

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

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

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

C/o: Ms Elizabeth Walker
Zetland Group Limited
23A Milton Street
Saltburn by the Sea
Redcar and Cleveland
TS12 1DJ

The above-named Council, being the Local Planning Authority for the purposes of your application accompanied by an Environmental Statement dated 29th July 2015 (and the information received by the County Planning Authority on 26th October 2015, 10th, 21st 22nd, and 24th December 2015, 6th and 25th January 2016 and 5th February 2016 including information contained within the Supplementary Environmental Information dated 23rd December 2015) in respect of the application to hydraulically stimulate and test the various geological formations previously identified during the 2013 KM8 drilling operation, followed by the production of gas from one or more of these formations into the existing production facilities, followed by wellsite restoration. Plant and machinery to be used includes a workover rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wireline unit, well testing equipment, high pressure flowline, temporary flowline pipe supports, permanent high pressure flowline and permanent pipe supports. at KMA wellsite, Alma Farm, Off Habton Road, Kirby Misperton, North Yorkshire have considered your said application and have

- **UPON CONSIDERING** that the Environmental Statement, including further and other information submitted by the applicant, includes such information as is reasonably required to assess the environmental effects of the development and which the applicant could be reasonably required to compile; and,
- **HAVING TAKEN INTO ACCOUNT** the environmental information relating to this application, namely the Environmental Statement, including further and other information submitted by the applicant, and duly made representations about the environmental effects of the development;,

GRANTED planning permission for the proposed development

- **SUBJECT TO THE FOLLOWING CONDITIONS** imposed for the reasons thereafter given:

Dated: 27th May 2016**STATUTORY TIME LIMIT**

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

Reason:

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

DURATION OF PERMISSION

2. The permission hereby granted is valid until 23 May 2026 and the development hereby approved shall be discontinued and any buildings and plant shall cease to be used and shall be removed from the site and the site shall be restored (i) by 23 August 2026, or (ii) within 6 months of the cessation of gas production or (iii) within 6 months of the cessation of electricity generation at Knapton Generating Station or (iv) within 6 months following the abandonment of the site, whichever is the sooner.

Reason:

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

COMMENCEMENT OF DEVELOPMENT AND PHASES THEREAFTER

3. Written notification of each of the following phases shall be provided within seven (7) days of the commencement of each phase:
 1. Pre-stimulation workover
 2. Hydraulic fracture stimulation
 3. Production test
 4. Production
 5. De-commissioning and Restoration

Reason:

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

DEFINITION OF DEVELOPMENT

4. The development shall be carried out, except where modified by conditions to this permission, in accordance with the application details as originally submitted and as subsequently amended by submissions during the processing of the planning application and the following documents:

Drawing/document ref.	Rev	Title	Scale	Date
PSSL/TE/KM8/HFS/PA/01	0	Red Line Boundary Plan	1: 2,500	10 th June 2015
PSSL/TE/KM8/HFS/PA/02	0	Site Location Plan	1: 10,000	10 th June 2015
PSSL/TE/KM8/HFS/PA/03	0	Site Location Plan	1: 25,000	10 th June 2015
PSSL/TE/KM8/HFS/PA/04	0	KMA Wellsite Plan	1: 2,500	10 th June 2015
PSSL/TE/KM8/HFS/PA/05	0	Existing Layout Plan	1: 750	10 th June 2015
PSSL/TE/KM8/HFS/PA/08	0	Production Test Layout Plan	1: 750	10 th June 2015
PSSL/TE/KM8/HFS/PA/09	0	Production Layout Plan	1: 750	10 th June 2015
PSSL/TE/KM8/HFS/PA/10	0	Section Through Existing Layout	1: 200	10 th June 2015

