

North Yorkshire County Council

Planning and Regulatory Functions Committee

9 JULY 2020

Planning applications for the purposes of the variation of conditions in relation to planning permissions:

- C3/06/00625/CPO/C - Kirby Misperton A wellsite (condition no. 2);
 - C3/10/00924/CPO - Kirby Misperton B wellsite (condition no. 3);
 - C3/06/00625/CPO/A - Malton A wellsite (condition no. 2);
 - C3/06/00625/CPO/B - Malton B wellsite (condition no. 2);
 - C3/09/00344/CPO - Pickering wellsite (condition no. 9);
 - C3/06/00625/CPO/E - Marishes wellsite (condition no. 2);
 - C3/06/00625/CPO/F - condition no.s 1 & 2 (pipeline); and,
- a full application (ref. no. C3/19/01350/CPO) for continued use of the KMA (extension) on behalf of Third Energy UK Gas Limited (Ryedale District) (Malton Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 The purpose of this supplementary report is to update Members with regards the above applications reported to Committee at the meeting on 21st January 2020 as well as the resolution made at that meeting together with updates with regards the preparation of the formal Decision Notices.

2.0 Background

- 2.1 Members will recall receiving eight reports in respect of the seven well sites plus a report in respect of the existing underground pipeline network which connects the well sites at the meeting held on 21st January 2020.
- 2.2 The resolution of Members in respect of all eight applications was:
“minded to be granted”, in view of the requirement for the Secretary of State to determine screening directions in respect of the application, subject to the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly”.
- 2.3 The Secretary of State has now issued his formal *Screening Directions* in respect of all eight applications; thereby allowing the issue of the formal Decision Notices by the County Planning Authority.
- 2.4 The formal *Screening Directions* of the Secretary of State concur with the adopted *Screening Opinions* of the County Planning Authority and all the documentation has been made available on the County Council’s *Online Planning Register*. For ease of reference, the documents can be found using the weblinks below:

County Planning Authority Screening Opinions	Secretary of State Screening Directions
Kirby Misperton A	Kirby Misperton A
Kirby Misperton A (2012 extension)	Kirby Misperton A (2012 extension)
Kirby Misperton B	Kirby Misperton B
Malton A	Malton A
Malton B	Malton B
Pickering	Pickering
Marishes	Marishes
Pipeline network	Pipeline network

3.0 The Proposal

3.1 In drafting the formal Decision Notices, there are a number of minor textual amendments and additions (over and above those for which Members resolved to approve on 21st January 2020) regarding which it is considered prudent to draw to Members attention with a view to providing the opportunity for a formal Committee resolution and thereby providing the requisite formal authority from the Committee to issue the Decision Notices in respect each application.

3.2 Particular attention is drawn to a specific condition, condition no. 15, relating to each of the wellsites, in which there had been inserted an [x] within the text of the condition. At the time of the publication of the Officer Report to Committee on 21st January 2020, the condition read as follows:

“15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within [x] hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures”.

3.3 It is considered that a period of four hours, which has been confirmed with the applicant, is a reasonable timeframe in which to cease operations in the interest of safeguarding the amenity of the local community. This would mean that the activities causing these exceedences would no longer persist beyond the four hour period and the causes allowed to be investigated. Measures would then be able to be put in place to ensure such exceedences do not recur.

3.4 The following minor textual amendments and additions apply to all of the Decision Notices (with the exception of that relating to the pipeline network) as set down within the accompanying appendices:

- condition no. 3 replace ## with 5, 7, 12 & 13 respectively in sequence;
- condition no. 7 replace ## with 3;
- condition no. 14 replace ## with 3;
- condition no. 15 replace x with 4;
- condition no. 22 replace ## with 3;
- condition no. 26 replace ## with 25;
- add after ‘Approved Documents List’ the words “(as referred to in condition no. 1 above)”
- insert the highlighted text within the *Approved Documents List*.

