

## North York Moors National Park Authority

<b>Scarborough Borough Council (South)</b> <b>Parish: Brompton</b>	<b>App No. NYM/2016/0559/FL</b>
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**Proposal:** variation of condition 1 of planning approval NYM/2013/0501/FL to allow a further three year timeframe

**Location:** Ebberston Moor 3 Wellsite, Cockmoor Road, Sawdon

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

**Agent:** MBH Environmental Limited, c/o Arcata Chartered Accountants  
 fao: Dr Katharine Blythe, Hudson House, 8 Albany Street, Edinburgh,  
 EH1 3QB

**Date for Decision: 26 September 2016 (extended to 31/10/2016)**

**Grid Ref: SE 493453 488751**

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME00 Standard Time Year Commencement Date
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations
3. HWAY00 Any additional damage to the existing adopted highway occurring during use of the site and until the completion of all the permanent works shall be repaired immediately. Before the site is decommissioned the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.
4. HWAY18B Wheel Washing Facilities (Mineral Extraction)
5. HWAY21 Highway Condition Survey
6. HWAY00 The routes to be used by HCV construction and site restoration traffic shall be as shown on drawing no. PSSSL/VUK/EB3/PA/011 and approved by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction or restoration of the site.

### Consultations

#### **Brompton-by-Sawdon Parish -**

**Wykeham Parish** – Object, consider there are no good technical or operational reasons why the site should not be reinstated as per the original timeframe. Reinstatement will give residents peace of mind that there will be no more gas exploration within Wykeham Forest. The traffic associated with the original drilling operation was more than predicted and caused several incidents with cyclists, walkers and horse riders. The application may well lead to future drilling operations which would cause the same problems. Would ask that any further gas exploration be treated as a new application and that this Council would wish to be consulted on it.

**Highways** - No objections - The highway mitigation measures were required through a S278 Agreement and have been constructed satisfactorily. The Highway Authority would wish to see the last 2m of the well site access retained as an extra passing place following site restoration.



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Consultations continued

**MOD -**

**Environment Agency - No objections**

**Fire Officer - No objections**

**Others – Frack Free Ryedale c/o Chris Redston, Hovingham,** Object, Third Energy has a duty to carry out the work in a reasonable time period so as not to cause an obvious intrusion into one of the country's finest landscapes. The grounds for asking for an extension of time are considered tenuous. They ask for more time to further assess the regional geology but offer no explanation as to why this was not carried out over the last four years? The well was drilled and cored, the application says no further drilling is to be carried out so how can the Committee be sure the site will be reinstated in three years' time? This appears to be simply a case of keeping the site on the books in case it is needed and such an approach is not compatible with preserving the environment of a National Park. The original application's traffic predictions were wrong, how can the applicants assurance that only one vehicle will visit the site per day be relied on. The application states that a future development may include a water injection well, which could lead to drinking water contamination. If the committee agree to retain the site a bond should be paid to the Authority to deal with any case of future harm. Allowing the well to remain would make it harder to resist future development of the wellsite. Request any time extension to include a specific condition precluding Fracking or other forms of unconventional gas exploration as the Government's position that they are 'not minded' to allow Fracking from surface sites in National Parks does not seem strong. Finally, would question Third Energy's financial ability to deal with any environmental issues if they arise, such as aquifer contamination, given the company are broke and have a net worth of minus £46m and the parent company is based in the Caymen Islands. The company has a history including a documented sour gas leak and has had clashes with the HSE over well casing design and maintenance regimes.

**Jane Hayes, White Lodge, Langdale End, Scarborough.**

**Linda Hurrell, 25 Delwood Fulford, York**

**Graham Gill, Gordon Street, York**

**Kit Bennett, 106 Huntington Road, York**

**David Davis, 21 Pasture Lane, Hovingham**

**Richard Mullin, Cockmoor Road, Sawdon**

All of the above object to the application for one or more of the following reasons:

- Concerned that if the company's Kirby Misperton well site is 'Fracked' this site will end up as a water injection well site.
- The local roads are too small for this site to operate.
- A future water re-injection well could jeopardise water supplies with the result of uninhabitable residential properties and loss of businesses.
- Gas is still a fossil fuel and can only make climate change worse.
- Consider the information put out by the Government, Third Energy and the Gas Industry about why this gas is needed flies in the face of the scientific consensus on Climate change. This will not help the UK's climate change obligations.
- National Parks should be the last place for such development.
- According to DECC, only 19% of people support Fracking. The original permission does not have a clause to prevent future fracking.
- Consider any future use of the site unacceptable so why permit any extension of time.

