

## Agenda

**Meeting: Planning and Regulatory Functions Committee**

**Venue: Remote meeting**

**Date: Thursday 9 July 2020 at 10 am**

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing.

The live broadcast of this meeting will start when the meeting commences. Members of the press and public who would like to view it can do so via the County Council's website. For help and support in accessing the meeting, please contact the Democracy Officer responsible for the meeting (see contact details below).

### Business

1. **Welcome and introductions**
2. **Minutes of the meeting held on 21 January 2020 and notes from the consultation meetings held on 31 March 2020 and 12 May 2020**  
(Pages 4 to 32)
3. **Declarations of Interest**
4. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Steve Loach of Democratic Services (*contact details at the end of the Agenda sheet*) by midday on Monday 6 July 2020. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);

- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

**5. 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 – (pipeline) (condition no.s 1 & 2);
- A full application (ref. no. C3/19/01350/CPO) for continued use of the KMA (extension)

(Pages 33 to 120)

**6. Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency.**

**The next formal remote meeting of the Committee is scheduled to take place at 10am on Thursday 16<sup>th</sup> July 2020 – papers for the meeting will be published in due course and Members will be advised accordingly.**

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall,  
Northallerton

July 2020

**For all enquiries relating to this agenda or to register to speak at the meeting, please contact Steve Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: [stephen.loach@northyorks.gov.uk](mailto:stephen.loach@northyorks.gov.uk)**

# Planning and Regulatory Functions Committee

## 1. Membership

County Councillors (11)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLADES, David (Vice-Chairman)				Conservative	
2	BROADBENT, Eric				Labour	
3	GOODRICK, Caroline				Conservative	
4	HESELTINE, Robert				Independent	
5	HUGILL, David				Conservative	
6	JORDAN, Mike				NY Independent	
7	McCARTNEY, John				NY Independent	
8	METCALFE, Zoe				Conservative	
9	PEARSON, Chris				Conservative	
10	PEARSON, Clive				Conservative	
11	SOWRAY, Peter (Chairman)				Conservative	
<b>Total Membership – (11)</b>				<b>Quorum – (3)</b>		
<b>Con</b>	<b>Lib Dem</b>	<b>NY Ind</b>	<b>Labour</b>	<b>Ind</b>	<b>Total</b>	
8	0	1	1	1	11	

## 2. Substitute Members

<b>Conservative</b>		<b>Labour</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	WELCH, Richard	1	RANDERSON, Tony
2	JEFFELS, David	2	
3	SWIERS, Roberta	3	
4	LUNN, Clifford		
5			
<b>NY Independent</b>			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at Racecourse Lane, Northallerton on 21 January 2020 at 10.00 am.

**Present:-**

County Councillors Peter Sowray MBE (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Richard Musgrave, Chris Pearson, and Clive Pearson.

There were 14 members of the public and two representatives of the press in attendance.

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**Copies of all documents considered are in the Minute Book**

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**118. Minutes**

**Resolved -**

That the Minutes of the meeting held on 12 November 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**119. Declarations of Interest**

There were no declarations of interest.

**120. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the person who had registered to speak in respect of the application below, and who would be invited to do so during consideration of that item, there were no questions or statements from members of the public.

The Committee's legal representative, Catriona Gatrell, made a statement in relation to Minute Nos. 121-128, the Ryedale Gas Well Sites and Pickering Pipeline, that were to be considered by the Committee at today's meeting.

She noted that Friends of the Earth had made a request to the Secretary of State for screening directions, and it was noted that these were still required. In respect of that information Members were advised that they could not make a final decision on the applications before them today, until that advice had been provided. It was stated, therefore, that Members could either decide to defer the items for consideration at a future meeting or consider the applications and make a "minded to" decision on each application, delegating the final decision to the Head of Planning Services, taking account of the direction the Committee had given, to be implemented once the Secretary of State had provided the details requested.

Members agreed to consider the applications, make a “minded to” decision on each application and delegate the final decision to the Head of Planning Services in line with the details provided.

The Head of Planning Services stated that Minute Nos. 121-128 were applications that related to gas well-sites in Ryedale, together with a gas pipeline in that area. She would address each application individually, but, as the material issues were very similar for each, would outline the initial application in full and then provide specific issues under each application, rather than repeat the details for each application.

The Chairman noted that there were public speakers in relation to the applications. Frack Free Ryedale had registered to speak on each of the applications, which they would be invited to do “en bloc”, rather than for each individual item, giving them a total speaking time of 24 minutes. Local resident, Peter Allen, had also registered to speak on the issues and had three minutes to address the Committee. As a result, the applicant, Third Energy, would be provided with 27 minutes speaking time to ensure that this was seen to be fair.

Local resident, Peter Allen, spoke first in relation to the applications outlining the following:-

- ◆ He noted that he was speaking in objection to the applications and that he was standing in for a local resident who would have been speaking.
- ◆ The applications sought extensions to a number of KM well-sites for a further 17 years and there were a number of unsatisfactory elements to those applications.
- ◆ There was some concern regarding the proposition to drill to 9,000 feet, as originally 5,500 feet had been requested and it was unclear why drilling to this depth was required.
- ◆ The residents of Kirby Misperton were unwilling to continue to be blighted by this industry in their area for a further 17 years.
- ◆ There would be a significantly longer period for local residents to have to put up with the noise from equipment, the noise from the process and the disruption caused by traffic continually moving through the area.
- ◆ The blanket extension for the Ryedale area could not be understood as some of the wells had not been productive for around 20 years.
- ◆ There was some doubt as to the financial position of the company and, therefore, whether the continuation was financially viable and whether, should operations cease in view of that, the restoration plan would ever be met. It was considered appropriate that the financial position of the company should be determined before the applications were considered and it was requested that independent clarification be provided in relation to this.
- ◆ He noted the National Planning Policy Framework in relation to climate change and the need to adapt to take account of that. He did not believe that allowing the well-sites to continue for a further 17 years would address that matter. He noted the prevalence of methane in the process and the effect that this had on climate change.

- ◆ He noted that the effects of climate change were already affecting Yorkshire, noting the floods that had taken place in the Dales and South Yorkshire. He considered that the effect of attempting to extract the gas for what was a tiny fraction of the national supply was completely offset by the effects on the carbon footprint.
- ◆ He suggested that unless climate change issues were addressed now it may be too late to reverse the problems being created.
- ◆ He asked that the applications to extend the extractions from the wells be refused.

