

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Haxby And Wigginton

**Date:**

**Parish:** Wigginton Parish Council

**Reference:** 09/00095/FUL

**Application at:** Wigginton Cottage Farm Wigginton Road Wigginton York YO32 2RH

**For:** Drilling of boreholes for the testing, appraisal and operation of a coal bed methane production plant and associated works

**By:** Mr Gary Cooper

**Application Type:** Full Application

**Target Date:** 23 March 2009

### 1.0 PROPOSAL

#### 1.1 Proposed Development

The application seeks full planning permission for the drilling of boreholes for the testing, appraisal and operation of a coal bed methane extraction production plant and associated works on land to the south west of Wigginton Cottage Farm, Wigginton Road, Wigginton. The application has been accompanied by an Environmental Statement.

The development would take part in four stages; site preparation; drilling to appraise the suitability of the coal to produce gas; extraction of gas; capping and restoration. Site preparation would take approximately 8 weeks and includes; construction of an access road; removal of topsoil to be stored in a bund around the site; installation of surface water drainage; laying of a geo textile membrane to protect the sub soil and aid with site stability; the laying of compacted stone to provide a suitable surface for machinery and vehicles; and erection of a post and rail fence.

Once the site preparation has been completed, equipment would be brought onto the site including; a drilling rig; water storage tanks; drilling mud screens and tanks, pipes and stores. Fuel for the rig would be stored on site within double skinned containers. Approximately 10 cabins would be placed on site to house the drilling crew. Circular concrete cellars would be constructed below ground level for each borehole to be drilled, with the drilling rig (which will not exceed more than 30 metres in height) located above each cellar in turn. During this phase the strata would be drilled to a depth of up to 1000m. A safety device known as a "blowout preventor" would be placed above each well, which prevents any loss of gas into the atmosphere, should there be any change in gas pressure. Drilling and taking coal cores would take approximately 6 weeks and drilling would be continuous for 24 hours a day, seven days a week.

If the results of this initial drilling indicate that the coal contains readily flowing gas from the coal, horizontal wells of up to 1000m in length would be drilled into the selected coal seams. Drilling of these "laterals" would take approximately 12 weeks after which the amount of gas released over a 3-4 month period will be assessed. If

the coals are not "gassy" or the gas does not flow readily from the coals, the well would be plugged and the site restored. Whatever the result, the drill rig would then be removed from the site.

If the results from the laterals are favourable the site would become a production hub and the wells connected to the National Gas Distribution Network for up to 20 years. After the testing phase has been completed the area not required for production would be capped, all equipment would be removed and the wellhead plugged to the safety standards required by the Department of Energy and Climate Change (DECC) and the Health and Safety Executive(HSE) The remaining restoration operations on the production hub would then be carried out within 12 months from the cessation of production. The site would be monitored over a five year period to ensure that restoration is complete and identify any requirements for further remediation.

During the production phase, gas would be transported to the National Gas Distribution network through a number of underground pipes.

### 1.2 Application Site

The application site measures 1.2 hectares in area and is located to the west of Wigginton Road, Wigginton. The site currently forms part of two agricultural fields attached to Wigginton Farm. An access road would be formed along the southern boundary of the first field adjacent to Wigginton Road leading to a square area of land within the next field measuring approximately 100m by 100m.

### 1.3 Planning History

There is no planning history on this site.

### 1.4 Land Use Allocations

The application site is located within the green belt on the City of York Draft Local Plan.

### 1.5 Planning Committee

The application has been referred to Planning Committee following a request from Councillor Firth due to issues of light and noise pollution during construction and exploration and whether the company has made adequate plans to look elsewhere in the same coalfield.