3.5 In addition, insofar as applies to specific decision notices, the changes, in addition to those identified in paragraph 3.4 above, are as follows:

Kirby Misperton A extension (Appendix A):

- condition no. 1 replace (dated 3rd May 2019) with (Rev3v2, dated 30th May 2019);
- ditto replace ‘in’ with ‘on 26th’;
- condition no. 4 replace ## with ‘O’ & ‘APR19’ respectively;

Malton A wellsite (Appendix D):

- condition no. 1 replace 9th with 10th;

Malton B wellsite (Appendix E):

- condition no. 1 replace 9th with 10th;

Marishes wellsite (Appendix G):

- condition no. 25 delete the words ‘southern part of the’ and ‘of recent planting on the bund around the north’;

3.6 Insofar as relates to the *Decision Notice* in respect of the pipeline network, the minor textual changes are as follows:

- condition no. 1 replace 9th with 10th;
- add after 'Approved Documents List' the words "(as referred to in condition no. 1 above)"
- insert the highlighted text within the *Approved Documents List*.

3.7 The appendices (A to H inclusive) (see list below) attached to this report comprise the draft Decision Notices with the minor textual amendments highlighted in yellow.

Appendix A	Kirby Misperton A
Appendix B	Kirby Misperton A (2012 extension)
Appendix C	Kirby Misperton B
Appendix D	Malton A
Appendix E	Malton B
Appendix F	Pickering
Appendix G	Marishes
Appendix H	Pipeline network

4.0 Representations

4.1 The County Planning Authority has received representation from the Agent on behalf of her Client to suggest an alternative form of words in respect of condition no. 15 relating to the control of noise at the well sites. Instead of a defined period of time of 4 (four) hours, the Agent suggests the replacement of this 'within 4 hours' with the words 'in accordance with the Noise Monitoring Scheme required by Condition 13'

4.2 The reasoning given by the Agent behind this suggested change to the wording of condition no.15 is that,

"it would make the entire decision notice internally consistent, by linking a condition on noise monitoring to the document to be produced (and agreed with [the Authority] that will outline how noise monitoring will be undertaken and how any exceedences will be addressed. It seems appropriate therefore to outline the timescale in that document which will be written expressly for that purpose, and will have input from the noise specialists regarding any site-specific issues that need to be taken into account."

4.3 Notwithstanding, this is not considered to be a sufficiently persuasive argument in favour of an alteration to the wording especially in light of the fact that the wording of the condition is based upon a model condition provided within national planning guidance and, furthermore, particularly so, when considering the statutory requirement for precise and enforceability of the condition as well as the certainty that this specified time period of 4 hours would provide to the local community in the interest of safeguarding residential amenity. Condition no. 15, as drafted within the accompanying appendices, is therefore recommended to be imposed.

5.0 Recommendation

5.1 Upon considering the content of the draft Decision Notices appended to this report (Appendices A to H inclusive), that authority be given to the Head of Planning Services to issue the said Notices.

D BOWE
Corporate Director, Business and Environmental Services

Background Documents to this Report:

1. Officer reports in respect of the following applications:

- [NY/2018/0108/73A](#);
- [NY/2018/0112/73A](#);
- [NY/2018/0113/73A](#);
- [NY/2018/0114/73A](#);
- [NY/2018/0116/73A](#);
- [NY/2018/0117/73A](#);
- [NY/2018/0118/73A](#); and,
- [NY/2019/0079/FUL](#).

Author of report: Victoria Perkin

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 9th May 2018 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton, North Yorkshire, YO17 6XS have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 9th May 2018 (including the *Planning Statement* (dated 9th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
 - (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the sitewhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No '*major*'* workover operation, over and above that required in '*minor*' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
 - a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

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monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, C198 Habton Road, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Habton Road up to the A169 has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Habton Road up to the A169. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

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or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

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points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 42 dBL_{Aeq} (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL_{Aeq} (5 minutes) (free-field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

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Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment.

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Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.
Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.
22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.
Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.
23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.
Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.
24. The surface finish of the operational area shall be maintained during the duration of the development.
Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the previously approved *Landscape Management Plan* (doc. ref. TEUG/LMP/2014 dated 02/2014), the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp23) and the '*Additional Planting and Landscape Maintenance*' Plan drwg no. 01/06/001 (dated 7th October 2015). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.
Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*

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- c) removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,
- d) details of any pre-restoration ecology surveys to be carried out.

