

## North York Moors National Park Authority Planning Committee

19 July 2012

### Miscellaneous Items

(a) **Appeals**

- (i) The Secretary of State for Communities and Local Government has determined the following appeals made to him against decisions of the Committee:-

Location of Site/Appellant	Decision (Inspector)
Land at Ebbertson and Hurrell Lane, Thornton le Dale by Moorland Energy Limited	Edward Simpson JP BA(Hons) MRTPI

Background Documents for this item

1. Partial Inspector's letter attached at **Appendix A**. A full copy of the appeal decision can be found at:  
<http://planning.northyorkmoors.org.uk/MVM.DMS/Planning%20Application/807000/807079/NYM2010-0262-EIA%20Appeal%20Decision.pdf>

(b) **Appeals received**

Ref Number	Appellants Name and Location	Description
NYM/2011/0566/FL	Mr Mathew Peter Else Grange Farm, Staintondale	Erection of a 50 kW wind turbine (maximum height to blade tip 34.2 metres).

(c) **Planning Applications Determined by the Director of Planning**

A list of planning applications determined by the Director of Planning in accordance with the Scheme of Delegation is attached at **Appendix B**.

**[NB: Members wishing to enquire further into particular applications referred to in the Appendix are asked to raise the matter with the Director of Planning in advance of the meeting to enable a detailed response to be given].**

(d) **Numbers of Planning Applications Determined**

A graph is attached at **Appendix C** which indicates the number of applications determined within 8 weeks for the last 12 months

(e) **Planning Summer School**

The next Planning Summer School will be taking place from the 14 – 17 September 2012 at Hope University in Liverpool and will be attended by both elected members and planning practitioners. Further information is available at the following link <http://www.planningsummerschool.org/>. Members are requested to express an interest at the meeting if they would like to attend.

Andy Wilson  
Chief Executive (National Park Officer)

Chris France  
Director of Planning

Mr G D Sharpe  
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LS1 4BY

Our Ref: APP/W9500/A/11/2155352 &  
APP/P2745/A/11/2155358

28 June 2012

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEALS BY MOORLAND ENERGY LIMITED  
AT LAND AT EBBERTSON AND HURRELL LANE, THORNTON-LE-DALE  
APPLICATION REFERENCES NYM/2010/0262 AND C3/10/00529/CPO  
(NY/2010/0159/ENV)**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Edward A Simpson JP BA(Hons) MRTPI, who held a public local inquiry for nine days between 25 October and 8 November 2011 into your client's appeals for non-determination of an application by North York Moors National Park Authority (the National Park Authority) and for non-determination of an application by North Yorkshire County Council (the Council) as Minerals Planning Authority outside the National Park area for: 'Natural gas production from existing Ebberstone Well site; the construction of two underground gas pipelines from the existing Ebberstone Well site to the proposed Gas Processing Facility; a new access road south of the A170 to the proposed Gas Processing Facility; a Gas Processing Facility at Hurrell Lane, Thornton-Le-Dale; and an Above Ground Installation (AGI) connection to the existing National Transmission System (NTS) pipeline to the south of New Ings Lane' in accordance with application reference NYM/2010/0262, dated 1 April 2010, and application reference C3/10/00529/CPO (NY/2010/0159/ENV) also dated 1 April 2010.
2. On 27 June 2011, the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 on the grounds that they involve proposals for development of major importance having more than local significance.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeals be allowed and planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Jean Nowak, Decision Officer  
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regarding the restoration of the site, and commencement of the development other than by the developers, are necessary, compliant with the CIL regulations, and capable of being material considerations to his decision. In reaching this view, he has had regard to the Inspector's comments that previous operations to develop the gas resources within North Yorkshire have not always been successful, with some proving initially satisfactory before then suffering early closure for technical or economic reasons (IR15.1.2). Therefore, taking account of the guidance in paragraphs 49-51 of the NPPF Technical Guidance, the Secretary of State is satisfied that this constitutes an exceptional case where it will be reasonable to seek a financial guarantee to cover restoration costs.

32. The Secretary of State has carefully considered the concerns raised by the Council and the National Park Authority in relation to Paragraph 4 of Schedule 2 of the UU. He shares the view of the National Park Authority that there is a degree of uncertainty about the correct interpretation of this paragraph. While the Secretary of State is satisfied that the UU would bind a developer who has no proprietary interest in the site, he considers that as drafted there is a risk that the First Owners or Second Owners or their successors in title would be able to develop the land free of the obligations. Furthermore, he considers that the UU would benefit from a clause to require the Council to be notified of any change of ownership of the interests in the site. Taking all these matters into account, the Secretary of State concludes that the weight that can be attached to the obligations is diminished. However, while he accepts that the issues referred to in this paragraph represent a degree of risk to the enforceability of the UU, he is satisfied that such risk is not sufficient to prevent him from proceeding to his decision to allow the appeals and grant planning permission. Nevertheless, he recommends that the parties at their earliest convenience seek to remedy these defects.

### **Overall Conclusions**

33. The Secretary of State has identified conflict with Minerals LP Policy 4/1 and RLP policy ENV1 in respect of the impact of the proposed GPF, and conflict with local policies which seek to protect the AHLV and the appearance of the countryside in general in respect of the proposed access on to the A170. While he has also found that the location of the GPF in open countryside would conflict with the aim of Minerals LP Policy 7/8, in the absence of a suitable alternative site he is satisfied that this would not amount to an over-riding in-principle policy objection to the appeals. In favour of the scheme, the Secretary of State attaches great weight to the benefits provided by the proposals, including to the national economy. He has taken into account that the wellsite could provide gas at a rate equivalent to the annual energy needs of 75,000 dwellings; that the proposals could also enable other locked-in reserves to be exploited; that the supply of gas to the NTS permits a more flexible end use of that gas compared with immediate electricity production; along with other, more limited, local benefits. Overall, therefore, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the conflicts with the development plan. Therefore he does not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

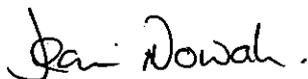
### **Formal Decision**

34. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeals and grants planning permission for 'Natural gas production from existing Ebberstone Well site; the construction of two underground gas pipelines from the existing Ebberstone Well site to the proposed Gas Processing Facility; a new access road south of the A170 to the proposed Gas Processing Facility; a Gas Processing Facility at Hurrell Lane, Thornton-Le-Dale; and an Above Ground Installation (AGI) connection to the existing National Transmission System (NTS) pipeline to the south of New Ings Lane' in accordance with application reference NYM/2010/0262, dated 1 April 2010, and application reference C3/10/00529/CPO (NY/2010/0159/ENV) also dated 1 April 2010, subject to the conditions at Annex B.
35. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
36. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
37. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

### **Right to challenge the decision**

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
39. A copy of this letter has been sent to North Yorkshire County Council, the North York Moors National Park Authority and AGHASTI. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully



**Jean Nowak**

Authorised by Secretary of State to sign in that behalf

**File Ref: APP/W9500/A/11/2155352**

**Land at Ebberston, and Hurrell Lane, Thornton-le-Dale**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Moorland Energy Limited against North York Moors National Park Authority.
- The application Ref.NYM/2010/0262 is dated 1/04/2010.
- The development proposed is Natural gas production from existing Ebberstone Well site; the construction of two underground gas pipelines from the existing Ebberstone Well site to the proposed Gas Processing Facility; a new access road south of the A170 to the proposed Gas Processing Facility; a Gas Processing Facility at Hurrell Lane, Thornton-Le-Dale; and an Above ground Installation (AGI) connection to the existing National Transmission System (NTS) pipeline to the south of New Ings Lane.

**Summary of Recommendation:** The appeal be allowed, and planning permissions granted.

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**File Ref: APP/P2745/A/11/2155358**

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- The appeal is made by Moorland Energy Limited against North Yorkshire County Council.
- The application Ref C3/10/00529/CPO ( NY/2010/0159/ENV) is dated 1/04/2010.
- The development proposed is Natural gas production from existing Ebberstone Well site; the construction of two underground gas pipelines from the existing Ebberstone Well site to the proposed Gas Processing Facility; a new access road south of the A170 to the proposed Gas Processing Facility; a Gas Processing Facility at Hurrell Lane, Thornton-Le-Dale; and an Above ground Installation (AGI) connection to the existing National Transmission System (NTS) pipeline to the south of New Ings Lane.

**Summary of Recommendation:** The appeal be allowed, and planning permissions granted.

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**1. Procedural Matters**

- 1.1 The appeal proposals comprise a single scheme of development extending over land within the area of two planning authorities. It is therefore the subject of two linked appeals. That part of the appeal site falling within the area of NYCC also falls within the area of Ryedale District Council which is also a local authority for that area but not a mineral planning authority.
- 1.2 By letter dated 27 June 2011 the Secretary of State indicated that these are appeals that he considered he should determine himself on the grounds that they involve proposals for development of major importance having more than local significance.
- 1.3 In its committee report of 30 August 2011<sup>1</sup> NYCC set out the following putative reasons for refusal:

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<sup>1</sup> Doc.CD/K10

## 14. Inspector's Conclusions

### Pre-amble

- 14.1 In these conclusions, the numbers in <sup>[ ]</sup> brackets indicate the preceding paragraphs or inquiry documents where the relevant information can be found.
- 14.2 Both an Environmental Statement <sup>[CD/H1-4, 6 + 10]</sup> and a Design & Access Statement <sup>[CD/H.6]</sup> were submitted as parts of the applications. These meet the requirements of the regulations and I have taken them into account in arriving at my conclusions and recommendations.

### Principal considerations

- 14.3 The principal considerations in these 2 appeals are:
- i) whether the proposals are contrary to development plan policies for the management of the extraction and processing of natural gas in North Yorkshire, including the North York Moors National Park;
  - ii) whether the proposals would have an unacceptable visual impact on the landscape of this part of North Yorkshire, including views from and into the North York Moors National Park;
  - iii) whether the proposals would have an unacceptable impact on the amenities of local residents and visitors to the area;
  - iv) whether the perception of risk from the operation of the proposed gas processing facility amounts to a harm sufficient to justify a refusal of planning permission;
  - v) whether the measures proposed would be sufficient to ensure the satisfactory restoration of the sites following cessation of gas extraction;
  - vi) whether there are alternative sites for the location of the GPF; and,
  - vii) whether the local and national benefits of the exploitation of the gas reserves are sufficient to outweigh any harm associated with the above considerations.
- 14.4 **Whether the proposals are contrary to development plan policies for the management of the extraction and processing of natural gas**
- 14.4.1 The appeal proposals are a single scheme, albeit made up of 5 distinct elements; those being the gas well and well site, the pipelines, the access to the gas processing facility (GPF), the GPF, and the above ground installation (AGI) for connecting the GPF to the NTS. Of these, the well site and a short length of the proposed pipelines lie within the NYMNP, the remainder within North Yorkshire.
- 14.4.2 It is accepted that for the convenience of considering the various impacts of the appeal proposals it can be broken down into the above 5 elements. It is also an extensive scheme that lies within two MPA areas and not all elements lie within both authority areas. However, as a single and un-severable proposal, in the event of one element of the scheme being unacceptable and warranting a recommendation of refusal of planning permission, both appeals would be subject to that recommendation.

