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Contact: Victoria Perkin

Our ref: NY/2015/0233/ENV

11th October 2015

Dear Ms Walker,

Planning 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 on land at KMA wellsite, Alma Farm, off Habton Road, Kirby Misperton, North Yorkshire on behalf of Third Energy UK Gas Ltd

I write with regard to the abovementioned planning application made on behalf of your Client, Third Energy UK Gas Limited.

Having considered the information contained within the planning application and the supporting documentation, together with the information submitted within the Environmental Statement and its accompanying Technical Appendices, please note the following.

Being of the opinion that the Statement should contain additional and further information in order to be an Environmental Statement, the bullet points below comprise matters requiring the provision of '*further information*' comprising information which, under the provisions of Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, constitute '*further information*' as defined in the regulations that will require the County Planning Authority to advertise, consult and make available for comment by any interested party for a period of not less than 21 days. Below the '*further information*' requests which are listed within Section A are bullet points under separate underlined headings relating to requests for additional and/or further information from those consulted by the County Planning Authority (Section B) and, thereafter, Section C refers to other matters comprising points requiring clarification.

Section A:

Matters requiring the provision of '*further information*':

Residential amenity issues:

Noise:

- paragraph 6.1.1 on page 38 of your Client's submitted Planning Statement includes a reference to "*alternative noise attenuation systems are currently being considered*".

However, after reviewing the submitted documentation, there does not appear to have been any further information provided with regard to these “*alternative noise attenuation systems*” or to the assessment of their environmental effects. Please provide details of what these comprise and also the assessment of each of their effects and any measures that may be implemented to mitigate against any effects;

External lighting:

- it is noted that the 37-metre high drilling rig is proposed to be required solely for the duration of Phase 1, the pre-stimulation workover, and that, correspondingly, the linear fluorescent lighting on the rig, as well as the rig itself, would only be there for two weeks. In addition, it is also noted that Phase 2, the hydraulic fracture stimulation, would see the erection of a 25-metre high coil tubing tower, again this is proposed to also be lit by linear fluorescent lighting and a further four (4 no.) 400W metal halide lights at the top of the tower, for a period of six weeks. However, notwithstanding the attention paid to the low-level lighting, these two specific elements of the proposed lighting on the rig and the tower, do not appear to have received attention with regard to an assessment of their attendant environmental effects and, in particular, the effects during hours of darkness which, depending upon the time of year, can potentially have a duration of as much as sixteen hours at winter solstice with the sun setting at around 4pm and the sun rising at approximately 8am (source: www.bbc.co.uk, 2015);

Highway and traffic issues:

- the nearby Flamingo Land Resort is a well-established attraction which ‘*draws in*’ significant numbers of holiday-makers each year, reported in the Press to be in the region of 1.5 million visitors a year. In this context, it is noted that the traffic survey, upon which the assessment has been based, was undertaken on 10th March 2015. The 2015 season for Flamingo Land opened on 21st March 2015 and closes on 1st November 2015. It is, therefore, arguable that the survey of traffic which is used to support and provide a basis for the assessment of the effects of the traffic associated with the proposed development is unrepresentative. The submitted Transport Assessment is predicated on a start of commencement of operations in October 2015 which therefore does not consider scenarios at different times of the year of peak traffic movements, along the proposed route and particularly at the roundabout within Kirby Misperton village. Please provide further information which would enable the assessment of the effects of the proposed development with regard to the seasonal fluctuation in both traffic levels and the nature of the traffic (e.g. type of vehicles etc.) along the route proposed to be used by vehicles associated with the proposed development;
- taking into account the proposed route of the traffic associated with the development, please provide information which assesses the effects of the proposed development upon the bridge which crosses over Costa Beck. Two HGVs travelling in opposite directions trying to pass one another on the bridge, unless confirmed to be the case otherwise, would not be able to do so, as the bridge does not appear to be of sufficient width to accommodate such traffic. A review of the mapping information available online which is both readily and publicly accessible, reveals the bridge to have been subject to collision damage in the past. Given the ‘*campaign-approach*’ of bringing HGVs to the application site in as short a timescale as possible to reduce the duration of impacts via a defined route would, undoubtedly, result in traffic hold-ups whilst two HGVs seek to pass one another in the vicinity of the bridge. An assessment of the attendant effects and any measures proposed to mitigate their impacts should be provided to the County Planning Authority;
- furthermore, upon review of the information submitted to the County Planning Authority, there does not appear to have been a survey of the proposed route which would take into account the bridge over Costa Beck and such a survey should