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no.1 above)

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-KM1-PA-01	0	Original KM1/3 red line boundary plan	1:2,500	APR18
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
719.201A	B	Landscape Proposals (as approved on 10 th April 2013 under application ref. no. NY/2013/0055/A30)	1:500 @ A3	9 th April 2013
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 th April 2014 under application ref. no. NY/2014/0069/A30)	-	02/2014
01/06/001	-	Additional Planting and Landscape Maintenance (as referenced within Figure 11 of Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the <i>Environmental Report</i> (v4) (dated 16th May 2018))	1:1,000	07.10.15

Drawing/document ref.	Rev	Title	Scale	Date
04	-	Landscape and Visual Appraisal (Appendix J (Landscape and Visual Appraisal RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 -16/05/2018)	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 3rd May 2019 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton, North Yorkshire, YO17 6XS have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 3rd May 2019 (including the *Planning Statement (Rev 3v2*, dated 30th May 2019) and *Environmental Report (v4)* (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26th September 2018 and on 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
 - (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the sitewhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No '*major*'* workover operation, over and above that required in '*minor*' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
 - a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

Dated: ## July 2020

monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway at Habton Road, as indicated in the application details, and no other points of access shall be used. The access road (as shown in drwg ref. no. ZG-TE-KMA-PA-13 (Rev0), dated APR19) shall be maintained with a level hard stone surface for the duration of the development and repaired as necessary and any damage to the existing adopted highway, or any public right of way, occurring during operations shall be repaired.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Habton Road up to the A169 has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Habton Road up to the A169. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

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or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

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points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 50 dBL_{Aeq} (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL_{Aeq} (5 minutes) (free-field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

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Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment.

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Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp23) and the '*Additional Planting and Landscape Maintenance*' Plan drwg no. 01/06/001 (dated 7th October 2015). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Dated: ## July 2020

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Dated: ## July 2020

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved '*Restoration and five-year 'after-care' Scheme*' and the site thereafter managed in accordance with the approved five (5) year '*after-care*' programme. The '*after-care*' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order, no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and '*after-care*'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no.1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-KMA-PA-01	0	Site of Application	1:2,500	APR19
ZG-TE-KMA-PA-13	0	Access Layout Plan (onto public highway)	1:100	APR19
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
719.201A	B	Landscape Proposals (as approved on 10 th April 2013 under application ref. no. NY/2013/0055/A30)	1:500 @ A3	9 th April 2013
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 th April 2014 under application ref. no. NY/2014/0069/A30)	-	02/2014
01/06/001	-	Additional Planting and Landscape Maintenance (as referenced within Figure 11 of Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the <i>Environmental Report</i> (v4) (dated 16th May 2018))	1:1,000	07.10.15
04	-	Landscape and Visual Appraisal (Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the <i>Environmental Report</i> (Rev 2 v4 - 16/05/2018))	1:4,000	05.03.18

**Statement of Compliance with Article 35 of the Town and Country Development
Management Procedure Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 10th May 2018 in respect of proposed development for the purposes of the variation of condition no. 3 of planning permission ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Kirby Misperton 2 Wellsite, Alma Farm, Kirby Misperton, North Yorkshire, YO17 6UY have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 10th May 2018 (including the *Planning Statement* (dated 9th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
- (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the site
- whichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No 'major*' workover operation, over and above that required in 'minor' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
- a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

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monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, C198 Habton Road, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Habton Road up to the A169 has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Habton Road up to the A169. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

Dated: ## July 2020

points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 50 dBL_{Aeq} (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL_{Aeq} (5 minutes) (free-field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the previously approved *Landscape Management Plan* (doc. ref. TEUG/LMP/2014 dated 02/2014) and the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp28). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by

the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation,

the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-KM2WEST-PA-01	0	KM2 west wellsite red line boundary plan	1:2,500	MAY18
█	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0066/A30)	█	January 2014
█	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0066/A30)	█	January 2014
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 th April 2014 under application ref. no. NY/2014/0069/A30)	█	02/2014
05	█	Landscape and Visual Appraisal (Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 -16/05/2018)	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been

