

<b>Rathlin Energy</b>	Applies To: Rathlin Energy	RE-05-EPRA-WN-PDN-009
Prepared By: Jonathan Foster	Uncontrolled, If Printed	Rev: 1.00

EMS SUPPORTING DOCUMENTATION - EPRA - WEST NEWTON EXPLORATORY OPERATIONS – PLANNING DECISION

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# West Newton Wellsite Planning Decision Notice Exploratory Operations

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Rev:	Prepared By:	Checked By:	Approved By:	Issued:
1.00	Jonathan Foster	Tom Selkirk	D Montagu-Smith	16/01/2014

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County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 887700

[www.eastriding.gov.uk](http://www.eastriding.gov.uk)

Peter Ashcroft Head of Planning and Development Management

Moorhouse Drilling And Completions  
C/o Mr Philip Silk  
Moor House  
Bessingby Way  
Bessingby Industrial Estate  
BRIDLINGTON  
YO16 4SJ

Application No: **DC/12/04193/STPLF/STRAT**

Case Officer: **Mrs Shirley Ross**

## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Strategic - Full Planning Permission**

Proposal: **Construction of a temporary drilling site with associated access, to drill a borehole for the purposes of mineral exploration (petroleum)**  
Location: **Land West Of High Fosham Cottage Fosham Road High Fosham East Riding Of Yorkshire HU11 5DF**  
Applicant: **Rathlin Energy (UK) Ltd**

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **APPROVED**, in accordance with the terms and details as submitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The site preparation and construction, drilling and testing activities approved by this permission shall be carried out for a limited period of 36 months and commencement of such period shall be notified to the Local Planning Authority in writing. Such notification to be received by the Local Planning Authority a minimum of 14 days prior to the commencement of activities on site. The drilling rig shall only remain on site for a maximum of two periods of twelve weeks unless otherwise agreed in writing with the Local Planning Authority. The Local Planning Authority shall be notified in writing within one week of the drilling rig arriving on site. At the end of the 36 month period, all drilling and test activities shall have ceased and all equipment, access, structures and buildings shall have been removed from the site, the borehole shall have been plugged and abandoned, the bunding and perimeter fences and ditches removed, the site levels re-graded and the site shall have been restored to agriculture in accordance with the details set out in Appendix 10 of the planning statement received October 2012 to the satisfaction of the Local Planning Authority.

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See Accompanying Notes on Page 9



**INVESTORS  
IN PEOPLE** | Gold



This condition is imposed because this is a temporary permission to allow a period of exploration and testing in the search for hydrocarbons to take place. At the end of the period the site needs to have been restored to its former use in the interests of protecting the visual amenities of the area.

3. Unless otherwise agreed in writing with the Local Planning Authority or as specifically required by a condition of this permission this site shall be developed, operated, de-commissioned and restored in accordance with the details proposed in Appendix 10 of the planning statement received October 2012.

This condition is imposed because the supporting statement proposes a form of development that is acceptable and departures from that programme could give rise to unacceptable effects that have not been considered by this application.

4. The development hereby approved shall only be commenced in accordance with the following points 1-10.
  - 1a) based drilling methods should be used in strata shallower than, and including, the Chalk Group aquifer.
  - 1b) No oil-based drilling methods should be used in strata deeper than the Chalk Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.
  - 1c) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR - 11 form.
  - 2) No potentially contaminating substances should be allowed to enter groundwater in strata shallower than, and including, the Chalk Group aquifer.
  - 3) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.
  - 4) The borehole should be constructed in such a way so as to cause no contamination between, and including, any overlying drift deposits and Chalk Group aquifer. The borehole should be steel-cased through these deposits.
  - 5) The borehole should be constructed in such a way so as to cause no contamination between, and including, the Chalk Group aquifer and any underlying deposits.
  - 6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells'.
  - 7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Maclean Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs
  - 8) Under 'The Borehole Sites and Operations Regulations 1995 HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define 'mining area' as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.

- 9) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.
- 10) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

This condition is imposed to ensure the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer.