- include an assessment of the capability of the bridge to withstand the abnormal/heavy loads that would be associated with the proposed development;
- the Traffic Management Plan, as submitted, does not take into account contingencies necessary should there be road closures for whatsoever reason. It should do so and, furthermore, the alternative routes assessed and any impacts identified and any measures proposed to be implemented to mitigate against those effects provided;
 - there is no mention of the proposed Pickering to Malton Cycle Route (available to view on the Parish Council website and, according to the displayed information, uploaded on 21st May 2015) which proposes the use of the ‘quiet’ road through Kirby Misperton village
<http://kirbymisperton.ryedaleconnect.org.uk/wp-content/uploads/2015/05/Pages01-07.pdf>;
 - the Transport Assessment does not address other users of the public highway including cyclists, pedestrians and horse-riders for instance. Furthermore, the Assessment takes no account of the significant number of touring caravans, mobile homes and towed trailer-tents (or even transfers of wide-load static caravans) that would make use of the route to the caravan and camping parks during the holiday season (especially during the peak season); a route which is proposed to be shared by the HGVs associated with the development. In addition, the Assessment does not address the number and frequency of local bus services, their routes and local bus stops. It is not only the level of traffic envisaged, but also the nature of the traffic which must be assessed in respect of its effects, i.e. the experience of increased numbers of HGVs on the local road network will undoubtedly be different to that experienced by road users accustomed to mainly car-based traffic;
 - Main Street within Kirby Misperton village has only one footway on the west side and the parking of residents’ private vehicles is common place along Main Street. The assessment should include measures that are proposed to be instigated to safeguard against conflict between HGVs and parked vehicles along this particular section of the proposed route without such vehicles having cause to make the unsafe manoeuvre of mounting the footway. Notification of local residents of pending vehicle movements associated with the proposed development would not guarantee passage if the recipients did not receive notification or building works on properties saw, for example, immobile skips outside properties. Therefore contingencies, their attendant effects and the measures proposed to be implemented to mitigate against these impacts need to be provided;
 - the Traffic Management Plan contains a statement that “*any vehicles associated with the development which fall within the Road Vehicles (Construction and Use) Regulations and/or fall within the Road Vehicles (Authorisation of Special Types) (General) Order must notify the relevant Highways Authority along the route which the vehicle(s) is mobilising to the wellsite*”. Please provide the further information which specifies the number and type of abnormal loads enabling any effects of their impacts to be assessed and the measures proposed to be taken to mitigate against any effects;

Heritage issues:

- the Heritage Impact Assessment states the ‘*the applicant recognises that there may be non-designated assets*’, but that they have not been assessed. However, if their whereabouts is unknown, then the significance of the impact of the proposed development upon them cannot be established. Making a statement such as ‘*should any be located*’ etc. does not satisfy that they have been assessed for the purpose of the Environmental Impact Assessment (EIA) process prior to the determination of your Client’s planning application. Therefore, an assessment of any undesignated assets in consideration of the proposed development should form a part of the process;
- it should also be noted that the bridge which crosses Costa Beck is a Grade II listed structure and there appears to have been no assessment of this interest of

acknowledged importance within the documentation accompanying the application with respect to the potential effects of the proposed development upon the listed structure that may arise through HGVs or abnormal loads traversing the bridge and the measures that may be implemented to mitigate against any identified effects;

Hydraulic fracture stimulation treatment:

- if the *'main'* hydraulic fracture treatment is proposed to take five hours for each *'main'* treatment, please confirm the duration anticipated to be required to undertake the *'mini'* or *'test'* fracture operations, the likely times of the day these would be undertaken and how many, albeit acknowledging that this will be an estimated number. In so doing, an assessment of the attendant effects of these *'mini'* treatments should be provided accompanied by any proposed measures in mitigation. In addition, please confirm whether there are proposed to be other materials that would accompany the water in these *'mini'* treatments and, if so, please state the quantities of those materials;
- having read the documentation, it would not appear that reference has been made within the planning application documents to the possible presence of naturally occurring radioactive materials (NORM) other than reference within the Waste Management Plan. It is understood that the *'flowback fluid'* would comprise the *'designed hydraulic stimulation treatment'* and, additionally, any suspended solids, heavy metals, hydrocarbons and/or naturally occurring radioactive materials (otherwise known as NORM). In the event that the levels of NORM exceed those as specified by the Environment Agency, waste water and any waste solids would be required to be removed from the site and disposed of at an appropriately licensed waste management facility. As the presence of NORM would likely include various operations/activities that would form part of the proposed development, it is important that this aspect is both assessed in respect of its environmental effects and explained within the application details such that any determination of the application would be a determination in the knowledge of all that is proposed;
- the hydraulic fracture stimulation treatment, stated as being of "*approximately five hours*" in duration, is proposed to take place "*during daylight hours*". Depending upon the time of the year and location, daylight hours can range from 0442 hours until 2121 hours (16 hours and 39 minutes of daylight) (London data)) (source: www.uk.weather.com, 2015). Within national planning practice guidance, normal daytime, evening and nighttime hours are stated as being 0700-1900 hours, 1900-2200 hours and 2200-0700 hours respectively. As the statement "*during daylight hours*" has been used by your Client, all three stated *'time zones'* for the assessment of noise are relevant at different times of the year. However, the assessment of effects of the proposed development in respect of noise associated with the hydraulic fracture stimulation treatment has been based upon (within the submitted Environmental Statement) as being limited to 0700-1900 hours. The Planning Statement does not reflect that which is stated in the Environmental Statement and must be reconciled before the application is capable of being determined;
- associated with the hours of available daylight, as mentioned above, is the absence of the assessment of the effects of the proposed development in respect of the duration of the proposed hydraulic fracture stimulation treatments (including the *'mini'* treatments) that can potentially be affected by the availability of hours of daylight which can be as much as nearly 17 hours or as little as 8 hours depending upon the time of year.

Water:

- please provide information in respect of the presence of potable water services and location of abstraction points for agricultural production in the vicinity of the application site with a view to providing an assessment of the effects upon these as a result of the proposed development and any measures that may be incorporated into the proposals in order to mitigate against any effects;

- turning to the existing underground pipeline from the operational gas-fired electricity generating station to the KM-A well site which ordinarily transports *'produced'* water from the generating process to the KM3 reinjection well. In order to safeguard against *'produced'* water mixing with the mains water supply transferred through the pipeline, it will, presumably, have to be *'flushed'* or *'purged'* prior to transporting clean water? If so, how much? What will happen to the *'produced'* water in the interim? The effects of the proposed development must be assessed as well as any mitigating measures incorporated into any information provided to the County Planning Authority;
- notwithstanding reference to a contingency for mains water supply from Yorkshire Water, there does not appear any contingency in the event of pipeline failure or disruption to the pipeline itself. Please provide details of what contingencies would be put in place in the event of the proposed use of the existing underground pipeline becoming, for whatever reason, unavailable for use in connection with the proposed hydraulic fracture operations together with an assessment of the effects of those contingencies and any measures proposed to be implemented to mitigate those identified effects. Furthermore, if the pipeline cannot be used for the disposal of *'produced'* water into KM3 well, please provide further information with regard to the consequential effects of the KM3 re-injection process being *'offline'* so-to-speak;
- it is understood that the *'mini'* fracture treatments also require water. In noting the quoted volumes of water proposed to be the *'main'* hydraulic fracture treatments, please confirm what volumes are proposed to be utilised in undertaking the *'mini'* or *'test'* fracture treatment (page 44 of the Planning Statement refers) and the assessment of their attendant effects and any measures that would be proposed to mitigate against any identified effects;
- the application details include a statement which reads *"waste water treatment may include electro-coagulation"*. This is imprecise and should be made more clear as it conflicts with the text in report of the Phase 1 Habitat Survey which makes the statement (paragraph 1.3 refers) that *"'flowback' water will be recycled"*. Uncertainty about exactly what is proposed continues within the application documentation which reads *"in an attempt to reduce duration and impact of the operation, all the flow bank water may be diverted directly into storage tanks"*. The submitted Waste Management Plan contains the statement *"all flowback fluid may be diverted to storage tanks on site, where it will be held for subsequent offsite treatment and/or disposal"*. Please provide the information that reflects your Client's chosen process that your Client wishes to be considered by the County Planning Authority;
- linked to the issue of whether waste water treatment by electro-coagulation is proposed is the issue of the amount of waste produced. The waste water has been calculated by your Client to amount to 1,645.55 tonnes requiring disposal. If electrocoagulation is utilised, the amount to be disposed of reduces to 200 tonnes; although it is not stated whether this applies to a 30% or 50% flowback fluid return. The proposals being put forward are unclear and require further information to be provided such that a clear understanding of your Client's planning application may be achieved;
- again, linked to the issue of whether waste water treatment by electro-coagulation is proposed is the issue of whether the calculated volumes of water consumption as stated within the application details either include, or exclude, the utilisation of the waste water treatment process of electro-coagulation. Please provide the further information which is necessary to identify the attendant effects of the use of the relevant volumes of water to be utilised in the proposed development;
- the Planning Statement, as submitted, states that *"a number of the 70m³ storage tanks"* will receive *'flowback'* water. These do not appear to have been identified on the plans submitted to the County Planning Authority. If the maximum estimated *'flowback'* of 665m³ comes back up, or more even, and 700m³ will be needed for the fracture treatment within Zone D, then there would not appear to be sufficient capacity in the stated 1,330m³ proposed to be provided by the 19 roadable tanks;