### 1.6 Other Consents

It should be noted that the proposed coal bed methane extraction plant will also require a Petroleum Exploration and Development License (PEDL) from the Department of Energy and Climate Change (DECC) and there is a general overarching health and safety requirement from the Health and Safety Executive.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

## 2.2 Policies:

CYGP4  
Environmental sustainability

CYGP4B  
Air Quality

CYGP9  
Landscaping

CYGP23  
Temporary planning permission

CYNE1  
Trees, woodlands, hedgerows

CYNE3  
Water protection

CYNE7  
Habitat protection and creation

CYGB1  
Development within the Green Belt

CYMW3  
Criteria for minerals extraction

CYMW4  
After use of minerals working

## 3.0 CONSULTATIONS

### 3.1 Internal Nature Conservation

The field in which the proposed development would be located is fairly species poor semi-improved grassland. The overall surrounding area is however quite interesting and there are a number of opportunities for some habitat enhancement and mitigation work within this scheme. The surrounding habitat has a Great Crested Newt interest with two notable ponds within close proximity, this issue therefore needs to be taken into account with this application and a great crested newt mitigation plan will be required during the construction phase. The hedgerows surrounding the site are generally well managed, species present include hawthorn, blackthorn, dog rose, crab apple, oak, ash, hazel and elder. The removal of some small section of hedgerow to create the proposed new access into this site would not

be a problem as non would be classified as important under the hedgerow regulations 1997 although some management of hedgerows would be beneficial to mitigate for this loss of habitat. During the site visit, a lot of bird activity was noted, particularly within the hedgerows, any work proposed on the hedgerows should be carried out outside of the bird nesting season and the hedges should be checked carefully for nesting birds prior to works commencing. Conditions are recommended relating to Great Crested Newt mitigation, habitat enhancement and bird protection.

#### Archaeology

The site lies between two archaeological sites, which have produced significant archaeological features and deposits, dating to the Iron Age and Romano-British periods. It is probable that there will be similar features and deposits on this application site. Recommends a condition requiring an archaeological watching brief.

#### Highways

No objections. Based on the information provided the greatest levels of traffic will be generated during the site preparation phase. This phase will generate in the region of 30 trips per day plus 20 trips associated with the installation of the drill rig. Access is to be taken directly from the B1363 Wigginton Road via a new access. Visibility at the proposed access is in excess of the required standards and forward visibility for vehicles travelling along Wigginton Road also meets the required standards. It is therefore considered that the level of traffic generated by the site is minimal and can be easily accommodated by the proposed junction and adjacent highway network. Conditions are suggested relating to access, surfacing, parking, turning, mud on highway, dilapidation survey and management of construction works.

The application site is in the field immediately to the north of one of the Park and Ride site options so there is no a conflict of interests. Concerns are raised however regarding the positioning of the underground pipeline if it went due south towards the A1237 outer ring road.

#### Environmental Protection

Noise - Background noise monitoring was carried out by the Environmental Protection Unit at the nearest two residential dwellings to the site to ascertain the normal noise environment experienced by occupiers of these properties. Once the works have been carried out to construct the three metre high soil bund and straw bale barrier around the application site, then noise levels will be reduced at both locations and it is unlikely that noise will be of concern. However, as no details have been provided regarding hours of operation for site preparation and set up I would recommend that a condition be attached to any approval to restrict hours of operation for these activities. The proposed drilling is expected to be a 24 hours 7 days a week operation for a period of 6 weeks, it is therefore necessary to condition that the proposed mitigation measures (i.e. acoustic bund) be fully installed and retained throughout the drilling works.

Vibration - No levels on the likely level of vibration from the drilling operation have been provided. Requests details be provided.

Contaminated Land - No concerns regarding land contamination at this site. However, methane gas (which is flammable) may be released during drilling works, so safety measures should be put in place to protect people and the environment. The Environmental Statement proposed the use of well casing and bentonite drilling mud to stabilise the hole and restrict the ability of methane to migrate in an uncontrolled manner, which is acceptable. It is also important that the site be suitably decommissioned once it comes to the end of its operational life.

Air Quality - Due to the temporary nature of the preparatory works and considering the long term proposed use of the site, there are no concerns regarding air quality associated with the development. In the Environmental Statement a number of measures to minimise dust emissions from site are recommended, including erection of barriers, washing of vehicles, use of water as a dust suppressant. In order to ensure that such methods are employed on site a condition is recommended requiring a scheme to be submitted to minimise dust.