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Others continued

- The company should be required to have insurance of at least £10m to compensate local people if things go wrong.
- The Park Authority should take a precautionary approach as future gas extraction could lead to ground water and air pollution.
- Surely they have had enough time to analyse the regional geology by now.
- Evidence from Australia shows that the gas industry costs more jobs than it creates.
- Feel this just a period of grace to see if they are successful with other ventures in the locality.

### **Background**

At the August 2012 Planning Committee Meeting, temporary planning permission was granted for a gas exploratory borehole at this site to help assess the extent and commercial viability of what is believed to be one of the two sizable gas reservoirs underneath this National Park (ref NYM/2012/0475/FL), the other being Westerdale. Other boreholes into this gas field already exist at Ebberston Moor near South Moor Farm and near Givendale Head Farm.

At that Meeting the applicants explained that whilst the Vale of Pickering gas fields have serviced Knapton gas generating station since the 1990's to the current day, the longer term future of Knapton lay in bringing on stream the Ebberston Moor gas field, and this application, was aimed at assessing the extent and commercial viability of the gas field. As part of the package of information put forward to help assess the impacts of the proposal, information was submitted in respect of predicted heavy goods vehicle (HGV) traffic movements. It predicted two HGV movements a day and a condition was applied to the permission to adhere to those levels. During the course of operating the site in July/August in 2013 the company experienced unexpected water losses resulting in many more HGV movements averaging six a day. A subsequent part retrospective application (ref NYM/2013/0501/FL granted consent retrospectively to permit the greater number of HGV movements.

To recap, the original application involved felling of coniferous commercial trees to create a clearing some 110 metres by 85 metres with access from Cockmoor Road. It is located some 400 metres south west of Brompton Moor House. In accordance with normal good practise, the soil was carefully stripped and stored for reinstatement, a pollution membrane installed, bund created and hardcore laid and fence erected. The drill programme for site creation was six weeks, drilling was for upto 24 weeks, with the rig demobilised in one week. The results of coring, electronic log lines, pressure & fluid sampling were recorded for future testing. The approved extended well test was not carried out. The site is locked up and essentially dormant but is subject to maintenance and the cellar pumped out.

The applicants are seeking a further three year temporary permission to delay restoration as they are also involved in looking into the feasibility of 'Fracking' their Kirby Misperton existing gas production well to ascertain whether production of deep shale gas is commercially feasible for which planning permission was recently granted by North Yorkshire County Council. That site already has the benefit of pipeline connections to Knapton. The company have previously advised that there is no guarantee that the shale gas can be produced commercially and if not, would wish to continue developing the Ebberston Moor conventional gas field with this site needed to help determine that feasibility. They acknowledge that any further exploratory boreholes or appraisal schemes or extraction would need to be the subject of other permissions. Furthermore the applicants also advise that they are testing a process called 'bypass gas recover pilot' at their Pickering 1 well which could also be employed at the Ebberston Moor field if it proves successful and that they are awaiting the results of the pilot.

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**Background continued**

The applicants have made clear their intention that if commercially viable quantities of gas are found their intention is to pipe it to Knapton for generation purposes or there is the possibility of a second pipe in the trench back to the gas national grid which runs south of the A170 for inserting the gas into the grid.

The original application was submitted with extensive background information including: detailed description of the development, applicants interests, need for gas, licensing information, health and safety considerations, other legislation controls, details of alternative sites considered, 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 target depth for the two directional boreholes was approx. 1900 metres depth. The public roads leading to the site are not a popular through route but are narrow and the applicants acknowledged the access difficulties and worked with the Highway Authority to minimise disruption including highway condition surveys.

The current application includes updated: background information, resubmitted restoration plan, updated ecological study and transport management plan/route condition report.

**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 & archaeological assets are taken in to account (Core Policy C and Development Policy 7).

