

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

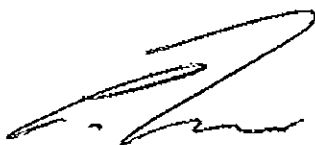
To: Third Energy Limited and Moorland Energy Limited
c/o Barton Willmore LLP
fao: Paul Foster
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

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The above named Authority being the Planning Authority for the purposes of your application validated 13 August 2014, in respect of proposed development for the purposes of **Natural gas production and water re-injection at the existing borehole at Ebberston Moor South Well Site, the drilling of a second borehole for water production and re-injection, the construction of a 13.9 km long 12" diameter underground pipeline form the Ebberston Moor South Well to the Knapton Generating Station (KGS) at East Knapton, Malton and construction of ancillary works at the Generating Station at Ebberston Moor South Well Site, Ebberston Common Lane, Snainton to Knapton Generating Station, East Knapton** 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 above ground development shall be removed from the site and sub surface development plugged in the normal manner 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 Mineral Planning Authority.
3. The maximum daily injection of produced water at either, or both, of the water injection boreholes shall not exceed 556m³/d. The injection shall only be achieved by an electric submersible pump unaided by any booster pump(s). The bottom hole pressure water injection pressure shall not exceed 30bar/435 psi above the initial formation pressure.
4. 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.

Continued/Conditions



Mr C M France
Director of Planning

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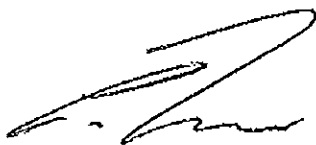
Continuation of Decision No. NYM/2014/0587/EIA

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Conditions (Continued)

5. The permission hereby granted permits the extraction of up to 15 mmscf/d of conventional natural gas only by conventional drilling methods from the Kirkham Abbey Formation (KAF). For the avoidance of doubt it does not permit drilling down to the Bowland-Hodder Shale horizons or hydraulic fracturing of any part of any gas reservoir resource.
6. Within two years of the date of the date of commencement of this development, a detailed scheme for the restoration and aftercare of the whole of the gas compound shall be submitted to the Mineral Planning Authority for written approval. The scheme shall provide for such steps to remove all plant, equipment and buildings, cap the boreholes, decommissioning of pipeline 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 development set out in condition one above or within one year of the early closure of the gas extraction compound.
7. 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.
8. 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.
9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) dealing with the construction phase of the development 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 or parking of vehicles, plant and equipment shall take place within that bunded, impervious hardstanding. No amount of fuel/oil greater than 10 litres shall be stored in a portable container;
 - 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;

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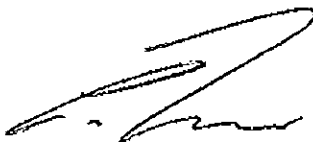
Condition 9 (Continued)

9. 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 the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Mineral 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.
- i. An assessment of the risks posed to groundwater quality during the construction phase;
- j. 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. The development hereby permitted shall not be commenced until such time as a scheme dealing with all of the following matters relating to the operational phase of the development has been submitted to, and approved in writing by, the local planning authority:
 1. the investigation of the soundness of the existing Bentomat geo-textile barrier beneath the existing gas production compound and details of any repairs needed;
 2. conduct a water features survey along the route of the pipeline and to an appropriate distance beyond to determine any water features , including springs, boreholes, and water courses that may be impacted by the earthworks and pipeline;
 3. the storage of materials;
 4. the storage of chemicals;
 5. the storage of oil;
 6. the storage of hazardous materials;
 7. the pressure testing of the pipeline;
 8. the disposal of foul and surface water;
 9. the removal and treatment of suspended solids & spills from surface water run-off;
 10. remedial plan for dealing with any surface spills;

Continued/Condition 10



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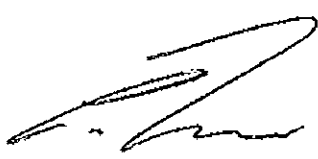
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Condition 10 (Continued)

10. 11. the proposed method of working;
12. the proposed phasing of development;
13. the provision of road and wheel cleaning facilities; and
14. the proposed schemes for monitoring for leakages and surface spillages including any pollution interceptor type devices and implementation of surface & pipeline water pollution mitigation measures, data monitoring, undertaking of a risk assessment and emergency remedial strategy. 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 with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.
15. a proposed scheme for monitoring water pressures arising from the water injection together with trigger levels for amending the water pressure policy. The development including water injection shall not take place other than in accordance with the above various approved schemes and plans.
11. 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 Mineral Planning Authority.
12. The development hereby permitted shall not be commenced until such time as a suitable scheme for the lining of the pipeline trench throughout SPZ2 has been submitted to and approved by the Mineral Planning Authority. The development shall be carried out in accordance with the approved scheme.
13. 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 Mineral Planning 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. 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 Mineral Planning Authority. The development shall then proceed only in strict accordance with the approved scheme.
15. 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 Mineral Planning Authority prior to commencement of the development.

