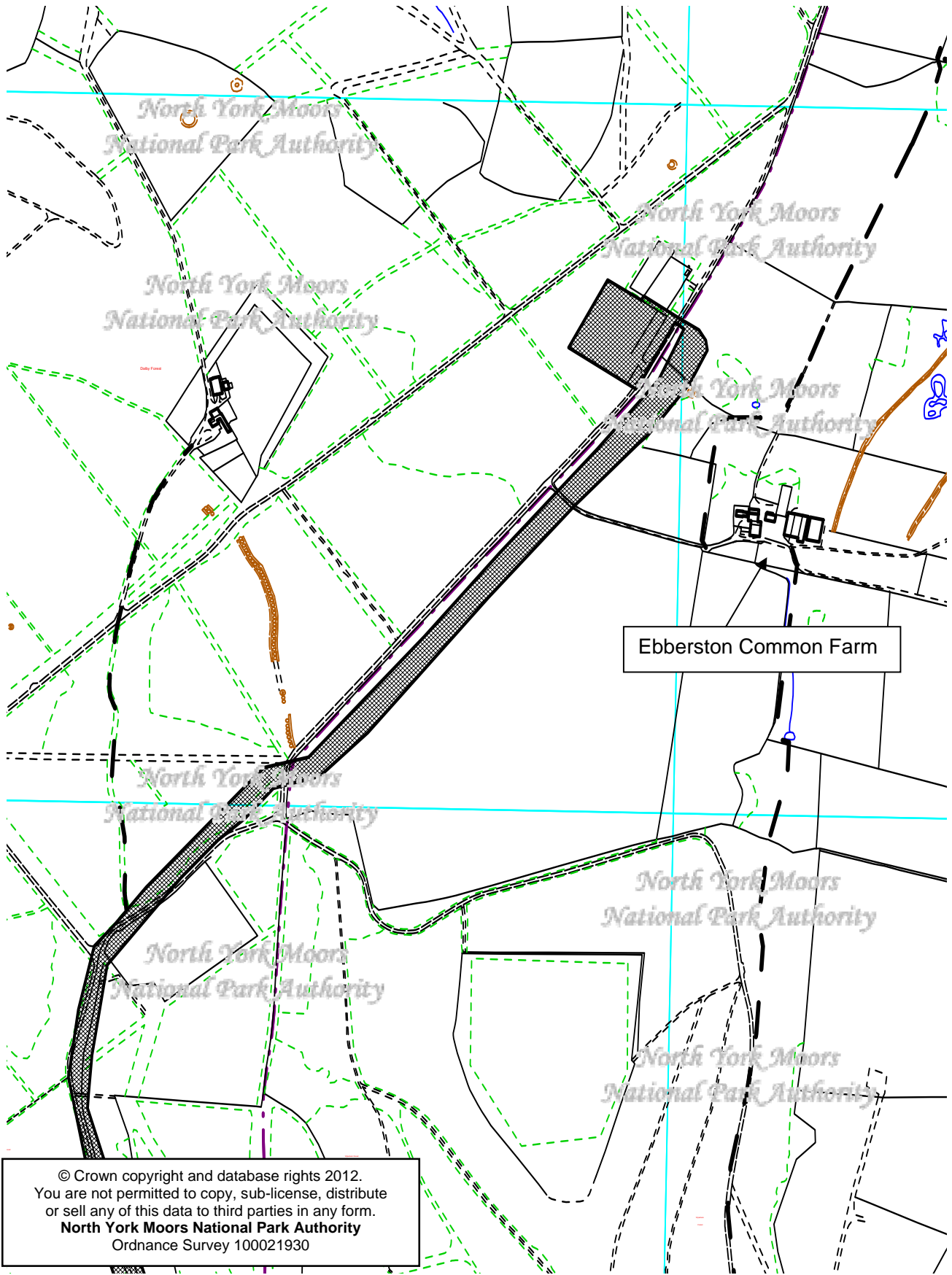
**Date for Decision:** 20 December 2013

**Grid Ref:** SE 489951 489650

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME00 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. PLAN00 The development hereby approved shall be only carried out in strict accordance with the Environmental Statement and detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. GACS00 Noise attenuation measures shall be incorporated into the site compound design in such a manner that noise, during normal operation, measured at the curtilage boundary of any local dwelling shall not exceed 42dB LAeq,1hour.
4. MISC01 Bats
5. RSUO00 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.
6. LNDS00 Within two years of the date 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.
7. GACS02 No Outside Storage
8. GACS07 External Lighting - Submit Details