- 14.4.3 For MEL it was a matter of some concern that NYMNPA appeared to be applying its policies to the assessment of the impacts of those elements of the proposal, particularly the GPF, which lay outside the boundary of the NYMNP and beyond its jurisdiction. Ultimately, that must be a matter for the courts. However, as noted above, as this is a single and un-severable proposal – all components being interlinked and none being able to operate in isolation without the others - it appears not unreasonable for NYMNPA to consider the impacts of the proposal as a whole against its adopted strategies and policies.
- 14.4.4 Sections 7.5 and 7.6 of the NYMLP addresses development, production and restoration of oil and gas infrastructure. Policy 7/5 address the conversion of exploration wells to production wells but as ES-1 lies within the NYMNPA area I am satisfied that this is more appropriately dealt with under the terms of the NYMCS and I deal with this aspect of the proposal at para.14.4.12 below.
- 14.4.5 NYMLP Policy 7/6 indicates that *planning permission for commercial production will be granted only within the framework of an overall development scheme relating to all proven deposits within the gas-field.* Policy 7/7 indicates that, *unless technically impracticable or environmentally unacceptable, planning permission ... will only be granted where the development utilises existing available surface infrastructure or pipelines.*
- 14.4.6 Policy 7/8 states that, *unless technically impracticable or environmentally unacceptable, planning permission for gathering stations forming part of a ... scheme will only be granted where ... located on land allocated for industrial use and/or associated with railway or waterway transport.* Policy 7/10 addresses restoration.
- 14.4.7 For MEL it was argued that little weight should be attached to these policies of the NYMLP because of the age of the plan (adopted 1997) and the extensive national policy guidance that has been published since then, culminating in NPSs EN1 and EN4 published in July 2011
- 14.4.8 The supporting text to policy 7/6 <sup>[CD/C1 – para.7.5.5]</sup> points out that sustainable development principles require maximum integration and elimination of duplication, and that a gas-field should, where relevant, be regarded as consisting of several relatively small deposits in a single area brought together into one set of proposals. That approach in no way conflicts with either national energy policy or wider planning principles as set out in PPS 1 – Delivering Sustainable Development. The plan goes on to recognise the difficulties in co-ordinating different projects within a gas-field as a result of the licensing system, but that is not a justification for accepting unnecessary duplication and unsustainable development.
- 14.4.9 Policy 7/7 seeks to ensure development proposals utilise existing available surface infrastructure or pipelines. Again, that clearly accords with the general approach to sustainable development. Where there is spare capacity available and a project that could use it fails to do so and it remains unused it may well represent unnecessary duplication and it would clearly not represent an efficient use of existing infrastructure. Neither of these policies can be said to be out of date, albeit that they are now some

15 years old, and similar policies aimed at a sustainable approach to development are likely to be included in any replacement plan.

- 14.4.10 Policy 7/8 addresses the location of 'gathering stations'. In the context of developments in the gas industry the wording of parts of the policy reflect its age and the technology prevalent at that time. As to the requirement to use land allocated for industry (unless technically impracticable or environmentally unacceptable) the plant associated with a GPF has all the hallmarks of an industrial process and such land is clearly an appropriate location, all other factors being acceptable. Reference to rail or waterway transport is less applicable to gas production than to oil, but that does not render the main thrust of the policy obsolete.
- 14.4.11 On this matter I conclude that setting aside the locally adopted policies of the NYMLP on the grounds of their age and the existence of more recently published national guidance is not justified.

#### The Well Site

- 14.4.12 Core Policy E of the NYMCS addresses a limited range of mineral developments; primarily quarrying. Supporting paragraph 6.31 indicates that proposals for gas production will be considered against national guidance contained in Annex 4 to MPS1<sup>[CD/A5]</sup>. Neither MPA objects to the principle of the exploitation of the gas reserves at ES-1. Both accept that there is a national need for an increase in gas supply infrastructure<sup>[6.13]</sup>.
- 14.4.13 NYMNPA accept that if these resources are to be exploited, then the most appropriate location for a production well site is that proposed in this scheme and that there is no other site capable of accessing these reserves which would result in a lesser environmental impact. This is a view with which I concur. While there is a bridleway which passes to the south of the well site following, at this point, the boundary of the NYMNP, vegetation on the northern side of this bridleway limits views into the site. Views of activity on the site from the north and east are restricted by forest plantations. From the information contained in the Forest Enterprise felling proposals plan<sup>[CD/Q2.2]</sup> it is apparent that this woodland is unlikely to be felled before gas extraction has ceased and the well-site restored, and the well-site would not become an exposed and prominent feature in the landscape on this part of the national park in the future.
- 14.4.14 While the NYMNPA accepts the location of the well-site it has, from the outset, opposed the principle of locating a GPF in close proximity to the well-site or elsewhere in the national park and this was made clear in preliminary correspondence with MEL<sup>[CD/H3 – App.5.1]</sup>. MEL stated, both at the inquiry and previously<sup>[CD/H1 – 5.13]</sup>, that its preferred location for a GPF would have been in close proximity to the well-site but, in response to NYMNPA's wishes, designed the current scheme with the GPF located outside the national park.
- 14.4.15 On this latter point it is to be noted that some local residents also suggested that locating the GPF adjacent to the well-site would be superior in both visual impact terms and with respect to potential impact on receptors sensitive to noise, odour and fear of accidents. However, in view of the NYMNPA's stance, MEL has understandably not sought to assess such a

scheme in the alternatives considered in the applications and associated submissions.

- 14.4.16 The guidance in Annex 4 to MPS1 notes that individual well sites can raise environmental issues but points to the fact that sites *'required for sustained production which separate, purify and treat raw materials are likely to take up the most land' ... and 'should not be sited where they would have unacceptable adverse environmental impacts'*.
- 14.4.17 Activities associated with the operation of the production well, while visible in some limited close-proximity views, would not result in unacceptable adverse environmental impacts. To the extent that this accords with the guidance in Annex 4 to MPS1, that such proposals within the national park will be assessed against this guidance, and subject to the provision of appropriate conditions, the siting and operation of the production well as proposed does not conflict with the NYMCS.

#### The Pipelines

- 14.4.18 The choice of the route for the pipelines connecting the production well to the GPF at Hurrell Lane is not in dispute between the principal parties, and the MPAs are satisfied that this route, when compared with the other options investigated in the ES <sup>[CD/h1 – Fug.5.2]</sup> would have the least detrimental impact on both the environment and on archaeological remains <sup>[6.13]</sup>. For parts of its length it follows closely the pipeline that previously connected the natural gas well-site at Ebberston Moor to a former GPF at Outgang Road Pickering. That pipeline now forms part of the system that supplies gas to Whitby and connects to the NTS at Pickering.
- 14.4.19 The construction of the pipelines would cause some temporary disturbance and the impact on the use of bridleways in the vicinity of the alignment is a matter of concern to some local residents, particularly the proprietors of Prospect Farm Cottages who run equine holidays <sup>[11.27]</sup> and whose clients make use of the bridleways connecting Thornton-le-Dale with the rides in Dalby Forest. I do not accept, however, that this construction phase would prevent the continued use of the bridleways during the construction period. Moreover, experience of progressive pipeline construction elsewhere suggests that the temporary scars made in the landscape quickly recover and revert to their former appearance.
- 14.4.20 For a substantial part of its length wider views of the pipeline construction would be screened by Forestry Commission woodland. Moreover, in view of the temporary nature of the visual disturbance, and the limited duration of the pipeline construction phase, I do not accept that it would have a materially detrimental impact on tourism or on the propensity of tourists to make return visit to the area.
- 14.4.21 Neither the NYMCS nor the NYMLP include policies that refer directly to pipelines other than the expectation in NYMLP Policy 7/7 that existing available pipelines will be used in preference to duplication. As I have already noted, the former production pipeline linking the Ebberston Moor well to former Pickering GPF is now used to supply natural gas from the NTS to Whitby, while the site of the former GPF has been cleared and reclaimed. The plan clearly anticipates the use of pipelines to connect

production wells either directly to consumers, or via a GPF for onward transmission to the NTS<sup>[CD/C1 – para.7.5.1]</sup>.

- 14.4.22 Insofar as the pipelines are a necessary adjunct to the location of the GPF at Hurrell Lane, and the obvious statement that without the GPF there would be no need for the pipelines, I conclude that the construction of these pipelines would not conflict with the policies of the NYMLP nor, to the extent that a short length of pipeline would lie within the NYMNP, result in material harm causing conflict with the NYMCS.

Access from A170

- 14.4.23 Agreement has been reached with the highway authority as to the design of the junction of the access with the A170<sup>[6.9]</sup>. Details include localised road widening to enable the provision of a traffic island and right turn lane for traffic approaching the site from the west. Visibility splays of the required standard can be achieved subject to ground levels within those splays being lowered.
- 14.4.24 A number of local residents expressed concern that the new access, which would be used by heavy goods vehicles visiting the site, would unacceptably increase traffic hazards on this length of the A170, a route that is heavily trafficked particularly during the holiday season.
- 14.4.25 Overall peak traffic flows would increase by some 1% during the construction phase. An increase which, in the context of normal variations in traffic flow, could not be said to amount to a material harm in terms of reductions in safety or increase in congestion. Peak HGV traffic during the construction phase would increase by a more significant 7%. The significant impact of such traffic would be the increased congestion and reduction in safety associated with right-turning traffic wishing to access the site. However, the inclusion of a protected right-turn lane within the design would overcome both of these potential problems and would not give rise to a material reduction in safety for motorist and other users of the A170.
- 14.4.26 Traffic generated by the operation of the GPF is anticipated to result in a maximum of 12 two-way vehicle trips per day. This would have negligible impact on either congestion or highway safety. Subject to consideration of the visual impact of the proposed access which I address below, I conclude that this element of the proposals would not be contrary to development plan policies for the management of the extraction and processing of natural gas.

The GPF

- 14.4.27 The appeal proposal seeks planning permission to exploit the reserves of well ES-1. Within relatively close proximity (within 6km) are the capped wells at Ebberston Moor 1, Lockton 1 and Wykeham 1. This would appear to constitute a 'gas-field' under the terms of policy 7/6. Irrespective of where that gas could or would be processed, it was not suggested that the definition of the field should be widened to encompass the VoP reserves, and this appears to be confirmed by reference to the Third Energy scoping request which distinguishes their various interests in north Yorkshire by reference to the VoP gas-field and the 'northern' gas-field<sup>[CD/G5 – Section.2.2]</sup>.