especially when considering that, presumably, the waste water ('flowback') cannot be placed in the same tank as used to store fresh water. Once the tanks have been used for 'flowback', presumably more tanks would have to be brought onto site or more water would have to be used to 'flush' or 'purge' the tanks to ensure they are 'clean' for use of mains water storage. It consequently follows that there would then need to be storage for the water that is used for 'flushing' or 'purging' the tanks as the water would continue to become waste water until such time as the tanks are declared 'contaminant free';

Section B:

Responses to consultation received to date:

Historic England:

- Historic England write that "*the effect of vibration on the significance of heritage assets [identified by Historic England as Grade II* listed Church of St Laurence, Kirby Misperton and the Scheduled Monument of Earthworks at Manor House, Great Barugh] during the extraction phase has yet to be clearly defined*". Reference in this respect is also made to the effect upon undesignated heritage assets as well as those that are designated and emphasis is made to those assets that remain as standing structures, whether they be designated or undesignated. The preservation (including the protection and enhancement of the special character and significance of a heritage asset) or mitigation of the impact on the significance of heritage asset is required to be assessed rather than an '*appreciation*' of an asset. Your Client is required to provide the County Planning Authority with information on how the proposed development protects and enhances the special character and significance of heritage assets, how it preserves both the asset and it's setting and how any mitigation might achieve this. This is, therefore, a deficiency within the Environmental Statement and is therefore also subject to this request for further information;
- Historic England are also seeking a means of securing a '*during development*' and '*post development*' review of the Heritage Impact Assessment. How would your Client envisage achieving this?;

NYCC adviser on matters of landscape:

- the adviser recommends:
 - any monitoring programme provides for the reviewing the effectiveness of the proposed visual mitigation;
 - remedial work to existing planting and additional planting of fast-growing native species is required, particularly on the north eastern boundary;
 - further mitigation on the visual impacts of the proposed development from the public right of way adjacent to the north and north-east boundary of the application site;
- the adviser seeks clarification on:
 - the future route of the public right of way no. 25.53/4/1 with regard to reinstating its original route prior to the development; and,
 - due to the soil resource on the site, consideration of the different timescales for well pads of KM1/3 and KM8 in respect of restoration is required. The information supporting the restoration plan is, therefore, insufficient.

NYCC adviser on matters of ecology:

- the adviser recommends that the proposed restoration scheme should provide for enhancements for bio-diversity and therefore states a requirement for more semi-natural habitats to achieve this.