#### Internal Drainage Board

The Board maintain a watercourse to the west of the site, which does not appear to be impacted upon by the development. We would however remind the applicant of the Board's Byelaws to retain a 7m maintenance strip alongside the watercourse and also that they will require formal consent if any additional discharge is proposed into the watercourse from the site.

#### Structures and Drainage

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objection in principle as the development is temporary, and the drainage information provided is of a 'Sustainable' method of surface water management, should mimic as near as possible the existing land drainage situation and will be reinstated after works are complete on the site.

### 3.2 External

#### Natural England

The proposal does not fall within any nationally designated landscapes. Natural England accepts that any significant landscape impacts will be restricted to the drilling phase of the proposal and will thus be temporary in nature. The proposed site does not lie close to any Site of Special Scientific Interest (SSSI) or other statutory nature conservation site. Furthermore the Phase 1 Habitat Survey indicates that the majority of the site is semi-improved grassland, a commonly occurring habitat of limited conservation value. Lighting is likely to have a negative impact on foraging bats using the nearby hedgerow network and whilst mitigation to limit the potential impact of lighting, Natural England questions the effectiveness of the proposed method. Twenty four hour illumination of an area considered 'very likely to be used for foraging' by bats will have a negative impact. Under the Wildlife and Countryside Act 1981 it is an offence to damage or destroy the nest or eggs of any wild bird during the breeding season (March to April).

#### Environment Agency

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted conditions

should be imposed to ensure the protection of ground water quality in the area. They also recommend a number of informatives relating to environmental protection.

Wigginton Parish Council

No objections, but request that the Local Planning Authority ensures that adequate measures are in place to deal with the following;

- \* Noise emitted by the drilling plant and equipment and any extraction systems.
- \* Visual intrusion by the drilling plant and equipment, given the green belt setting of the application site.
- \* Access problems as a result of visits to the site by heavy goods vehicles carrying drilling and plant equipment from the B1363.
- \* Possible emission of gas should any break out or failure in the drilling process allow escape.
- \* Possible light pollution, given the green belt setting of the application site.

### 3.3 Neighbour Representations

Letters / emails of representation have been received from a resident of Eastfield Avenue, Haxby, who objects to the application on the following grounds;

- \* Inappropriate location as it would have a significant visual impact on the green belt
- \* Allowing this development would undermine the green belt in this location even further
- \* No details of other sites which were considered have been included within the application
- \* No details of the engineering works to link the site to the gas mains has been submitted
- \* The illumination and noise from a 24 operation close to residential properties would be unacceptable
- \* No community benefits have been identified
- \* There is no reference to prevention or protection against accidental gas release during exploration and production
- \* The prevailing wind blows from W / SW, thus any smell, noise or gas will be blown towards the residential area.
- \* The proposed development would set a precedent for further drilling and extraction in unsuitable locations. A series of gas wells would be developed on a 2000m grid to exploit the reserves in the coal seams below the whole area.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy Context
- Principle of Development in Green Belt
- Amenity
- Highway Safety
- Nature Conservation
- Drainage
- Archaeology
- Other Issues

## 4.2 Policy Context

### National Planning Policies

Planning Policy Statement 1 - Delivering Sustainable Development, sets out the Government's planning policies on the delivery of sustainable development through the planning process. It identifies that one of the aims of sustainable development is the use of natural resources.

Planning Policy Guidance 2 - Green Belts, sets out how green belts are designated and outlines green belt land use objectives and the presumption against inappropriate development. It states that Mineral Extraction need not be inappropriate development providing high environmental standards are maintained during the site's operational activity and the land is suitably restored to after uses consistent with green belt policies.

Planning Policy Statement 9 - Biodiversity and Geological Conservation, seeks to ensure there is no unacceptable harm to protected species or habitats.

Planning Policy Guidance 13 - Transport, seeks the deliver of integrated transport policy to ensure safety on the highway network.

Planning Policy Guidance 23 - Planning and Pollution Control, sets out the Government's policy on controlling and minimising pollution.

Minerals Policy Statement 1 - Planning and Minerals, sets out the Government's approach to minerals and planning, to ensure the production of minerals in the interests of the economy whilst limiting the impacts on the environment and local residents.