- 14.4.28 The MPAs criticised MEL for not preparing and coming forward with a development scheme for the whole field in accordance with the requirements of policy 7/6. I consider this criticism to be unjustified. MEL have not ignored the other reserves within the field and it is clear from the capacity of the processing plant they wish to install, and the expected length of life of that equipment and the planning permission sought, that they intend to not only develop further their own reserves by the sinking of an additional production well from their existing well site, but are willing to provide access to gas from the currently capped wells referred to above in the event of their licensees wishing to reopen those wells.
- 14.4.29 It is to be noted that while MEL had previously attempted to reach agreement to purchase with the former owners of the licenses and associated facilities in the VoP gas-field that company had subsequently decided to dispose of all of its UK assets, including those not within North Yorkshire. It is also to be noted that not only were the applications the subject of these appeals submitted in April 2010, but the appeals against failure to determine were submitted in June 2011 and thus before Third Energy became the new owners of the VoP assets. In those circumstances it would be unreasonable to expect MEL to put forward a detailed development scheme for resources that they neither held licences for nor had detailed information as to the extent of those reserves. Moreover, some of those wells had been drilled, partially exploited and then capped many years before<sup>[4.2.2]</sup>.
- 14.4.30 In the light of the above, I conclude that to put forward proposals that had the capability of accommodating the resources of the remainder of the gas-field should its licensees so wish was acting in the spirit of the terms of the policy. I arrive at this conclusion taking into account NYCC's recognition, as expressed in the supporting text to the policy, of the difficulties that the licensing system creates where more than one company holds licenses within an area. I do not accept that the proposals can reasonably be said to conflict with NYMLP Policy 7/6.
- 14.4.31 Policy 7/7 seeks to ensure that development utilises existing available surface infrastructure or pipelines. As noted above<sup>[14.4.9]</sup>, I have already concluded that such an approach, in the generality, accords with the concept of sustainability.
- 14.4.32 In the context of these proposals, which aim to supply treated gas to the NTS, existing available infrastructure is limited. No pipelines exist to get the gas from the ES-1 gas well, or any of the neighbouring wells in the national park, to a processing facility. The one pipeline bringing unprocessed gas to the former GPF at Pickering now forms part of the national gas supply pipeline system and connects the NTS at Pickering to Whitby and is therefore not available. The proposed GPF would connect to the NTS via an AGI facility sited immediately south of the junction of Hurrell Lane with New Ings Lane. The NTS here has the capacity to accept the gas from the appeal proposal GPF and so its proposed connection to the NTS accords with policy 7/7.
- 14.4.33 There is currently no capacity in the locality to treat the gas from ES-1, or the other capped gas wells within this part of the NYMNP, to the standard required for its acceptance by National Grid for disposal via the NTS. It is

a feature of the appeal proposal, unlike the existing facilities at East Knapton, that the treated gas should be capable of being transmitted by pipeline to wherever it needs to be consumed.

- 14.4.34 Attention is drawn by the MPAs to the existing gas powered electricity generating facilities at East Knapton. That facility processes the gas to a standard sufficient to allow it to be burnt in an on-site simple-cycle gas-turbine powering a generator feeding electricity to the national grid. No H<sub>2</sub>S removal, dehydration or hydrocarbon dew-point control is necessary for use as a fuel gas <sup>[CD/G5 – 1.8]</sup>. It is simply filtered, reduced in pressure then heated prior to combustion in the turbine. This plant, having been installed some years ago is not of a particularly modern design and is acknowledged to be relatively inefficient when compared with modern combined-cycle technology now installed in modern gas-fired power stations. The gas treatment process undertaken here does not produce a gas of a quality/specification acceptable to national grid for injection into the NTS.
- 14.4.35 In addition to the differences between the intended output of the appeal proposals (gas) and the current output of East Knapton (electricity), the intention by Third Energy to ‘workover’ existing VoP wells to restore production levels, together with the limited capacity of the East Knapton facility to consume gas (9MMSCFD) compared with the rate of production anticipated in the appeal proposals (15MMSCFD), indicate a clear lack of capacity in the existing infrastructure at East Knapton.
- 14.4.36 I therefore conclude that notwithstanding the existence of the East Knapton facility its lack of spare capacity to use the ES-1 gas, together with the absence of plant capable of processing the gas to NTS standards, indicates that there is not currently available surface infrastructure here and that the appeal proposals are not contrary to NYMLP policy 7/7.
- 14.4.37 NYMLP policy 7/8 addresses the location of ‘gathering stations’ and seeks to locate them on land allocated for industry. The supporting paragraph to the policy notes that, at 1997, hydrocarbon developments in North Yorkshire had not lead to a need to consider gathering stations and major treatment plants. However, this statement appears to overlook the development of the former gas processing plant located at Outgang Lane, Pickering granted permission in 1970 to treat gas from the now capped wells in the NYMNP not far from well site ES-1. That plant ceased operation after a relatively short period of time, was demolished and the site returned to grassland.
- 14.4.38 With respect to the policy references to rail or waterway transport, that is not relevant to the consideration of this appeal as processed gas would be exported by pipeline; the NTS being located immediately adjacent to the GPF.
- 14.4.39 The Hurrell Lane GPF site is not allocated industrial land and, as it is located in open countryside, the location of a GPF here conflicts with the principal aim of the policy to locate such facilities in areas with least environmental impact <sup>[CD/C1 – para.7.5.6]</sup>. However, NYMNP clearly oppose the location of a GPF anywhere within the NYMNP, while NYCC were unable to point to any other allocated industrial land within the settlements of the

VoP that was available and suitable. I consider the issue of alternative sites below and conclude that, setting aside the East Knapton site, (which is itself a site within the open countryside not allocated for industry but granted permission on appeal for a temporary period) there are no other sites within reasonable proximity of the well site as defined in the 'study area' that could accommodate the GPF.

14.4.40 There are two caveats to the preference for the choice of an allocated industrial site under policy 7/8, one of which is technical practicability. At its most basic, the lack of available allocated industrial land effectively falls within this category. This appears to be acknowledged in the supporting statement which indicates that '*such development in the open countryside ... would require particular justification to demonstrate why an environmentally better alternative site was not available*' [CD/C1 – para.7.5.6].

14.4.41 Subject to my conclusions on East Knapton which I address below, I conclude that while the location of the GPF in open countryside would conflict with the aim of NYMLP policy 7/8, in the absence of a suitable alternative site this would not amount to an over-riding in-principal policy objection to the proposals the subject of these appeals.

The AGI

14.4.42 In order to connect to the NTS the AGI needs to be located in close proximity to it. In so far as this element of the appeal proposals is located so as to take advantage of available capacity in the NTS it accords with NYMLP policy 7/7.

#### 14.5 **Whether the proposals would have an unacceptable visual impact on the landscape of this part of North Yorkshire, including views from and into the North York Moors National Park**

Policies

14.5.1 There are a number of policies in the plans and strategies comprising the development plan which address landscape matters [3.2 – 3.5]. YHRP Policy ENV10 states that the region will safeguard and enhance landscapes that contribute to the distinctive character of the region. The supporting text emphasises that development in areas adjacent to the National Parks must not prejudice the qualities of the designated areas.

14.5.2 NYMCS core policy C seeks to conserve and enhance the quality and diversity of the natural environment of the NYMNP. Core policy G seeks to conserve and enhance the landscape, historic assets and cultural heritage of the NYMNP. Supporting text to Development Policy 3, which addresses the approach to the design of development, emphasises that new development ... should ensure ... that the landscape of the park is conserved and enhanced. Development Policy 4 indicates that development within or immediately adjacent to a CA should preserve or enhance the character and appearance or setting of the area.

14.5.3 It is the aim of the NYMLP to limit the adverse effects of mineral extraction on the environment and local amenity. Policy 4/1 criterion (d) addresses

landscaping. It is an objective of the plan to protect areas of high quality landscape.

- 14.5.4 RLP policy ENV1 sets out criteria for assessing new development outside development limits, including the avoidance of adverse impacts on landscape. Policy ENV3 resists developments which would detract from the scenic quality of the Moors Area of High Landscape Value. Policy ENV7 addresses the landscaping of development.
- 14.5.5 Given its age, and the more recent publication for consultation of a draft Core Strategy for Ryedale <sup>[CD/E2]</sup> MEL questioned the weight to be attached to the RLP <sup>[7.32]</sup>. However, the importance placed on preserving the character of the Yorkshire Wolds and the Fringe of the Moors as areas valued locally for their natural beauty and scenic qualities continues in the emerging documentation, and does not conflict with the national objective of protecting valued landscapes as set out in the draft NPPF. While the Wolds and Fringe of the Moors areas may not attract the same level of protection as nationally designated areas such as the NYMNP or Howardian Hills AoNB, and while the draft NPPF continues previous national policy which encourages a hierarchical approach to such designations, that does not support setting aside the landscape protection afforded by the RLP.

#### The Well Site

- 14.5.6 As noted above <sup>[14.4.13]</sup> NYMNP accept that if these resources are to be exploited, then the most appropriate location for a production well site is that proposed in this scheme and that there is no other site capable of accessing these reserves which would result in a lesser environmental impact. Semi-permanent structures at the well site would be neither tall nor extensive in area covered. The compound, some 115m x 146m, would be enclosed by a 2.85m security fence. The local equipment room, located close to the southern boundary fence, would be some 10m square and 3.93m high, the associated CCTV tower 5.25m high, and satellite communication dish slightly lower.<sup>149</sup> The associated wellhead plant – two inhibitor ‘packages’ and the wellhead separator – would be free-standing ‘packaged’ plant units located closer to the wellhead. The largest of these would be some 5m wide, 15m long and some 4m in height save for emergency lighting columns some 6.1m high<sup>150</sup> and a single vent pipe some 7.3m high.
- 14.5.7 Although only partially screened in close proximity views from the public footpath immediately to the south of the well site, these structures would be well-screened in longer views by woodland to the north, north-west and east, and by a shallow belt of vegetation – Lingy Plantation - to the south. The structures would not be visible in longer views and would not have so significant a detrimental impact on the landscape of this part of NYMNP as to result in an unacceptable impact. In arriving at this conclusion I note that the Forest Enterprise felling plan does not contemplate the clear felling of forest trees to the north-west, north and north-east of the well

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<sup>149</sup> Application Plan 18761900-2 Rev.3

<sup>150</sup> Application Plan 18761900-7 Rev.1

site until 2047, which would be at least a decade after this gas production equipment would be expected to have been removed and the site reclaimed. Woodland immediately to the east would be felled in the period 2032 – 2037, while that further to the east would be subject to management by alternatives to clear felling [CD/Q2 – Sheet 19].

#### The pipelines

- 14.5.8 The impact of the pipelines on the landscape would be limited to the construction phase. There are no permanent surface features associated with the pipelines – the facilities for inserting or retrieving the ‘pigs’ being located within either the well compound or the GPF site. There is also no intention to excavate and remove the pipelines following the cessation of gas extraction.
- 14.5.9 Irrespective of where the gas was to be processed there would need to be a pipeline linking the production well to a processing facility. The route chosen in this case is acceptable to both MPAs and it is to be noted that while its construction will be noticeable in wider views of and over Wilton Heights for a substantial part of its route wider views are contained by existing woodland and forest. In any event, it is to be noted from experience elsewhere that the initial scars left by the construction of a pipeline quickly recover and leave little or no trace of the previous construction activity and there is no reason to suggest that that would not be the case here.
- 14.5.10 I conclude that the construction of the pipelines would not result in an unacceptable visual impact on the landscape through which it would pass.

