

## North York Moors National Park Authority

<b>Ryedale District</b> <b>Parish: Eberston 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:** Eberston Moor A Wellsite, Eberston 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

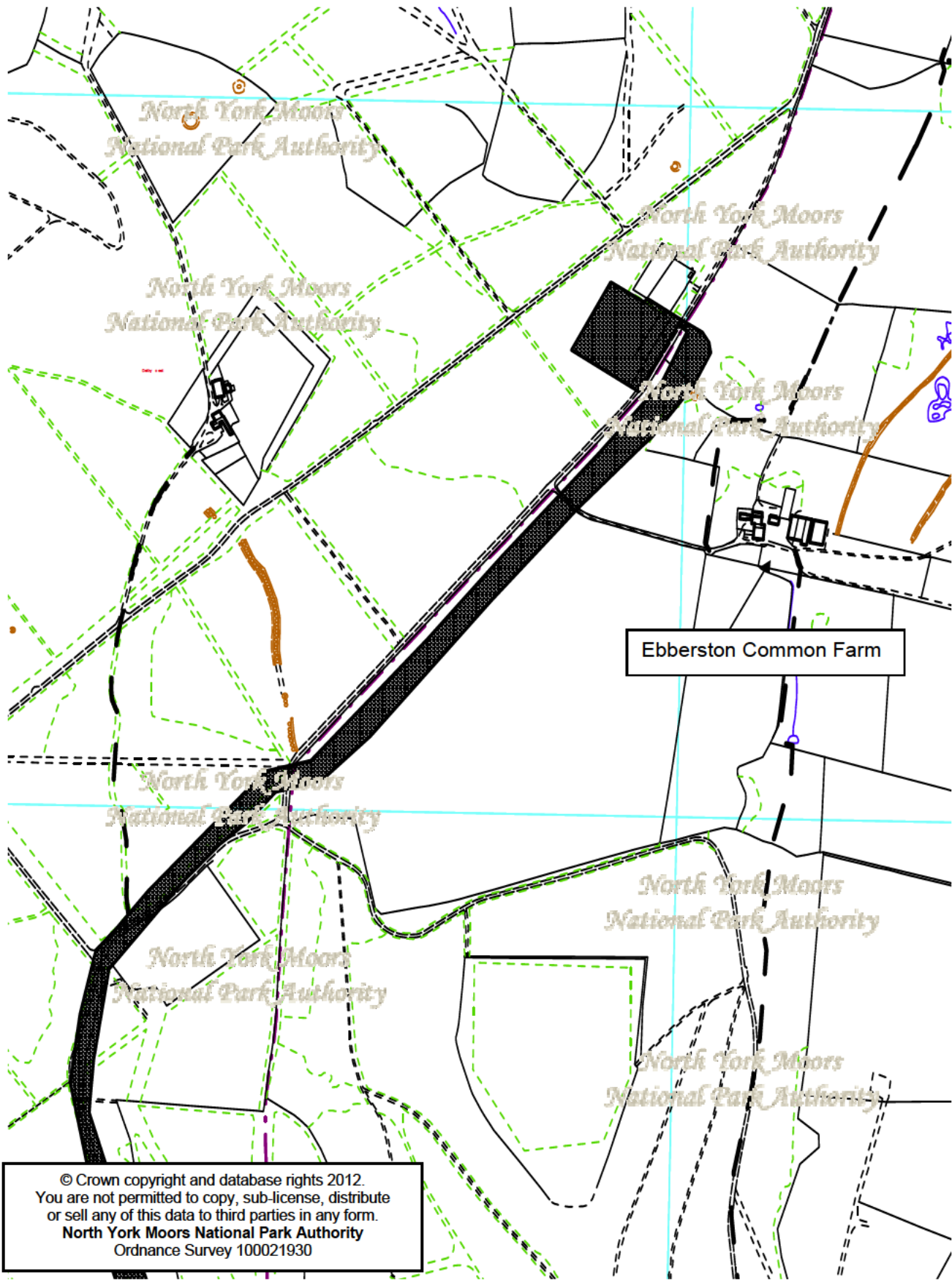
**Date for Decision:** 09 December 2013

**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



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Scale: 1:7500 



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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.