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Drawing/document ref.	Rev	Title	Scale	Date
PSSL/TE/KM8/HFS/PA/13	0	Section Through Production Test	1: 200	10 th June 2015
PSSL/TE/KM8/HFS/PA/14	0	Section Through Production	1: 200	10 th June 2015
PSSL/TE/KM8/HFS/PA/15	0	Wellsite Restoration Plan	1: 750	10 th June 2015
PSSL/TE/KM8/HFS/PA/16	0	KM8 Pre-Stimulation Workover Layout Plan	1: 750	7 th December 2015
PSSL/TE/KM8/HFS/PA/17	0	KM8 Hydraulic Fracture/Well Test Layout Plan	1: 750	7 th December 2015
PSSL/TE/KM8/HFS/PA/18	0	Section Through KM8 Pre-Stimulation Workover Layout (Echo Barrier)	1: 200	7 th December 2015
PSSL/TE/KM8/HFS/PA/19	0	Section Through KM8 Hydraulic Fracture Stimulation/Well Test Layout (Echo Barrier)	1: 200	7 th December 2015
TMP/Rev3/17-12-2015	3	Traffic Management Plan (or as amended by condition no. 12 below)		17 th December 2015
01/06/001	-	Additional Planting and Landscape Maintenance	1: 1000	7 th October 2015
47073367		Biodiversity Enhancement and Management Plan		October 2015
47073367/EC/001	-	Proposed Biodiversity Enhancement (Figure 1)	NTS	22 nd October 2015
	2	Air Quality Monitoring Plan		17 th September 2015
	1	Lighting Management Plan		29 th June 2015
ARC6672/14327		Noise Management and Monitoring Plan (or as amended by condition no. 33 below)		13 th May 2015
KM8 SRP/Rev01/29-06-2015	1	Site Restoration and Aftercare Plan		29 th June 2015
	0	Restoration Plan		10 th June 2015
47073367		Protected Species Monitoring Strategy as clarified by the 'Timetable for Bat Monitoring Surveys' document		June 2015 and 26 th October 2015
KM8 ELW/Rev0/23-10-2015	0	HGV & Equipment Load Weights		26 th October 2015
TE-Epra-KM8-HFS-WMP-05	2	Waste Management Plan		18 th September 2015
	1.4	Baseline Water Quality Monitoring Plan		13 th May 2015

Reason:

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

RECORD OF PLANNING PERMISSION

5. A copy of this decision notice together with the approved plans shall be kept at the wellsite at all times during operations and the terms and contents thereof shall be made known to the supervising staff on the site.

Reason:

In order to ensure that site personnel are aware of the terms of the planning permission.

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LIMITATIONS TO AND CONTROL OF THE DEVELOPMENT

Traffic and highways

Highway condition surveys – prior to and post operations

6. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway, from the site access on Habton Road, up to the A169 has been carried out in a manner approved in writing by the County Planning Authority in consultation with the Highway Authority. Within one month of the completion of the well test operations, the applicant shall carry out a second survey recording the condition of the highway. The survey shall be submitted to the County Planning Authority for approval and thereafter any works required to rectify damage to the highway resulting from development related traffic shall be completed in accordance with the approved details.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case, in the absence of an existing highway condition survey accompanying the planning application and imposed in the interests of highway safety and the general amenity of the area.

Precautions to prevent mud on the highway

7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the development commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. Wheel wash facilities shall be installed on the access road to the site prior to the commencement of this development and in accordance with details as set out in the approved *Traffic Management Plan* dated 29th June 2015 (as amended 17th December 2015, Revision 3). These facilities shall be kept in full working order at all times. All vehicles involved in the egress from the site shall be assessed for cleanliness and shall be cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway. All disposal of water for use in the wheel wash shall not be discharged to groundwater or surface water and instead shall be removed for off-site disposal.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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Precautions to prevent generation of dust

9. A visual assessment shall be made of the access road and site in relation to dust levels twice a day (morning and afternoon) during use by vehicles. Dust emissions shall be assessed in accordance with the details as set out in the approved *Traffic Management Plan* dated 29th June 2015 (as amended 17th December 2015, Revision 3). If levels are assessed as significant, damping down of the access road should be initiated immediately and maintained until conditions improve.

Reason:

In the interests of safeguarding the amenity of local residents.

Use of existing access only

10. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Habton Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway or public right of way occurring during the development.

Reason:

In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

Vehicle parking, turning, loading or unloading

11. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the development until proposals have been submitted to and approved in writing by the County Planning Authority for the provision of:
- on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and,
 - on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that the development is in operation.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in order to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Traffic Management Plan – revised plan to be submitted

12. No development for any phase shall take place until an updated *Traffic Management Plan* has been submitted to, and approved in writing by, the County Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the works period. The statement shall provide for the following:
- details on how HGV access to site will be controlled and managed to ensure appropriate timing of deliveries, avoiding school pick and drop off times and use of the off-site holding areas when required;
 - in the event of an unforeseen road closure on the identified access route from the A169 provide details on where site traffic will be held;
 - loading and unloading of plant and materials;
 - vehicular turning arrangements, to include provision for a max length HGV to leave the site in a forward gear at all phases of the development;

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- e. additional traffic management proposals for Main Street; and,
- f. provision to introduce a temporary speed limit on Habton Road.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in the interests of highway safety and the general amenity of the area.