#### The Access

- 14.5.11 The proposed new access on to the A170 would have a visual impact for the life of the development. For road users the principal impact would be limited to the appearance of the access at its junction with the A170, together with views down the access towards the former railway embankment; a distance of some 1,000 m. The bell-mouth and first section of access road would be of sufficient width to allow HGVs to pass, narrowing to a single 3m carriageway with passing bays for the remainder of its length. Views of this linear feature would be partially screened from the east and west by the hedgerow along its eastern edge and the proposed earth bund along its western side. From the highway the bell-mouth would have the appearance of the type of access provide to modern industrial or commercial enterprises, and to some larger agricultural enterprises. This would be in contrast to the current appearance of this part of the AHLV with its traditional hedgerows and field gateways. However, taking into account the various changes in width and alignment on the A170 this new access would not appear especially incongruous.
- 14.5.12 Public views from the rising ground to the north are limited. There would, however, be clear and uninterrupted elevated views from parts of the bridleway to the north-west of Wilton. From here there are wide and attractive views over the VoP. The lengthy access would appear as an artificial and ‘engineered’ feature within the AHLV and as such would appear out of keeping with the character of this rural area and in conflict

with local policies which seek to protect the AHLV and the appearance of the countryside in general. This weighs against the proposal. However, there are no other suitable alternative means of access to the GPF site and, in view of the limited number of public viewpoints from which the access would be seen, if the appeal proposal is otherwise acceptable the harm by way of the visual impact of the access would not be so great as to warrant a refusal of planning permission for that reason alone.

The GPF

- 14.5.13 The activities and processes undertaken at the GPF would be industrial in nature, with tanks, towers, vessels and pipe-work of a type and form one would anticipate seeing at any industrial plant dealing with hydro-carbons, although clearly not as massive or extensive as those associated with modern petro-chemical works. The largest of the proposed buildings, the compressor building, would have a ridge height of some 10.25m, a width of some 15m and a length of some 20m. The various vessels and stacks, with their attendant pipework, would have heights varying between 10m and 15.5m. The ground flare would be contained within a substantial circular structure some 15m high and 7.5m wide. The whole complex would be enclosed by a security fence some 2.85m high.
- 14.5.14 The nature of this proposed industrial development would clearly be out of keeping with the character of the local landscape which is one of hedgerow-lined open fields with some hedgerow trees and occasional pockets of woodland.
- 14.5.15 For the appellants, reference was drawn to a number of substantial modern agricultural buildings at farm holdings in the locality. One of the largest of these is at Charity Farm, about 1km south of the GPF site, and also accessed from Hurrell Lane. The group of barns at this farmstead are visible in various views from local bridleways and other public rights of way. In some longer views, for example from the A170 in the vicinity of the proposed access, and from the bridleway across Wilton Heights the extensive roof structure of one of the barns at this farm is a particularly conspicuous feature.
- 14.5.16 I also saw that there is a similarly large modern barn at Wath Hall Farm, Low Marishes, some 6km south-east of the GPF site, as well as other substantial, albeit smaller, modern barns at the farmsteads at Willow Grange and Derwent Farm. Derwent Farm also has a tall and conspicuous grain silo. While these are all examples of substantial farm buildings set within the flat and relatively open landscape of the VoP they are all unmistakably agricultural in appearance and, while much larger and generally less attractive when compared with traditional agricultural buildings, do not appear unacceptably out of place because their shape, size and appearance reflect their use and the requirements of modern agricultural practice.
- 14.5.17 While the compressor building would not be significantly taller than some of the newer barns, and the switch-gear room somewhat lower, they would have the appearance of industrial premises. More significantly, the various stacks, processing plant, and associated pipe-work would in places be substantially taller and would have an industrial appearance totally

different to that of buildings and structures on the farmsteads referred to above.

- 14.5.18 The ZVI plans <sup>[MEL/4/3 – Figs.LT4+5]</sup> suggest that the compressor building would be visible primarily in views to the south and south-east, with restricted views from the rising ground due north in the area of Thornton High Fields. The principal reason for the abrupt cut-off of the majority of views from the north is the presence of the embankment to the former railway line which runs along but within the northern boundary of the GPF site; the central and eastern end of that length of embankment having the benefit of mature tree growth greatly increasing screening when those deciduous trees are in leaf.
- 14.5.19 What is less clear is the extent to which other taller structures on the site, some exceeding 15m in height, would be visible in wider views from the north. The land to the north of the GPF site rises moderately towards the A170, and then more steeply across Thornton High Fields and Wilton Heights. These areas, which exceed 100m AOD, compare with the elevation of the GPF on the edge of the VoP at some 23m AOD. There would be views of some of these taller structures from the public footpaths to the west of Outgang Lane above Thornton-le-Dale because of the limited screening afforded by the trees on the railway embankment. They would also be likely to be visible in views from Wilton Heights and within Wilton village to the north-east; all areas that fall within the AHLV and whose southern boundary here follows the railway embankment.
- 14.5.20 Attention was drawn to the way in which the Knapton Maltings are a conspicuous and unattractive feature within the VoP clearly visible from the Fringe of the Moors AHLV. While that is true it is not a reasonable comparison. Those structures are both substantially taller and more massive than the GPF plant. Their site is also exposed and generally unrelieved by any form of screen planting. The roadside planting that does exist only screens the lower levels of that site and not the overall scale and mass of these structures.
- 14.5.21 To the south of Wilton along that section of Cliff Lane south of the former railway, there would be clear views of the plant, albeit seen against the rising ground of Harrow Cliff immediately west of the GPF site.
- 14.5.22 In views from the various footpaths to the south and south-west the plant would be seen mainly against the backdrop of the railway embankment trees, although those taller parts of the plant would break the tree line they would then be seen against rising land of the Fringe of the Moors AHLV and the NYMNP further to the north. Other than when viewed from the close proximity of New Ings Lane these structures would not break the sky line.
- 14.5.23 From the south-east the plant would be seen against the backdrop of rising land towards Harrow Cliff and Thornton-le-Dale. However, from the public rights of way crossing Wilton Carr, which are at a distance of 1.5 to 2 km from the site, the upper parts of the plant would be visible as the intervening vegetation is limited to field boundary hedgerows with occasional hedgerow trees.

- 14.5.24 The former railway embankment is some 5m high and, but for two short gaps, runs the full length of the northern boundary to the GPF site. For some  $\frac{2}{3}$  of its length it is tree-covered, providing a screen some 15m high [MEL/5/2 – App.LT1 photos A + B]. The western  $\frac{1}{3}$  has vegetation on the side of the embankment but its screening effect is provided solely by the remains of the embankment.
- 14.5.25 The bulkier elements of the plant, other than the ground-flare stack and compressor building, are generally of a limited height and so centrally positioned on the site that they would generally be screened from northerly views by the embankment trees. Those bulkier elements would not be seen in views from the A170 except in winter, and even then those views would not be clear or prominent due to the density of the woodland on the embankment. Ground-level equipment would be screened by the former railway embankment.
- 14.5.26 I am satisfied that, for the most part, the plant would not be visible in views from residential properties in Thornton-le-Dale to the north-west of the GPF site. There would, however, be views of the western part of the GPF from that part of Hurrell Lane serving the south-facing bungalows sited on the southern side of the Hurrell Court complex and located a little over 1km north of the GPF site.
- 14.5.27 The proposals provide for additional woodland and hedgerow planting along the southern, eastern and western boundaries, and along part of the hedgerow that currently divides the GPF site into two fields. The quality of the soils here is such that this planting would quickly establish itself. It would, however, take a number of years before it is was of sufficient height to screen the longer distance views of the upper levels of the plant. The likely impact of attempts to improve the screening effect of the western part of the former railway embankment are less certain. Soils on the sides and tops of such embankments are often thin, the main structures often being composed of ash and imported materials favoured at the time for their 'engineering' competence rather than plant growth potential.
- 14.5.28 For those viewing the site from close proximity, allowing the currently trimmed hedgerows, which are mature, to grow up would have a relatively speedy impact, albeit limited by the relative narrowness of these hedges. However, this would have limited impact on the wider views referred to above.
- 14.5.29 My overall conclusion on the impact of the proposal on the wider landscape is that the GPF would introduce an obviously industrial plant into an area of generally open countryside, that parts of that plant would remain visible and incongruous features for most of its intended life and that it would appear out of keeping with the surrounding rural countryside of the VoP to the south and fringe of the moors AHLV to the north. It would therefore conflict with NYMLP Policy 4/1 and RLP ENV1.
- 14.5.30 The GPF falls within the locally defined landscape area 'K' referred to as linear vale farmland. Arguments as to whether the GPF site should have been included in the open vale farmland character area H rather than area K have little bearing on the analysis of the impact of this development on those areas. The landscape character assessment for area K 'Linear Vale

Farmland', is that *'the relatively high hedgerow and tree cover of the area provides a landscape that has a largely enclosed character, which could possibly accommodate small scale, well sited and sympathetically designed development. However, the historic field pattern that characterises this area is highly vulnerable to damage and loss, particularly given its location in the midst of highly productive farmland. The landscape should be viewed as highly sensitive to change'*.

- 14.5.31 I saw that, in contrast to the areas of the VoP further to the south and east, those fields immediately surrounding the GPF site were bounded by substantial hedgerows and, by comparison, engendered a greater sense of enclosure. However, that sense of enclosure also varies dependant on the extent to which those surrounding hedgerows, as at the appeal site, are kept well trimmed. Notwithstanding that variation, of greater significance is the fact that the GPF cannot reasonably be said to be either small in scale or sympathetic in design. It is a substantial industrial complex with a built form of some 150m x 100m and is not capable of being readily accommodated within this landscape.
- 14.5.32 Although the NYMNP boundary follows the western side of Hurrell Lane north from the appeal site, and west along the alignment of the former railway line, there are no public vantage points within the NYMNP that would give close views of the GPF, although limited views would be available from that part of Longlands Lane which lies on rising ground some 900m north-west of the site. As already noted, when approached from the south the GPF would be seen against the backdrop of the rising ground to the north, the locally designated Fringe of the Moors AHLV. However, it would have little impact on views of the NYMNP, whose boundary to the east of Thornton-le-Dale, runs in a north-easterly direction towards Givendale Head along a ridgeline. To the extent that the NYMNP is visible in these views, it is as a fringe of woodland above the Linear Scarp Farmland and High Eastern Farmland of the AHLV.
- 14.5.33 For the NYMNPA emphasis was placed on the potentially detrimental impact on the setting of the NYMNP. While it is appropriate that proposals outside but close to the boundary of a national park should be assessed against their impact on that park, in this instance, other than with regard to the limited visibility from certain parts of Thornton-le-Dale described above, the plant on the GPF site would not be visible from within the NYMNP. Moreover, to the extent that the Fringe of the Moor AHLV forms a setting for the NYMNP here, there would be few places where the GPF would intrude into views from public vantage points across the AHLV and towards the NYMNP. I conclude that the proposal would not have a seriously detrimental impact on the setting of the NYMNP. I also conclude that the Major Development Test to be applied to proposals in or close to a national park would not be failed by these proposals.
- 14.5.34 In arriving at this conclusion I have taken account of the potentially detrimental effect of security lighting at the GPF. The NYMNP and VoP are areas where dark skies predominate, although there are exceptions and I saw that lights at Snainton Golf Club, when switched on, produced a sky glow clearly visible from Hurrell Lane and the GPF site some 8km to the west. Irrespective of the legality or other wise of that installation, it does

highlight the detrimental impact inappropriately designed, sited and controlled lighting can have. Permanent fixed security lighting will clearly be necessary for the GPF plant. However, I am satisfied that the luminaires can be so designed and located as to ensure no sky glow is created and that the lighting elements would not be visible beyond the site and that 'Dark Skies' standards can be achieved. It is also to be noted that the issue of external lighting is the subject of an agreed condition.