5. The development hereby permitted shall be implemented in strict accordance with the avoidance, reduction and compensation measures set out in Section 9 of the Ecological Report (West Newton, URS Scott Wilson Ltd, July 2012) as submitted with the application. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the ecological survey forming part of the application, to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

6. The development shall be carried out only in accordance with the following approved plans submitted with the planning application:

MDC/REUK/WP/PA/001 Rev: 1 Site Location Plan  
MDC/REUK/ WP/PA/002 Rev: 0 Red Line Boundary Plan  
MDC/REUK/ WP/PA/003 Rev: 0 Site Construction Layout  
MDC/REUK/ WP/PA/004 Rev: 0 Drilling Rig Layout  
MDC/REUK/ WP/PA/005 Rev: 0 Well Testing Layout  
MDC/REUK/ WP/PA/006 Rev: 0 Access Layout  
MDC/REUK/ WP/PA/007 Rev: 0 Topographical Cross Section  
MDC/REUK/ WP/PA/008 Rev: 0 Drilling Cross Section West to East  
MDC/REUK/ WP/PA/009 Rev: 0 Drilling Cross Section West to East North to South  
MDC/REUK/ WP/PA/010 Rev: 0 Extended Well Test Cross Section - East to West  
MDC/REUK/ WP/PA/011 Rev: 0 Access Point  
MDC/REUK/ WP/PA/012 Rev: 0 Drilling Rig Lighting Plan

This condition is imposed for the purposes of clarity and to ensure the development is acceptable and departures from those plans could give rise to unacceptable effects that have not been considered by this application.

7. No development shall take place until a Traffic Management Plan and photographic highway condition survey have been submitted to and approved in writing by the Local Planning Authority. No development shall be commenced until the Traffic Management Plan has been implemented in accordance with the approved details.

This condition is imposed in accordance with Section 35 of the National Planning Policy Framework to secure a safe and adequate means of access to the proposed development.

8. No part of the development shall be brought into use until the vehicular access to it and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details and the vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained for the duration of the works.

This condition is imposed in order to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load or un-load or manoeuvre on the public highway would adversely affect the safety of other highway users.

9. The development hereby permitted shall not be commenced until such time as details for the foul drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to prevent pollution of the water environment prior to the installation of the geomembrane protection layer.

10. Development shall not begin until details of any improvements to the existing site access and the adjacent public highway network have been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the site curtilage until the highway improvement works have been carried out in accordance with the approved details.

This condition is imposed because it is considered that the existing public highway is inadequate at present to safely accommodate the traffic, which the development is likely to generate. However, it is considered that the development can be allowed to proceed if the road is first improved in the manner described.

11. Tree and hedge protection measures are recommended, at the outer extent of the canopy spread/rooting areas are recommended for the mature hedgerow/trees adjacent to the western site boundary.

This condition is imposed to ensure no damage occurs from the construction and operational activities which could adversely impact on the long term viability of this landscape feature.

12. Before the development hereby permitted commence a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall follow the principles set down in BS5228 and shall include:

- Activities during the construction and operation phases;
- The hours of operation/use for each phase;
- The nearest noise sensitive receptors and noise limits at each property for each phase;
- Details of continuous noise monitoring to be used to demonstrate compliance with the noise management plan;
- Details of noise mitigation measures to be employed;
- An agreement of how complaints will be handled, specifically with regard to operator contact details and additional noise monitoring, where necessary.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

13. Before the development hereby permitted commences a dust management plan shall be submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

14. Prior to commencement of development the applicant/agent must inform the operator of Garton Airfield of the following information:

- The proposed date when construction will start and the projected completion date
- The maximum height of proposed construction equipment
- The latitude and longitude of the drilling rig

This condition is imposed because the information will be plotted on flying charts to make sure that aircraft avoid this area.

15. The approved drilling rig shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration; the lighting must be installed at the highest practicable point. If other aviation lighting is proposed then details of the lighting along with a scheme for implementation shall be submitted to and approved in writing prior to the commencement of development.

This condition is imposed in the interest of aviation safety.

16. Before the development hereby permitted commences, the specification of the rig to be used shall be submitted to and approved in writing by the Local Planning Authority. The rig shall not exceed 49m in height.

This condition is imposed in order to protect the visual amenity of the area.