'Workover' or tubing replacement operations

13. No major 'workover'* or tubing replacement operation or decommissioning shall take place prior to the approval in writing by the County Planning Authority of a scheme of work detailing the operations involved. Such a scheme shall make provision for notifying the County Planning Authority and neighbouring residents 7 days in advance of the operations, shall specify a programme of noise monitoring including details of noise measurement locations, the method of noise measurement and the maximum permissible levels of noise at each measurement location. Such a scheme of mitigation is to be agreed by the County Planning Authority implemented thereafter and further noise monitoring undertaken and results submitted to the County Planning Authority in order to evidence the effectiveness of the mitigation measures. Such operations shall not include any hydraulic fracturing operations or any operations associated with hydraulic fracturing.
(* the removal and/or replacement of the production tubing string)

Reason:

To ensure control of potential disturbance arising from workover/maintenance operations in the interests of amenity.

Landscaping and visual amenity

Landscaping Scheme – implementation

14. A landscape scheme (entitled 'Additional Planting and Landscape Maintenance' Drwg no. 01/06/001 (dated 7th October 2015)), submitted to the County Planning Authority on 26th October 2015, detailing proposals for strengthening existing native screen planting on the northern and eastern boundaries of the KMA extension site and providing effective protection and maintenance of all planted areas within the KMA site shall be implemented in the first planting season (Nov-Mar) following approval. Additional and existing trees and shrubs at the KMA site from the date of this permission shall be maintained throughout the course of the development in accordance with the approved details.

Reason:

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

Landscaping replanting/replacement

15. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or diseased within five (5) years of planting shall be replaced within the next planting season.

Reason:

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

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

Submission of details of the Noise Attenuation Barrier

16. Prior to the commencement of development, a scheme detailing the colour of the proposed noise attenuation barrier (as indicated on plans PSSL/TE/KM8/HFS/PA/16 and PSSL/TE/KM8/HFS/PA/17 (dated 7th December 2015)) ensuring a sufficiently regressive colour to minimise adverse visual impact, as far as practicably possible, shall be submitted to the County Planning Authority for its written approval and thereafter implemented in strict accordance with the approved scheme.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in order to reserve the rights of control of the County Planning Authority in the interests of safeguarding the visual and local amenities of the area.

Hours of working

HGV movements

17. No HGV's involved in the delivery of materials and equipment to the site shall enter or leave the site on any day except between the following times Monday to Saturday 0700-1900 hours unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property). No such activity shall take place on Sundays or Bank/Public Holidays.

Reason:

In the interests of both highway safety and safeguarding the amenity of local residents.

Hydraulic Fracture Stimulation

18. No hydraulic fracturing stimulation shall take place outside the following times:

- Monday to Saturday 0800-1800 hours and at no time on a Sunday or Bank Holiday.

Reason:

In order to reserve the right of control of the County Planning Authority and safeguard the amenity of local residents.

Phase 5 - Restoration

19. No works of restoration shall take place outside the following times:

- Monday to Saturday 0700 -1900 hours and at no time on a Sunday or Bank Holiday.

Reason:

In order to reserve the right of control of the County Planning Authority and safeguard the amenity of local residents.

Ecology

Submission of a Method Statement for the Protection of Wildlife, Flora and Fauna

20. Prior to the commencement of development, a method statement for the protection of wildlife, flora and fauna during construction and during operation of the facility shall be

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submitted to and approved in writing by the County Planning Authority and, thereafter, implemented in strict accordance with that approved Method Statement.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case, accords with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and imposed in order to reserve the rights of control of the County Planning Authority and ensure the protection of wildlife, flora and fauna.

Implementation of the Biodiversity Enhancement and Management Plan

21. The enhancements for biodiversity shall be implemented in accordance with the *Biodiversity Enhancement and Management Plan* dated October 2015 (ref: 47073367) submitted to the County Planning Authority on 26th October 2015.

Reason:

In the interest of securing enhancement in respect of biodiversity within the vicinity of the application site.

Submission of an Ecological Survey

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

Reason:

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

Prohibition of removal of any vegetation during the bird nesting season

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

Reason:

In the interests of the protection of nesting birds.

Air Quality

Control of dust emissions – Dust Management Plan - plan to be submitted

24. Prior to the commencement of the development hereby permitted, a detailed *Dust Management Plan* (including mitigation measures) shall be submitted to and approved in writing by the County Planning Authority and thereafter implemented in strict accordance with the plan. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or local environment. Should such an emission occur, the activity shall be suspended until a revised *Dust Management Plan* is submitted and approved by the County Planning Authority.