**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 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, 6 & 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.
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.

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**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 -****Environmental Health Officer -****Environment Agency -****Forestry Commission -****Fire Officer -****Health and Safety Executive -**

**NY Police Liason -** Consider that greater security be employed for the pipe storage areas.

**NYCC Planning -****Yorkshire Water -****National Grid -****Northern Gas Network -****Campaign to Protect Rural England -**

**Site Notice Expiry Date -** 3 October 2013.

**Others - 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).*

**Background**

Some Members will be aware of the discovery of natural gas within the geology of North Yorkshire which goes back to the 1940's The Ebberston Moor Gas field was discovered in 1966 (formerly called Lockton Gas field) and gas was piped from a nearby wellhead to a natural gas processing plant built off Outgang Road in Pickering. It operated between 1971 and 1974 and was closed prematurely following water inundation. Current thinking suggests that gas was extracted too aggressively and thus not properly managing the water threat risks. Field studies together with ground and airborne seismic studies have shown that the gas reservoir still contains large commercially viable quantities of gas in it despite being dormant for 40 years.

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**Background (continued)**

Over the last two years the Authority has granted six temporary planning permissions for retention of existing or new conventional gas exploration boreholes (they did not include any provision hydraulic fracturing 'Fracking'). One was at Westerdale for Egdon Resources, one was to retain the Moorland Energy (MEL) Ebberston south wellsite that was linked to the Ryedale gas plant, extraction approved on appeal, and four were for Viking Gas (at the Ebberston north gas field) who operate the Knapton Gas Powered Generation Station. It appears that not all four for Viking will be drilled/retained. Viking currently feed their gas powered station at Knapton some 10 kilometres south of the National Park from their Vale of Pickering gas fields which are now becoming exhausted. Viking are looking to investigate their Ebberston now called Wykeham gas fields which they partly share with Moorland Energy for powering the generating station. They have undertaken ground and air-borne seismic studies and are confident that the boreholes will prove there are commercially viable conventional gas resources in the Wykeham fields.

Members may recall that at the July 2012 Planning Committee Meeting, a three year temporary planning permission was granted for a gas exploratory borehole at Westerdale in the north west part of the Park to assess the commercial viability of what is believed to be one of the two sizable gas reservoirs underneath this National Park. No development has yet commenced. The other large gas reservoir(s) is believed to lie in the south east part of the National Park at Ebberston Moor/Wykeham Forest locality. Also at that Meeting Officers reported an appeal decision by the Secretary of State who has granted planning permission for a gas processing plant just outside the Park near Thornton le Dale. That plant was premised on gas being provided by borehole(s) in the Ebberston Moor south part of the gas field with licenses held by Moorland Energy (MEL). The Inspector also commented that it would provide an opportunity to recover the other 'locked in' gas reserves in the Ebberston north/Wykeham Forest area with licenses held by Viking, the operators of Knapton Gas Generating Station.

This Authority gave evidence at the Moorland Energy appeal Public Inquiry and explained its public position that gas extraction from Ebberston Moor should only take place where the associated development would not be harmful to the statutory purpose of designation or harmful to its setting and thus the Authority favoured piping the gas to Knapton where it could be utilised by existing gas infrastructure. The Inspector gave limited weight to that position on the basis that little commitment had been shown to bringing that solution to fruition, including seeking the appropriate planning permissions. This application effectively seeks to do exactly that.