- 14.5.35 Concerns were raised by some local residents that the GPF would have a detrimental impact on views of the NYMNP from the higher ground on the southern side of the VoP. While these are very attractive views, they are panoramic views from a distance of 10km or more from the GPF site. The taller parts of the plant, if seen, would be seen against the rising ground of the Fringe of the Moors AHLV and would be neither conspicuous nor overtly detrimental to the quality of these panoramic views.

The AGI

- 14.5.36 The AGI would have no significant impact on the landscape. The two compounds would together extend to some 47m x 40m. The compounds would be surrounded by 2.85m high security fencing. Within the MEL compound there would be an instrumentation room 4m x 2m and some 3m high. Within the NTS compound there would be an attached pair of similar sized units<sup>151</sup>. They would be somewhat smaller than the agricultural building fronting New Ings Lane to the east and although obviously associated with some infrastructure use because of their containment within a security fence, would not appear significantly out of keeping when compared with other small agricultural buildings in the locality.

**14.6 Whether the proposals would have an unacceptable impact on the amenities of local residents and visitors to the area.**

- 14.6.1 Prior to the inquiry RDC, on behalf of NYCC, were concerned that there was insufficient information to conclude that noise from activities on the site would not result in detrimental impacts on amenity. Outside inquiry time that matter was further addressed and NYCC and AGHAST satisfied that subject to the imposition of appropriate conditions, uncertainties with respect to potential noise nuisance had been adequately addressed<sup>[7.136]</sup>. Conditions, based on noise levels not to be exceeded (a) between 07.00 and 19.00 on weekdays, and (b) at all other times, at 4 specified monitoring locations at the corners of the GPF, and a noise attenuation scheme for the GPF site, together with monitoring schemes for the GPF and wellhead sites, were agreed.
- 14.6.2 Gas from the ES-1 well will contain hydrogen sulphide, and a major component of the plant is equipment designed to produce elemental sulphur as a valuable by-product. Local residents are understandably concerned that operation of the plant should not result in odours escaping and resulting in detrimental impact on the amenities of local residents and tourists. I accept that, of the various factors that tourists coming to this locality seek, fresh air is an important quality of the NYMNP and VoP.

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<sup>151</sup> Application Plans 18761960-1 + -2 Rev.1

Uncontrolled releases of hydrogen sulphide have, therefore, the potential to have a greater impact on tourism locally than any other aspect of these proposals. As noted by AGHAST, the importance of tourism to this locality, and North Yorkshire in general is such that any material reduction in the numbers of visitors as a result of the failure of the plant to operate properly and without odour problems would be likely to far outweigh the local financial benefit of the scheme <sup>[10.70]</sup>.

- 14.6.3 This project is a Part1A development and will require an environmental permit from the EA under the 'environmental permitting' regime of the Environmental Permitting Regulations 2010 <sup>[7.147]</sup>. Typical conditions to be imposed by the EA are set out in its Odour Management Guidance Note H4 <sup>[CD/A31]</sup> and include, inter alia, a boundary condition requiring no pollution beyond the site boundary, as well as conditions requiring compliance with an OMP where odour is a potential problem. The appellant's OMP sets out the BAT to be applied to each process and is the basis on which agreement was reached with the authorities. The SoCG states that *'NYCC and NYMNPA do not raise any concerns to justify an objection to the application on air quality grounds.'* <sup>[CD/M1 – para.16.6]</sup>.
- 14.6.4 PPS23 makes it clear that the planning system should not duplicate the pollution control system and that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced <sup>[CD/A14 – para.10]</sup>. In this context, while it is acknowledged that the VoP is subject to temperature inversion weather conditions on occasions, I conclude that an odour boundary condition, and the installation of plant designed to comply with such a condition, would ensure no off-site odour problems. This is clearly important in the context of these proposals given the importance of Thornton-le-Dale as a focus for tourism.
- 14.6.5 Given the importance of the avoidance of odour problems here I have considered whether, in the event of a planning permission being granted, that planning permission should in any event include an odour boundary condition. However, the Environmental Permitting Regulations require the control of pollution, including odour, and I am satisfied that a condition in the form contained in the guidance, would be imposed. I shall, therefore, not recommend such a condition be attached to any planning permission.
- 14.7 **Whether the perception of risk from the operation of the proposed gas processing facility, or the associated pipelines, amounts to a harm sufficient to justify a refusal of planning permission.**
- 14.7.1 The transportation of gas under pressure by pipeline is a common feature of current energy infrastructure in both the UK and abroad. To the extent that all such pipelines carry an element of risk with their operation there is nothing to suggest that the chosen pipeline route is somehow of particular risk or represents a special danger. For much of its length it follows the alignment of a previous pipeline transporting gas from wells to processing facilities; pipes that continue to be used, although now as part of the regions gas supply system.
- 14.7.2 While I note the concerns of local residents raised in oral statements and as presented on their behalf by AGHAST as to the particular hazard

presented by 'sour gas' due to the toxicity of hydrogen sulphide, 'sour gas' is already carried under pressure by pipelines transporting gas from the VoP wells to the gas processing and electricity generation facility at East Knapton. Moreover, the pipeline which formerly connected the wells at Ebberston Common to the processing plant at Pickering followed a route that took the pipeline far closer to residential properties than would be the case with the appeal proposal, and was also a significantly longer pipeline. There is no suggestion that there had been any problems of events leading to an emergency associated with the operation of those 'sour gas' pipelines. Similarly, the length of pipeline connecting the GPF to the NTS is commendably short and located well away from any residential property.

- 14.7.3 A number of local residents expressed fear and apprehension at the prospect of the GPF being located so close to Thornton-le-Dale. These fears related to the consequences of an explosion at the processing facility and the consequences of a major release of hydrogen sulphide.
- 14.7.4 Following detailed discussions between representatives of MEL and NYCC, which included a view of consequence analysis by Gexcon and information provided by the appellant, NYCC reached the view that MEL is undertaking appropriate assessments of the safety risks from the Ebberston and Hurrell Lane sites. No opinion is given on behalf of MEL at this time on risk to life as it is considered that this will be given by the duty holder (MEL) as part of due process involving other regulatory requirements and regimes. NYCC's objection on the grounds of MEL's failure to provide adequate information on safety risks was then withdrawn <sup>[6.14 + 7.144]</sup>.
- 14.7.5 MEL is fully aware of its need to apply for various consents and permits under other legislation before the plant can be either constructed or commissioned <sup>[7.140 + 7.147]</sup>. In accordance with national guidance which sets out to ensure that planning controls do not duplicate the controls rightfully administered by the HCA, the HSE and others as appropriate <sup>[7.148]</sup>, I have no doubt that these controls will be effectively applied to ensure that the plant and its procedures are so designed and implemented as to achieve safe operation for both the employees on site and the wider public in the local community.
- 14.7.6 Fear as to the potential impact of an emergency event can be a material consideration in the determination of a proposal. However, the weight to be attached to those fears, and whether that would be sufficient to justify refusing planning permission, would need to reflect the degree to which those concerns relating to the running of a GPF plant would be addressed under COMAH regulations and other permit systems. The processing of natural gas prior to use or onward transmission is not a new or novel activity. Within this part of North Yorkshire it is obviously undertaken currently at East Knapton, and was previously undertaken at the former site close to the urban area of Pickering. In the context of the accepted location of GPF elsewhere I conclude that residents' fears associated with the potential use of this site for a GPF should carry only limited weight and, in general terms, do not amount to a strong argument for dismissing these appeal proposals. With respect to arguments that there are no examples in the UK of the specific form of the sulphur extraction process and plant to be used here, and that it is therefore a novel process, is a matter for those

authorities tasked with authorising the safe use of such plant and equipment. The plant and process will not be permitted unless those authorities are satisfied that it will be safe to do so.

**14.8 Whether the measures proposed would be sufficient to ensure the satisfactory restoration of the sites following cessation of gas extraction**

- 14.8.1 It is MEL's intention to remove all above ground structures, hardstandings and the access road. It would purge and leave in place the below ground pipelines etc. As they note, this is normal practice for gas infrastructure sites. The site would be restored to agricultural use <sup>[7.98]</sup>. Neither NYCC nor NYMNPAs argued that their respective parts of the appeals site could not be suitably restored, although AGHAST raised concern as to the likely adequacy of final restoration and expressed the view that the site of the former GPF at Pickering, although returned to agriculture, had not been restored to a standard equivalent to the quality of the land prior to that development.
- 14.8.2 On this latter point it is generally accepted that the standards of restoration, both expected and achieved, are much higher than in the 1980's. More importantly, restoration schemes are now expected to be submitted and approved prior to development commencing so that all parties to the development are aware of what needs to be done in the way of protection and storage of soils necessary to achieve the required quality of restoration, and a condition to that effect has been agreed.
- 14.8.3 In view of the multiplicity of land ownership interests over this extensive site, and the potential for the gas field developer to change over the life of the development, NYCC were particularly concerned to ensure that there was sufficient financial support in place to enable restoration to take place, at whichever time was deemed appropriate, without recourse to public funds. This concern related principally to the GPF site and its access. It was accepted that issues relating to the restoration of the well site could be adequately addressed by condition.
- 14.8.4 MEL emphasised that the company was subject to international financial reporting standards which require it to make provision in its accounts for future liabilities, and that it would also have to satisfy DECC of its financial standing before being granted field development approval <sup>[7.100]</sup>. However, MEL also expressed sympathy for these concerns, undertook to address them during the inquiry, and then prepared and subsequently amended a unilateral undertaking. I address these matters in section 15 below. My conclusion on the unilateral undertaking is that it addresses the concerns of NYCC both in the provision of appropriate finance and application to successors in title in the event of MEL not being the developer at the time of restoration, whether that be at the end of the life of the permission, or after the premature cessation of gas processing.
- 14.8.5 On this matter I conclude that the measures proposed would be sufficient to ensure the satisfactory restoration of the sites following cessation of gas extraction.

## 14.9 Whether there are alternative sites for the location of the GPF

14.9.1 As part of the preparation of the ES MEL addressed the issue of alternative sites for the GPF [CD/H1 – Chapter 5 + Fig.5.1]. In addition to a GPF and power station at the well site – producing electricity for the national grid, sites for a GPF were considered to the south of Givendale Head Farm, at Wilton Heights Quarry and Caulklands Quarry, at Broadmires Lane south-east of Thornton-le-Dale, adjacent to the Pickering NTS site, at East Knapton Generating Station, and at Hurrell Lane.

14.9.2 Several local residents suggested that any GPF should be located on industrial land and noted that land adjoining industrial units on the south-eastern side of Pickering had previously been the location of a natural gas processing plant associated with the original exploitation of gas at Ebberston Moor. That location suffers from proximity to both residential properties and other businesses on the industrial park. The authorities were unable to point to any other allocated industrial land that could be used for a GPF, neither did they express any strong support for any of the alternatives other than the existing site at East Knapton. I am satisfied that, other than that latter site, there are no other sites within reasonable proximity to the well site as defined in the 'study area' that could accommodate the GPF.

### East Knapton

14.9.3 As noted above the East Knapton site does not currently contain plant capable of processing the gas for onward transmission to the NTS, nor is it served by an interconnecting pipeline. It is now an issue before this inquiry because Third Energy, the new owners of the East Knapton facility, have recently submitted a screening request with respect to its intended development of gas resources at the Ebberston Moor and Wykeham (Northern) field and VoP field. That development, if proved feasible, would consist of the drilling of additional development wells in both gas-fields, the construction of pipelines from the northern field to East Knapton and from East Knapton to the NTS, and the expansion of the GPF at East Knapton to allow both continued energy generation in the form of electricity and gas export to the NTS [CD/G5 – 2.2].