Jim Tucker, representing Frack Free Ryedale, addressed the Committee and outlined the following:-

- ◆ He noted that he was addressing the points in all the applications in a single address to the Committee.
- ◆ The operations had been taking place in the Vale of Pickering for a substantial number of years, however, there appeared to be only a small amount of gas resources available.
- ◆ He considered that the applications were speculative in terms of the scarce gas resources and the request for an additional 17 years for each well.
- ◆ There was some doubt as to whether the Knapton Generating Station would continue, as that was the subject of a separate planning application and, should it be unsuccessful, it would be closed, which would make the processing from the well-sites difficult, and it was felt that, with a final end of life date of December 2022 for the generator, the planning consent should be conditional on the installation of a mission compliant generating capacity.
- ◆ The applications took no account of the current climate change issues and the move towards renewable energy. Issues, around the sustainability of the gas extraction, the impact on climate change and on the environment in general were highlighted.
- ◆ There had been numerous operators that had taken charge of the wells from the 1970s to date, none of which had found them to be financially viable. There were major concerns regarding the financial viability of the applicant, Third Energy, and the other energy operators, York Energy and Alpha Energy, tied to the applications. There was also some doubt as to the experience of the newer operators, tied to Third Energy, in this field.
- ◆ The area had been the subject of low gas flow rates for a number of years and only 10% of the expected totals had been generated over the previous ten years.
- ◆ There was uncertainty as to the use of gas, going forward, in view of the move to renewable energy and it was wondered whether extended the life of the wells for a further 17 years was in line with this thinking.
- ◆ He circulated a written summary of the view of Frack Free Ryedale in relation to each of the well-sites outlining the following:-

- The applications were speculative in nature and were simply a device to retain the wells with no specified development or the means to carry it out.
  - Malton sites should be restored as no gas was being produced.
  - Marishes sites, given the extremely low gas flow rates, should only be permitted for ten years, if there was new development plan for the site, otherwise they should not be consented and should be restored.
  - Pickering sites - if there was clear evidence of improved gas recovery from the bypass process then a ten year extension should be considered.
  - Kirby Misperton should only be approved to the original depth within the same timescale as KM8 (2026) and with a comprehensive mitigation scheme to deal with noise, light, traffic, nuisance. If the applicant wished to drill to a much greater depth, and presumably for a different objective, then a new application should be submitted for consideration, not simply trying to amend an expired one.
  - Pipeline, the rationale for the inter-connecting pipelines was to feed Knapton Generating Station and deal with produced water. If Knapton had a finite life until 2022 then that should also be the maximum extension granted unless a new generator was installed.
- ◆ It was noted that Frack Free Ryedale and Ryedale District Council both had significant concerns regarding the applications, particularly the new drilling depth being sought as it was felt that this potentially related to fracking and it was suggested that a separate application should be submitted to clarify this position.
  - ◆ It was emphasised that any further drilling should be undertaken in accordance with the noise levels required and with the various plans and policies in place.
  - ◆ In terms of the climate change initiatives, and the move towards the UK having zero carbon energy by 2050, it was considered that approving the applications until 2035 did not fit in with those proposals. The process also provided a negligible amount of gas into the system.
  - ◆ Frack Free Ryedale considered that action was required now to reduce carbon emissions and changes should be taking place immediately, including, the refusal of the applications to extend the life of the gas production.

Shaun Zablocki - representing Third Energy, the applicant, address the meeting and outlined the following:-

- ◆ He noted that the details circulated by Mr Tucker from Frack Free Ryedale contained some incorrect information and highlighted those to the Committee.
- ◆ He stated that he was a Director with Third Energy having worked with them for a substantial period of time and noted that the company gave opportunities of employment for him, his family and colleagues and were valuable to the economy of the area. He noted that there was a clear progression plan for staff which enabled him to become a director of the company in 2019.

- ◆ The company had been operating in the area for 25 years and had employed a large number of local people providing skilled and multi-skilled employment opportunities.
- ◆ He noted that the gas generator from the wells was used to generate electricity.
- ◆ The plans had been submitted to continue with existing operations, utilising the network that was already in place through the generating station at Knapton.
- ◆ He noted that there was difficulty in obtaining planning permission for operators due to the numerous regulations involved and the length of the planning process and he noted that the local planning team had been involved with the company throughout the application process.
- ◆ Third Energy was a small local business that, due to the issues outlined, did not have endless resources to maintain its business.
- ◆ The current applications had been submitted in May 2018, with a 20 month determination period being required to continue with existing infrastructure, which he considered to be disproportionate.
- ◆ The application accorded with national and local planning policies and there had been no objections from the statutory consultees.
- ◆ The applicant recognised that climate change issues were impacting upon the concept of the use of fossil fuels, going forward. He noted that Third Energy were willing to be included in the changes required to meet the move towards zero carbon use. He emphasised that hydrogen production did not conflict with the move towards carbon reduction and assisted with the increased consumption of electricity. He noted that, going forward, the increased need for gas in the UK would see imports rising to around 46% and considered it more beneficial to the environment and human rights as, rather than importing gas from areas that had no controls on these issues, it was safer and more ecological to extract from a local sources for use in that area. He also emphasised the employment benefits of the continuation of the extraction of the gas brought.

**121. (NY/2018/0108/73A) - Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing well-site 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**

Considered -

The report of the Corporate Director - Business and Environmental Services requested the Committee to determine an application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of the application by means of both press and site notices.

The application had given rise to ten representations, all of which were objections, including ones from local and national campaigning groups, Frack Free Ryedale and Friends of the Earth (the latter being only in so far as the application concerning an



extension to the KM-A well-site in 2012 under application reference no. NY/2019/0079/FUL) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which those representations had been made were provided in summary within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; excessive extended period; absence of any gas left demonstrated by absence of production; and, outdated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications does not exist where there are unresolved objections on material planning grounds. In light of the objections raised the planning application was brought before Members for determination.

Before introducing the report the Head of Planning Services stated that reports (Minute Nos. 121-128 inclusive) were of a similar nature (with the exception of Minute No. 123 - Retention of the existing Vale of Pickering Pipeline Network between existing well-sites and Knapton Generating Station) and would, therefore, be introduced extensively through the first report, with a brief summary provided for the remaining reports, so as not to repeat the same issues for consideration. It was noted that Members would also raise the general issues on these reports at the conclusion of the presentation of the initial report, with any specific issues relating to each individual report raised at that time.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided the conclusion and recommendations. Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

She noted that there were a number of alterations to the conditions attached to the report and highlighted them as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "9<sup>th</sup>".