Dated: ## July 2020

informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 11th May 2018 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Malton A Wellsite, Habton Lane, Great Habton, North Yorkshire, YO17 6UY have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 11th May 2018 (including the *Planning Statement* (dated 10th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
 - (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the sitewhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No 'major*' workover operation, over and above that required in 'minor' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
 - a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

Dated: ## July 2020

monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, Habton Lane, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.
Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Habton Lane has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Habton Lane. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.
Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.
6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.
Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

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Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or

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underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 45 dBL_{Aeq} (1 hour) (free-field) between 0700 and 1900 hours and 45 dBL_{Aeq} (5 minutes) (free-field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

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15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp33 and Figure 18 on p34). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-MNA-PA-01	0	MNA wellsite red line boundary plan	1:2,500	OCT17
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0062/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0062/A30)	-	January 2014
719.200A	-	Landscape Proposals (as approved on 30 th January 2013 under application ref. no. NY/2012/0426/A30) and referenced within Figure 18 of Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the <i>Environmental Report</i> (v4) (dated 16 th May 2018))	1:500 @A3	06.12.2012
06	-	Landscape and Visual Appraisal (Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the <i>Environmental Report</i> (Rev 2 v4 - 16/05/2018))	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation

Dated: ## July 2020

prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 11th May 2018 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Malton B Wellsite, Kirby Misperton Lane, Great Habton, Malton, North Yorkshire YO17 6RR have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 11th May 2018 (including the *Planning Statement* (dated 10th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
 - (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the sitewhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No '*major*'* workover operation, over and above that required in '*minor*' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
 - a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

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monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, Kirby Misperton Lane, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Kirby Misperton Lane up to the A169 has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Kirby Misperton Lane up to the A169. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

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points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 41 dBL_{Aeq} (1 hour) (free-field) between 0700 and 1900 hours and 41 dBL_{Aeq} (5 minutes) (free-field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

Dated: ## July 2020

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp37-38). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-MNB-PA-01	0	MNB wellsite red line boundary plan	1:2,500	OCT17
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0063/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0063/A30)	-	January 2014
LVA, Figure 23, p39	-	MN-B Planting Proposals (Wollerton Dodwell Associates 2012)	-	24 April 2018
07	-	Landscape and Visual Appraisal (Appendix J (Landscape and Visual Appraisal RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 -16/05/2018)	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County

Dated: ## July 2020

Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

Decision No. C3/19/01348/CPO

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 11th May 2018 in respect of proposed development for the purposes of the variation of condition no. 9 of planning permission ref. C3/09/00344/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Pickering Wellsite, Pickering Showground, Malton Road, Pickering, North Yorkshire YO18 7JW have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 11th May 2018 (including the *Planning Statement* (dated 9th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26th September 2018 (including the amended Plan ref. ZG-TE-PK-PA-01, Rev1, dated Jul18) and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:

- (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the site
- whichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No '*major*'* workover operation, over and above that required in '*minor*' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):

- a description of the proposed works including any rig and associated site mitigation;
- operational hours;
- a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
- a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
- details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
- ecological protection measures to be employed during the works;
- a detailed *Dust Management Plan* (including mitigation measures); and,
- a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

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monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, A169 Malton Road, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on the A169 Malton Road has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on the A169 Malton Road. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

Dated: ## July 2020

points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. Prior to any works over and above normal routine operations, no external lighting shall be installed except in accordance with a scheme to be submitted to and subsequently approved in writing by the County Planning Authority. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' workover operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 40 dB(A)_{L90} and 50 dB(A)_{L10} between 0700 and 1900 hours and 35 dB(A)_{L90} and 40 dB(A)_{L10} between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to be made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp46-47). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the wellsite, to promote new growth, and monitoring and augmentation of additional planting and planting up of hedgerow gaps as outlined in Figure 30 of the LVA. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-PK-PA-01	1	Pickering wellsite red line boundary plan	1:2,500	JUL18
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0068/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0068/A30)	-	January 2014
01/07/001	-	Additional Planting and Landscape Maintenance (DRaW Landscape Architects) (as referenced in Figure 30 within Appendix J (Landscape and Visual Appraisal RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 - 16/05/2018)	1:1,000	07.10.15
09	-	Landscape and Visual Appraisal (Appendix J (Landscape and Visual Appraisal RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 -16/05/2018)	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been