North York Moors National Park Authority  
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## Conditions (continued)

9. RSU000 Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the MPA. The CEMP shall include:
- a. Details of the size, location and design of the compound, including how any potentially polluting materials will be stored to minimise the risk of pollution;
  - b. All fuel/oil to be stored in proprietary tanks with integral bunding with a capacity equal to not less than 110% of the capacity of the tank. Such tanks shall be located on a bunded, impervious hardstanding with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks;
  - c. All replenishment of tanks and containers and all refuelling 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.
- Development shall thereafter proceed only in strict accordance with the approved CEMP.
10. MISC00 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.

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## Conditions (continued)

11. MISC00 Notwithstanding the details submitted for the proposed development of the site, there shall be no:
1. de-watering of the site;
  2. interruptions to ground or surface water flows
- without the written consent of the Local Planning Authority.
12. MISC00 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.
13. MISC00 Prior to the commencement of any works on site, a scheme to show how the proposed development will lead to a net gain in biodiversity must be submitted to, and approved in writing by the 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.
14. MISC00 Immediately prior to the commencement of works on site, a pre-construction Water Vole Survey and Mitigation Assessment shall be submitted to, and approved in writing by the Local Authority. The development shall then proceed only in strict accordance with the approved scheme.
15. MISC00 An Odour Management Plan be submitted to the Local Planning Authority detailing the precautions to be adopted to prevent gaseous or odour pollution. Such a plan shall be required to be adhered to and approved in writing by the Local Planning Authority prior to commencement of the development.
16. MISC00 The levels of noise emitted from the operational site shall not exceed 60dB(A)L<sub>Aeq</sub>,1 hour, measured at any point on the site boundary, unless otherwise agreed in writing with the Local Planning Authority.
17. MISC00 Before the wellhead sites are commissioned a programme of noise monitoring shall be submitted to and agreed in writing with the 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 and further Noise Survey or Surveys conducted until the predicted noise levels are achieved to the written satisfaction of the Local Planning Authority.
18. MISC00 Tonal noise from the gas processing facility shall not be audible outside any residential property in existence at the date of this planning permission. Tonal noise shall be considered to be audible where the level in any third-octave band is 5dB or more in excess of the levels in the two adjacent bands and tonal components are clearly audible.

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## Conditions (continued)

19. HWAY00 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 (Ebberston / Ebberston Common Lane – unclassified road, whole length, and A170 for 20 metres east and west of the junction with Ebberston Lane) has been carried out in a manner approved in writing by the 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.
20. HWAY00 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.
21. HWAY00 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 (1) 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.
22. ARCH02 Archaeological Interest Requiring Full Survey

**Reasons for Conditions**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

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## Reasons for Conditions (continued)

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 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.
4. 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.
- 5 & 9. 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. To reduce the risk of pollution to ground and surface waters and to accord with the provisions of NYM Development Policy 1.
7. 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.
8. 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.
- 10 to 14. 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.
- 15 to 18. 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.
- 19 to 21. 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.
22. 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.

### Consultations

**District -**

**Allerston and Wilton Parish** - No objections, they are needed to transport gas to Knapton and to reasonably develop that facility.

**Ebberston and Yeddingham -****Highways -**

**English Heritage** - The alignment of the pipeline route would pass directly across a scheduled ancient monument (Embanked pit 130 metres south of Jingleby House). The directional drilling beneath indicates the scheme can be undertaken subject to appropriate archaeological mitigation. Recommend works do not commence until Ancient Monument consent has been granted for the drilling or alternative open pit approach.

