

**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:

Viking UK Gas Limited  
Knapton Generating Station  
East Knapton  
Malton  
YO17 8JF

Petroleum Safety Services Limited  
The Innovation Centre  
Vienna Court, Kirkleatham Business Park  
Redcar  
TS10 5SH

The above-named Council being the Planning Authority for the purposes of your application dated 28 September 2012 in respect of proposed development for the purposes of the construction of an extension to an existing wellsite (Kirby Misperton 1), drill and test up to two (2) production boreholes followed by subsequent production of gas at Kirby Misperton 1 Wellsite (East), Alma Farm, Habton Road, Kirby Misperton, Malton have considered your said application and have granted permission for the proposed development subject to the following conditions:-

*Reason for Decision:*

- i) The development is in accordance with 'saved' policies 4/1, 4/10, 4/13, 4/14, 4/18, 7/1, 7/3, 7/5, 7/7, 7/9 and 7/10 of the North Yorkshire Minerals Local Plan (1997), 'saved' policies ENV7 and T3 of the Ryedale District Local Plan (2002) and the more general aims of the NPPF (2012).
- ii) The proposal does not conflict with the abovementioned 'saved' policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the site can be mitigated through condition, the environmental impacts of the site can be controlled, neighbouring residential property will not be adversely affected and there are no other material considerations indicating a refusal in the public interest.
- iii) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity and the transport network.

(please see attached sheets for conditions)

Date: 9 January 2013

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Corporate Director, Business and Environmental Services

**NOTE:-**

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

FOR RIGHTS OF APPEAL SEE OVERLEAF

Dated: 9 January 2013

### **RIGHTS OF APPEAL**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the 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.

Note:- If an aggrieved applicant wishes to exercise his/her right of appeal as above mentioned, he/she should do so on the appropriate form obtainable from:-

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Tel: 0117 372 6372

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Dated: 9 January 2013

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.
2. The development hereby permitted shall be carried out in accordance with the application details dated 28 September 2012 as amended and in accordance with the approved documents and drawings as listed at the end of this decision notice and the following conditions which at all times shall take precedence.
3. The permission hereby granted is valid until 19 May 2018 and the development hereby approved shall be discontinued and any buildings and plant shall cease to be used and shall be removed from the site and the site shall be restored (i) by 19 May 2018, or (ii) within 6 months of the cessation of gas production or (iii) within 6 months of the cessation of electricity generation at Claypit Plantation or iv) within 6 months following the abandonment of the site, whichever is the sooner.
4. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Habton Road. The access shall be brought up to the Highways Authority approved standard (in accordance with drawing ref. PSSSL/VUK/KM1EXT/PA/014) and maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
5. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel wash facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the County Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of waste materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.
6. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway from the site access on Habton Road upto the A169 has been carried out in a manner approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of the drilling operations the applicant shall carry out a second survey recording the condition of the highway from the site access on Habton Road upto the A169. The survey shall be submitted to the County Planning Authority for approval and thereafter any works reasonably required in order to rectify any damage to the public highway resulting from traffic arising from the Development shall be completed to the satisfaction of the County Planning Authority.
7. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the County Planning Authority for the provision of: -
  - on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - on-site materials storage area capable of accommodating all materials required for the operation of the site.

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The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

8. All work on site (including site clearance work) shall be undertaken in accordance with the URS Ecological Assessment dated August 2012 (Appendix 6 of the Planning Statement). Work personnel to be made aware of the content of the ecology report, prior to the commencement of any works, including clearance works.

9. No drilling, major workover or tubing replacement operation shall take place prior to the approval in writing by the County Planning Authority of a scheme of work detailing the operations involved. Such a scheme shall make provision for notifying the County Planning Authority and neighbouring residents 7 days in advance of the operations, shall specify 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. The maximum permissible noise levels during drilling operations, under neutral weather conditions shall be designed to ensure that a level of 50dB(A) LAeq, 1h (free field) between 0700 and 1900 hours and 42 dB(a) LAeq, 1 hour (free field) between 1900 and 0700 is not exceeded at noise-sensitive dwellings. Such a scheme of mitigation is to be agreed by the County Planning Authority and further noise monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures.