Public Health England:

- while point source emissions from diesel fuelled plant on site for instance and fugitive emissions from such things as pipe connections, have been identified by your Client, PHE advise that your Client has not made clear their consideration of emissions during transfer and connection operations and whether these have the potential to cause odour/nuisance to residential receptors. On the basis of insufficient information provided in the application details as submitted, further information is therefore required to satisfy the County Planning Authority that your Client has *“fully considered all operations which may cause off site odours”*; and,
- your Client’s proposed Air Quality Monitoring Plan does not, at present, as advised by PHE, provide for reassurances about the identification and investigation of any potential impacts to be given to local residents. The information is, therefore, deficient in this respect and, as a consequence, is subject to this request for further information.

NYCC Director of Public Health:

- referring to the above consultation response of Public Health England, the County Council’s Director of Public Health reiterates and reemphasises many of the points made therein and also draws attention to ensuring that:
 - any decision-maker must be *“satisfied that the applicant has fully considered all operations which may cause off site odours”*; and,
 - *“robust environmental monitoring is conducted prior to, during and post the proposed operations such that resident groups can be reassured that any potential impacts can be identified and investigated further”*.

Your Client is, therefore, herein this letter asked to demonstrate how the above is to be achieved by the provision of further information such that the Authority may be assured of robust ‘prior to’, ‘during’ and ‘post’ environmental monitoring enabling the detection, prompt investigation and presentation of results *“with comparison to relevant health-based standards, where applicable”*.

Section C:Points of clarification:Residential amenity:External lighting:

- a statement made on Page 37 of the Heritage Impact Assessment reads *“tower lights will be positioned around the perimeter of the wellsite”* which would appear to conflict with information elsewhere in the submitted application documents that the lighting towers would be ‘contained’ within the envelope provided by the 8.7 metre high noise attenuation barrier comprised of shipping containers. Please clarify;

Air quality:

- it is unclear where in the application details, as submitted, it is stated continual odour monitoring will take place and reference to an intended Odour Management Plan. This is referred to in Section 6.5.6 of the Heritage Impact Assessment, and indeed it refers to such a Plan being agreed with the Environment Agency and not the County Planning Authority. Please clarify;
- within Section 8.1 on ‘Air Quality’ on Page 74 of the submitted Planning Statement reference is made to the submitted ‘Air Quality Impact Assessment’ (AQIA). Within that Assessment, while measurements of distances are provided within the AQIA for receptors within the natural environment, no such distances have been provided for

- human/residential receptors. Please provide further information by either explaining why those distances have not been provided or by providing those distances;
- while the Environment Agency's '*level of significance*' has been stated for Carbon Monoxide (CO) on page 22 within the Air Quality Impact Assessment (AQIA), the Environment Agency's criteria for significance for Sulphur Dioxide (SO₂) has not been provided. As such, the reader is unable to establish how close to the '*level of significance*' these actually are. This is similarly the case for Particulate Matter (PM₁₀) and, again, for Volatile Organic Compounds (VOCs) on page 24. Please provide this clarification;
 - Page 74 of the Planning Statement on air quality (and Section 6.5.6 of the Heritage Impact Assessment) contain a number of statements including "*the proposed development does not contemplate flaring of natural gas*". Statements such as '*does not contemplate*' are imprecise and Members, as well as interested parties, will require to be informed about what exactly is being proposed, as opposed to being '*contemplated*';
 - while the AQIA is accompanied by an Air Quality Monitoring Plan (AQMP), it does not provide for the submission of the results to the County Planning Authority, nor the measures that could be put in place in the event of exceedances. Please provide this further information;
 - the sampling frequency within the AQMP is as stated follows "*the number of sampling rounds will be indefinite, until the completion of the well testing phase. Upon completion of the well testing phase a further two (2) final sampling rounds will be undertaken at the KMA wellsite, as vehicles will have been removed from the site and the site will revert back to a production site*". The well test is Phase 2 which suggests no further sampling within the three phases thereafter (with the exception of the two final rounds as stated in the AQMP);
 - the comments of Ryedale District Council's Health and Environment Manager stating that "*the Environmental Statement should allow for either real time analysis or real time sampling or a combination of both*" at the time of your Client's request for a formal Scoping Opinion do not appear to have been included in the Air Quality Monitoring Plan. The AQMP suggests that for the purposes of best practice the monitoring equipment should remain on site for a month or so (e.g. for Hydrogen Sulphide, the AQMP states recommended exposure periods are two to four weeks) and thereafter sent off for analysis, the short six week period of Phase 2 would therefore see only one sampling round. Notwithstanding the content of Section 9.8.1 of the '*Air Quality*' chapter of the Environmental Statement, which is noted, please provided further information on how the proposals, as submitted, address the comments raised at the Scoping Opinion stage by Ryedale District Council's Health and Environment Manager;
 - there is a statement made within the '*Air Quality*' chapter of the Environmental Statement that "*continual monitoring for odour will be undertaken at the wellsite*". It does not state, however, the duration of that continual monitoring;
 - section 9.8 of the '*Air Quality*' chapter states "*additional mitigation includes additional measures, in this case the implementation of air quality monitoring, which includes real-time monitoring for natural gases, in the unlikely event of an uncontrolled release at the wellsite, providing immediate indication and immediate control to contain the release*". While the content of the AQMP is noted, it would appear to be contradictory as it contains the following text "*samples and spot readings/measurements will be taken on a two weekly basis on dates to be agreed*". Whereas references to passive monitoring are present within the AQMP, no reference can be found within the AQMP to a proposal to conduct real-time monitoring for the purpose of the proposed development;
 - in addition to Ryedale District Council's Health and Environment Manager's comments about monitoring, there was also specific reference to emergency response. Whilst acknowledged to be a matter for the Health and Safety Executive and/or Environment Agency, if the information already exists, then it would be