Conditions (continued)

**Environmental Health Officer** - Note that if this application is implemented the Environment Permitting will need to be at Knapton rather than Ebberston Moor. There is scope for odour emissions during maintenance at Ebberston Moor so recommend conditions be imposed.

**Environment Agency** - No objections, wish to draw the applicants attention to ground water, aquifer, ground water flooding and ground water protection issues and seek an informative be imposed on any approval. Also recommend conditions be imposed on any approval to safeguard against hydrology and hydrology impacts.

**Forestry Commission** -

**Fire Officer** -

**Health and Safety Executive** -

**North Yorkshire Police Liaison** - Consider that greater security be employed for the pipe storage areas.

**NYCC Planning** -

**Yorkshire Water** - Comment that the pipeline route crosses various pieces of Yorkshire Water equipment and recommend informatives be placed on any approval regarding liaison and working methods.

**National Grid** -

**Northern Gas Network** -

**Campaign to Protect Rural England** -

**Site Notice Expiry Date** - 20 December 2013.

**Others - Peter Theakston, 40 Murchison Street, Scarborough** - This is an obscene idea, it is profit & political gain at the expense of harming natural beauty.

**Craig Todd, 4 Mandeville Mews, Mandeville Road, Aylesbury** - Object to the idea of Fracking in Dalby Forest as it is environmentally damaging.

**George F White on behalf of owners of Wilton Grange Farm** - Have concerns regarding the lack of advance notice of the application being submitted. There are already eight services cross this farm, four of which are major pipelines. It has taken considerable time and money to remediate the land back to good farmland after each of services being installed. Another pipeline will make parts of the farm very difficult to drain and undo the previous remediation work thus jeopardising investment in the farm. Would also jeopardise the owners plans to develop some parts of the farm and create additional local jobs. *(Members to note this land is in the NYCC part of project).*

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**Background**

Members will recall that this application was considered by the 17 October Planning Committee; a copy of the report with late information update sheet comments incorporated is attached as an **appendix** to this report.

Following discussions about the principle material planning considerations it was resolved to delegate approval of planning permission to the Director of Planning subject to additional conditions being drafted to cover the issues of: archaeology, timing of submission of restoration scheme and Highway issues together with awaiting the expiry of the last public consultation period and no new planning issues being raised. Before the expiry of the last consultation date a number of objections were received. Whilst most of these objected to general perceived dangers of 'Fracking' to extract natural gas and which play no part of the application, there was a lengthy letter of objection from Moorland Energy, promoters of a potentially competing gas extraction, pipeline and processing plant which contained new planning concerns. Hence the application is rescheduled for consideration. The natures of those concerns are listed separately below:

**'That the Environmental Statement is Technically Flawed'**

The nub of this Moorland concern is that there is a lack of information regarding: other waste products and water handling. In terms of the other wastes, there are insufficient details to determine whether there will need to be further Environment Permitting regulation of the generator and boiler. In terms of the Water handling that the production of water is inevitable, it cannot be regarded as 'clean' and the details its disposal should be included to ensure the re-injected water into the sub-surface water aquifer will not contaminate the aquifer. This is trying to fragment the planning process into iterative incremental applications against the principles of an Environmental Statement covering the whole core project.

**Applicants Response**

Viking UK gas does not accept that the level of detail supplied amounts to a technically flawed Environmental Statement. The developments are sufficiently described for the likely impacts to be assessed. A structured development programme has been adopted and this is similar to that used by Moorland in the Ryedale Gas Project. Feel Moorlands assertions about being flawed are based on a misunderstanding of the full design and they are seeking to gain commercial advantage by gaining access to the full design. The ES provides sufficient information for planning purposes. In terms of other wastes products, these are well below Environment Agency thresholds. In terms of water handling, since the application was made, considerable progress has been made with the Environment Agency in respect of the technical and legal aspects of the water handling arrangements running parallel to the Planning process. As a result of those discussions have submitted separate addendums to the Environmental Statements to cover the environmental impacts of the water handling arrangements.