14.9.4 The authorities and many of those other interests opposed to the appeal proposal point to the existing power generation plant at East Knapton and suggest that the appeal proposal gas well should be connected to that plant, with the gas burnt at East Knapton, or processed there and then directed back to the NTS. They consider that this site, which is well screened and located somewhat further from the NYMNP will have far less impact on the landscape in the vicinity of the NYMNP and the AHLV.

14.9.5 While NYCC claim the appeal proposals conflict with NYMLP Policy 7/7 this is on the basis that the plant and facilities at East Knapton can and will be upgraded. It should be noted that the time limited planning consent for operations at East Knapton granted for 15 years in 1993, and extended by RDC in 2006, expires in 2018 and there is no commitment by RDC for any extension to that permission. NYCC, as MPA, would become the determining authority for the new gas-wells, pipelines and processing facilities in the event of the development currently envisaged in the

scoping request coming forward as a planning application unless the scale of development or length of pipeline required would result in the proposal being dealt with by the IPC under the 2008 Act. On the assumption that NYCC/NYMNPA would determine the applications (some additional wells and parts of the pipelines being within the NYMNP) neither authority is currently in a position to make any commitment towards the approval of such a scheme.

- 14.9.6 This raises the issue of timescale. With regard to the VoP development the screening request notes that *'this expansion is entirely dependent upon early drilling success and economic feasibility of additional development'*. It goes on to note that *'if the developments are feasible'* they will involve the drilling of additional development wells, and these will require separate planning permissions. Alternative routes for the additional pipelines are indicated in the screening request but it is emphasised that these should only be regarded as conceptual due to the environmental and archaeological constraints that would need to be addressed. It is also clear from the screening request that these proposals, described as *'a major expansion of the company's operations'* <sup>[CD/G5 – 2.1]</sup> are at a very early stage and that the screening application is one of the first steps. There is, therefore, considerable uncertainty at this stage as to the extent to which the various elements of these proposals will be pursued, and over what timescale(s).
- 14.9.7 NYCC claim that the delay would be only some 18 months, or 2 years at most <sup>[8.3.6]</sup>. There is no evidence before this inquiry to support that assertion and to do so on the basis of details contained in an initial screening request which itself expresses considerable uncertainty is unhelpful. The history of local decision making with respect to such proposals does not give one confidence that any determination would be made within these timescales, whether in favour or otherwise. Equally important is the work that Third Energy would need to do to be able to put forward firm proposals for the redevelopment of the East Knapton site. These would include the sinking of development wells in both the VoP and in their 'Northern' field to prove/confirm the extent of the resources to be exploited. This in turn would influence both the capacity and form of plant to be installed at East Knapton, and also the route and timing of pipelines to serve the Northern field. The uncertainty of this latter requirement is highlighted by Third Energy who state that the alternatives should be regarded as conceptual at this stage <sup>[CD/G5 – 2.3]</sup>. Moreover, of the routes shown, two of them start within PEDL120 – the area licensed to MEL. These proposals are clearly at a very early stage in their development.
- 14.9.8 This is also confirmed by information contained in Appendix II to the screening request which states that Third Energy *'is currently preparing a number of short-term well workovers and side tracks to improve the present level of production'*. This confirms MELS understanding from contacts with Third Energy that its management focus is initially on improving output from its existing production wells in the VoP. The appendix also goes on to state *that 'the company is also looking at longer term plans to expand VoP production and bring the Northern Fields on stream again'*.

- 14.9.9 Guidance on the consideration of alternatives in relation to energy infrastructure is set out in NPS-EN1 <sup>[CD/A-3]</sup>. While this is guidance to the IPC for considering schemes of national significance, the NPS also advises that its guidance can also be relevant to smaller proposals coming forward through the 1990 Act planning system. This guidance indicates that *'the IPC should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale as the proposed development; and, alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the IPC's decision'* <sup>[7.108]</sup>.
- 14.9.10 One of the starting points for national policy is that there is an urgency of need for new energy infrastructure. It is accepted that while the gas reserves here are small in comparison to off-shore finds, in the context of local energy demand they are not insignificant. I conclude that these are not circumstances where it would be appropriate to set aside the guidance contained in NPS-EN1.
- 14.9.11 While I note the suggestion on behalf of NYCC that a refusal of permission for the appeal proposals would automatically result in MEL and Third Energy working together on some combined scheme of benefit to both this appears hopeful in the extreme. MEL has no interest in the East Knapton site as either a landowner or plant operator. Equally, Third Energy has no interest as a licensee in the reserves in PEDL120. There is clearly uncertainty as to the timescale of appropriate development and I do not accept that the emerging range of options put forward by Third Energy in its screening request represent proposals with the same capacity and same timescale as those for Hurrell Lane. While the principles underlying the options are clear, important details on which necessary conclusions could be based are vague. NYCC acknowledge that the proposals constituting the screening request from Third Energy are currently vague, unsubstantiated and at an early stage in their development <sup>[8.35]</sup>. I conclude that the potential developments set out in the screening request do not represent a reasonable alternative to the appeal proposals in the form or state anticipated in the national guidance as constituting an alternative to be considered.
- 14.9.12 Irrespective of whether Third Energy and MEL would be in a position to work together there is clear disagreement between MEL and NYCC as to whether the East Knapton site would be large enough to contain the plant necessary for both companies. While I note NYCC's view that technically the site is big enough, it clearly could not contain the plant proposed by MEL for the Hurrell Lane site. Moreover, Third Energy's screening request notes that the new facilities would occupy a slightly larger area than the current office complex, that it was expected to be located in that position, and that the office complex and control room would be displaced and need to occupy part of the area currently used as the site car park <sup>[CD/G5 – 2.3]</sup>. No timescale is indicated in relation to these complex changes to the operation of the East Knapton site.
- 14.9.13 I place little weight on NYCC's suggestion that MEL could occupy land adjacent to the East Knapton site. Such a proposal would clearly be

contrary to RLP policy EMP15 which states that further development around the power plant at East Knapton will only be permitted where, inter alia, it is situated wholly within the existing site boundary. Para.6.13.2 of the RLP also notes that, due to the flat open aspect of the site, it would also be likely to have an adverse effect on the landscape of the surrounding area.

14.9.14 I am not persuaded by MEL's argument that there are significant technical difficulties associated with a longer pipeline to East Knapton in that it needs to cross under an operational railway line and the River Derwent, and that the VoP has a different surface geology to the rising ground north of the proposed GPF. These are not unusual circumstances for the onshore pipeline industry to address, although from the point of view of both maintenance and the reduction of risk to ALARP standards, it is accepted that the shorter the length of necessary pipeline connecting a gas well to a GPF the better.

#### **14.10 Whether the local and national benefits of the exploitation of the gas reserves are sufficient to outweigh the harm set out above**

14.10.1 NSP-EN-1 notes that decisions on gas supply infrastructure are initially a commercial matter for gas market participants. They will assess their requirements for additional capacity. *The nature of that capacity (as between indigenous production, imports and storage)....are all commercial matters* <sup>[CD/A3-3.8.20]</sup>. The fact that a PEDL has been granted – in this case to MEL – reflects continuing national support for the exploitation of indigenous gas reserves irrespective of their size <sup>[7.45]</sup>. This also reflects the Government's response to the Wick's Review which indicated that it is committed to maximising the economic production of the UK's oil and gas reserves <sup>[7.25]</sup>.

14.10.2 For MEL and the authorities the need for an increase in gas supply infrastructure in the UK is agreed <sup>[6.13]</sup>. For AGHAST it is accepted that Government seeks to encourage the production of indigenous resources where it is technically feasible, economic, commercial and environmentally sustainable <sup>[10.71]</sup>.

14.10.3 NYCC draw attention to the contrast between the income to the company of the wider gas resource – a gross figure of the order of £1 billion <sup>[8.6]</sup> – with its benefit value to the local economy of £1m/pa and the value of tourism to the local economy of £387m/pa <sup>[8.7]</sup>. In these terms the contribution of the scheme to the local economy is small. A number of local residents also point out that they would gain no direct benefit from the scheme as their villages are not served by any local domestic gas supply network.

14.10.4 What that income sum of £1 billion also represents is the value of the gas resource in this part of the NYMNP to the national economy in terms of indigenous reserves that could displace imports.

14.10.5 For the authorities it was argued that the only benefits that could be taken into account in assessing the balance with any harm associated with the proposals were those benefits associated with developing well ES-1. MEL acknowledged that it could not ask the Secretary of State to take account

of the benefits of development that is not included in its current planning application, and noted that the annual value of the gas produced from ES-1 would be some £37.5m and a rate of supply equivalent to the annual energy needs of over 75,000 dwellings <sup>[7.52]</sup>. However, the application does include the opportunity for the GPF and pipelines to facilitate the recovery of further reserves. These reserves would be likely to give the whole facility a production life approaching 20 years <sup>[7.50]</sup>.

- 14.10.6 To fail to take these additional non-monetary benefits into account would be perverse. NYMLP policy 7/6 and supporting para.7.5.5 address the issue of and support for the integration of proposals for the exploitation of a gas field notwithstanding the difficulties created by the licensing system. While the authorities have criticised MEL for not producing a 'development scheme' I have already concluded that MEL's approach addresses the spirit of this policy within the information constraints placed on it by the licensing system. There is clearly a value to be placed on a scheme that would enable other locked-in reserves to be exploited, albeit that one cannot place any monetary value on the benefit at this time
- 14.10.7 While NYCC and AGHAST draw attention to the short life of the resources of ES-1, AGHAST pointing to a period of between 3¾ and 4¾ years <sup>[10.74]</sup>, this assumes that the gas resource would be exploited as speedily as possible. With the increase in infrastructure for wind energy, for example, there is an increasing need to be able to use gas reserves flexibly to respond to those occasions when wind power fluctuates <sup>[EN-1 para.3.3.11]</sup>. In this regard onshore gas resources are better placed than off-shore due to the longer time delay for those gas resources travelling greater distances such as from the northern North Sea and Norway; an issue also addressed in national policy <sup>[EN-1 para.3.8.12 + 19]</sup>. MEL has been quite open in its explanation of both the variations in output that are anticipated to reflect both time of the year and variation in demand, and the provision of a scale of plant which would be capable of accommodating the output from other wells within the NYMNP whether those be an additional well at the ES-1 site, other existing capped wells in neighbouring licensed areas or wells yet to be drilled in those areas <sup>[7.51]</sup>.
- 14.10.8 MEL has drawn attention to the fact that Third Energy, at the East Knapton site, appears subject to the contractual requirements of Scottish Power for the disposal of its generated electricity and argues that, in the event of MEL being required to pipe its gas to the East Knapton site, it would constrain MEL's ability to determine how and when its gas could be used. It was further claimed that such constraints were both anti-competitive and would make MEL's development of the ES-1 resource unviable.
- 14.10.9 NPS EN-1 notes that a great strength of the British gas market is the way that separate commercial decisions, by a number of separate companies, contribute to the overall diversity of our gas supply, promoting secure supplies at competitive prices <sup>[CD/A3 – 3.8.13]</sup>. However, as that guidance also notes, these are essentially commercial decisions for the market participants. To the extent that there is a wider benefit in the context of these appeal proposals, the supply of gas to the NTS permits a more flexible end use of that gas compared with immediate electricity production.