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Reason:

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

Control of atmospheric emissions - Air Quality Monitoring Plan

25. The atmospheric emissions generated in the course of the development (including natural gas, hydrogen sulphide (H₂S), oxygen and carbon monoxide (CO)) shall be monitored in accordance with the *Air Quality Monitoring Plan* Revision 2 dated 17th September 2015, submitted to the County Planning Authority on 26th October 2015. The results of such monitoring should be submitted to the County Planning Authority within 28 days from collection of samples.

Reason:

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

Control of atmospheric emissions – Odour Management Plan – plan to be submitted

26. Odour levels shall be assessed during the development according to a scheme having first been approved in writing by the County Planning Authority prior to the commencement of development.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in order to reserve the rights of control of the County Planning Authority in the interest of safeguarding the amenity of local residents and the local environment.

Flaring

27. No flaring shall take place on the site and all produced gas shall be piped to the Knapton Generating Station.

Reason:

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

Safeguarding of watercourses and drainage

Pollution prevention

28. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the County Planning Authority and spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages.

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Reason:

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

Prohibition on discharge to ground and/or surface waters

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

Reason:

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

Prevention of uncontrolled discharge to groundwaters

30. The borehole must be constructed and maintained thereafter so as to prevent uncontrolled discharge of artesian groundwater to surface, and to prevent uncontrolled discharge of water or contamination into or between individual aquifers or different geological formations.

Reason:

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

Protection of heritage assets

31. Prior to the commencement of development, a Scheme setting out mechanisms (including thresholds) to monitor vibrations on designated heritage assets shall be submitted in writing and approved by the County Planning Authority. The scheme shall subsequently be implemented as approved.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and imposed in the interest of ensuring the preservation and setting of designated heritage assets.

Lighting

32. No external lighting shall be installed except in accordance with the approved *Lighting Management Plan* dated 29th June 2015 and the lighting shall be implemented in accordance with these details and no other form of floodlighting shall be implemented on the application site without the prior written approval of the County Planning Authority.

Reason:

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

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33. A revised *Noise Management and Monitoring Plan* (including details of exact locations and times for noise monitoring and starting from the commencement of operations hereby permitted) shall be submitted, incorporating revised trigger levels based around the proposed noise condition limits, and providing for either some on site attended measurements or remote access to audio files for on-site reporting of noise levels and actions proposed regarding breaches of trigger levels to the County Planning Authority. Such a Plan shall also incorporate provisions for events that noise monitoring indicates that noise levels have exceeded the maximum permitted noise levels. Such a plan shall be submitted for approval in writing by the County Planning Authority, prior to commencement of the development. Thereafter, monitoring shall be carried out in accordance with the approved *Noise Management and Monitoring Plan* and the results of the each noise monitoring exercise shall be submitted to the County Planning Authority within seven (7) days of the monitoring being carried out.

The noise levels at the nearest sensitive receptors shall be as stated in the table below:

Pre Stimulation Workover		
Noise Sensitive Receptor	Noise Limit Day 07:00–19:00 dB(A) LA_{eq}, 1hr	Noise Limit Evening and Night 19:00-07:00 dB(A) LA_{eq}, 1hr
Alma House	41	35
Kirby O Carr	55	46
5 Shire Grove	47	36
Hydraulic fracture Stimulation/Well test – Day Time		
Noise Sensitive Receptor	Noise Limit Day 07:00 – 19:00 dB(A) LA_{eq}, 1hr	Noise Limit Evening and Night 19:00–07:00 dB(A) LA_{eq}, 1hr
Alma House	55	N/A
Kirby O Carr	60	N/A
5 Shire Grove	50	N/A
Hydraulic fracture Stimulation/Well test – Evening/Night Time		
Noise Sensitive Receptor	Noise Limit Day 07:00 – 19:00 dB(A) LA_{eq}, 1hr	Noise Limit Evening and Night 19:00-07:00 dB(A) LA_{eq}, 1hr
Alma House	N/A	35
Kirby O Carr	N/A	42
5 Shire Grove	N/A	35
Production		
Noise Sensitive Receptor	Noise Limit Day 07:00 – 19:00 dB(A) LA_{eq}, 1hr	Noise Limit Evening and Night 19:00-07:00 dB(A) LA_{eq}, 1hr
Alma House	45	35
Kirby O Carr	55	35
5 Shire Grove	50	35

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Restoration		
Noise Sensitive Receptor	Noise Limit Day 07:00 – 19:00 dB(A) LA_{eq}, 1hr	Noise Limit Evening and Night 19:00-07:00 dB(A) LA_{eq}, 1hr
Alma House	55	N/A
Kirby O Carr	55	N/A
5 Shire Grove	55	N/A

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case, accords with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and is imposed in order to secure the rights of control of the development by the County Planning Authority in the interest of protecting the amenity of local residents.