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informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 11th May 2018 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/E for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Marishes Wellsite, Wath Hall, Low Marishes, Malton, North Yorkshire YO17 6RF have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

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.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be carried out and maintained in accordance with the application details dated 11th May 2018 (including the *Planning Statement* (dated 9th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
 - (i) by 31st December 2035; or,
 - (ii) within six (6) months of the cessation of significant gas production; or,
 - (iii) within six (6) months of the cessation of electricity generation at Knapton Generating Station; or,
 - (iv) within six (6) months following the abandonment of the sitewhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Prior approvals

3. No '*major*'* workover operation, over and above that required in '*minor*' workover** or normal routine maintenance*** operations, shall take place prior to the approval in writing by the County Planning Authority of a *Scheme of Works* detailing the operations involved. Such a scheme will include (but not be limited to):
 - a description of the proposed works including any rig and associated site mitigation;
 - operational hours;
 - a *Traffic Management Plan* for the works (including any required signage and a preferred alternative route if the identified route is not available);
 - a *Pre-works Road Survey* (in accordance with the methodology as required by condition no.5);
 - details of the means to prevent trailing of mud and debris onto the public highway (in accordance with condition no.7);
 - ecological protection measures to be employed during the works;
 - a detailed *Dust Management Plan* (including mitigation measures); and,
 - a *Lighting Plan* (in accordance with condition no.12 below)

The *Scheme* shall make provision for notifying the County Planning Authority and neighbouring residents seven (7) days in advance of the operations, shall specify any rig or associated equipment, plant or machinery and site mitigation, a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location as outlined in condition no.13 below. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise

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monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

* a 'major' workover operation is defined as wellbore treatments, casing repair, tubing removal or replacement, repositioning the well from its current position in the reservoir(s) into a more productive part of the reservoir (referred to as a 'sidetrack') or well abandonment or suspension

** a 'minor' workover operation is defined as works not including those identified above as 'major', but over and above that defined as normal routine maintenance works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a three-day period

*** normal routine maintenance is defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Limitations and control of the development

Highway matters

4. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access with the public highway, Marishes Low Road, as indicated in the application details, and no other points of access shall be used. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway, or any public right of way, occurring during operations.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCVs brought onto the site until a survey recording the condition of the existing adopted highway from the point of access on Marishes Low Road up to the A169 has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of any 'major' workover operations, the applicant shall carry out a second survey recording the condition of the highway from the site access on Marishes Low Road up to the A169. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

6. Provision shall be maintained for the duration of the development wholly within the site for parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. All vehicles involved in transporting materials, plant or waste product to or from the site shall be checked and, if necessary, cleaned before leaving the site so that no mud

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or waste materials are deposited on the public highway; the details of which shall be included within the *Scheme of Works* as required in condition no.3.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

8. Heavy Commercial Vehicles (HCVs) exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall only be permitted to arrive, depart, be loaded or unloaded between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No HCVs exceeding 7.5 tonnes involved in the delivery of materials and equipment to the site shall be permitted to arrive, depart, be loaded or unloaded on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Normal routine maintenance or 'minor' workover operations

9. Normal routine maintenance operations* and 'minor' workover operations ** shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

No normal routine maintenance or 'minor' workover operations shall take place on Sundays or Bank (or Public) Holidays unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

* normal routine maintenance operations are defined as being work on the wellsite that does not require subsurface work to be undertaken on any well (e.g. repairs to fencing, drainage, site surfacing, pipework and/or tanks)

** 'minor' workover operations are defined as work on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation / demobilisation averaged over a 3-day period

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

10. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with, the site operations shall be discharged into any ditch or watercourse.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

11. Any facilities, above ground, for the storage of any oils, fuels, lubricants or other liquid materials, shall be located on an impervious base and surrounded by an impervious bunded area or purpose made self-bunding tanks. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling

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points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

12. No external lighting shall be installed except in accordance with the *Scheme* in the document '*Lighting Scheme for Well Sites*' (dated January 2014) and subsequently approved in writing by the County Planning Authority on 16th April 2014. Any additional external lighting shall be subject to an updated *Scheme* subject to the prior approval of the County Planning Authority and shall include details of location, height, type, orientation and intensity of the lighting.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