preferable to furnish the County Planning Authority with that information such that Members may be re-assured on this matter;

- furthermore, where it reads '*exceedances in short term air quality standards for some pollutants are likely*', there is no definition by what is meant by '*short term*'. Please define what is meant by '*short term*';

Highway and traffic issues:

- the submitted Traffic Management Plan states that "*the proposed wellsite can be accessed at the following times during each phase of the operations*". It goes on to specify that, for Phase 1 & 2, this would be 24/7. This conflicts with the information as provided within the application form and the Planning Statement which refer to vehicle movements being proposed to be restricted to between the hours of 7am and 7pm. Instead, there is solely an advisory within the Traffic Management Plan stating the "*delivery of equipment should be planned where possible to avoid night time periods*".
- a statement within the application documentation reads, "*during the workover phase, the well test equipment may well be brought onto site*" (page 47 refers). This does not produce the clarity that is needed in order to understand the development that is proposed;

Ecology:

- the Protected Species Monitoring Pro-forma states at paragraph 2.1 that "*a monitoring strategy will be adopted to monitor local bat foraging/community usage to enable any disturbance/disruption to be reasonably identified and mitigated where necessary... May to September*". How is this proposed to be secured by your Client, land which requires access to land outside the red line boundary?
- the proposed timetable for surveys for bat activity does not provide the frequency/regularity of surveys. Please clarify;

Water:

- clarity and certainty is needed in order that Members may make an informed decision with respect to the statement made on page 43 of the Planning Statement which reads "*fluids going into the well may be subject to UV treatment*";

Landscape:

- the Landscape and Visual Impact Assessment (LVIA) Photomontages make reference to the acoustic barrier being 9 metres in height. This conflicts with statements made elsewhere of height being 8.7 metres;
- the photomontages also depict the ISO shipping containers being painted in what appears to be, though not stated, dark olive green. However, there does not appear to be any reference in the text supporting this;
- having researched the references to standard ISO shipping containers, it has been established that the standard size is 2.6 metres (or 8'6"). The proposed development seeks permission for the stacking of three on top of one another to reach a height of 8.7 metres. However, using standard ISO shipping containers would not achieve the stated height. However, containers known as high-cube containers stand at 2.9 metres in height and these would achieve the height as proposed. Please confirm or otherwise the type and size of container that your Client proposes to use;

Production:

- a review of information available on the internet includes reference to typical production decline by 70% in the first year, and by 50% in the following years. Questions posed by interested parties have included, "*at what production level is a well re-fracked?*" and "*at what age and production is a well declared un-economical to continue operation?*" It is therefore considered a pertinent point to raise as a

matter of clarification to ask how long would the KM8 well be expected to continue to produce commercial quantities of gas before further fracking would be considered necessary;

- prior to production, your Client has proposed a “*number of well tests*”, but the precise number has not been stated, nor an estimated number. This is required to assist Members in their determination of your Client’s application;