Minerals Policy Statement 2 - Controlling and Mitigating the Environmental Affects of Mineral Extraction in England, sets out the principles of considering the environmental affects of mineral workings.

City of York Draft Local Planning Policies  
Listed at paragraph 2.2.

### 4.3 Principle of Development in Green Belt

The application site is located within the green belt on the City of York Draft Local Plan where there is a presumption against inappropriate development except in very special circumstances. National planning advice is contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Whilst mineral extraction does not fit within one of the uses specifically identified as being an appropriate form of development in the green belt, paragraph 3.11 of PPG2 states 'Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored.'

The proposed development will, for a temporary period of approximately 5 months, include a drill rig measuring 30 metres in height. Once the drilling and appraisal

phase has been completed the drill rig will leave the site. Should gas which is suitable for extraction be found, the plant on site would be limited to approximately three well heads and a water tank (1.5 metres in height) surrounded by a 1.5m high post and rail fence. The access road would remain in place to allow for maintenance, but the car parking area would be restored back to agricultural land.

In terms of site restoration, the timing of this would depend upon the suitability of the gas for extraction. If it is not suitable for extraction the site would be restored after the appraisal stage. If the gas is suitable for extraction the site would be restored after the extraction phase, in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. The land would be restored back to agricultural use, with the gas production hub capped and the wellhead plugged, within a period of 12 months. Thereafter the site would be monitored over a five year period to ensure that restoration is complete and identify any requirements for further remedial action.

Conditions will also be attached to any approval to deal with archaeology, nature conservation, ground water protection and limiting the hours of site preparation, therefore providing a high level of environmental protection.

Whilst the drill rig will be visible from the surrounding area, due to its temporary nature, it is not considered that it would have a permanent detrimental impact on the open character of this green belt location.

It is not therefore considered that the proposed development would be contrary to the aims of green belt policies.

#### 4.4 Amenity

The closest residential properties to the application site are; Clifton Gate Farm, located approximately 110m south west of the application site boundary and; Wigginton Cottage Farm located approximately 210m to the north east of the application site boundary. Noise readings were taken at both these properties by the Environmental Protection Unit to ascertain existing background noise levels. Based on estimated noise levels, they advise that the noise levels during site preparation would be acceptable during the day, however to protect the amenity of surrounding residents they recommend a condition preventing site preparation at night time and on Sundays. Once the site preparation works have been completed, which includes the construction of the acoustic barrier, it is not considered that the noise from the 24 hour drilling operation would be detrimental to the residential amenities of surrounding residential properties.

With regards to visual amenity, as outlined above, the drill rig will be in place for a temporary period of approximately 5 months. It would be located over 200m from Wigginton Road. The nature of the rig is a tall narrow structure measuring 30 metres in height of a lattice construction with several guide ropes. Whilst the rig will be visible from the surrounding area it would be viewed from Wigginton Road against a backdrop of trees to the west of the site. Given its distance from Wigginton Road and the outer ring road to the south and its narrow lattice construction it is not considered that the drill rig will appear overly intrusive during its temporary period. During the drilling process lighting will be required for health and safety reasons, a



condition is recommended requiring details of the proposed lighting including the location, height, type, orientation, intensity and timing.

In terms of air quality, concerns have been expressed regarding the possible escape of methane gas into the atmosphere. In response to this the applicants have advised that the gas in the coal bed is not under pressure and there would therefore be no uncontrolled gas release. Notwithstanding this a blow-out preventer will be placed above each borehole during the drilling works. This safety device prevents any escape of gas into the atmosphere should there be any changes in gas pressure. As a result of no gas escaping from the site, there would be no smells emitted in the area.

With regards to vibration, the applicants have confirmed that there would be no perceptible levels of vibration as a result of the drilling operations.

#### 4.5 Highway Safety

Following consultation with the highways section, they acknowledge that the highest levels of traffic to and from the site will be during the construction phase and this will amount to a maximum of 50 trips a day, which over a 10 hour period (Monday to Fridays only) would equate to 5 additional traffic movements per hour. It is considered that the existing highway network has the capacity to accommodate this temporary increase without compromising the safety or free flow of traffic along the B1363 and the surrounding highway network. Furthermore the visibility at the new site access onto Wigginton Road would be in excess of the required standards. The proposal is therefore considered acceptable on highway safety grounds.