10. Within 3 months of the date of planning permission a landscaping plan and timetable for the re- establishment of species-rich native screen planting along the northern boundary of the extension area (length of at least 80 metres) together with proposals for the enhancement of the hedgerow framework comprising gapping up through the planting of saplings shall be submitted to the County Planning Authority for written approval. Thereafter, the existing landscape planting shall be removed and re-established in strict accordance with the approved details unless otherwise agreed in writing by the County Planning Authority.

11. The site shall be restored to a state suitable for agricultural use or such other use as may subsequently be approved by the County Planning Authority. Restoration shall include the abandonment of the well, removal of all imported materials, deep ripping to relieve compaction and replacement of subsoils and soils and aftercare measures in accordance with details specified by the Ministry of Agriculture, Fisheries and Food in a letter dated 4 January 1991. 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 details approved unless prior approval is obtained for retention of access for agricultural purposes.

12. With the exception of the initial drilling phase, no operations including daylight operation workovers and routine maintenance shall take place on the site except between the following times:-

Monday to Friday 0700 - 1900 hours

Saturday 0700 - 1300 hours

Sundays and Bank Holidays No permitted working

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Unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property) or with the prior written approval of the County Planning Authority.

13. No HGV's involved in the delivery of materials and equipment to the site shall enter or leave the site on any day except between the following times:-

Monday to Friday 0700 - 1900 hours

Saturdays 0700 - 1900 hours

Sundays and Bank Holidays - No permitted HGV movements

Unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property) or with the prior written approval of the County Planning Authority.

14. The atmospheric emissions generated in the course of development shall be monitored in accordance with a scheme and programme to be submitted for approval of the County Planning Authority and the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year

15. Unless otherwise agreed in writing with the County Planning Authority, there shall be no:

- Oil-based drilling methods used in strata shallower than, and including, the Corallian Group aquifer.
- Oil-based drilling methods used in strata deeper than the Corallian Group aquifer unless all shallower strata have been cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.
- Potentially contaminating substances allowed to enter groundwater in strata shallower than, and including, the Corallian Group aquifer.

16. Unless otherwise agreed in writing with the County Planning Authority, there shall be no de-watering of the site.

17. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. 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. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority.

18. No external lighting shall be installed except in accordance with a scheme to be submitted to the County Planning Authority for approval. Such an approved scheme shall include details of location, height, type, orientation and intensity of the lighting.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the County Planning Authority.

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20. The development hereby approved shall not commence until all works connected with the Footpath Diversion Order have been carried out to the satisfaction of the County Highways Authority and the appropriate certificate has been issued.

Reasons:

1. 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.
2. To ensure that the development is carried out in accordance with the approved application details.
3. To reserve the rights of control by the County Planning Authority in the interests of amenity in accordance with 'saved' Policy 7/5 of the North Yorkshire Minerals Local Plan (1997).
4. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In the interests of highway safety and the general amenity of the area.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In the interest of preserving and enhancing the ecological value of the site.
9. To ensure control of potential disturbance arising from work over/maintenance operations in the interests of amenity in accordance with Policy 7/1 and 7/5 of the North Yorkshire Minerals Local Plan.
10. In the interests of amenity in accordance with 'saved' Policy ENV7 of Ryedale District Local Plan (2002) and 'saved' Policy 4/14 of North Yorkshire Minerals Local Plan (1997).
11. To ensure effective restoration of the site in the interest of amenity in accordance with 'saved' policies 4/18 and 7/10 of the North Yorkshire Minerals Local Plan (1997).
12. To ensure control of potential disturbance arising from work over/maintenance operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).
13. In the interests of highway safety in accordance with 'saved' policy T3 of the Ryedale District Local Plan (2002) and 'saved' policies 4/13 and 7/9 of the North Yorkshire Minerals Local Plan (1997).
14. In the interests of amenity and to ensure effective control of noise and odour in the interests of amenity in accordance with 'saved' Policy 7/5 of the North Yorkshire Minerals Local Plan (1997).
15. To protect the groundwater quality in the area in accordance with 'saved' policies 4/10 and 7/5 of the North Yorkshire Minerals Local Plan (1997).