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including litigation measures)" and insert "works on an existing well required less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a three day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operations".

Condition No. 25 - insert "previously approved landscape management plan (doc. Ref. TEUG/LMP/2014 dated 02/2014 the" before "environmental".

Condition No. 32 - insert "and five year aftercare".

Members undertook a detailed discussion of the application, noting that the general discussion for applications nos. 121-128 inclusive, would be undertaken at this stage. The following issues and points were raised:-

- ◆ A Member noting that the applications would provide an opportunity to drill a further

4,000 feet asked whether that could be used for hydraulic fracturing. In response the Head of Planning Services stressed that the applications were for gas exploration only and should the company wish to undertake hydraulic fracturing they would be required to submit a separate application in relation to that.

- ◆ Clarification was provided as to the remit of the planning authority in relation to the sites and how conditions to the planning consents were applied. It was noted that separate licences from the oil and gas authorities were required in relation to the gas extraction from the wells.
- ◆ A Member noted that the NPPF highlighted the need for sufficient quantity and quality of material to be available through the process, for an application to be considered to be acceptable and wondered whether this met that criteria. In response it was noted that assessments had been carried out by the applicant which indicated that the material was available on the sites and was of national importance. It was noted that the applications were subject to scrutiny from various organisations and authorities in respect of the process involved. The applications were in line with planning policy and national planning policy. There were other permits and permissions required to be obtained by the applicant and various regulations to comply with in terms of the process of gas extraction, which were subject to authorisation from other bodies. Consideration would be given to issues such as the quantity of material available before permits and permissions were issued. It was emphasised that all these requirements had to be in place before the work could be undertaken.
- ◆ A Member noted an issue raised by the public questioner regarding the need for gas and questioned whether, going forward this resource would be required. Members recognised that there would be the need for gas, for a while, going forward, despite the move towards renewable energy. It was also noted that although gas usage was set to diminish, there was still the need for electricity, and the gas being generated via Knapton was being utilised to produce this.
- ◆ A Member noted that many of the issues raised in objection to the applications were not planning considerations and, whilst acknowledging that these were issues of concern he emphasised that the consideration of planning applications had to follow appropriate planning guidance.
- ◆ A Member suggested that the most effective use of the gas was not in generating electricity. He noted that there were a number of gas power stations within the area, and feared that the downturn in the need for gas would create capacity issues. He considered that the most effective use of the gas would be for the people of Ryedale to utilise as a locally sourced fuel, rather than using this to produce electricity.
- ◆ A Member acknowledged the concerns regarding climate change and the national approach to that. He also noted that energy was still required and would be into the future. He recognised that the applicant had met the appropriate criteria in relation to current planning policies and procedures and that there were no technical objections to the applications. He concluded, therefore, that there was no appropriate reason for the application to be refused.

**Resolved -**

That the application be “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.

**122. (NY/2018/0112/73A) - 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, Habton Road, Kirby Misperton,**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine the planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations; all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided in summary within section 5 of the report and relate, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptable high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; 17 years was excessive; absence of any gas left demonstrated by absence of production; and, outdated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds; in light of the objections raised the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services outlined the following amendments to the conditions contained within the report:-

Condition No. 3 - insert additional bullet point “A detailed dust management plan (including mitigation measures)” and insert “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/de-mobilisation averaged over a three-day period” at the end of definition\*\*.

Condition No. 19 - replace “of the” with “major work-over” before “operations”.

Condition No. 25 - replace “#####” with “TEUG/LMP/2014 dated 02/2014” and delete “and the ‘additional planting and landscape maintenance’ plan DRWG No. 01/06/001 (dated 7 October 2015)”.

Condition No. 32 - insert “and five year aftercare”.

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application as being pertinent to this application.

**Resolved -**

That the application be “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 above, and, following receipt of directions from the Secretary of State, final decision be delegated to the Head of Planning Services to implement accordingly.

- 123. (NY/2018/0113/73A) - Variation of condition No's 1 and 2 of Planning Permission Ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing well-sites and Knapton Generating Station (including the pipeline from the Pickering well-site to Kirby Misperton–A well-site) for a further 17 years from 2018 to 2035 at Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations, all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and relate, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuel; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council’s adopted Officers’ Delegation Scheme, delegated powers to determine applications did not exist where there were unresolved objections on material grounds. In light of the objections raised the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultation that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services highlighted the following amendments to the conditions outlined in the report:-

Condition No. 4 - insert "existing" before "points of access" followed by "off the public highway".

Condition No. 9 - replace "In accordance with a scheme approved in writing by the County Planning Authority. Such an approved scheme shall include details of location, height, type, orientation and intensity of the lighting" with "Temporary lighting required for safety reasons during maintenance".

Members referred to the issues they had raised in relation to Minute No. 121, during general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be "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 above, and, following receipt of the directions from the Secretary of State, final decision be delegated to the Head of Planning Services to implement accordingly.

**124. (NY/2018/0114/73A) - Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Malton A Well-site, Habton Lane, Great Habton, Malton**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptable high levels of noise; high levels of traffic impact; impacts on local economy

and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance on fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised this planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services noted that there were a number of changes in relation to the conditions attached to the proposal, which were outlined as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "11<sup>th</sup>".

Condition No. 3 - insert bullet point "A detailed dust management plan (including mitigation measures)" and insert "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/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 13 - replace "42" with "45".

Condition No. 19 - replace "of the" with "major work-over" before "operations".

Condition No. 32 - insert "and five year aftercare".

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

#### **Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for 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 above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

- 125. (NY/2018/0116/73A) - Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Malton B Well-site, Kirby Misperton Lane, Great Habton, Malton**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting

Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations; all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provide, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance on fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised this planning application was brought before Members for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services noted that there were amendments to the conditions outlined in the report, which she detailed as follows:-

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "works on an existing well requiring less than 28 days and less 10 HCV movements per day and less than 30 HCV movements during mobilisation/ de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

#### **Resolved -**

That the application be "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 above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

**126. (NY/2018/0117/73A) - Variation of Condition No. 9 of Planning Permission Ref. C3/09/00344/CPO for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Pickering Well-site, Pickering Showground, Malton Road, Pickering**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided, in summary, within section 5 of the report and relate, inter alia, to conflict within planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services noted that there were amendments to the conditions detailed in the report which were highlighted as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "11<sup>th</sup>".

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "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/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".



Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be “minded to be granted” in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions as outlined above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

**127. (NY/2018/0118/73A) - Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Marishes Well-site, Wath Hall, Low Marishes, Malton**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine the planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of the application by means of both press and site notices.

The application had given rise to ten representations all in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of a reliance upon fossil fuel; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds. In light of the objections raised, this planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services noted that there were amendments to the conditions published in the report which she highlighted as follows:-

Condition No. 3 - insert additional bullet point “A detailed dust management plan (including mitigation measures)” and insert “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/de-mobilisation averaged over a 3-day period” at the end of definition\*\*.

Condition No. 19 - replace “of the” with “major work-over” before “operation”.

Condition No. 32 - insert “and five year aftercare”.

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be “minded to be granted” in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons stated in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, the final decisions be delegated to the Head of Planning Services to implement accordingly.

- 128. (NY/2019/0079/FUL) - Continue use of the extension to the Kirby Misperton A well-site (previously consented under C3/12/00989/CPO) for operations associated with gas production; including production of gas from the existing production borehole, the drilling and testing of one additional production borehole followed by subsequent production of gas and the maintenance of the well-site and boreholes (work-overs) at Kirby Misperton A well-site (2012 Extension), Alma Farm, Kirby Misperton, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth), as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threats to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change; need for more renewables and abandonment of reliance upon fossil fuel; 17 years being excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council’s adopted Officers’ Delegation Scheme delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds. In light of the objections raised, the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The Head of Planning Services noted that there were amendments to the conditions outlined in the report, which she detailed as follows:-

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "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/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".

**Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for 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 above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

- 129. C2/19/02210/CCC – (NY/2019/0026/FUL) - Change of use of land to a road-stone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc/welfare facilities and the provision of 2 car parking spaces at Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the change of use of land to a road-stone recycling plant, as detailed above.

The application was subject to an objection having been raised by a local resident in respect of the proposal on the grounds of the adequacy of the noise report and transport assessment and the resultant amenity impact and was therefore, reported to the Committee for determination.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report.

The representative of the Head of Planning Services noted that, as an update to report, in relation to paragraph 7.13, there had been reference to the use of non-audible or low tone reversing alarms on site, however, these would not be required. He also noted that since the publication of the report Sandhutton Parish Council had indicated that they raised no objections to the application.

A revised set of conditions, amended from those set out in the report, was circulated, outlining the following details:-

**Conditions**

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**PLANS AND DOCUMENTS**

2. The development hereby permitted must be carried out in accordance with the application details dated 7<sup>th</sup> June 2019 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
02018/1 Rev B	10/10/2019	Plans Sections Elevations
Block Plan 003 Rev A	11/10/2019	Proposed Block Plan
Sound Impact Assessment (S. & D. Garritt Ltd)	11 <sup>th</sup> July 2018	Sound Impact Assessment of Asphalt Recycling Facility at Proposed Robinsons Road Planning Site, Nitrovit Row, Sandhutton, Thirsk
Revised Design Statement	14/10/2019	Revised Design Statement
Revised Planning Statement	14/10/2019	Revised Planning Statement
Manufacturer Details of Recycling Plant		Technical Specification Mobile cold recycling mixed plant KMA200; Palisade Fencing First Fence; Danfords Low Level Silo's
Project Number: 19278	June 2019	Flood Risk Assessment
10722/BL/001/02 (Sanderson Associates)	October 2018	Transport Statement
Poggi Manufacturer Details -Silo		Poggi Manufacturer Details - Silo
Britcab Guardian Units		Britcab Guardian Units
Office Welfare Cabin Elevations 002	31/07/2019	Office Welfare Cabin Elevations
Equipment Height	16/10/2019	Equipment Height
Line of Sight Map	16/10/2019	Line of Sight Map

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
Location Plan Rev C	08/01/2020	Location Plan Rev C
Drg No. 2018/2 Rev A	08/01/2020	Site Plan Showing Areas to be Conditioned

*Reason: To ensure that the development is carried out in accordance with the application details.*

### **LIGHTING**

3. Details of any lighting proposed in connection with the use must be submitted to and approved by the County Planning Authority in writing prior to the commencement of the development. All lighting on site shall be switched off by 6 pm Monday to Friday and must not be turned on until 8 am on any working day.

*Reason: To protect amenity.*

### **LANDSCAPING**

4. Prior to the commencement of development, details of the proposed infill hedgerow planting adjacent to the eastern boundary of the site, including sizes, types and numbers, must be submitted to and approved in writing by the County Planning Authority.
  - a) The approved planting scheme must be implemented in the first available planting season following commencement of the use;
  - b) Trees/hedges and shrubs planted in accordance with this scheme must be protected for a period of 5 years against damage or failures and any such occurrences must be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences for a period of 5 years to ensure their establishment. Planted areas must be managed in accordance with good forestry practice for a period of 5 years from the date of decision.
  - c) Trees/hedges planted in accordance with this scheme must be trimmed and kept at a minimum of 5 metres in height.

The landscape scheme must be developed and maintained in accordance with the approved programme.

*Reason: To ensure maintenance of a healthy landscaping scheme and in order to ensure adequate screening and protect the amenity of the site.*

### **PROTECTION OF EXISTING TREES**

5. Existing trees adjacent to the eastern boundary of the site as shown on plan Drg No. 2018/2 Rev A dated 8/01/2020 must be retained. If existing mature trees within the site die or become, in the opinion of the County Planning Authority, seriously damaged or defective, these must be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

*Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.*

## **FENCING**

6. The proposed green palisade boundary fence must be installed prior to the commencement of the development and the fence must continue to be maintained in a good state of repair for the duration of the intended use.

*Reason: In the interests of amenity.*

## **HOURS OF USE**

7. The use must not take place outside the hours of 8 am and 6 pm Monday to Friday, 8 am and 1 pm Saturday and at no time on Sundays and Bank Holidays.

*Reason: In the interests of neighbour amenity.*

## **HIGHWAYS (OPERATIONAL HGV NUMBERS LIMIT)**

8. HGV movements to and from the site along the shared access road to the A167 must not exceed 30 per day, 15 in and 15 out on any working day.

*Reason: In the interests of highway safety and amenity.*

## **STOCKPILING OF MATERIAL**

9. Stockpiles of material on site must not exceed 4.5 metres in height.

*Reason: To protect amenity.*

## **LOCATION OF MOBILE CRUSHING PLANT**

10. The mobile crushing plant must be located within the 5 metre buffer to the north of the concrete acoustic wall, as shown on plan Drg No. 2018/2 Rev A dated 8/01/2020.