13. Prior to any operations (other than normal routine maintenance activity), a detailed *Noise Monitoring Scheme* shall be submitted to and approved in writing by the County Planning Authority. The *Scheme* shall include the locations and times for noise monitoring to be carried out commencing from the start of any operations. Maximum noise levels, during any '*major*' workover operations, measured at the boundary of the nearest residential properties, under neutral weather conditions, shall not exceed levels of 40 dBL_{Aeq} (1 hour) (free field) between 0700 and 1900 hours and 40 dBL_{Aeq} (5 minutes) (free field) between 1900 and 0700 hours. All noise monitoring results shall be submitted to the County Planning Authority within 7 days of the monitoring being carried out and continue to made available to the County Planning Authority for the duration of the operations.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

14. Noise levels shall be adequately controlled and any works shall be completed in accordance with relevant guidelines e.g. '*Noise Control on Construction and Open Sites*' (BS5228:1997) or any subsequent updates to best practice guidance. This shall, as a minimum, include the following:
- all generator doors or other enclosed equipment shall remain shut at all times;
 - all noise generating activities shall be confined to the hours of operation stated herein; and,
 - acoustic screening or enclosures shall be used where necessary to reduce extraneous noise.
- Such measures shall be included in the *Scheme of Works* required under condition no. 3.

Reason: To secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

15. In the event that noise monitoring indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 4 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the County Planning Authority have been installed and employed within the site. Further noise monitoring shall be undertaken; the results of which shall be submitted to the County Planning Authority in writing in order to evidence the effectiveness of the mitigation measures.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

16. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

17. Stringent precautions shall be taken to avoid smell, nuisance and gaseous pollution. In particular, all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage, or smell from any mercaptans present. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

18. The atmospheric emissions generated during the course of development shall be monitored in accordance with the approved scheme outlined in the *Air Monitoring Scheme for Well Sites* (January 2014) and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year. In the event of any 'workover' operations or any operations likely to give rise to odour emissions, odour monitoring results shall be provided in writing to the County Planning Authority within 28 days of the samples being taken.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

19. Prior to the commencement of any 'major' workover operations hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to, and approved in writing by the County Planning Authority and, strictly adhered to thereafter.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

20. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Site security & site maintenance

21. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

22. No storage of plant, equipment or materials shall take place at the site except where outlined in any *Scheme of Works* submitted under condition no. 3 or where, temporarily required (i.e. a duration of less than 28 days) for normal routine maintenance or 'minor' workover operations.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

23. All on-site equipment and buildings shall be maintained during the life of the operations. Any replacement plant or buildings will be of a similar form, material and colour.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

24. The surface finish of the operational area shall be maintained during the duration of the development.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Landscaping

25. Within 12 months of the date of this decision (and prior to any 'major' workover), a *Landscape Management Plan* shall be submitted to the County Planning Authority for its approval in writing to ensure the establishment of landscaping and screening of the site as a whole. This will incorporate measures outlined in the *Environmental Report* (Appendix J - *Landscape and Visual Appraisal* - DRaW (UK) Ltd - at pp41). The *Landscape Management Plan* shall provide for selective thinning or coppicing the trees and shrubs around the southern part of the wellsite, to promote new growth, and monitoring growth of recent planting on the bund around the north. Replanting will be undertaken, if necessary, in accordance with the approved plan. Thereafter, the landscaping shall be managed in accordance with the approved *Landscape Management Plan*.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

26. Any trees or shrubs planted or retained in accordance with condition no. 25 which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.

Protection of nature conservation interests

27. Within twelve months of the date of this permission, a *Method Statement* for the protection of wildlife, flora and fauna during the operation of the facility shall be submitted to and approved in writing by the County Planning Authority.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

28. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

Reason: In the interests of the protection of nesting birds.

Protection of public rights of way

29. No works are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.

Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Site restoration and 'after-care'

30. No later than one year before the decommissioning of the site, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

31. Within 12 months of the date of this permission, a detailed '*Restoration and five year 'after-care' Scheme*' shall submitted for the written approval of the County Planning Authority.