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16. To protect the groundwater quality in the area in accordance with 'saved' policies 4/10 and 7/5 of the North Yorkshire Minerals Local Plan (1997).

17. To protect the groundwater quality in the area in accordance with 'saved' policies 4/10 and 7/5 of the North Yorkshire Minerals Local Plan (1997).

18. In the interests of amenity in accordance with Policy 7/5 of the North Yorkshire Minerals Local Plan.

19. The site is of archaeological interest.

20. To enable the approved development to be carried out.

### Informatives:

#### Nesting Birds

- Work to take place outside the main nesting season; approximately the beginning of March to the end of August. - wherever possible. However, birds can occasionally nest at any time of year. If any work (including site clearance work), is likely to take place when birds may be nesting, either in any trees/shrubs/walls to be affected, or in any potentially suitable building, these parts of the site should be thoroughly checked by a qualified Ecologist immediately before work starts.

### Environment Agency Informatives/ Advice to applicant:

The British Geological Survey Geology map, sheet 53, Pickering, shows the geology at the site to be Kimmeridge and Amphill Clay overlying the Corallian Group. The Corallian is classed as a principal aquifer, an aquifer that is capable of supporting large water supplies. It is highly vulnerable to any potentially polluting activity. At greater depth is the Sherwood Sandstone and the Magnesian Limestone, which are also classed as principal aquifers.

The developer will be required to submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement should be submitted alongside the Form WR - 11. Any drilling should be carried out to an approved drilling method statement.

The proposed development should not adversely affect the quality of water within the underlying Corallian Group aquifer. For this reason:

1)a) No oil-based drilling methods should be used in strata shallower than, and including, the Corallian Group aquifer.

1)b) No oil-based drilling methods should be used in strata deeper than the Corallian Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.

1)c) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR – 11 form.

2) No potentially contaminating substances should be allowed to enter groundwater in strata shallower than, and including, the Corallian Group aquifer.

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3) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.

4) The borehole should be constructed in such a way so as to cause no contamination between, and including, any overlying drift deposits and Corallian Group aquifer. The borehole should be steel-cased through these deposits.

5) The borehole should be constructed in such a way so as to cause no contamination between, and including, the Corallian Group aquifer and any underlying deposits.

6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells'.

7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Maclean Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs.

8) Under the Borehole Sites and Operations Regulations 1995" HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define "mining area" as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.

9) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Approved Documents:

Ref No.	Date	Title
PSSL/VUK/KM1EXT/PA/002	17 Aug 2012	Location Plan
PSSL/VUK/KM1EXT/PA/003	17 Aug 2012	Construction Layout
PSSL/VUK/KM1EXT/PA/004	17 Aug 2012	Drilling Layout
PSSL/VUK/KM1EXT/PA/005	17 Aug 2012	EWT Layout
PSSL/VUK/KM1EXT/PA/006	17 Aug 2012	Production Layout
PSSL/VUK/KM1EXT/PA/007	20 Aug 2012	Cross section through topography
PSSL/VUK/KM1EXT/PA/008	20 Aug 2012	Cross section through drilling rill (W to E)
PSSL/VUK/KM1EXT/PA/009	20 Aug 2012	Cross section through drilling rill (N to S)
PSSL/VUK/KM1EXT/PA/010	20 Aug 2012	Cross section through well test
PSSL/VUK/KM1EXT/PA/011	20 Aug 2012	Cross section through production
PSSL/VUK/KM1EXT/PA/014	27 Nov 2012	Access Layout
PSSL/VUK/KM1EXT/PA/013	24 Dec 2012	Diversion of existing PRow
47063929	August 2012	URS Ecological Assessment



Dated: 9 January 2013

**Statement of Compliance with Article 31 of the Town and Country Development  
Management Procedure Order 2012**

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, Regional Spatial Strategy, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval for refusal. 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.