*Reason: In the interests of amenity and to ensure the effectiveness of the noise mitigation.*

## **FLOOD RISK ASSESSMENT**

11. The development must be carried out in strict accordance with the submitted Flood Risk Assessment (Project Number: 19278, dated June 2019 by Topping Engineers).

*Reason: To protect the amenity of the area and in order to prevent flooding in line with policy.*

## **Informatives**

1. This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the Environment Agency directly.

2. The applicant is advised to contact National Grid to discuss a crossing agreement.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member stated that he had previously visited the site and had concerns regarding the narrow highway that led from the main highway to the service road within the application site. He realised that this was a private industrial estate and, therefore, it was difficult to condition in relation to that, however, he felt it necessary to outline his concerns in relation to the safety of that stretch of the service road. In response it was stated that there would be very few vehicle movements along that road, with only around 5 to 15 movements expected each week. It was noted, however, that these could be undertaken over one to two days rather than utilising the full week, however, it was suggested that the few vehicle movements would not cause concern in terms of road safety on the site.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the revised conditions, as detailed above.

- 130. C8/2019/0194/CPO - (NY/2019/0005/73) - Planning application accompanied by an Environmental Statement for the purposes of the variation of condition no's 2, 3, 4, 5, 6, 9, 11, 13, 14, 15, 26, 37, 38, 39, 42, 43, 54, 55, 56, 57, 58 and 62 of planning permission ref. no. C8/2013/0677/CPO - 'The relocation of colliery activities and construction of an energy centre to recover energy from waste with ancillary development, including offices and utility uses (e.g. workshops and electrical rooms); parking; a new access point and improvements to the existing access; internal roads; railway sidings; a weighbridge and gatehouse; a substation and transformer compound; a national grid connection; private wire connection to the colliery; sustainable urban drainage systems; lighting; CCTV; landscaping and fencing on land at Kellingley Colliery, Turver's Lane, Knottingley, West Yorkshire.'** The proposed variations relate to:- Increasing the consented annual throughput of waste at the Southmoor Energy Centre, increasing the two way HGV movements, increasing the two way HGV movements during construction of the energy centre, changes to aspects of the consented development to accommodate plant selection including changes to the Turbine Hall, Boiler Hall, FGT plant and ACC unit, and changes to the consented construction phasing to include the use of the former Kellingley Colliery access at land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application, accompanied by an Environmental Statement, as outlined above.

The application was subject to eight objections from members of the public, objections from Beal and Eggborough Parish Councils, and an objection from United Kingdom Without Incineration (UKWIN) and was, therefore, reported to the Committee for determination.

Local representative, District Councillor Mary McCartney, addressed the Committee outlining the following:-

- ◆ The proliferation of energy from waste facilities in the area would see the Southmoor Energy Centre having to go further afield to obtain its waste to ensure that the facility was viable.
- ◆ The proposal, therefore, conflicts with the proximity principle and also did not accord with recycling targets which would also further reduce the amount of available waste for incineration to produce energy from waste.
- ◆ She noted the issues outlined by UKWIN within the report and considered that these should have been given more consideration in terms of the proposed development.
- ◆ She noted that Government policy was for waste to be dealt with locally, whereas this proposal would require waste to be brought from much further afield. She highlighted the environmental concerns that had been raised by Government Ministers and the need to ensure that waste was dealt with locally and in an environmentally satisfactory fashion, which was not being followed through this application.
- ◆ She also raised concerns regarding the impact on the local communities of bringing more waste to the area, with the increased numbers of HGV movements in respect of that.

Sam Thistlethwaite of Barton Willmore, the agent of behalf of the applicant, addressed the Committee, outlining the following:-

- ◆ He welcomed the positive recommendation within the report and noted that the principle for the development had previously been established through prior planning approvals.
- ◆ He acknowledged that the project was complex and it was expected that it would be refined further through continued extensive design work and it was expected that the project would be subject to additional improvements.
- ◆ He noted that the project brought a number of benefits to the area, with around £200m investment, 375 full-time jobs during the construction phase and 38 full-time jobs when the centre was operational.
- ◆ It was hoped that the new plan, if approved, would allow work to commence in early 2020 and would enable the company to obtain the appropriate environmental permits for operations on the site.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

Members undertook a discussion of the application and the following issues and points were raised:-



- ◆ A Member raised concerns regarding section 7 within the report, specifically the “need” for the application. He considered the proliferation of energy from waste sites in the area significantly diminished that need and noted that the arguments put forward by UKWIN in the consultations provided details as to why the proposal was not needed. In response it was noted that a recent energy from waste appeal decision had indicated that the Secretary of State was in agreement with the Planning Inspector that the generation of energy from an energy from waste plant would result in overall carbon savings compared to the existing situation. It was acknowledged that there was a balance to be developed between carbon savings and the proximity principle but it was felt that this was adhered to in relation to this application, particularly as, to operate a viable business, the applicant had no desire to transport material from further afield due to the additional costs that this would create. The Member suggested that a substantial amount of funding was being put in by the company, therefore, there would be a need for them to get a return from their investment which was why the potential for transporting in material from further afield was likely. He also considered that the large amount of incineration now taking place within the area would have an impact on recycling rates. In response it was considered that this would not be the case and Members had to consider that this was a relatively small change to the application that had previously been approved by the Committee. The Member stated that he did not consider a 25% increase in waste being processed to be relatively small. He also raised concerns regarding the increase in HGV movements through local communities in the area through the large increases in the tonnage of waste being brought to the plant. He asked whether the planning application could be agreed without those elements being approved. In response it was stated that this was not the case as those elements were essential parts of the revised application.
- ◆ A Member asked that if the new tonnage rates had been in place for the original application whether additional infrastructure would have been put in place to accommodate that and whether rail line use and additional access roads would have been provided to prevent the HGVs having to travel through local communities. In response it was noted that discussions around alternative transport methods were continuing and the transport plan being developed through the Section 106 Agreement was being utilised to continue to explore other options. It was emphasised that alternative viable options to transporting the waste to the site would be developed as soon as possible. In relation to this it was asked what would be the trigger for rail to be utilised as an alternative to road transport. In response it was said that a figure could not be provided as the original application related to vehicle movements, however, it was expected that it would have been above the levels for the current application. It was also emphasised that Highways had been consulted in relation to this application and they had not expressed a concern regarding the capacity on local highways in respect of this. It was reiterated that alternative methods of transport would continue to be explored. A Member suggested that although alternative methods of transport would be considered it was unlikely that anything other than HGVs would be utilised, going forward.
- ◆ A Member asked about the size of the facility in relation to Allerton Park, however, figures were not available at the time of the meeting and would be provided to Members outside of the meeting. It was noted that the facility was large enough to provide energy to around 40,000 homes. In terms of comparison to Allerton Park it was noted that the application facility did not have the number of separation facilities for recyclables, however, material brought to the site would have already

been through a separation phase to ensure recyclables had been removed and it was noted that this was monitored through the environmental permit issued by the Environment Agency.