17. No development shall commence until a scheme of site preparation and temporary landscape bunding for the site has been submitted to and approved in writing by the Local Planning Authority. The approved shall set out the restoration and landscape re-instatement plan. The approved scheme shall be implemented.

This condition is imposed in order to protect the environment and the visual amenities of the area.

#### **Note to Applicant**

- By reference to the details relating to the size of vehicles etc in connection with the transportation of the drilling rig some of the vehicles may be classified as abnormal loads. Accordingly the applicant/agent should contact/liase with the Council's abnormal loads officer, Mr Kirk Lister (tel. 01482 395676) regarding the movement of such loads.
- The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) at The Highways Building, Grovehill Depot, Annie Reed Road, off Grovehill Road, Beverley, HU17 0LF (tel: 08456-001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway. It is noted the existing field access falls away from the carriageway towards the site. The applicant/agent is reminded the proposed vehicular crossing within the public highway must be suitably constructed to prevent surface water run off from the public highway discharging to the adjacent field and must agree a suitable arrangement/ construction with Streetscene Services.
- The Traffic Management Act in terms of access to the Public Highway, requires formal notification to be given by any parties intending to carry out any works within the Public Highway. The Applicant/Agent must comply with these requirements of the Act and the necessary periods of such notification may significantly impact on an intended start date/programme if this matter is not dealt

with at an early stage. Further advice on this requirement is available from Lester Burton, Streetscene Services (Maintenance Operations) at Grovehill Depot, Annie Reed Road (tel: 08456-001666).

- A photographic dilapidation survey of the proposed haul route is required for the proposal prior to works commencing. Accordingly the applicant/agent must inform Streetscene Services when the survey is to be undertaken (5 working days required) to enable the survey to be witnessed. Similarly the applicant/agent should contact Streetscene Services should they have any queries regarding the temporary signage required along the route.

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

No oil based drilling muds can be utilised during the drilling process until an appropriate depth below the aquifer has been reached and the section has been cased and tested.

No discharges of foul or contaminated drainage can be made to either surface or groundwaters. Any spillages of liquids/materials likely to cause pollution of the environment need to be dealt with to prevent losses offsite or to ground. Any wastes generated need to be removed and disposed of at an appropriately permitted site.

If water from the local environment is to be utilised for on site operational needs an abstraction licence will need to be applied for from the Environment Agency, if the amount is in excess of 20 cubic metres per day. A licence may be granted if the local resource is available and the abstraction does not derogate the rights of existing users. Further measures to protect the environment may be included in the terms of the licence if granted.

As indicated in the Planning Statement, if the applicant intends to use a private water supply for the drilling requirements and potable water on-site, they should be advised to contact the Environment Agency directly as it is likely that an abstraction licence will be required (to abstract from a surface water source such as a river, or from groundwater via a borehole).

### **Relevant Planning Policies**

Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 (2008):

YH1	Overall Approach and Key Spatial Priorities
YH2	Climate Change and Resource Use
HE1	Humber Estuary sub area policy
ENV3	Water Quality
ENV4	Minerals
ENV7	Agricultural Land
ENV8	Biodiversity
ENV9	Historic Environment
ENV10	Landscape

Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005):

SP4	Landscape Character
ENV7	Archaeological Remains

Joint Minerals Plan for Kingston Upon Hull and the East Riding of Yorkshire (2004):



DC1	Development Control Criteria
DC4	Ground Water and Surface Water Resources
DC7	Areas of Landscape Quality
DC8	Trees, Hedgerows and Woodlands
DC12(a)	Archaeological Sites
DC19	Traffic Movements
DC21	Schemes of Working and Restoration
DC23	Aftercare
EM2	Appraisal Boreholes

#### Holderness District Wide Local Plan

ENV2	Existing healthy trees and hedgerows to be retained
U1	Off site service infrastructure e.g. water supply,
U6	Underground or surface water
U10	Impact on existing watercourses
U20	The removal of structures and full restoration of the site
D19	Ground water resources
R13	Safety and enjoyment of public right of way network users to be safeguarded.