**'Temporary Consent Concerns'**

The crux of this Moorland concern is that five years for the preliminary Early Development Scheme (EDS) to justify this proposal would be insufficient to deliver economic returns and Viking are likely to seek an extension and therefore the EDS should be treated as a permanent consent application. Furthermore that the second phase relies on the continued presence of Knpton Generating Station which itself has a temporary permission until 2018 only and there can be no guarantee an extension will be granted. Both business plans rely on temporary permissions being renewed and this should be a concern of the Planning Authority as commercially the two business plans do not stack up. In the event that the National Park Committee does grant the planning permission request that no further renewal of the gas conditioning plant is granted.



## Background (continued)

### Applicants Response

Accept that Viking Gas did make the case for a 7 year permission rather than 5 however when the Planning Committee discussed this they indicated that 5 years was their preference and any further extension would need to be judged on its merits. It is not the objective of Viking to secure a permanent permission at the wellhead for a gas conditioning plant, stand by the position that this is a temporary facility for 5 years. It is Vikings intention to apply to extend the life of the Knapton Gas generating station planning permission before the expiry in 2018 although this will be subject to the economics of the field and the generating station.

### **'Lack of Alternative Considerations'**

The gist of this Moorland concern is that the Major Development Test has been failed because Viking have failed to demonstrate a need for the pipeline given the extant Moorland appeal permission for a pipeline and gas processing plant at Hurrell Lane, Thornton le Dale. That scheme has more than sufficient capacity to process the gas from the Ebberston gas field and then would not present any of the negative issues associated with this proposal. Furthermore that whilst the proposed pipeline route is 15.4km long there could well be easement problems which lengthen the route and thus render it a Nationally Significant Infrastructure Project (NSIP). Consideration should be given to referring the project to the Secretary of State.

### Applicants Response

The application documentation sets out the need case. Although the Ryedale Gas Project has planning permission, no applications have been submitted to clear off the planning conditions and the timing is uncertain and any implementation some time away. The applicants are aware of the many objections to the Ryedale Gas Project and the support for an alternative processing facility at the wellhead within the Park and the project takes account of those wishes. In summary, the Moorlands plant has not started nor is construction planned.

### **'Risk to Safety and Security'**

The basis of this Moorland concern is that Moorland submitted a safety report with their application which covered major hazards and safety and consider such a report should have been submitted with the Viking applications.

### Applicants Response

A safety report was submitted with the application. The Viking proposal is far less complex than the Ryedale Gas Project and as such the safety risks are far reduced.

## **Main Issues**

### **Policy Framework**

The NYM adopted Core Strategy and Development Plan Policies (2008) contains policies, which amongst things, seek to conserve and enhance landscape character (Core Policy A) advise that all mineral developments other than local building stone quarrying will be assessed against the Major Development Test and that gas exploration will be considered against Government mineral policy advice (Core Policy E), road improvements should complement the locality and be the minimum needed to achieve safe access (Development Policy 23) and that appropriate assessment and evaluation of ecology and archaeological assets are taken in to account (Core Policy C and Development Policy 7).

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**Policy Framework (continued)**

Government advice in the National Planning Policy Framework (NPPF) and English National Parks Circular 2010 states that great weight should be given to conserving the landscape and scenic beauty in National Parks, that minerals are essential to support economic growth and our quality of life, not to grant mineral permissions if there are unacceptable adverse impacts on the natural environment and to clearly distinguish between the three phases of minerals development: exploration, appraisal and production together with having due regard to restoration. When dealing with 'major' developments, the Major Development Test sets out that major developments should not take place in National Parks except in exceptional circumstances.

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

The main issues for consideration are considered to be whether there are exceptional circumstances to permit what amounts to a major development and whether the scheme would not have an unacceptable impact on the local environment.