- ◆ A Member noted that a business park was planned nearby to the facility and asked whether the energy produced would be capable of supplying heat and energy to that. In response it was noted that planning permission had been provided for a business park to be created next to the energy plant. It was noted that Government guidance sought to utilise energy from such facilities to nearby and adjacent properties and should the business park become established then the facility could provide energy to that. It was emphasised, however, because that was not currently in place it could not be taken account of in terms of this application. Members were reminded by the Chairman that the application had to be considered on its own merits and not in relation to other nearby facilities or provisions.
- ◆ A Member suggested that should this application have been submitted at the time of the original application that it would have been refused. He suggested that the applicant had misled the Committee regarding the extent of the application previously, particularly in relation to the proximity principle. He emphasised that he was not against incineration but did not consider bringing in waste from outside areas for this to take place was anything other than a business venture rather than waste disposal. He emphasised his concerns in terms of environmental impacts on the area from the importing of waste from other areas. He did not consider that a 25% increase in the waste coming into the site to be minor and considered the impact on the local area to be substantial. He therefore considered that the application should be refused due to the large increase in the amount of waste being brought into the area and the related increase in HGV movements. He asked that Members take account of the impact on lives in local communities and the environmental concerns created by the proposals in the application.
- ◆ Members acknowledged the issues raised by the Member in relation to the application, but emphasised that the changes outlined were relatively minor in comparison to the original application that was agreed. It was considered, therefore, there were not enough planning considerations within the new application to consider refusal of the application.

#### **Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

- 131. C8/2019/0732/CPO – (NY/2019/0091/ENV) - The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Selby**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to undertake a site visit to the Gale Common Ash Disposal Site near Whitley prior to receiving a report regarding the determination of the above planning application, in light of the request from Whitley Parish Council for Members to visit the site prior to determination.

**Resolved -**

That Members agreed to a site visit being undertaken by Members of the Committee, and invited Parish Council representatives, to the site at Gale Common, to be undertaken on 4 February 2020.

**132. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 14 October 2019 to 10 December 2019, inclusive.

**Resolved -**

That the report be noted.

The meeting concluded at 12.45 pm.

SL/JR

# North Yorkshire County Council

## Planning and Regulatory Functions Committee

Notes of Skype Consultation meeting undertaken at 10am on Tuesday 31<sup>st</sup> March 2020

### Present via Skype:-

County Councillors Peter Sowray MBE (Chairman), Caroline Goodrick, Mike Jordan, John McCartney and Chris Pearson.

Apologies: County Councillors David Blades, Robert Heseltine, David Hugill and Zoe Metcalfe

Officers: Catriona Gattrell, Barry Khan, Steve Loach, Frances Maxwell and Vicky Perkin

**C6/19/00988/CMA – (NY/2018/0280/73) - Variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site at Allerton Park Landfill, Moor Lane (Off A168), Knaresborough.**

It was initially noted that there had been no written submissions in respect of the application from the public or the applicant.

The Head of Planning Services provided a brief presentation of the application highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided the conclusion and recommendations.

Detailed plans, photographs and visual information had been provided to Members prior to the consultation to complement the report, and the Head of Planning Services provided a commentary to explain the information highlighted.

The Head of Planning Services noted that, since the publication of the report, and following further consultation with the County Council's landscape expert, Condition 20 within the report's recommendation had been altered, with those alterations highlighted within the full condition highlighted below:-

Within 6 months of the date of this decision, **a Detailed Landscaping Scheme and After-care Management Plan including an implementation programme and schedule of maintenance and 'after-care'** for a minimum period of five years from final restoration of an individual Phase shall first be submitted and agreed in writing with the County Planning Authority. Where a Phase has already been restored, the period of 'after-care' shall be deemed to commence on the date of this decision and shall run for five years thereafter. The scheme of landscaping and aftercare shall include long term design and habitat objectives, method statements for site preparation and establishment of key habitats, management responsibilities and maintenance schedules and provide a combination of good quality habitat creation on the restored landfill and ensure long-term sympathetic management of the retained area. The scheme shall also include details and provision for:

- i) soil preparation;
- ii) application of fertiliser;

- iii) sowing and establishment of green cover;
  - iv) tree hedgerow and scrub planting, inclusive of sources, species, sizes, planting density mix and number;
  - v) grassland planting, inclusive of sources, species, sizes, planting density mix and number;
  - vi) wetland margin and aquatic planting, inclusive of sources, species, sizes, planting density mix and number;
  - vii) maintenance/aftercare provisions which shall include a scheme which ensures that if within a period of five years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the County Planning Authority, seriously damaged or defective), another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the County Planning Authority gives its written consent to any variation; and,
  - viii) boundary details and means of enclosure.
- All works shall be carried out, applying accepted best practice at all times, in accordance with the approved details and implementation programme.

Members discussed the application and the following issues and points were highlighted:-

- A Member raised the issue of noted that the appropriate Statutory Bodies had not raised concerns in relation to the potential for water run-off into the aquifer, therefore, it did not appear that this would be an issue.
- It was noted that there had been no objections from nearby local communities.
- A Member highlighted the policies in relation to the disposal of waste and considered that the application went against the move away from landfill. It was emphasised, in response, that despite the move to minimise landfill for the disposal of waste, an element of landfill was still required to dispose of residual waste that remained following it having been processed at the County's Waste Recycling facility at Allerton Park. This landfill operation was adjacent to the main Waste Recycling facility, and was, therefore, in an ideal location to accept that residual waste.
- A Member had submitted issues he wished to be raised via email stating that the Allerton Park Landfill Site stopped importation of materials for restoration purposes back in 2017, with the site laying in an unfinished state. He considered this a material planning consideration which should be addressed when making a decision on the application. In response it was noted that, currently, this was an unfinished site, and details were provided within the application in relation to the restoration of the site, how this would be undertaken, the materials that would be used and the ultimate condition of the restored land, which were positive factors in terms of planning considerations.
- It was noted that access to the newly defined area within the application site would not be through previously restored areas.
- Members considered that the proximity to the existing Allerton Park Waste Recycling facility and the lack of material substance within the objection raised were factors in favour of the application.