- 14.10.10 It is also to be noted that, with respect to RLP policy EMP15, para.6.13.3, which addresses the issue of further development at the East Knapton site, states that *development proposals which increase the fossil fuel supply capacity of the plant will be expected to include measures for recycling the waste heat produced for heating local homes or businesses*. Such an approach clearly accords with current national aims with respect to energy efficiency but, in view of its relatively isolated location, this requirement may well be difficult to achieve. MEL's proposal to supply gas direct to the NTS avoids such constraints.
- 14.10.11 The proposals would create temporary jobs for some 150 people and permanent posts for a further 23. The offer of 10 post gas-production apprenticeships would be over and above those numbers. These are not large numbers, and it is accepted that many of the skilled construction workers would be likely to be brought in by the contractors, while the permanent skilled posts were also likely to be filled by already experienced staff from outside the area. Nonetheless, some local jobs would be created. Equally importantly, at a time of national economic difficulty, existing skilled employees would be retained and have job security for the life of the project.
- 14.10.12 In arriving at a balanced recommendation in this case it is necessary to weigh the benefits of these proposals against the various impacts assessed in the previous sections of these conclusions.
- 14.10.13 With respect to the well site it is accepted that there is no environmentally superior site for the location of a well to exploit these particular gas resources. I have concluded that activities associated with the operation of well ES-1, while visible in some close-proximity views, would not result in unacceptable adverse environmental impacts or conflict with the policies of the adopted NYMCS.
- 14.10.14 With respect to the pipelines I have noted that insofar as the pipelines are a necessary adjunct to the location of the GPF at Hurrell Lane, and the obvious statement that without the GPF there would be no need for the pipelines, the route chosen is acceptable to NYCC and NYMNP, and I conclude that their construction is a temporary event whose visual impact would be short lived. I have further concluded that the construction of these pipelines would not conflict with the policies of the NYMLP nor, to the extent that a short length of pipeline would lie within the NYMNP, result in material harm causing conflict with the NYMCS.
- 14.10.15 With respect to the safety of the access from the A170 I have concluded that the detailed design meets required standards and is acceptable. With regard to the impact of the access road on the landscape as it crosses the AHLV, I have concluded that it would be visible from only a limited number of public view-points; the most significant being the elevated view from the bridleway north-west of Wilton. From this location the access road would appear to be an artificial and 'engineered' feature somewhat out of keeping with the character of this part of the AHLV and as such would be contrary to policies which seek to protect the quality of that landscape. I have also concluded, however, that there are no other suitable alternative means of access to the GPF site and, in view of the limited number of public viewpoints from which the access would be seen, if the appeal proposal is

otherwise acceptable the harm by way of the visual impact of the access would not be so great as to warrant a refusal of planning permission for that reason alone.

- 14.10.16 My overall conclusion on the impact of the proposed GPF on the wider landscape is that it would introduce an obviously industrial plant into an area of generally open countryside, that parts of that plant would remain visible and incongruous features for most of its intended operational life and that it would appear out of keeping with the surrounding rural countryside of the VoP to the south and fringe of the moors AHLV to the north. It would therefore conflict with NYMLP Policy 4/1 and RLP ENV1. I have further concluded that the GPF would not cause visual harm to the NYMNP, nor would it fail the National Parks major development test.
- 14.10.17 NYCC and NYMNPA have indicated that they do not raise concerns justifying an objection on the grounds of impact on air quality. However, local residents are understandably concerned that the plant should not result in unpleasant odours escaping and resulting in detrimental impact on the amenities of local residents and tourists. I accept that, of the various factors that tourists coming to this locality seek, fresh air is an important quality of the NYMNP and VoP. However, this project is a Part1A development and will require an environmental permit from the EA under the 'environmental permitting' regime of the Environmental Permitting Regulations 2010. Typical conditions to be imposed by the EA include, inter alia, a boundary condition requiring no pollution beyond the site boundary, as well as conditions requiring compliance with an OMP where odour is a potential problem and I am satisfied that this potential problem will be appropriately controlled by the EA.
- 14.10.18 In the light of the above I finally conclude that the national, and more limited local benefits of the scheme are sufficient to outweigh the more limited harms by way of visual impact on the landscape and, in the absence of an alternative scheme demonstrably capable of providing equivalent capacity within the same timescale I shall recommend that, subject to the imposition of appropriate conditions, which are addressed below, the appeals be allowed.

## **15. Conditions and Obligation**

### **15.1 Obligation**

- 15.1.1 The matters addressed in the unilateral undertaking set out at Schedule 2 to that document address 3 matters; a financial guarantee regarding the restoration of the site, the application of the terms of the undertaking to any successors in title and the provision and funding of apprenticeships.
- 15.1.2 Previous operations to develop the gas resources within North Yorkshire have not always been successful, with some proving initially satisfactory before then suffering early closure for technical or economic reasons. The authorities understandably wish to avoid becoming financially responsible for the restoration of the development, especially the GPF, in the event of the premature cessation of gas processing operations on the site. To that end the authorities had on this occasion sought the lodging of a financial

List of Planning Applications Determined by the Director of Planning  
for the Period from 08/06/2012 to 04/07/2012  
in the Following Order and then by District:  
Delegated Planning Applications;  
Post Committee Applications;  
on Expiration of Advertisement;  
on Receipt of Amended Plans and Further Observations;  
Approval of Conditions;  
Applications Adjacent to the Park (3024);  
Notifications Under Schedule 2, Part 6/7, of  
The Town & Country Planning (General Permitted Development) Order 1995

NYM/2010/0945/FL	Approved formation of vehicular access and parking area together with creation of raised front boundary wall and installation of gates at Brook House, High Street, Swainby for Miss Fiona Smith	19/06/2012
NYM/2011/0517/FL	Approved conversion of redundant agricultural building to form 1 no. agricultural workers/game keepers dwelling (part retrospective) at Stingamires Farm, Bilsdale Midcable for Mount St John Sporting	25/06/2012
NYM/2012/0227/FL	Approved use of land for the keeping of horses and permanent siting of loose boxes (following temporary permissions since 1982) at Field 362, Whorlton Lane, Swainby for Mrs Angela Hymer	28/06/2012
NYM/2012/0241/FL	Refused alterations and extensions to existing dormer window to rear together with canopy over front door and rendering of front elevation at Bankside, Bank Lane, Faceby for Mr P Walker	08/06/2012
NYM/2012/0261/FL	Approved construction of replacement single storey extension and external alterations to windows and doors at 43 North End, Osmotherley for Mr & Mrs Chris and Kate Stamp	27/06/2012
NYM/2012/0262/LB	Approved Listed Building consent for internal alterations, construction of replacement single storey extension and external alterations to windows and doors at 43 North End, Osmotherley for Mr & Mrs Chris and Kate Stamp	27/06/2012
NYM/2012/0322/NM	Approved non material minor amendment to planning approval NYM/2011/0490/FL to allow the installation of door in place of window to north elevation together with alterations to lower rear access area at High Ewecote Farm, Chop Gate for Mr Graham Russ	11/06/2012

NYM/2012/0345/NM	<p>Approved 18/06/2012  non material minor amendment to planning approval  NYM/2010/0133/FL to allow the insertion of larger rooflight and window,  removal of window, construction of hipped dormers, installation of solar  panels and insertion of window to garage at Braemar, Clack Lane,  Osmotherley for Mr Stephen Rathbone</p>
NYM/2012/0353/NM	<p>Approved 19/06/2012  non material minor amendment to planning approval NYM/2011/0635/FL  to allow modifications to internal layout at Osmotherley Walking Shop,  4 West End, Osmotherley for Ms Fiona Thomson</p>
NYM/2012/0229/CU	<p>Approved 14/06/2012  change of use of land to form a rubber surface manege for hobby  equestrian use at Allotment Farm, Hancow Road, Rosedale Abbey  for Mr Roland Sterry</p>
NYM/2012/0243/FL	<p>Approved 18/06/2012  construction of walls and roof over existing salt store at RAF  Fylingdales, Pickering for Carillion Enterprise</p>
NYM/2012/0249/AD	<p>Granted 18/06/2012  advertisement consent for the display of 1 no. non-illuminated timber  sign at High Dalby House, Dalby for Mr &amp; Mrs David &amp; Sandra  Wreglesworth</p>
NYM/2012/0256/FL	<p>Approved 18/06/2012  alterations and extension to detached garage together with change of  use of adjoining land to form extended domestic parking area  at Pantiles, Hutton-le-Hole for Mr &amp; Mrs Clarence Eaglen</p>
NYM/2012/0266/FL	<p>Approved 21/06/2012  construction of single storey extension at The Old Post Office,  Low Mill, Farndale for Mr &amp; Mrs S Nelson</p>
NYM/2012/0268/FL	<p>Approved 27/06/2012  erection of a greenhouse at Candacraig, Wass for Mr Robert Clarke</p>
NYM/2012/0271/FL	<p>Approved 20/06/2012  installation of 4 no. replacement cream uPVC double glazed windows  at 1 Low Mill Court, Thornton le Dale for Mr Donald Alvey</p>
NYM/2012/0281/FL	<p>Approved 22/06/2012  installation of 3 no. rooflights to north and 2 no. rooflights to south  elevations at High House, Castle Close, Thornton Dale for Mr Stuart  McAllister</p>

NYM/2012/0286/FL	Approved removal of condition 1 of planning approval NYM/2010/0118/CU to allow the permanent display of timber products on the land at rear of 6 Castlegate, Helmsley for Duncombe Sawmills Ltd	03/07/2012
NYM/2012/0290/FL	Approved construction of replacement detached garage at Cobweb Cottage, Duncombe Place, Church Street, Helmsley for Mr D Miller	04/07/2012
NYM/2012/0330/FL	Approved construction of part single/part two storey extension to provide staff sleeping accommodation, dormitories, lounge, dining and kitchen areas at Peat Rigg Outdoor Centre, Cropton for Tees Valley Community Foundation	29/06/2012
NYM/2012/0332/LB	Approved Listed Building consent for construction of part single/part two storey extension to provide staff sleeping accommodation, dormitories, lounge, dining and kitchen areas at Peat Rigg Outdoor Centre, Cropton for Tees Valley Community Foundation	29/06/2012
NYM/2012/0379/NM	Approved non material minor amendment to planning approval NYM/2010/0885/FL to allow the omission of first floor window and addition of 1.no rooflight at Brook Lane, Thornton Le Dale for A & D Sturdy Ltd	28/06/2012
NYM/2012/0388/NM	Approved non material amendment to planning approval NYM/2006/1012/FL to allow introduction of lightwells to basements, alterations to external finish of garage block and windows to rear of dwellings together with relocation of bin stores at 1 - 5 Canons Garth, Helmsley for St Catherines Development Ltd	04/07/2012
NYM/2011/0658/FL	Approved erection of an agricultural storage building at Quarry Farm, Westerdale for JG & RG Findlay	28/06/2012
NYM/2011/0754/FL	Approved construction of replacement toilet block including disabled facilities and temporary winter storage area for one season whilst building works take place at Sandfield House Farm Caravan Park, Sandsend Road, Whitby for Mrs Fiona Rhodes	11/06/2012
NYM/2012/0086/FL	Approved installation of replacement uPVC front door and windows to side elevation of porch at Anvil House, Middle Lane, Hutton Buscel for Mr Peter & Mrs Kathleen Hudson	19/06/2012