Maintenance of plant and machinery to ensure noise emissions are kept to a minimum

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

Reason:

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

Restoration and after-care*Financial commitment - Restoration Scheme – details to be submitted*

35. No development authorised by this planning permission shall take place within the site until such time as a detailed scheme for the restoration and aftercare of the KM8 well site has been submitted to and approved by the County Planning Authority. The approved restoration and aftercare measures shall provide any necessary financial commitment required by the applicant to secure the approved scheme and these arrangements shall be retained for the duration of the development programme and for a minimum of six (6) months from the cessation of any authorised works at the KM8 well site.

Reason:

This is a pre-commencement condition and one which is considered warranted given the particular circumstance of this case and also that the securing of a financial commitment is considered necessary in this instance by virtue of the need to have the security that funds would be in place should a circumstance arise that the restoration and/or after-care of the site should fall to the 'public purse'.

36. The restoration scheme and aftercare measures approved under condition number 35 above shall be carried out in accordance with the general approach to restoration and aftercare set out in Environmental Statement Appendix 10, together with a timescale for the work, and proposals for phasing of restoration if likely to be needed. The site access shall be removed and the land restored to a condition suitable for agricultural cultivation in accordance with approved details unless prior approval is obtained for retention of access for agricultural purposes. Restoration shall be implemented within six (6) months of the cessation of gas production. Upon completion of the restoration scheme, an application shall be submitted to the County Planning Authority to restore the route of public right of way 25.53/4/1 to its original route, having been diverted in 2013 to allow the construction of the Kirby Misperton 1 wellsite extension.

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Reason:

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

After-care Scheme – details to be submitted

37. Within six (6) months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- maintenance and management of the restored site to promote its agricultural, forestry or amenity use.
 - weed control where necessary.
 - measures to relieve compaction or improve drainage.
 - an annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

Reason:

In accord with Annex 3 ('Model planning conditions for surface area') of Part 9 within Section 27 of the National Planning Practice Guidance and in order to ensure that after-care of the site is undertaken in accordance with the approved details and to ensure the land is returned to a satisfactory after-use.

Management of the restored land for a period of five (5) years

38. The Site shall be restored in accordance with the approved restoration scheme and the Site thereafter managed in accordance with the approved 5 year aftercare programme, unless otherwise agreed in writing with the County Planning Authority. The aftercare period shall commence from the date that the County Planning Authority confirms that the restoration works have been carried out and fully implemented in accordance with approved details.

Reason:

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

Annual monitoring

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

Reason:

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

Withdrawal of Permitted Development Rights

40. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any other Act revoking or re-enacting the order, no other plant or buildings shall be erected within the application site without the prior grant of planning permission.

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Reason:

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

Informatives:

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk prior to site restoration to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. (i) The Applicant should be aware that the Highway Authority may seek to implement a Traffic Regulation Order reducing the speed limit on Habton Road from Kirby Misperton to a point 200m Southwest of Kirby O Carr Farm during pre-stimulation workover and hydraulic fracture stimulation/well test phases of the proposed development; and,

(ii) The Applicant should be aware that the County Council may seek the implementation of a temporary closure on public right of way 25.53/5/2 during pre-stimulation workover and hydraulic fracture stimulation/well test phases of the proposed development.

Date: 27th May 2016

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Corporate Director, Business and Environmental Services

NOTE 1:-

In accordance with Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations 2011) and Article 35(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, notice is hereby given that the County Council, in determining the above application, has taken into consideration the accompanying Environmental Statement and other environmental information (as defined by Regulation 2 of the EIA Regulations 2011). Furthermore, in determining the application the County Council has taken into consideration the policies of the development plan for the area and all other material considerations.

NOTE 2:-

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

Dated: 27th May 2016

**Statement of Compliance with Article 35(2) of the Town and Country Planning
(Development Management Procedure) (England) Order 2015**

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

RIGHTS OF APPEAL

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

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

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.gov.uk/government/organisations/planning-inspectorate

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

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

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