Members agreed, unanimously, that the application should be recommended to the Chief Executive for approval, for the reasons stated in the report and subject to the altered Condition 20, as outlined above, subject to the conditions detailed.

# North Yorkshire County Council

## Planning and Regulatory Functions Committee

Notes of Skype Consultation meeting undertaken at 10am on Tuesday 12<sup>th</sup> May 2020

### Present via Skype:-

County Councillors Peter Sowray MBE (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, John McCartney Zoe Metcalfe, Chris Pearson.

Apologies: County Councillors Robert Heseltine, David Hugill and Mike Jordan

Officers: Steve Loach, Frances Maxwell, Vicky Perkin and Sam Till.

### 1. Notes of Skype Consultation Meeting held on 31<sup>st</sup> March 2020

The notes of the Skype Consultation Meeting held on 31<sup>st</sup> March 2020, together with details of the decision made by the Chief Executive in relation to that consultation meeting under his emergency powers, were noted.

### 2. **C8/2020/0118/CPO – (NY/2020/0118/73) - Variation of condition No's 1, 64 & 66 of Planning Permission C8/2013/1064/CPO for an extension of time for the completion of restoration of the site until 31 December 2025 and a revised landscaping scheme and restoration landform at Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton.**

It was initially noted that there had been no written submissions in respect of the application from the public or the applicant.

The North Yorkshire Fire and Rescue Service had submitted a response to the consultation on the application stating that they had no objections.

A representative of the Head of Planning Services provided a brief presentation of the application highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided the conclusion and recommendations.

Detailed plans, photographs and visual information had been provided to Members prior to the consultation to complement the report, and the Head of Planning Services provided a commentary to explain the information highlighted.

The representative of the Head of Planning Services noted that, since the publication of the report, an addendum report had been published stating the following:-

“Regulation 8 of the Environmental Impact Assessment Regulations (2011) is not relevant to the determination of this application and therefore paragraph 2.11 has been updated to take this into account below:

## Paragraph 2.12

An Environment Impact Assessment was carried out at the time of the original application C8/50/42D/PA this assessed the likely significant environmental effects of the development. The current application relates to the variation of planning permission C8/2013/1064/CPO, dated 6th October 2014. When this planning permission C8/2013/1064/CPO was submitted it included further environmental information in regards to the site. In this instance it is considered that the applicant has submitted sufficient environmental information previously and therefore this information shall be taken into consideration in the decision making for this subsequent consent. The Screening Opinion for this application was issued on 28 April 2020, where it was determined that this application was unlikely to give rise to any significant environmental effects beyond those assessed in the original EIA. As such it was determined the current application would not require an Environmental Statement.”

He noted, however, that there had been an error in the above addendum as it should have referred to Paragraph 2.11 rather than 2.12. Members noted the amendment.

Members discussed the application and the following issues and points were highlighted:-

- It was clarified that a subsequent Section 106 agreement, relating to the application, was in the process of being negotiated, and part of the requirements of that would see the imposition of a “left turn only” instruction for vehicles leaving the site onto the A162.
- A Member highlighted that the principle objection to the application related to the extension of the mineral extraction at the site, however, the extraction process already had planning permission until 31<sup>st</sup> December 2020, and the application referred solely to the extension of the restoration of the site. The Planning Officer confirmed this to be the case but considered that the objector was concerned with the potential noise from the restoration process. He noted that Conditions within the proposal limited the extraction process to the 31<sup>st</sup> December 2020.
- Any planting that had previously taken place would be removed and replaced to enable the revised restoration scheme be fully implemented.
- A Member asked whether there would be an increase in the noise generated from the site by the revised restoration scheme. In response it was noted that approximately 150k tonnes of inert material would be brought to the site by HGVs, therefore, there would be some noise generated, however, it was expected that this would be less than the current noise as the HGVs would not be taking material from the site after 31<sup>st</sup> December 2020.
- It was noted that a liaison committee had been developed by the site operators, as part of a previous Section 106 agreement, to assist nearby local communities. It was asked whether any complaints had resulted from the committee, or separate individual complaints, in relation to operations on the site. In response it was noted that there had been a complaint that had arisen from a meeting of the liaison committee, but, unfortunately, this had not been referred to Planning Officers for action to be taken, and, subsequently, a process had been put in place to ensure that any complaints emerging from the committee were fed back appropriately. No other complaints had been provided to Planning Services.
- A Member of the Committee, also local Member for the site of the application, noted that complaints had arisen at local Parish Council meetings in relation to the noise of the reversing alarms from the HGVs. He was surprised that no complaints had been sent to Planning Officers and asked if anything could be done to prevent this.

In response it was noted that Conditions for operations at the site stipulated that Mobile plant should either include non-audible reverse warning systems or be fitted with “white noise” type reverse warning systems.. It was suggested that should this practice continue on the site a complaint should be sent to Planning Services, enabling enforcement action to be taken.

- Members stated that they agreed with the proposals within the application, subject to the noise issues outlined being addressed, and suggested that the local Parish Council contact Planning Services in relation to this issue.

Members agreed, unanimously, that the application should be recommended to the Chief Executive for approval, for the reasons stated in the report and addendum report, subject to the amendment as outlined above, and, subject to the conditions and a s106 as detailed.

**3. Items dealt with under scheme of delegation – for information**

The details were noted by Members.

**4. Publication by Local Authorities of information about the handling of planning applications – for information**

The details were noted by Members.