**Justification**

The 'Major Development Test' (MDT) has been an established national principle of planning in National Parks for many years. It seeks to prevent the various impacts which are normally associated with 'major' developments. Such an approach includes large scale mineral extraction given the visual and other impacts that normally follow, particularly taking away large quantities of landform and transportation implications. The key limbs of the 'test' are; need for the development including national considerations, the impact of permitting or refusing on the local economy and cost and scope of developing outside the designated area together with the extent of impacts on the natural environment and how well it can be moderated. The extraction of 15mmscf/d of sour gas is considered to amount to a major development for the purposes of the MDT. Members will recall that the issue of how to sensitively extract the gas was given some consideration during the related application dealing with the Ryedale Gas Plant. At that time the Authority's stated public position was that it considered that the employment and benefits to the economy would represent exceptional circumstances warranting approval of gas extraction if the gas were to be piped to the existing gas generating station at Knapton. As a result of the application seeking to do precisely that, there is considered to be an 'in principle' justification.

The Country is striving to meet renewable energy targets in 2020 and 2050 to achieve a low carbon economy. Part of overall plan for meeting renewable targets is an appropriate mix of technologies which will allow matching of the supply cycle for energy demands, for example high demands caused by national events or unusual weather conditions where instant energy such as gas has a role to play. This application could provide a small but useful contribution to that energy mix strategy. Approval would also go a long way towards supporting the jobs involved with the ongoing operation of Knapton Power Station.

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

In the circumstances it is not considered that the objectives of the 'Major Development Test' would be harmed in principle by approving the application.

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Main Issues (continued)

**Impact on Local Environment**

The application was lodged with a lengthy supporting Environmental Statement prepared under the guidance of the 2011 Environmental Impact Regulations and sections cover the various relevant Development Management issues including: geology, flood risk and pollution, traffic management, ecology, archaeology and historical assets, visual assessments, geophysical study, noise, statement of community consultation, alternative forms of development, outline safety document and general planning statement.

In very brief terms those reports state, the base target area and drilling limitations for conventional gas exploitation limit the locational ability for siting the wellhead effectively to this part of the National Park. As the site lies within a very large commercial forestry operation, ecological implications are limited to potential impacts on breeding birds, bats and reptiles and the proposed construction Environmental Management Plan (CEMP) has all the necessary steps to mitigate ecological impacts to an acceptable level during the construction phase and the compound design would mitigate ecological impacts during the operational phase.

In landscape and visual impact terms, the generally low level and modest form (maximum height is a water storage tank 4.8 metres) with surrounding mature vegetation with a canopy cover of around 15 metres will ensure little landscape or visual impact. In terms of air and noise impacts the CEMP and plant design would be likely to prevent any significant impacts on local receptors. In terms of hydrology and flooding, permeable ground conditions, impermeable aquifer conditions and height above sea level indicate there are no likely adverse impacts. There are numerous archaeological resources in the wider locality and along the pipeline route however the archaeological monitoring and recording arrangements proposed will ensure the development would have negligible impacts on archaeology. In transport terms, the public roads leading to the site are relatively narrow and although the construction traffic will have a minor adverse impact however this is short term and temporary, maximum weekly vehicle movements are predicted at 35 for the well site and 225 for the pipeline. The low levels of operational traffic would have negligible impacts on existing users and residents/occupiers. Cumulative impacts have also been assessed with other projects in the locality and none have resulted in a cumulative adverse impact. The ecology section recommends further Bat Surveys along the pipeline route and a condition is recommended on any approval.

Those reports have been the subject of consultation with statutory bodies and the general public and at the point of writing the report, most of the normal development management issues are considered to have been adequately addressed such that no significant adverse impacts are envisaged. Members will be advised at the Meeting if any new environmental concerns arise from any late public consultation comments. The main issues are considered to be traffic management during construction and archaeology. The applicants have worked with the Highway Authority in drawing up the servicing arrangements and the Highway Authority has verbally confirmed they wish to see conditions imposed on any approval. The Authority's archaeologist notes that whilst there have been no recorded finds on the site and despite some historical deep ploughing there the area is rich in archaeological finds and recommended a full archaeology watching brief and recording condition.