The *Scheme* shall include:

- a) *the means by which the well and wellsite shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the borehole);*
- b) *soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;*
- c) *removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,*
- d) *details of any pre-restoration ecology surveys to be carried out.*

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the *Restoration Plan* once approved.

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Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

32. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Withdrawal of permitted development rights

33. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* or any Order revoking or re-enacting that Order), no buildings, plant, machinery or structure (whether fixed or portable in design) shall be erected or placed on the site without the prior grant of planning permission. In particular, no living accommodation shall be established on the area covered by this permission or on any adjoining land.

Reason: In order to ensure the control of the County Planning Authority in the interest of safeguarding the amenity of residents.

Annual monitoring

34. An annual review meeting shall be held between the operator and the County Planning Authority, and, as required, other interested parties, to review schemes of working, mitigation, maintenance, management, restoration and 'after-care'.

Reason: In order to ensure the control of the site by the County Planning Authority in the interest of the amenity of local residents, safeguard against any effects of the development upon the environment and ensure an orderly working programme and restoration of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-MAR-PA-01	0	Marishes wellsite red line boundary plan	1:2,500	OCT17
-	0	Lighting Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0065/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 th April 2014 under application ref. no. NY/2014/0065/A30)	-	January 2014
08	-	Landscape and Visual Appraisal (Appendix J (<i>Landscape and Visual Appraisal</i> RevA, dated 24 th April 2018) within the Environmental Report (Rev 2 v4 -16/05/2018)	1:4,000	05.03.18

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering

Dated: ## July 2020

other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DRAFT

Decision No. C3/19/01345/CPO

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO: Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

c/o Ms Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8 Albany Street
Edinburgh
EH1 3QB

The above-named Council being the Local Planning Authority for the purposes of your application dated 10th May 2018 in respect of proposed development for the purposes of the variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing wellsites and Knapton Generating Station for a further 17 years from 2018 to 2035 on land at Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: ## July 2020

.....
Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Conditions

Definition of development

1. The development hereby permitted shall be maintained in accordance with the application details dated 10th May 2018 (including the *Planning Statement* (dated 10th May 2018) and *Environmental Report* (v4) (dated 16th May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26th September 2018 and 30th May 2019, the *Approved Documents List* below and the following *Schedule of Conditions* which, at all times, shall take precedence.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission in order to ensure that the development is carried out in accordance with the application details.

Duration of development

2. The permission hereby granted is valid until 31st December 2035 and the development hereby approved shall cease to be used, all above-ground facilities shall be removed and measures taken to render the pipeline inert in accordance with good oil field practice:
 - (i) by 31st December 2035; or,
 - (ii) within eighteen (18) months of the cessation of electricity generation at Knapton Generating Stationwhichever is the sooner.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission and to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Limitations and control of the development

Apparatus of statutory undertakers

3. Where the pipeline may affect any apparatus belonging to a statutory undertaker within the meaning of the Town and Country Planning Act 1990, any works for the operation or maintenance of the pipeline shall, except in so far as the Secretary of State otherwise directs, be carried out in accordance with the requirements of the County Planning Authority and of that undertaker.

Reason: To reserve the right of control by the County Planning Authority to monitor the development for compliance with this permission.

Highway matters

4. There shall be no access or egress between the highway and the route of the pipeline by any vehicles other than via the existing points of access off the public highway, as indicated in the application details, and no other points of access shall be used. Access shall be gained in a safe manner and measures shall include the repair of any damage to the existing adopted highway, or any public right of way, should any occur during any operations associated with the development hereby permitted.

Reason: To reserve the rights of control by the County Planning Authority in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no HCV access to the route of the pipeline until a survey recording the condition of the existing adopted highway at the point of access has been carried out in accordance with a scheme previously approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of the operations, the applicant shall carry out a second survey recording

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the condition of the highway at the point of access. The survey shall be submitted to the County Planning Authority for its written approval and, thereafter, any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the operations shall be completed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety.

- 6 All vehicles associated with the development hereby permitted shall be checked and, if necessary, cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and highway safety and in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of operation

HCV movements

7. Any vehicle movements and any works associated with the routine maintenance or repair of the pipelines shall only take place between:

Mondays to Fridays 0700 – 1900 hours

Saturdays 0700 - 1300 hours

There shall be no vehicle movements or works on any Sunday or Bank (or Public) Holiday, unless associated with an emergency (which shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property).