## 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 21<sup>st</sup> 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 21<sup>st</sup> 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
<a href="#">Kirby Misperton A</a>	<a href="#">Kirby Misperton A</a>
<a href="#">Kirby Misperton A (2012 extension)</a>	<a href="#">Kirby Misperton A (2012 extension)</a>
<a href="#">Kirby Misperton B</a>	<a href="#">Kirby Misperton B</a>
<a href="#">Malton A</a>	<a href="#">Malton A</a>
<a href="#">Malton B</a>	<a href="#">Malton B</a>
<a href="#">Pickering</a>	<a href="#">Pickering</a>
<a href="#">Marishes</a>	<a href="#">Marishes</a>
<a href="#">Pipeline network</a>	<a href="#">Pipeline network</a>

### 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 21<sup>st</sup> 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 21<sup>st</sup> 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 3<sup>rd</sup> May 2019) with (Rev3v2, dated 30<sup>th</sup> May 2019);
- ditto replace ‘in’ with ‘on 26<sup>th</sup>’;
- condition no. 4 replace ## with ‘0’ & ‘APR19’ respectively;

*Malton A wellsite (Appendix D):*

- condition no. 1 replace 9<sup>th</sup> with 10<sup>th</sup>;

*Malton B wellsite (Appendix E):*

- condition no. 1 replace 9<sup>th</sup> with 10<sup>th</sup>;

*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 9<sup>th</sup> with 10<sup>th</sup>;
- 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:

NYCC – 9 July 2020 – Planning & Regulatory Functions Committee  
VoP wellsites and pipeline/3

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**

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**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 9<sup>th</sup> 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 9<sup>th</sup> May 2018 (including the *Planning Statement* (dated 9<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
  - (i) by 31<sup>st</sup> 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, 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



Dated: ## July 2020

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

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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL<sub>Aeq</sub> (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.

Dated: ## July 2020

*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.

Dated: ## July 2020

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 7<sup>th</sup> 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;*

Dated: ## July 2020

- 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
719.201A	B	Landscape Proposals (as approved on 10 <sup>th</sup> April 2013 under application ref. no. NY/2013/0055/A30)	1:500 @ A3	9 <sup>th</sup> April 2013
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 <sup>th</sup> 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 <sup>th</sup> April 2018) within the <i>Environmental Report</i> (v4) (dated 16 <sup>th</sup> 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 <sup>th</sup> 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**

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**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 3<sup>rd</sup> 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 3<sup>rd</sup> May 2019 (including the *Planning Statement (Rev 3v2*, dated 30<sup>th</sup> May 2019) and *Environmental Report (v4)* (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26<sup>th</sup> September 2018 and on 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
  - (i) by 31<sup>st</sup> 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

Dated: ## July 2020

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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL<sub>Aeq</sub> (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.



Dated: ## July 2020

*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.

Dated: ## July 2020

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 7<sup>th</sup> 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> April 2014 under application ref. no. NY/2014/0064/A30)	-	January 2014
719.201A	B	Landscape Proposals (as approved on 10 <sup>th</sup> April 2013 under application ref. no. NY/2013/0055/A30)	1:500 @ A3	9 <sup>th</sup> April 2013
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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**

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**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 10<sup>th</sup> 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 10<sup>th</sup> May 2018 (including the *Planning Statement* (dated 9<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
  - (i) by 31<sup>st</sup> 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, 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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free-field) between 0700 and 1900 hours and 42 dBL<sub>Aeq</sub> (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.

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 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0066/A30)	█	January 2014
█	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> April 2014 under application ref. no. NY/2014/0066/A30)	█	January 2014
TEUG/LMP/2014	-	Landscape Management Plan (as approved on 16 <sup>th</sup> 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 <sup>th</sup> 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

Decision No. C3/19/01346/CPO

**TOWN AND COUNTRY PLANNING ACT 1990**

**NORTH YORKSHIRE COUNTY COUNCIL**

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**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 11<sup>th</sup> 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 11<sup>th</sup> May 2018 (including the *Planning Statement* (dated 10<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
  - (i) by 31<sup>st</sup> 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.

Dated: ## July 2020

*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

Dated: ## July 2020

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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free-field) between 0700 and 1900 hours and 45 dBL<sub>Aeq</sub> (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.*

Dated: ## July 2020

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 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.

*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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0062/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> April 2014 under application ref. no. NY/2014/0062/A30)	-	January 2014
719.200A	-	Landscape Proposals (as approved on 30 <sup>th</sup> 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 <sup>th</sup> April 2018) within the <i>Environmental Report</i> (v4) (dated 16 <sup>th</sup> May 2018))	1:500 @A3	06.12.2012
06	-	Landscape and Visual Appraisal (Appendix J ( <i>Landscape and Visual Appraisal</i> RevA, dated 24 <sup>th</sup> 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



Decision No. C3/19/01347/CPO

**TOWN AND COUNTRY PLANNING ACT 1990**

**NORTH YORKSHIRE COUNTY COUNCIL**

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**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 11<sup>th</sup> 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 11<sup>th</sup> May 2018 (including the *Planning Statement* (dated 10<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
  - (i) by 31<sup>st</sup> 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, 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

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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free-field) between 0700 and 1900 hours and 41 dBL<sub>Aeq</sub> (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.

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 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0063/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> 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 <sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> May 2018 (including the *Planning Statement* (dated 9<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted in 26<sup>th</sup> September 2018 (including the amended Plan ref. ZG-TE-PK-PA-01, Rev1, dated Jul18) and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:

- (i) by 31<sup>st</sup> 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

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, 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)<sub>L90</sub> and 50 dB(A)<sub>L10</sub> between 0700 and 1900 hours and 35 dB(A)<sub>L90</sub> and 40 dB(A)<sub>L10</sub> 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 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.

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 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0068/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> 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 ( <i>Landscape and Visual Appraisal</i> RevA, dated 24 <sup>th</sup> 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 ( <i>Landscape and Visual Appraisal</i> RevA, dated 24 <sup>th</sup> 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**

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**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 11<sup>th</sup> 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)

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 11<sup>th</sup> May 2018 (including the *Planning Statement* (dated 9<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> December 2035 and the development hereby approved shall cease to be used and all above-ground facilities shall be removed:
- (i) by 31<sup>st</sup> 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

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, 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

Dated: ## July 2020

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 16<sup>th</sup> 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<sub>Aeq</sub> (1 hour) (free field) between 0700 and 1900 hours and 40 dBL<sub>Aeq</sub> (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.



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 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.

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 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 <sup>th</sup> April 2014 under application ref. no. NY/2014/0065/A30)	-	January 2014
-	-	Air Monitoring Scheme for Well Sites (as approved on 16 <sup>th</sup> 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 <sup>th</sup> 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**

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**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 10<sup>th</sup> 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 10<sup>th</sup> May 2018 (including the *Planning Statement* (dated 10<sup>th</sup> May 2018) and *Environmental Report* (v4) (dated 16<sup>th</sup> May 2018) (including its associated appendices) and all associated plans, subsequent information submitted on 26<sup>th</sup> September 2018 and 30<sup>th</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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

Dated: ## July 2020

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

Dated: ## July 2020

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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