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Continued/Conditions



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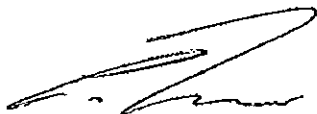
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Conditions (Continued)

16. 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 Mineral Planning Authority.
17. Before the wellhead sites are commissioned a programme of noise monitoring shall be submitted to and agreed in writing with the Mineral 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 Mineral 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 Mineral Planning Authority. The results of such measurements are to be submitted to the Mineral 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 Mineral Planning Authority.
18. 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.
19. Unless otherwise approved in writing by the Mineral 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 Mineral 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 Mineral 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 Mineral 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 Mineral 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.

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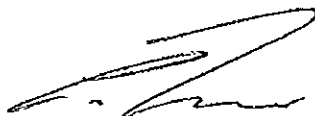
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Conditions (Continued)

20. Unless otherwise approved in writing by the Mineral 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 Mineral 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 Mineral 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.
22. In the event that water monitoring of the normally occurring radioactive material (NORM) within the discharge water brought to the surface shows levels of NORMs that cannot be discharged to the Sherwood Sandstone aquifer as set out in the current relevant Water and Waste Regulations, written details of the onsite treatment of the excess NORM water and associated disposal of solids/filters shall be submitted to the local Planning Authority for approval. The Environmental Impact Assessment of the proposal has not assessed the impact of removal of produced water off site by road and for the avoidance of doubt there shall be no transportation of produced water by road without a further planning permission from the Local Planning Authority. The approved scheme shall be implemented in its entirety and no water discharge shall take place unless the NORM levels comply with the current relevant Water and Waste Regulations either treated or untreated as necessary. The applicants shall maintain a record of NORM monitoring and any NORM treatment and make the record available to the Local Planning Authority on request.
23. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for either:
 - A Site compound perimeter planting of a 10 metre deep (unless it would compromise access or parking provision) belt of indigenous trees and shrubs together with measures for managing the planting and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the first production of gas, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained for the life of the gas compound unless otherwise agreed in writing by the Local Planning Authority, or

Continued/Condition 23



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Condition 23 (Continued)

23. B Submission of written details of an agreement with the Forestry Commission and the applicants (binding on subsequent compound owners) for approval by the Mineral Planning Authority demonstrating how the adjoining existing hedges and trees within 30 metres of the full perimeter of the site will be retained for the lifetime of the gas production compound site together with any measures for managing/reinforcing the woodland. Gas shall not be extracted without the approved Agreement being in place.

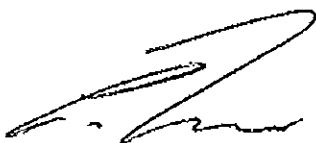
Informative

This consent is issued subject to the terms of the Agreement (Section 65 of the Environment Act 1995) dated 9 November 2015 between the North York Moors National Park Authority and Third Energy UK Gas Limited, Moorland Energy Limited and Third Energy Onshore Limited to provide £20,000 environmental improvements and site restoration insurance.

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. To minimise the impact of water reinjection on land stability and to accord with mitigation strategy provide within the application and in order to comply with the provisions of NYM Development Policy 1 which seeks to ensure that land stability can be achieved without causing unacceptable environmental or landscape impact.
4. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
5. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
6. To reduce the risk of pollution to ground and surface waters and to accord with the provisions of NYM Development Policy 1.

Continued/Reasons for Conditions



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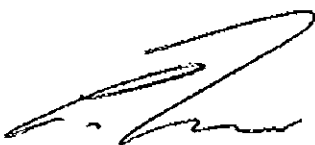
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Reasons for Conditions (Continued)

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.
9. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
10. 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 2 of the Scarborough drinking water supply and to accord with NYM Development Policy 1.
11. 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 groundwater flow and to accord with the provisions of NYM Development Policy 1.
12. 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 2 of the Scarborough drinking water supply and to accord with NYM Development Policy 1.
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 2 of the Scarborough drinking water supply and to accord with NYM Development Policy 1.
14. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
- 15 – In order to comply with the provisions of NYM Core Policy A which seeks to ensure
18. that new development does not detract from the quality of life of local residents.
- 19 – In accordance with NYM Development Policy 23 and to secure an appropriate
20. highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

Continued/Reasons for Conditions



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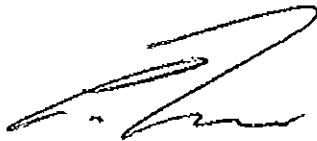
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Reasons for Conditions (Continued)

- 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.
- 22. To prevent high levels of Heavy Goods Vehicle movements that would be associated with tankering off of any excess NORM water along narrow country lanes which would detract from the amenities of the local area for residents and visitors alike and to accord with the provisions of NYM Development Policy 23.
- 23. 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.

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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