

APPENDIX 3 – PRE-APPLICATION CONSULTATION LETTERS

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Mr Jonathan Foster
Petroleum Safety Services Ltd
The Innovation Centre Vienna Court
Kirkleatham Business Park
REDCAR
TS10 5SH

Our ref: RA/2012/122789/01-L01
Your ref: PSSL/VUK/KM1EXT/PAC/EA
Date: 20 August 2012

Dear Mr Foster

**PROPOSED CONSTRUCTION OF AN EXTENSION TO THE EXISTING KIRBY MISPERTON 1 WELLSITE AND THE DRILLING OF UP TO TWO (2) ADDITIONAL PETROLEUM PRODUCTION BOREHOLES.
KIRBY MISPERTON 1 WELLSITE, ALMA FARM, KIRBY MISPERTON, NORTH YORKSHIRE.**

I refer to your email sent 31 July 2012 and our comments are as follows.

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

Below is an example of the information that we will send to the relevant Planning Authority on receipt of any planning application for this activity:

The developer will be required to submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)).

A drilling method statement should be submitted alongside the Form WR - 11. Any drilling should be carried out to an approved drilling method statement.

It is vital that the proposed development does not adversely affect the quality of water within the Corallian Group aquifer. For this reason:

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

1)b) No oil-based drilling methods should be used in strata deeper than the Corallian

Environment Agency
Coverdale House Aviator Court, York, North Yorkshire, YO30 4GZ.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.

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

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

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

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

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

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

7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Macleon 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%. 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.

Please note that the views expressed in this letter are based on the information provided in your submission, along with the relevant legislation, planning policy and environmental evidence valid at the time of our response. This letter does not represent our final position on any future planning application, and we reserve the right to change our position or to make further comments should there be any changes to relevant legislation, policy or environmental evidence, or upon the

submission of further detail on the proposed development. You should seek your own expert advice on technical matters relevant to any planning application before submission, and you would be advised to re-consult us should there be a significant gap between now and submission stage.

We look forward to being consulted on the forthcoming planning application. Should you have any queries in the meantime, please contact me.

Yours sincerely

Miss Meryl Leung
Planning Liaison Officer

Direct dial 01904 822607

Direct fax 01904 822649

Direct e-mail meryl.leung@environment-agency.gov.uk

Date: 20 August 2012
Our ref: 60772
Your ref: PSSSL/VUK/KM1EXT/PAC/NE



Jonathan Foster
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Petroleum Safety Services Ltd

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T 0300 060 3900

BY EMAIL ONLY

Dear Mr Foster,

Consultation: Proposed construction of an extension to the existing Kirby Misperton 1 wellsite and the drilling of up to 2 additional petroleum production boreholes. Pre-application consultation.

Location: Kirby Misperton 1 Wellsite, Alma Farm, Kirby Misperton, North Yorkshire.

Thank you for your consultation dated 27 July 2012 which was received by Natural England on 27 July 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England therefore advises that any submitted planning application should give full consideration to the following, where appropriate:

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is within 5km of the following designated nature conservation site:

- The Ings, Amotherby SSSI

Further information on the SSSI and its special interest features can be found at www.natureonthemap.naturalengland.org.uk. The application should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (eg designated Special Areas or Conservation, Special Protection Areas and/or Ramsar Sites) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Paragraph 169 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

In this case the proposal is not directly connected with, or necessary to, the management of a European site.

Designated Landscapes and Landscape Character

Landscape and visual impacts

The planning application should include details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. This should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The planning application should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We strongly advocate the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. Guidance on LCA is available [here](#).

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials.

Heritage Landscapes

You should consider whether there is land in the area affected by the development qualifying for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. These are considered to be designated landscapes of national importance and the impact of your plan on these should be assessed where appropriate. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

Soil and Agricultural Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the application process:

- 1 The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

- 2 If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
- 3 The application should provided details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Local Wildlife or Geological Sites

Consideration will need to be given to potential impacts upon local wildlife and geological sites. Local Sites are identified by the county ecologist, local wildlife trust or a local forum established for the purposes of identifying and selecting local sites; they are of county importance for wildlife or geodiversity. Where appropriate, the application should therefore include an assessment of the likely impacts on the wildlife interests of any local sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the county ecologist, local wildlife trust or Local Sites body in the local area for further information.

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found, the application should include details of:

- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

Cumulative and in-combination effects

Any future planning applications should include an assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment. (Subject to available information):

- a. Existing completed projects
- b. Approved but uncompleted projects
- c. Ongoing activities
- d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- e. Plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

For clarification of any points in this letter, please contact the undersigned. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours Sincerely,

A handwritten signature in black ink that reads "R. Kelly". The signature is written in a cursive style and is positioned above the typed name and contact information.

Robin Kelly
Land Use Advisor
Natural England
E-mail: Robin.Kelly@naturalengland.org.uk

From: Lucie Hawkins <Lucie.Hawkins@northyorks.gov.uk>

Date: Thu, 16 Aug 2012 09:29:22 +0000

To: Jonathan Foster <jfoster@petroleumsafetyervices.co.uk>

Subject: RE: Pre Application Consultation - Viking UK Gas - Kirby Misperton 1 Extension

Hi Jonathan,

Thank you for consulting the Historic Environment Team. Apologies for the delay in responding to your email.

The proposed development lies within an area of archaeological potential.

As the proposed development requires an extension to the current site, there is potential for archaeological features to be disturbed.

I am unsure if the extension area currently has any underground components such as pipes etc? If these are present, I suggest that a strip and record approach is taken.

If there are no underground components, I would advise undertaking a geophysical survey, as this would provide a quick assessment of the archaeological potential and significance of the area and a more specific form of archaeological mitigation could be advised if required. Geophysical survey would be required pre-determination of any application being determined.

Best wishes,

Lucie

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