Legal Agreement:

- your Client’s application is not accompanied by a legal agreement through which to secure the financial contributions upon which your Client is placing considerable reliance. These include a “*Community Benefit Scheme*” of £100,000 to the local community and 1% of revenues from production. Section 22 of the submitted application form simply gives the reader a signpost to the industry standard without any security to ensure it comes to fruition;

Wider policy issues:

- the announcement of Maersk’s Culzean oil and gas field in the North Sea is significant and has the potential to change the context of your Client’s application and, therefore, in order to ensure that due regard is to be had to the context of your Client’s application, please provide information which addresses this;

Other points of clarification:

- reference is made earlier in the Planning Statement (page 26 refers) that it is the applicant, Third Energy UK Gas Limited, which must submit a Hydraulic Fracture Plan to the Government Department for Energy and Climate Change (DECC) for approval. However, this conflicts with a statement made later, on page 42, which refers to the contents of a Hydraulic Fracture Plan “*currently being agreed between UKOOG (the industry group) and DECC*”;
- Figure 6.1 on page 45 of the Planning Statement is of insufficient size which renders the information illegible. Please re-submit Figure 6.1 such that its content may be read with clarity including the insert tables showing each ‘*frac*’ diagram;
- the zones that are labelled on page 42 are incorrect as they are all referring to ‘Zone A’;
- the national Planning Portal checklist refers to the environmental effect of land stability amongst those to be included as additional information. It is noted that a negative answer is provided within the submitted application details. However, there is no explanation for its omission;
- please could further details of the forum as referred to in the Health chapter of the Environmental Statement or the community group as referred to in the Traffic Management Plan be provided;
- there exists a Schedule of Environmental Commitments which is included as an Appendix to the Environmental Statement, but it is not included as an Appendix to the Planning Statement. For the purpose of clarification of exactly which documents are to be regarded as application documents, please could you confirm or otherwise whether it is your Client’s intention that the County Planning Authority should have regard to and take into account the content of those commitments.

The County Planning Authority is aware that a number of the documents identical to those submitted have been subject to revisions in connection with your Client’s applications for environmental permits. Please confirm or otherwise whether it is your intention to also submit those revised documents for consideration by the County Planning Authority or whether you are of the view that the content of those revisions are immaterial to the planning considerations which the Authority would expect to take into account in the determination of your Client’s planning application.

Whilst this letter has been issued on behalf of the County Planning Authority seeking further information in connection with your Client's planning application, it does not preclude such further requests as may be considered necessary for the proper consideration of your Client's application.

You will, of course, appreciate that this letter is written prior to the receipt of the remaining responses to consultation from the following organisations/bodies:

- Ryedale District Council (both Planning & Environmental Health);
- Kirby Misperton, Habton, Normanby, Scampston and Great & Little Barugh Parish Councils; Malton, Pickering & Norton Town Councils and Marishes Parish Meeting;
- Yorkshire Water Services Ltd;
- National Grid (Plant Protection);
- Northern PowerGrid (Yorkshire);
- Department of Energy & Climate Change;
- Health & Safety Executive (York);
- Environment Agency - Yorkshire Area Oil and Gas Team;
- North York Moors National Park Authority;
- Howardian Hills Area of Outstanding Natural Beauty (AONB); and,
- NYCC Highway Authority.

Upon receipt of this letter, it would be appreciated if it could you could reply with an indication as to whether it is the intention of your Client to respond to the points raised herein and, furthermore, your anticipated timescale within which you would expect to be in a position to furnish the Authority with such information. Please note that the Authority is obliged, under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to both advertise, consult and make available for comment any '*further information*' received for a period of at least 21 days. It should be noted that the Authority is prohibited from granting planning permission in a circumstance where any request for '*further information*' is not responded to by an applicant.

Depending upon the date of receipt of the information and the scale and nature of the information provided to the Authority, it is important to raise in this letter that it is possible that the current 16-week determination period which expires on the 18th November 2015 may need to be extended by the written agreement of your Client. I trust, therefore, that you will bring this to the attention of your Client at the earliest possible opportunity.

Yours sincerely,

VAPerkin

Victoria Perkin

Head of Planning Services