#### Emerging Local Plan Policy

East Riding Draft Strategy document (December 2012)

A5: Holderness & Coastal sub area

ENV6: Managing environmental hazards

National Planning Policy:

National Planning Policy Framework

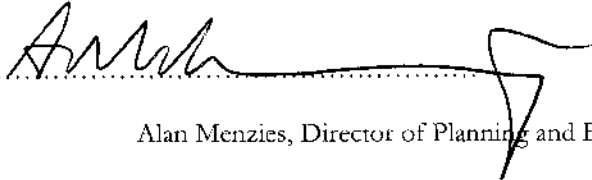
Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)

#### **Reason for Decision**

This development proposes a temporary well site for the purposes of testing for petroleum, including both site preparation work including site levelling and a site access, and drilling including the use of a 49m high drilling tower. National and local planning policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned. The site lies in an area characterised by open farmland landscape identified in the East Riding of Yorkshire Landscape Character Assessment. The drilling rig in particular would introduce a feature generally uncharacteristic to this landscape. However the rig would only be on site for a relatively short period of time and such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject to a temporary consent and full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, as well as minimising noise impact. The site lies in an area of groundwater protection, however subject to a detailed condition to protect the integrity of the groundwater, this is considered acceptable. The development will result in traffic generation during both site preparation and drilling stages, however the proposed access routes are considered to be able to accommodate resultant traffic, and the proposed access arrangements would afford good visibility into the site with vehicle parking provided on site. The development is also considered acceptable from an ecology perspective, subject to a condition.

In the making of this decision the Council has followed the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Signed  Date : 17 January 2013  
Alan Menzies, Director of Planning and Economic Regeneration.

## Notes to accompany application no DC/12/04193/STPLF/STRAT

### 1. **Town and Country Planning Act**

Any approval given by this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under other legislation, e.g. Building Regulations.

### 2. **Duration of Permission**

The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) provides that every permission shall be granted subject to a condition that the development must be begun within a specified time period. This period of time can vary depending on the type of application and the circumstances of the particular case. Usually there will be a specific condition on the notice of decision itself specifying the relevant period but if this has not been imposed, please refer to the provisions of Section 51 of the Planning and Compensation Act 2004 for a definition of the relevant period. Further guidance on this is also available in Circular 8/2005.

### 3. **Appeals to Planning Inspectorate**

If you are aggrieved by this decision you can appeal to the Planning Inspectorate within six months of the date of this decision (longer in special circumstances) on a form obtainable from

The Planning Inspectorate, 3/05 KiteWing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 01173 726372.

The Secretary of State need not consider an appeal if it seems to him 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 provision of any development order and to any directions given under a development order.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal

### 4. **Purchase Notice**

If either the Local Planning Authority or the Secretary for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonable use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### 5. **Disabled Persons**

Where permission is granted and relates to development resulting in the provision of buildings or premises to which the public are to be admitted (on payment or otherwise) or of premises being office, shop, railway or factory premises in which persons are employed to work, your attention is directed to Section 4, 7 and 8a of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access for the Disabled to Buildings: being the British Standards Institution Code of Practice BS 5810: 1979.

### 6. **Fire Brigade Access**

If planning permission is granted and relates to the erection or extension of a building, your attention is drawn to the provisions of Section 14 of the Humberside Act 1982 whereby the Council are required to reject plans submitted for building regulations approval if the plans do not show adequate means of access for the fire brigade to the building or if the erection of the building or extension would render inadequate the means of access for the fire brigade to a neighbouring building.

### 7. **Affects Public Right of Way**

A grant of planning permission does not entitle a developer to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be commenced, and the right of way should be kept open for public use, until the necessary order under Section 247 or Section 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed.

### 8. **Approval of Details Required by Condition**

Please note that there is now a fee payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition, so you may wish to minimise the fee payable by submitting all of the outstanding details required by all of the conditions at the same time. Relevant forms for the submission of such details are available on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) together with details of the fee payable. Please be aware that conditions which require correspondence between the Local Planning Authority and outside bodies could take approximately four weeks, to agree on the suitability of the details submitted. It is therefore in your own interests to submit such information at the earliest opportunity.

### 9. **Amendment to Plans**

If you are proposing to alter the plans hereby approved you should first consult the Local Planning Department.