Reason: To reserve the rights of control by the County Planning Authority in the interests of both highway safety and safeguarding the amenity of local residents.

Protection of water resources

8. Where the pipeline may affect any water course, well or aquifer belonging to any statutory water undertaker, any works for the operation or maintenance of the pipeline shall, except in so far as the Secretary of State directs, be carried out in accordance with the requirements of the appropriate authority.

Reason: To ensure the rights of control of the County Planning Authority in the interest of preventing the pollution of surface and/or ground water resources.

External lighting

9. No external lighting shall be installed except temporary lighting required for safety reasons during maintenance.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Control of noise emissions

10. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Control of emissions to atmosphere

11. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.
- Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.*

Site security & site maintenance

12. All fencing and gating of the site shall be maintained throughout the duration of the development prior to site restoration.
- Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.*

Landscaping

13. Existing landscaping along the pipeline route shall be maintained for the duration of the development.
- Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.*
14. Any trees or shrubs which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.
- Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and to reserve the rights of control by the County Planning Authority and imposed in the interests of visual and local amenities and the environment of the area.*

Protection of nature conservation interests

15. No vegetation removal or pruning shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.
- Reason: In the interests of the protection of nesting birds.*

Protection of public rights of way

16. No works required for routine maintenance or repair of the pipeline are to be undertaken which will create an obstruction, either permanent or temporary, to any affected *Public Rights of Way*.
- Reason: In order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of residents.*

Site restoration and 'after-care'

17. No later than one year before decommissioning, a *Pre-restoration Ecological Survey* shall take place to establish the presence, or otherwise, of any protected species along the pipeline corridor and immediately outside. The survey and measures for the protection of and minimisation of disturbance during the decommissioning phase shall be submitted to the County Planning Authority for approval in writing. The

development shall be implemented strictly in accordance with approved details of protection.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

18. On cessation of significant gas production from a wellsite, all above-ground facilities relating to pipeline operation associated with that wellsite (that does not also support any other wellsite still producing gas) shall be removed and measures shall be taken to render the pipelines inert in accordance with good oil field practice. This shall be undertaken either:
- (i) within eighteen (18) months of the cessation of significant gas production; or,
 - (ii) in conjunction with restoration of that wellsite
- whichever is the sooner.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

19. Within 12 months of the date of this permission, a detailed 'Restoration and five year 'after-care' Scheme' shall submitted for the written approval of the County Planning Authority.

The Scheme shall include:

- a) the means by which pipeline shall be abandoned and decommissioned (in whole or in part) (i.e. the treatment of the pipeline);
- b) soil remediation, replacement of subsoils and soils and reinstatement measures (including deep ripping to relieve compaction) to restore the land to the 'required standard' for agricultural use along with details of proposed grass seed mixes and details of five-year 'after-care' of new or retained vegetation;
- c) removal of all imported materials, all building, plant, equipment, machinery, fencing, temporary surfacing materials from the site and access track not required for the purpose of restoration and 'after-care'; and,
- d) details of any pre-restoration ecology surveys to be carried out.

Any damage to land drainage systems shall be fully repaired. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation, the highway verge reinstated, and the field boundary shall be fenced and hedged in accordance with the details within the Restoration Plan once approved.

Reason: In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that the restoration of the site is undertaken in accordance with the approved details and in a timely manner to avoid undue delay in the restoration of the site.

20. The site shall be restored in accordance with the approved 'Restoration and five-year 'after-care' Scheme' and the site thereafter managed in accordance with the approved five (5) year 'after-care' programme. The 'after-care' period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason: In order to ensure the right of control of the development by the County Planning Authority in the interest of the satisfactory restoration and beneficial after-use of the site.

Approved documents list (as referred to in condition no. 1 above):

Drawing/document ref.	Rev	Title	Scale	Date
ZG-TE-PL-PA-02	0	Ryedale Approved 2006 pipeline route plan	1:12,500	Sept18

**Statement of Compliance with Article 35 of the Town and Country Development
Management Procedure Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

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