#### 4.6 Nature Conservation

Conditions relating to bird protection, Great Crested Newt mitigation plan and habitat enhancement are recommended in accordance with the advice provided by English Nature and the Council's Countryside Officer.

Concerns have been raised regarding the impact of lighting during the drilling process on roosting and foraging bats. The applicants have advised that the lights will only be used when absolutely necessary or in the interest of Health and Safety. They will be mounted on lighting towers, which will enable their height and direction to be altered as appropriate. As a matter of routine, the lights will be directed downwards at all times to avoid light spillage and unnecessary light pollution. No bat roosts will be directly illuminated as a consequence of the proposed development and the impact of the lights on potential bat foraging areas will be minimised by the soil bunds and straw bales surrounding the site. A condition is proposed which will require a lighting scheme to be submitted to the Local Planning Authority for approval.

#### 4.7 Drainage / Water Pollution

One of the main issues during coal bed methane extraction is the risk of ground water pollution. The geology at the site is Sherwood Sandstone, which is classed as a major or principle aquifer. The overlying drift is Lacustrine/Warp deposits which is classified as a secondary aquifer. Following consultation with the Environment Agency, no objections were raised to the proposal, subject to a number of conditions and informatives to protect ground water quality in the area.

In terms of drainage, the applicants submitted additional information to the Structures and Drainage department showing the drainage works to be undertaken during the site clearance and preparation works. As a result there are no objections to the proposed development, subject to the proposal being carried out in accordance with the drawing submitted. A condition is proposed which will require the development to be carried out in accordance with the Environmental Statement and the approved drawings.

#### 4.8 Archaeology

Given the possibility of archaeological features and deposits the site, a condition will be attached to any approval requiring an archaeological watching brief during all ground works.

#### 4.9 Other Issues

In terms of the underground pipeline to connect the gas extraction plant to the mains network, this could be carried out as Permitted Development under Part 17 of the Town and Country Planning (General Permitted Development) Order 1995, however the applicants have indicated that gas pipeline will follow the site access road to the public highway and then alongside the highway verge.

With regard to possible alternative sites, guidance contained within MPS1 states that minerals can only be worked where they occur naturally and does not require applicants to adopt a sequential approach for such type of development. Whilst the applicants have not provided details of any alternative sites which were considered or the reasons for rejecting them, they have provided a list of factors which determined the selection of this site, these include; local geological conditions (such as depth and dip of the coal seam); initial study of planning constraints; proximity and sensitivity of nearby residents; the willingness of the land owner to accommodate the development; and suitability of local highway infrastructure. Given the extent of the green belt boundary in the area it is unlikely that there would be any sites outside the green belt which would be available or suitable for development proposed. The applicants have been asked to provide a plan showing the extent of the coal seam to be worked so this issue can be considered further.

In terms of community benefits the applicants have listed the following; benefit local businesses including crane hire, engineering firms and hotels.

This application has been considered on its own merits in accordance with local and national planning policies and as such the outcome of this application would not undermine green belt policy in the area, nor would the development set a precedent for other applications for drilling and extraction of methane or any other natural resource.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development is appropriate in this green belt location given the significant number of environmental controls which will be employed. Following consultations with a number of internal and external consultees there were no objections on environmental issues including nature conservation,

ground water quality, pollution, noise and archaeology, subject to a number of conditions. The site will be fully restored back to its former agricultural use, following completion of the appraisal or extraction phase, and monitored for a period of 5 years. The drill rig and associated equipment required during the drilling and appraisal stage will be in situ for a relatively short period of time, therefore any visual impacts would be temporary. Should the site be suitable for methane extraction the amount and height of equipment on the site in the long term would be very limited and barely visible from Wigginton Road or the two closest residential properties. The level of traffic generated and the good visibility at the proposed junction would mean that the development would not impact on the free and safe flow of traffic on Wigginton Road.