**Timeframe**

The project timeline schedule envisages planning permission for both the EDS and pipeline scheme being obtained during 2013, construction commencing for the EDS in January 2014 and gas production July 2014. Extended appraisal of the field would take place for upto five years from the date of permission being granted.

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## Timeframe (continued)

The pipeline scheme has an expected build period from 2015 to 2016 when the compound equipment and pipeline would be built simultaneously. It is envisaged the well head would have a life of 15 years.

**Implications of New Planning Matters Raised Since October meeting**

'Flawed Environmental Statement'. The matters raised by Moorland Energy Limited and the rebuttals provided by the applicants as set out above have been discussed with the Authority's solicitor and within the Department. Officers consider the criticisms of a technically flawed Environmental Statement based on insufficient technical details of : *the flare stack, other waste products, traffic movements and insufficient description of development* and their likely impacts does not stand up to scrutiny, the applicants assessments are preferred. However in terms of the concerns about the *water handling arrangements* officers do feel this issue is not yet satisfactorily resolved. The applicants have submitted separate environmental addendums to the Environmental Statements and Environmental Statement non-technical summary. In brief these explain that the gas lies within the Permian Kirkham Abbey Formation (KAF) and that water from here is highly saline (more salty than seawater) and the proposal is to use existing consented boreholes to return water from the gas extraction from the KAF back to the less salty Triassic Sherwood sandstone water aquifer which is located below the KAF. Neither of these water aquifers are used for drinking water or other uses. Drinking water is sourced from the Corralian limestone aquifer and other supplies which are separated from the KAF and Sherwood Sandstone vertically and horizontally by impermeable rock. Best practise construction techniques would be used to avoid any contamination during construction. Any water displaced by the Sherwood Sandstone injection would occur more than 40km from groundwater and thus there would be negligible impacts. At the time of writing the Environment Agency's important views were awaited. Members will be updated at the meeting.

'Temporary Consent Concerns'. The matters raised by Moorland Energy Limited and the rebuttals provided by the applicants as set out above have been discussed with the Authority's solicitor and within the Department. This project was the subject of significant pre-application engagement between senior officers of the Authority (with contact with the four main chairs of the Authority) and the applicants. The temporary nature of the Early Development Scheme and having the permanent solution were assessed as the most appropriate solution resolving the difficult major development test involving extraction of minerals in a National Park where the starting position is refusal and the public benefits and landscape harm are in competition. In the circumstances it is not considered that the potential business case difficulties represent a reason on their own or in combination with other non-favourable factors to warrant refusal.

'Lack of Alternative Considerations'. The matters raised by Moorland Energy Limited and the rebuttals provided by the applicants as set out above have been discussed with the Authority's solicitor and within the Department. A major plank of the Authority's case in opposing the Ryedale Gas Project was the potential alternative consideration of the gas being piped to Knapton. In his decision letter the Inspector gave this alternative little weight citing the lack of firm commitment to driving that project forward in a reasonable timeframe. Officers consider there are some similarities here. There is currently no planned start for the Ryedale gas plant. If the pipeline design has to change and it becomes an NSIP then the applicants will simply need to follow that process. It does appear they have every intention to stick to the proposed plans and for the pipeline not to exceed 16km.

Risk to Safety and Security. Whilst the security report was not submitted on day one it was submitted early on during the processing of the application and officers do not consider this amounts to a reason for refusal on its own or together with other non-favourable factors.

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**Conclusion**

The Environmental Addendum information has been deemed to be additional environmental information for the purpose of the Environmental Impact Regulations 2011 and has thus been re-advertised. Having reviewed the objections submitted after the October Planning Committee, officers can see no reason to depart from the previous recommendation, subject to no adverse comments from the Environment Agency regarding the water handling arrangements for water handling including re-injecting of water produced during extraction.

**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.