Government Policy 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 (para 116) sets out that major development should not take place in National Parks except in exceptional circumstances and where it is in the public interest.

There have been a number of Government statements in recent years including the Energy Secretary's 'a new direction for UK energy policy' which has restated the continuing need for developing existing indigenous gas resources as part of the wider climate change agenda and long term transition to a low carbon economy.

The Authority adopted the North York Moors National Park Management Plan in June 2012, which seeks to ensure new developments do not harm the ability to attract 1.6 million extra visitors to the National Park.

The Authority is working jointly with the City of York Council and North Yorkshire County Council to produce a joint Minerals and Waste Plan. The Authorities are aiming to agree a 'Publication Draft Plan' at their respective meetings around October 2016 and as such, it

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**Main Issues continued**

should be afforded 'some' weight after that meeting as the publicly stated favoured policy position of the Authority. Policies M16 & M17 dealing with conventional hydrocarbon exploration and appraisal permit development such as that proposed here subject to avoiding adverse impact and with appropriate mitigation and restoration.

The main issues for consideration are considered to be whether there is still sufficient justification for the continuing temporary development to remain in-situ which has some impact on the environmental character of this part of the Park.

**Justification**

As with other forms of mineral applications such as Potash exploration, there is local and national policy support for knowing the nature and scale of the nation's mineral resources including energy minerals as the Country strives to meet renewable energy targets in 2020 and 2050 to achieve a low carbon economy. As such there is considered to be a general justification for a temporary development, which if no viable gas is found will be returned back to forestry use. The applicants are currently involved in two local programmes which may lead to negate the need for this development or enable it to be undertaken more efficiently. As such there is considered to be a reasonable justification for the continuing presence of this dormant site within a non-prominent commercial forestry setting and approval would not compromise the objectives of the emerging joint Mineral and Waste Plan.

**Impact on Local Environment**

The original application was lodged with lengthy supporting reports covering the various issues of geology, flood risk and pollution, traffic management, ecology, archaeology and historical assets, visual assessments, geophysical study, noise, statement of community consultation and general planning statement which demonstrated that the overall environmental impacts were modest. The Authority's ecologist confirms there are no objections provided that the ecological mitigation measures are followed.

Public visibility of the main compound site is very low and is not readily visible from the public road; it is masked by landform and conifer forest and thus there would be minimal wider landscape impact.

**Inevitable Implications if Gas is Found**

Irrespective of whether commercial amounts of gas are found, this permission requires the restoration of the site back to forestry. A restoration plan is supplied with the application. If commercial levels of gas are eventual found and the applicants wish to pursue their 'bypass gas recovery' plans for gas field, the applicant would need to apply for a further permission for an extended evaluation period explaining for how long and why and what they would be seeking to achieve and that application would need to be assessed on its own merits given the clear steer in Government guidance to distinguish between the three different phases.(exploration, appraisal, extraction/production) The applicant has advised that if there were commercially viable levels of gas, they may wish to consider piping it to Knapton gas generating station likely to be from the nearby Ebberston 1 or 2 sites.

**Reason for Approval**

The proposal by reason of its temporary and explorative nature and having due regard to mitigating measures incorporated into the scheme to protect against impacts on the natural environment, is considered to be in line with Core Policies A, C and E and Development

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**Main Issues continued**

Policies 7 and 23 of the NYM Local Development Framework. The proposal would also not compromise the objectives of the emerging Joint Mineral and Waste Plan.

**Conclusion**

The applicants have explained that other developments outside the Park are ongoing which has resulted in this project being less of a key priority and they are awaiting the results of a related 'bypass gas recovery' trial project. Officers have some sympathy with the objector's position that this site should not be 'simply kept on the books' for convenience. However at this time and given the applicants well documented other projects to feed their Knapton power station which makes a useful local contribution to energy security, officers consider that a further three years in this relatively well screened forest setting is a reasonable pragmatic response to help the nation shift away from coal to gas in the near future and eventual move to renewable energy sources in the longer term future. Conventional gas has to be recovered from where it exists and there are few other known conventional gas fields in the local area.

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

The Authority's Officers have appraised the justification for the extension of time against the Development Plan and other material considerations and consider the development is likely to maintain the economic, social and environmental conditions of the area and wider region.