Elsewhere on this agenda is an application to de-risk the wider long term project of extracting at Ebberston Moor and piping the gas down to Knapton, this is known as the 'Early Development Scheme' (EDS). It seeks to run for a temporary five year period to prove that extraction can be reliably undertaken without water inundation. Rather than electricity generation or full processing to create a clean gas to go into the main gas grid, it proposes to 'condition' the gas and insert the gas into the adjacent low pressure gas pipeline between Pickering and Whitby. By means of pressure differential, the gas will then travel to either Whitby or Pickering depending on need/pressure difference. Much of the plant which is needed to condition the gas would be housed in an agricultural style building at the site and would be re-locatable to Knapton generating station at a later date if needed. It is in effect, a short term temporary solution.

This application is for the 'permanent' solution. It seeks continued permanent gas extraction beyond the five years in the EDS application, to transfer the gas in a new 15 kilometre pipeline to Knapton existing gas powered electricity generating station to produce electricity to feed into the national grid. The project straddles the National Park Boundary and as such it is classed as a straddling 'County Matters' application with two identical planning applications submitted to this Authority and a second to North Yorkshire County Council to make decisions on that part which lies in their respective administrative areas albeit still looking at the whole project holistically.

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**Background (continued)**

In brief the development comprises; retention of the existing two gas well heads, water tank, water separator building, gas generator and car parking which are part of the EDS scheme and construction of a 15.3 kilometre steel 200mm pipeline (the construction route is 30 metres wide) which would operate at 100 bar. Approx 2.5 kilometres lies within the Park and 3 kilometres lies along the actual Park boundary and the other 11 kilometres falls into the NYCC administrative planning area down to Knapton Gas Power Station. The 200mm steel pipeline to carry the gas and water condensate would be laid in at a depth of 1.1 metres within a 1.8 metre wide open trench, top soil would be stored separately from sub soil ready for covering/restoration after installation. A fibre optic communications cable would also be laid in the trench. When crossing Scheduled Ancient Monuments, the Malton – Scarborough railway and River Derwent horizontal boring would be used to install the pipeline. The pipeline is 0.7km short of the 16km threshold for it being a Nationally Significant Infrastructure Project (NSIP). It is envisaged that the rate of extraction would remain at 15 million standard cubic feet per day (mmscf/d) as per the EDS scheme elsewhere on the agenda. This is below the EIA Schedule 1 threshold for automatic EIA development status. However, Officers have previously screened the development as Environmental Impact Development, as it falls partly within a 'sensitive area' (i.e. National Park).

The application has been submitted with an Environmental Statement prepared under the 2011 EIA Regulations and it contains extensive background information including: detailed description of the development, alternative sites, alternative developments, pipeline installation details, applicants interests, need for gas, licensing information, health and safety considerations, other legislation controls, Public Rights of Way impact, Drainage Report, Drilling Method Statement, traffic management arrangements, lighting, security, Ecology Report, Archaeology Report, Hydrology Report and restoration plan.

The applicants have also included information to support the application, in brief they state:

We have been working with senior Planning Officers at the NYM for the last year. This is only the third application for extracting gas in the NYM area in the last 35 years. There is national support for energy infrastructure to help manage the UK's need to import gas. The gas to be extracted is located deep below ground in the Permian Kirkham Abbey Formation (KAF) reservoir. The gas and produced water and condensate would flow from the well head into a three phase separator. It will operate at the pipeline pressure with a rate of flow limited by the energy generating capacity at the Knapton plant. Water is removed before the gas and condensate are transferred to Knapton. Methanol is stored at the site injected by pump upstream of the choke valve reduce hydrate formation and acts as a corrosion inhibitor. Any water produced would be returned to groundwater by means of one of the existing unused exploration boreholes, permission to be applied for later. There would be no lighting except in emergencies. Knapton is capable of providing power for upto 40,000 homes at full capacity. The gas fields in the Vale of Pickering are becoming exhausted and our gas fields at Ebberston Moor are the future for Knapton Power Station.

## **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 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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**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 have 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. 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.



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**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.