5.2 For the reasons outlined above the application is recommended for approval, subject to conditions.

**6.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission. Written notification of the date of commencement shall be sent to the City of York Council Planning Department within seven days of the commencement.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The permission hereby granted for the exploration, appraisal and operation of a well for coal bed methane production is valid only until 23 years from the date of commencement as confirmed in accordance with condition 1. Testing and appraisal shall be completed within 2 years of the date of commencement, after which the drill rig shall be removed from the site within 1 calendar month. Production shall be completed within 22 years of the date of commencement. Site restoration shall be completed within 23 years from the date of commencement in accordance with a scheme approved under condition 28.

Reason: To reserve the rights of control by the Local Planning Authority.

3 The development hereby permitted shall be carried out in accordance with the Environmental Statement dated 6th January 2009 (including all proposed mitigation measures) and the following plans and details;

Location plan dated 06.01.09

Elevation details showing drilling rig, acoustic barriers and site cabins received on 23.01.09

Photograph of typical rig dated 22.12.09

Schematic diagram of extraction equipment dated 06.01.09

Gas extraction diagram dated 06.01.09  
Capped production hub diagram 06.01.09  
Layout drawing; site clearance and preparation works dated 02.04.09  
Proposed site layout dated 09.01.09  
Topographical survey dated November 2008

and in accordance with such other details as may be subsequently approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.

- 4      HWAY12      Initial 10m surfaced, details reqd
- 5      HWAY14      Access to be approved, details reqd
- 6      HWAY19      Car and cycle parking laid out
- 7      HWAY21      Internal turning areas to be provided
- 8      HWAY31      No mud on highway during construction
- 9      HWAY40      Dilapidation survey

10      Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11      During the 'Site Preparation' and 'Capping and Restoration' phases of the works (including deliveries to and despatch from the site), the hours of use shall be restricted to between 07.00 and 19.00 Monday to Friday , 09.00 and 13.00 on Saturdays with no working at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy GP1 of the City of York Draft Local Plan.

12      The acoustic barriers and bunds, as detailed on the proposed site layout plan Figure 4.2 dated 9.1.09, shall be fully installed in accordance with these details prior to drilling operations commencing. Once installed the barriers and bunds shall remain in place and be fully maintained until all of the drilling works have been completed.

Reason: In the interests of residential amenity and in accordance with Policy GP1 of the City of York Draft Local Plan.

13      Prior to any works commencing on site, a dust minimisation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the steps and procedures that will be implemented to minimise the

creation of dust from the site preparation, set up of drilling rig, drilling operations, capping and restoration works. Once approved, the scheme shall be adhered to at all times, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for access within the development.

14 No external lighting shall be installed except in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of location, height, type, orientation, intensity and timing of the lighting.

Reason: To minimise the visual impact of the development and to limit any impact on bats in accordance with Policies GP1 and NE6 of the City of York Draft Local Plan.

15 Unless otherwise approved in writing by the Local Planning Authority there shall be none of the following; oil-based drilling methods used in strata shallower than, and including, the Sherwood Sandstone aquifer; oil based drilling methods used in strata deeper than the Sherwood Sandstone aquifer unless all shallower strata have been cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata; potentially contaminating substances allowed to enter ground water in strata shallower than, and including, the Sherwood Sandstone aquifer.

Reason: To protect the ground water quality in the area.

16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no de-watering of the site.

Reason: To protect groundwater quality in the area.

17 The borehole shall be constructed in such a way so as to cause no contamination between, and including the overlying drift deposits and Sherwood Sandstone aquifer. The borehole shall be steel-cased through these deposits.

Reason: To protect controlled waters.

18 ARCH2 Watching brief required

19 Development shall not commence until a Great Crested Newt mitigation plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include the following details; i) A Wildlife Protection Plan of how the development work is to be carried out to take account of the possible presence of Great Crested Newts; ii) Details of what mitigation / compensation provision is to be made to replace the habitat lost through development to ensure there is no significant impact on the population overall; iii) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing, unless otherwise approved in writing by the Local Planning Authority.

Reason: To take account of and enhance habitat for a protected species.