NYM/2012/0169/FL	Approved 14/06/2012 construction of replacement single storey rear extension and detached domestic outbuilding at Lindisfarne, The Common, Goathland for Mrs Carole Hardwick
NYM/2012/0179/FL	Approved 08/06/2012 variation of condition 2 (material minor amendment) to planning approval NYM/2011/0659/FL to allow repositioning of approved workshop/storage building and change of window to door to kitchen together with construction of extension to piggery building at Camm Hall, Glaisdale for Mr Kenneth Dryden
NYM/2012/0196/FL	Approved 21/06/2012 erection of replacement removable timber bollards at Fishing Boat Parking Area, The Dock, Robin Hoods Bay for Mr Tim Smith
NYM/2012/0255/FL	Approved 18/06/2012 removal of condition 1 of planning approval NYM/2012/0039/FL to allow the completion of drilling and restoration of site outside of the permitted time frame at land adjacent to Jugger Howe Moor, Near Harwood Dale for York Potash Ltd
NYM/2012/0269/FL	Approved 19/06/2012 construction of replacement porch, garden room to rear and detached single garage at 39 Strait Lane, Ainthorpe for Mr P Burke
NYM/2012/0272/FL	Approved 02/07/2012 permission for temporary exploratory potash borehole and associated plant, equipment including drilling rig (max height 33 metres) and access arrangements at land to the south of New May Beck Farm, Sneaton for York Potash Ltd
NYM/2012/0273/FL	Approved 20/06/2012 erection of a detached Oak framed garage/storage building (resubmission following withdrawal of NYM/2011/0643/FL) at Keld Cottage, Goathland for Mr Dennis Hudson
NYM/2012/0277/FL	Approved 19/06/2012 erection of a covered area for livestock at Woodhead Farm, Great Fryup, Lealholm for D C Smith & Sons
NYM/2012/0278/FL	Approved 22/06/2012 siting of dog kennel and oil tank, creation of new access track and hardstanding area together with replacement of wooden fence and gate with stone wall and gate at Troutsdale Mill, Troutsdale for Mr Andrew Kendall

NYM/2012/0279/LB	Approved Listed Building consent for external alterations to include installation of 5 no. replacement windows and alterations to dormer windows, installation of flue pipes and rooflights, re-roofing of house and outbuildings and replacement of wooden fence and gate with stone wall and gate together with internal alterations at Troutsdale Mill, Troutsdale for Mr Andrew Kendall	22/06/2012
NYM/2012/0282/FL	Approved variation of condition 2 (material minor amendment) and condition 5 of planning approval NYM/2010/0961/FL to allow an increase in size of footprint and alterations to the design and colour of the pavilion at Hackness Tennis Club, Hackness for Hackness Tennis Club	22/06/2012
NYM/2012/0299/FL	Approved construction of single storey porch extension at 3 Brook Lane, Ainthorpe for Mr J Whitton	04/07/2012
NYM/2012/0307/FL	Approved variation of condition 6 of planning approval NYM/2011/0723/FL to retain the ability to allow winter on pitch storage at Grouse Hill Caravan Park, Fylingdales, Whitby for Mr Andrew Butterfield	04/07/2012
NYM/2012/0331/FL	Approved variation of conditions 2 and 3 of planning approval NYM/2011/0557/FL to allow external alterations and an increase in height of substation/workshop building to form first floor to be used as office space at Ladycross Plantation Caravan Park, Egton for Mr Kieran Robinson	25/06/2012
NYM/2012/0368/NM	Approved non material minor amendment to planning approval NYM/2011/0633/FL to allow alterations to vehicular and pedestrian accesses at land off Scraper Lane, Stainsacre for Tolent Construction Ltd	22/06/2012
NYM/2012/0378/NM	Approved non material minor amendment to planning approval NYM/2011/0554/FL to allow a reduction in length and increase in width of approved building at Fylingthorpe SPS Track, off Thorpe Lane, Fylingthorpe for Yorkshire Water Services Ltd	27/06/2012
NYM/2012/0257/FL	Approved construction of side and rear extensions with rooflights and dormer window following demolition of existing conservatory, utility and garage at 15 Park Lane, Easington for Mr J Melbourne	13/06/2012

NYM/2012/0258/ETL	Approved extension to time limit of extant planning permission NYM/2009/0129/FL for change of use and alterations including provision of 2.no rooflights to former stables to form a dwelling at Pease Court, Hutton Gate for Mr Martin Corney	14/06/2012
NYM/2012/0260/ETL	Approved extension to time limit of extant Listed Building consent NYM/2009/0130/LB for change of use and alterations including provision of 2 no. rooflights to former stables to form a dwelling at Pease Court, Hutton Gate, Guisborough for Mr Martin Corney	14/06/2012
NYM/2012/0284/FL	Approved replacement of 2 no. antennas, installation of 4 no. new antennas and 1 no. dish and associated works at Boulby Top Police Mast, Upton Hill Road, Saltburn by the Sea for Everything Everywhere UK Ltd	25/06/2012

### **Notifications**

NYM/2012/0251/AGRP	Approved erection of extension to agricultural building to house livestock at Yatts Farm, Rosedale for J Greenheld & Son	13/06/2012
NYM/2012/0252/AGRP	Approved proposed hardstanding/sheep pen at Newstead Farm, Pasture Lane, Lockton for Mr David Joseph Suggitt	22/06/2012
NYM/2012/0254/AGRP	Approved erection of replacement agricultural storage building at Low Waupley Farm, Low Waupley, Grinkle Lane, Loftus for Mr Mark Webster	12/06/2012
NYM/2012/0295/AGRP	Approved erection of agricultural livestock building at Plum Tree Farm, Borrowby for Mr Fred Southgate	27/06/2012
NYM/2012/0308/AGRP	Approved proposed new road at Cess Banks Access Road for c/o Forestry Commission	03/07/2012

### **Applications Determined by the Director of Planning on Expiry of Advertisement, Receipt of Further Amended Plans and Observations**

NYM/2012/0272/FL	Permission for temporary exploratory potash borehole and associated plant, equipment including drilling rig (max height 33 metres) and access arrangements at land to the south of New May Beck Farm, Sneaton
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Following on from the June Planning Committee Meeting, the Highways Authority have submitted their comments and recommend conditional approval. Natural England have also withdrawn the objection previously lodged and recommend conditions.

As such the application has been approved with an amendment to condition 2 to include the 'Letter from Richard Hunt dated 28 June 2012 received on 27 June 2012' and the following additional conditions:

5. MIS0 No works associated with the proposed development shall be carried out on the site, including the clearance of vegetation, during the bird breeding season (March to July inclusive).
6. MIS0 The re-instatement of the site shall be undertaken in accordance with the project proposals and submitted Ecology Report for the handling of soils and oils etc. Prior to the commencement of development on site details of the proposed restoration seed mixes shall be submitted in writing to and approved by the Local Planning Authority.
7. HC18a Precautions to Prevent Mud on the Highway
8. HC21 Highway Condition Survey
9. HC25a Site Access Warning Signs

NYM/2012/0315/FL Construction of two storey extension following demolition of conservatory (revised scheme to NYM/2011/0437/FL) at 5 Mill Lane, Iburndale

The application has been refused for the following reason:

The scale, height and massing of the proposed two storey extension is considered to detract from the character and form of the modest host dwelling and if constructed, would adversely impact on the level of amenity of neighbours. It would also present a dominant feature which would reduce the levels of daylight currently enjoyed by the occupiers of the property facing No. 5 Mill Lane. The development is therefore considered to conflict with the requirements of Development Policy 19 of the NYM Local Development Framework which seeks to ensure householder development does not detract from the character or setting of the host dwelling and that the residential amenity of neighbouring occupiers is protected.

### **Applications Adjacent to the National Park (3024)**

Ref: 120521 1239913 Proposed Offshore Windfarm at Dogger Bank, Teeside

The Authority has considered the details of the proposed application and made the following comments:

- The EIA should address the issue as to whether the additional electrical capacity to be put into the national grid will be likely to result in additional overhead power lines being installed along the western edge of the National Park and this affect the landscape setting of the North York Moors National Park.
- The EIA should address the issue of whether the windfarm is likely to affect the feeding patterns of seabirds which nest along the coastal cliffs and make up part of the diverse ecology of the National Park natural environment.

**Background Documents to this report**

1. Signed reports – dates as given
2. Signed letter – dates as given

**File Ref:**

3022/1  
3024/1

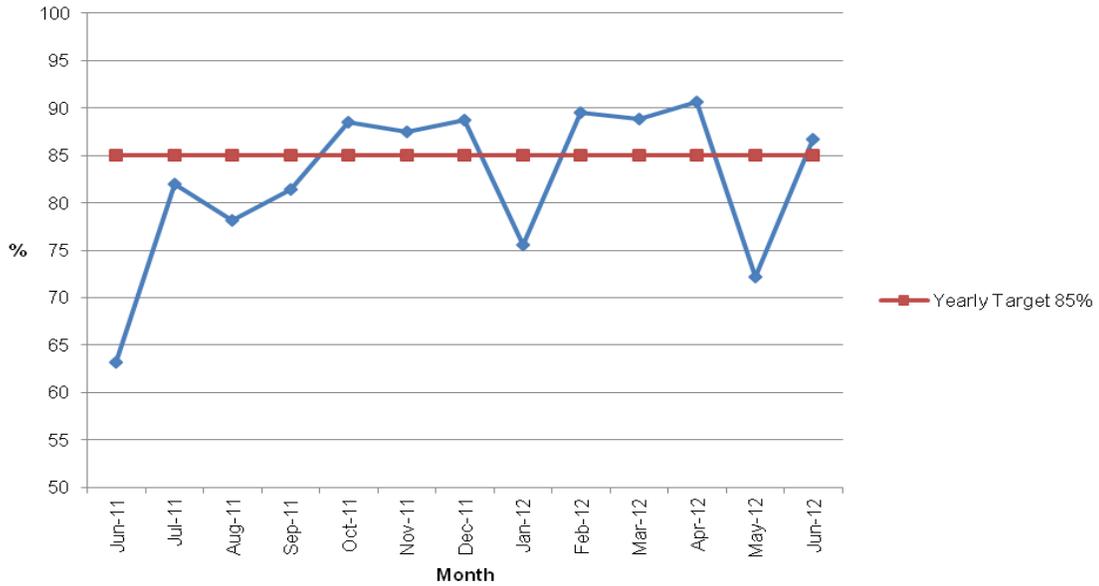
**Location**

North York Moors National Park  
The Old Vicarage, Bondgate, Helmsley, York, Y062 5BP

**Monthly Performance Percentage Determined Within 8 Weeks**  
**Running Average for Financial Year 2012/13: Major 0% / Minor 77% / Other 75%**



**Monthly Percentage of Decisions Delegated to Officers**  
**Running Average for Financial Year 2012/13: 82.2%**



**Quarterly Percentage of Appeal Decisions Allowed**  
**Running Average for Financial Year 2012/13: 100%**