20 Development shall not commence until a scheme detailing what measures are to be provided within the site to enhance the biodiversity of the area (i.e. habitat enhancement for species such as bats and birds and enhancement of the boundary ditch and hedgerows) including timescales for the works, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the approved time scales.

Reason: To take account of and enhance the habitat and biodiversity of the locality.

21 No work on, or removal of hedgerows shall take place between 1st March and 31st August inclusive in any year unless a thorough check of the hedgerows has been made and the route of the proposed new access road including all sections of hedgerow to be removed are found to be clear of nesting birds.

Reason: To take account of nesting birds and enhance the habitat of a declining species.

Informative:

Wildlife and Countryside Act 1981 - cutting trees & hedges

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to damage or destroy any birds nest whilst it is in use being built or to damage or destroy a bat roost.

Tree work and hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is done during January and early February, that is after birds have eaten the berries and before they start to nest, and that hedge trimming is avoided between March and August (nesting season).

However, if a hedge has to be trimmed or a tree has to be felled between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate, around the nest.

22 Before any buildings or drilling equipment are brought onto the site, all topsoil and subsoil required to be removed shall be stripped and stored separately on site in locations as specified in the application details and as far as practicable shall be handled only when dry and friable.

Reason: To protect soil resources in the interests of achieving a good standard to agricultural restoration.

23 Written notification shall be given in advance to the Local Planning Authority and nearby residents confirming the starting date of drilling at least 7 days prior to

drilling commencing.

Reason: In the interests of residential amenity.

24 No major maintenance operation shall take place prior to the approval in writing by the Local Planning Authority of a scheme of work detailing the operations involved. Such a scheme shall make provision for notifying the Local Planning Authority and neighbouring residents seven days in advance of the operations.

Reason: In the interests of residential amenity.

25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order) no buildings, plant, machinery or structure (whether fixed or portable in design) other than those specified in the planning application shall be erected or placed on the site without the prior written approval of the Local Planning Authority.

Reason: To reserve the rights of control by the Local Planning Authority in the interests of amenity.

26 On completion of the operations hereby approved, a detailed scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority . The borehole shall be capped, all imported materials shall be removed and the land shall be restored in accordance with the approved details within twelve months of the completion of operations.

Reason: To ensure full restoration of the site.

27 After care of the site shall be carried out for a period of 5 years in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for such steps as may be necessary to return the land to the required standard for use for agriculture, including the reinstatement and maintenance of the land for agriculture.

Reason: To ensure full restoration of the site.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Impact on the openness, character and appearance of the Green Belt
- Residential Amenity
- Highway Safety
- Nature Conservation

- Drainage
- Archaeology

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GP4a, GP4b, GP9, GP23, NE1, NE3, NE7, GB1, MW3 and MW4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Guidance Note 2 'Green Belts' and Minerals Policy Statement 1 'Planning and Minerals'.

2. The British Geological Survey Geology map sheet 63 York, shows the geology at the site to be Sherwood Sandstone which are classed a major or principal aquifer. The overlying drift is Lacustrine/Warp deposits (clay, sand and gravels) and sand and gravel, which is classed as a secondary aquifer. There are a number of abstractions and drains in the vicinity of the site, therefore it is essential that the proposed development does not adversely affect either the quality or the quantity of water in Sherwood Sandstone or overlying drift aquifer.

3. Any decommissioning of the borehole should be undertaken following Environment Agency guidelines contained within 'Decommissioning Redundant Boreholes and Wells'.

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

5. The Water Resources Act 1991, s85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled water unless you are in a possession of a discharge consent or other relevant permit. Controlled waters include all waters below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the WRA 1991 constitute authorisations for the purposes of the Groundwater Regulations, provided the relevant conditions have been applied.

6. You are advised to retain a 7 metre maintenance strip alongside the watercourse to the west of the site and that formal consent will be required from the Kyle and Upper Ouse Drainage Board if any additional discharge is proposed into the watercourse from the site.

7. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:



Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

8. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme of remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

9. Stringent precautions shall be taken to avoid smell, nuisance, and gaseous pollution. In particular all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage.

Reason: To minimise any adverse impact of odour generated by operations in the interests of residential amenity.

**Contact details:**

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